

COURSE SYLLABUS

LAW 7312 PRACTICE FOUNDATION I: INTERVIEWING AND COUNSELING

UNT Dallas College of Law
Fall, 2019

Tuesdays 6:15-7:15 pm – Room 240 (Law Center)
Thursdays 6:15-8:15 pm - Rooms TBD

COURSE PROFESSOR

Prof. Laura A. Frase
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Office Hours: Weekdays noon-6 pm
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ADMINISTRATIVE SUPPORT:

TBD

COURSE PREREQUISITES: There are no prerequisites for this course.

CREDIT HOURS: Three

COURSE DESCRIPTION

Welcome to LAW 7312 - Practice Foundation I: Interviewing and Counseling. This course provides a foundation for the essential lawyering skills of interviewing and counseling, including principles and concepts relating to these essential skills, emphasizing simulation and practice exercises. Both litigation and transactional contexts and scenarios will be included.

It is all too easy to believe that because we have worked with people, talked with people, asked questions and had a variety of types of relationships in our lives that interacting with clients will come naturally. Developing client relationships is an intentioned practice. You can't just hope that it works out well. It is our duty to our client to build a relationship that encourages them to share confidences, to trust opinions, and respect advice.

Historically, the single largest source of client malpractice and disciplinary complaints revolves around communication. Clients are focused upon our interpersonal skills and behaviors. They demand and are entitled to respect, both in word and manner. Most importantly, today's client seeks an empathetic and caring counselor. This course will introduce you to those components of client representation.

Because client communication is fundamental to a law practice, this course will be demanding. There is extensive reading materials. It is also the first law course in which you will engage in simulations intended to reproduce real-life situations in practicing law.

LEARNING OUTCOMES

- Apply understanding of legal and non-legal counsel options available to client in real-life scenarios;
- Understand your role in the development of the attorney client relationship and be able to recognize points at which you can influence and impact the development of that relationship;
- Understand the importance of the ethical obligations that attorneys have to their clients, especially the disciplinary rules that relate to counseling and keeping clients informed;
- Understand the importance of communication, non-verbal, verbal and written, in developing and maintaining the attorney client relationship;
- Understand and be able to use a variety of approaches and tools in interviewing and counseling clients that enhance effective communication;
- Employ good listening and questioning skills with the goal of promoting conversations;
- Understand the dynamics of interviewing and gathering information from clients, especially the impact of psychological influences in client communication;
- Write and speak within the attorney-client relationship to serve the needs, perspectives, and goals of diverse clients;
- Develop an appreciation for and encourage the habit of self-assessment and reflection;
- Facilitate complex problem-solving in a methodical way to produce lasting solutions; and
- Develop an appreciation for the importance of self-assessment and reflection.

COURSE DESIGN

To achieve these goals, the course is specifically designed to focus on client relationships, communication, interviewing and counseling. Generally, the Tuesday classes will discuss the phases and components of client interviewing and counseling that will be the subject of the following Thursday small group sessions. While some of the Tuesday classes will be in lecture format, class participation and an exchange of ideas is vital. We all learn from each other.

Quizzes will be given periodically during class. The subject of those quizzes will be the required reading to be discussed that day and correct answers will count toward your grade. Attendance will also be kept in this manner. It is therefore important that you keep current on your reading. For more information, see the Course Policies and below.

In the Thursday small group sessions, you will be doing simulated interviews in the role of attorney and client. Regardless of the role, you should be fully prepared and actively participate in the exercises. Some of the finest attorneys and judges in Dallas will work with you as Adjunct Professors. The first few sessions you will be assessed on your demonstrated skills and receive feedback. Those first few sessions will not be graded so you can concentrate on learning. You will receive contemporaneous feedback and guidance from your Adjunct Professors and they will eventually be grading you on your successful demonstration of the skills learned.

The simulations will be observed by your classmates. Because we always benefit from feedback from others' observations of our efforts, students must complete a Peer Feedback form for each of the simulation exercises. A sample of the form will be available on Canvas. These forms will not be graded and completed forms are to be given to the students you observed at the end of class.

Periodically, you will review the recording of your session and provide a self-critique. It is important that you be objective and candid in those self-critiques. The grading will focus on the character of your self-assessment, what you have learned, and your recognition of success and areas needing improvement.

You may write letters to the client and/or memos to the file relevant to the simulation. These writing assignments serve multiple purposes:

1. document the information from the interviews, where the discussions stand following the simulation and/or results;
2. allow an associate, paralegal, or another attorney to be aware of this information;
3. learn to accurately record what you have been verbally told and what you said; and
4. be certain that you can recall details and important information, when necessary;

Finally you will engage in and write about an actual outside interview, applying the skills discussed in class and the reading materials. We learn best by doing. More details will be made available on Canvas.

We will use clickers in class so please bring them with you. It is your responsibility to make sure you have registered the clicker, know how to operate the clicker correctly and that you keep replacement batteries handy.

REQUIRED TEXTBOOKS

Binder, D., Bergman, P., Tremblay, P., Weinstein, I., *LAWYERS AS COUNSELORS*, 4th edition, West Publishing, 2019 (referred to as *Lawyers*). Please make sure you buy the most current edition with the brown cover.

Sternlight, Jean R. & Robbennolt, Jennifer, *Good Lawyers Should be Good Psychologists: Insights for Interviewing and Counseling Clients*, 23 Ohio State J. Disp. Resol. 437-548 (2008) (referred to as *Sternlight*). Portions of this extensive article are assigned throughout the term. The complete article will be available on Canvas.

Additional reading materials will be uploaded in the modules in Canvas. It is your responsibility to regularly check for updates as the term progresses.

HONOR CODE

By enrolling at the UNT Dallas College of Law, students accept and agree to abide by the College of Law Honor Code. The Honor Code requires that students behave with academic integrity. This requirement of academic integrity means that a student shall not cheat, plagiarize, or falsify in any academic matter. The full Honor Code is available in the COL Student Handbook and on the COL website.

STUDENTS WITH DISABILITIES

The UNT Dallas College of Law (COL) provides accommodation to qualified students with disabilities in accordance with state and federal laws, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

Eligibility. Students are eligible for accommodation and/or auxiliary aids and services if they have a documented disability and the functional limitations of the disability require such accommodation and/or auxiliary aids and services.

- Newly accepted and currently enrolled students are responsible for initiating a disability-related request for accommodation or auxiliary aids and services with the Assistant Dean of Students prior to the time when the accommodation or auxiliary aids or service will be needed.
- Prospective students may request reasonable accommodation (for testing, campus tours, or orientation) at any time during the application process by submitting an oral or written request to the Assistant Dean of Students using the Disability Accommodation Request form.

NOTE: Additional instructional technology tools, such as Turnitin, Respondus, Panopto, and publisher cartridge content (i.e., MyLab, Pearson, etc.) may NOT be fully ADA compliant. Please contact the University's Disability Office should you require additional assistance utilizing any of these tools.

COURSE POLICIES

Please see Course Policies for the full statement of Academic Performance Expectations. You are to be familiar with the academic performance expectations and to conduct yourselves accordingly. You are required to sign and acknowledge the Course Policies as one of your assignments.

Only your Midterm paper and Final exam are graded anonymously.

Students are expected to come to class fully prepared to discuss all readings and to participate actively in class sessions. If you should come to class unprepared, it is in my discretion to mark you absent from class for being unprepared.

GRADING

Your grade in this course will be based on the following:

Quizzes and assignments other than graded self-evaluations	5%
Outside Interview paper	10%
Periodic reflective self-evaluations	15%
Weekly simulations, periodically graded	30%

Midterm Interview & paper	15%
Final exam	25%

This allocation of percentages may be changed dependent upon the inclusion of additional assignments or for other reasons.

Grades will be impacted by unexcused tardiness/absence or turning in work late. Deadlines and timeliness are integral to the practice of law. Start acquiring those good habits now. See Course Policies for further information.

QUIZZES AND ASSIGNMENT GRADING

All students will start with a grade of 79.5 or a B- in this category. Throughout the term, quizzes, assessments and other assignments will serve as opportunities to earn points to add to that grade. For example, a correct answer on an in-class quiz will add points on top of that 79.5. Included within this category are assignments or assessments that are graded on a complete/incomplete determination. At the end of the term, I will calculate how many point opportunities were made available to you to turn that 79.5 into a grade of 100. I will then calculate the points you earned to your score and that final calculation will serve as the 5% portion of your grade. So in other words, completing assignments, reading the materials so you can correctly answer quizzes and working hard on ungraded simulations will positively impact your overall grade. If you choose not to do one or more of these assignments, you will not be penalized. You simply miss opportunities to improve your 79.5 grade.

Below is my grade scale:

Score	Grade
97.00%	A+
92.50%	A
89.50%	A-
86.50%	B+
82.50%	B
79.50%	B-
76.50%	C+
72.50%	C
69.50%	C-
60.00%	D
0.00%	F

COURSE COVERAGE

Throughout the term, we will be breaking down the interview and counseling processes into distinct elements. This syllabus is an approximation of what we will cover and when. It may be supplemented and is subject to change as we progress through the semester. I will announce any updates during class meetings or via Canvas. The expectations, descriptions, and due dates for assignments will be posted to Canvas. Your submissions should likewise be uploaded to

Canvas.

It is your responsibility to read and understand the additional materials in Canvas. Materials may be added during the term. Please regularly check to make sure you are up to date on the postings.

Date	Activity	Assignment
Class 1 Aug. 27	What it means to be a lawyer	COMPLETE BEFORE 1st CLASS <i>Lawyers</i> Ch. 1-2 <i>Sternlight</i> 437-465 Materials on Canvas
Class 2 Aug. 29	Communication Basics – Curiosity, Empathy, Body Language and Vocal Tone	Materials on Canvas <i>Sternlight</i> , 473-490
Class 3 Sept. 3	Client Confidentiality and Ethics	Materials on Canvas
Class 4 Sept. 5	Listening and Silence	<i>Lawyers</i> , Ch. 3 <i>Sternlight</i> , 491-507 Materials on Canvas
Class 5 Sept. 10	Beginning the Interview Description of Simulation process Meet the Adjuncts	<i>Lawyers</i> , Ch. 5 Materials on Canvas
Sept. 12	Simulation #1	
Class 6 Sept. 17	Asking Powerful Questions	<i>Lawyers</i> , Ch. 4 Materials on Canvas
Sept. 19	Simulation #2	
Class 7 Sept. 24	Time line and Theory Development Questioning	<i>Lawyers</i> , Ch. 6-7 Materials on Canvas
Sept. 26	Simulation #3	
Class 8 Oct. 1	Responding to Challenging Circumstances	<i>Lawyers</i> , Ch. 8 Materials on Canvas
Oct. 3	Simulation #4	
Class 9 Oct. 8	Concluding the Initial Interview	<i>Lawyers</i> , Ch. 9 Materials on Canvas
Oct. 10	MIDTERM SIMULATION	

Class 10 Oct. 15	Interviewing the Transactional Client	<i>Lawyers</i> , Ch. 10, Materials on Canvas
Oct. 17	Simulation # 5	
Oct. 22	FALL BREAK	
Oct. 24	Simulation # 6	
Class 11 Oct. 29	Counseling, Clarifying Objectives and Identifying Alternatives/Consequences	<i>Lawyers</i> , Ch. 12-14 <i>Sternlight</i> 513-538 Materials on Canvas
Oct. 31	Class Cancelled	
Class 12 Nov. 5	Explaining Legal Terminology	Materials on Canvas
Nov. 7	Simulation #7	
Class 13 Nov. 12	Conveying Bad News	Materials on Canvas
Nov. 14	Simulation #8	
Class 14 Nov. 19	Interviewing and Counseling Strategies for Criminal Defense Counsel	<i>Lawyers</i> , Ch. 11 & 19 Materials on Canvas
Nov. 21	Simulation #9	
Class 15 Nov. 26	Decision Making Skills and Traps	<i>Lawyers</i> , Ch. 15 <i>Sternlight</i> 465-473 Materials on Canvas
Class 16 Dec. 3	Counseling Variety of Clients and Witnesses and Final Exam Review	<i>Lawyers</i> Ch. 16-18 <i>Sternlight</i> 507-513, 538-548 Materials on Canvas
Dec. 5	Simulation #10	
TBD	FINAL EXAM	

COMMUNICATIONS

You are welcome to come see me at any time, even outside of my normal office hours. To ensure we have sufficient time to talk, please make an appointment, if possible. Email is the best way to contact me. Any email correspondence should include the class name in the subject line. Further, telling me about an issue (for example my clicker is not working) before or after class will mean your concerns are not memorialized. You should not rely on my memory concerning any issues. Please also do not rely on office voice mail.

Though this should be rare, if you have not received an answer from me via email in 24 hours during the business week, please email me again. I do not, however, regularly check other programs that may have an email or message interface. For example, I do not check Canvas for messages, so please email me directly.

If you have questions about any of these subjects, please let me know as soon as possible. I look forward to working with you in PF I.

RUBRIC FOR PF I WRITTEN SELF-ASSESSMENTS/REFLECTIONS – OUTSIDE INTERVIEW Fall 2019

Criteria	Accomplished (18-20)	Competent (12-17)	Developing (6-11)	Underdeveloped (0-5)
<p>The actual interview and nature of the story Evidence that the student interviewed a stranger or someone not well known to him or her for the purpose of acquiring a story to tell and acquired and retells that story (20 points)</p>	<p>Writing clearly describes interview event in detail, skillfully introduces the stranger or little known person interviewed, fully describes circumstances of the meeting and what creative and multiple skills were used during the interview. Further, writing artfully sets out the story conveyed and identifies multiple aspects of the interviewee and/or interviewee’s story that the student found compelling or fascinating and explains why those aspects were of interest</p>	<p>Writing describes the interview event, introduces the stranger or little known person interviewed, and describes the circumstances of the meeting and the skills used during the interview. Further, writing artfully sets out the story conveyed and identifies aspects of the interviewee and/or the interviewee’s story that the student found interesting and explains why those aspects were of interest</p>	<p>Writing somewhat describes the interview event, basically introduces the stranger or little known person interviewed to the reader, somewhat describes the circumstances of the meeting and the skills used during the interview. Further, writing generally sets out the story conveyed and identifies a few aspects of the interviewee or interviewee’s story that the student found worthy to note and/or minimally explains why those aspects were of interest</p>	<p>Writing minimally describes the interview event, minimally introduces stranger or little known person interviewed, and minimally describes the circumstances of meeting with little reference to interview skills used. Further, writing sets out the story very generally or muddies the story conveyed and/or minimally describes what was and/or why the interviewee or the interviewee’s story was of interest to the student. Or student conveys a story that is protected by attorney/client priv. or confidentiality.</p>
<p>What did you learn from the experience? Evidence that student has questioned, analyzed and evaluated her or his interview effort and what he or she learned 20 points</p>	<p>Writing is clear and focused on a variety of specific challenges the interview provided the student and clearly describes what was learned from the interview upon which the student is reflecting. Viewpoints and interpretations of effort are insightful and well supported with clear and specific examples</p>	<p>Writing is clear on the challenges the interview provided the student and clearly describes what was learned from the interview upon which the student is reflecting. Viewpoints and interpretations of effort are supported with relevant examples</p>	<p>Writing is clear on some general aspects of the challenges the interview provided the student and describes generally what was learned from the interview upon which the student is reflecting. Viewpoints and interpretations of effort are general or unsupported with relevant examples</p>	<p>Writing is unclear or unfocused or does not describe what aspects of the challenges the interview provided to the student or what was learned from the interview upon which the student is reflecting. Viewpoints and interpretations of effort are missing or totally unsupported</p>
<p>Why was what you learned personal to you? Student describes his/her</p>	<p>Writing demonstrates multi-layered, critical reflection (questioning, examining more closely)</p>	<p>Writing demonstrates a general analysis/reflective questioning on what was personal in the</p>	<p>Writing demonstrates a limited analysis/reflection on what was personal in the learning experience relevant</p>	<p>Writing demonstrates a lack of analysis or reflection on what was personal in the learning experience relevant</p>

RUBRIC FOR PF I WRITTEN SELF-ASSESSMENTS/REFLECTIONS – OUTSIDE INTERVIEW Fall 2019

Criteria	Accomplished (18-20)	Competent (12-17)	Developing (6-11)	Underdeveloped (0-5)
emotional and intellectual response to experience from the interview 20 points	upon what was personal or meaningful in the learning experience relevant to the interview and course learning goals and why it was personal. Viewpoints and interpretations of effort are insightful and well supported with clear and specific examples	learning experience relevant to the interview and course learning goals and why it was personal. Viewpoints and interpretations of effort are supported with relevant examples	to the interview and course learning goals and why it was personal. Viewpoints and interpretations of effort are general or unsupported with relevant examples	to the interview and course learning goals or why it was personal. Viewpoints and interpretations of effort are missing or totally unsupported
How does what you learned connect to the course, other courses or your life experiences? Writing identifies connections among the learning opportunities in the interview, this course and other courses, learning or life experiences 20 points	The writing articulates the student is making wide-ranging variety of specific connections among the experiences in the interview, the content from the course, other courses, past learning and life experiences.	The writing articulates the student is making a variety of connections among the experiences in the interview, the content from the course, other courses, past learning and life experiences.	The writing attempts to articulate connections among the learning experiences in the interview, and the content from the course, other courses, past learning and life experiences but the connections are limited or similar in context.	The writing does not articulate connections to experiences in the interview, content of the course, other courses or other learning or life experiences.
Writing Quality Writing indicates careful attention to details, using concrete and precise language, organizing thoughts and proofreading for grammar, punctuation and spelling 20 points	Writing is concise, clear, focused and well organized with excellent sentence/paragraph construction. Thoughts are expressed in a coherent and logical manner. There are less than one or no spelling, grammar or syntax errors. Format is clean.	Writing is mostly clear, concise and well organized with good sentence/paragraph structure construction. Thoughts are mostly expressed in a coherent and logical manner. Less than three spelling, grammar or syntax errors. Format is clean.	Writing is unclear and/or disorganized with little structure. Thoughts are not expressed in a logical manner. There are more than three spelling, grammar and/or syntax errors. Format contains errors.	Writing is unclear and disorganized to the point that the reader is unable to follow the writer's points. Thoughts ramble and make little sense. There are many spelling, grammar and/or syntax errors. Fails to use proper format.