

MUNI
CJ V



Put yourself into our law students' shoes

ENGLISH: Štěpánka Bilová, Radmila Doupovcová, Barbora Chovancová

GERMAN: Eva Šrámková

SPANISH: Veronika Camacho

FRENCH: Daniela Veškrnová



Aims of this workshop:

- To experience a mediation activity as if you were a student at the Faculty of Law
- To reflect on the activity to see if it could be adapted to fit into your teaching context
- To work in multi-language and multi-discipline environment

Step 1:

Experiencing a lawyer-client interview

Teaching situation – *English for Lawyers* course:

- Law undergraduates in the second term of their studies
- Topic – civil wrongs (torts)
- First encounter with client interviews

Lawyer-client interview

“In many ways for lawyers the initial client interview is like a first date. You do not know each other that well and hope to get better acquainted.”

Jim Calloway, Director of the Oklahoma Bar Association's Management Assistance Program

Lead-in: Important qualities of a lawyer

- Same language groups
- On the pieces of paper provided, write in big, block, capital letters two positive qualities a good lawyer should have and just one negative quality. Use only one word to describe the qualities (e.g. “*competent*“)
- Come up to the board, stick your paper under the correct heading and explain your choice

Student suggestions (qualities)

+

confident

empathetic

patient

smart

creative

trustworthy

competitive

polite

hard-working

zealous

honest

reliable

responsible

good looking

neat/well-dressed

-

greedy

dishonest

oversensitive

shy

lazy

shabby

rude/impolite

judgmental

biased

arrogant

cunning

Qualities are not the only important things - skills are too!

Issues to discuss with our students:

communication skills

- active listening
- effective questioning
- legalese vs plain language

Soft vs Hard skills

In the lesson: Interview structure + Language input

1. Interviewing and advising - interview structure

The list below covers some major language functions a lawyer might perform when interviewing a client. For each function, language suggestions are given. Complete the gaps 1-15 with suitable functions A-O.

1. OPENING

- Greeting the client, introducing yourself, offering refreshments, preliminary small talk
 - 1.
- getting an overview of the case, explaining preliminary matters, circumstances of the interview, and the nature and proposed structure of the interview
 - 2.
 - 3.

A. You have two or three options here. The first... the second... and the third is to....

B. Thanks for coming in to see us today. Don't hesitate to phone or send me an email if you have any questions.

C. Let me go through the file and read through the contract. Then I'll prepare the complaint.

D. I have to warn you that proving that ...will be extremely difficult.

E. Let me assure you that everything you tell me today will be held in strict confidence.

F. I need to know more about...

G. If I understand you correctly, you're saying that ...

H. What would be an ideal outcome for you?

2. LISTENING AND QUESTIONING (to establish facts and chronology of events)

- listening actively to the client's account, checking for understanding, using appropriate questioning techniques (open, closed and leading questions) to prompt, clarify, prevent deviation and probe
 - 4.
 - 5.
- identifying aims of the client
 - 6.
 - 7.

3. SUMMARIZING

- summarizing the client's account, concerns and goals
 - 8.
 - 9.
- seeking further information from the client
 - 10.

4. ADVISING (identifying issues, developing and supporting a theory)

- giving a brief outline of the relevant law and applying the law to the client's problem
 - 11.
- outlining available options, assessing the case, helping the client reach a decision if appropriate
 - 12.
 - 13.

5. CONCLUDING

- describing the follow-up action to be taken by lawyer and by client
 - 14.
- concluding the interview appropriately
 - 15.

Implementation

- The lawyer – client interview

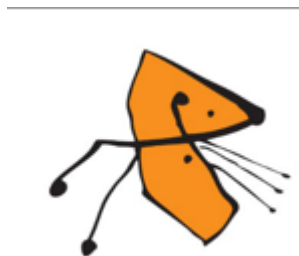
- Roles

- **trainee in a law firm, client, supervisor**

Why supervisor ???

Trainee: gets feedback (motivation, tries harder)

supervisor: assesses trainee's performance (analytical skills, soft skills – providing feedback)



After the interview

Lawyer – self-reflects

Client and supervisor both give feedback

Junior Lawyer's Performance Assessment Sheet:

	Tick if OK	Comments
Correct structure: Opening/ Listening and Questioning Summarizing/ Advising/ Concluding	<input type="checkbox"/>	
rapport with the client	<input type="checkbox"/>	
appropriate questions and language	<input type="checkbox"/>	
confirm understanding	<input type="checkbox"/>	
matters explained clearly	<input type="checkbox"/>	
client management (enough space, no digressions)	<input type="checkbox"/>	

Case Study - Instructions

You work as a **novice lawyer** in a prominent law firm. You have your first **client** coming for an interview and your **supervisor** is going to assess your performance during the interview.

Do your best! Good luck!

Case study: Good fences make good neighbours

- lawyer 
- his/her supervisor 
- client 

ROLE-PLAY

Prepare your role carefully, read the text

- LAWYER: prepare the explanation of Czech law (mediation) □
- CLIENT: play your role (a foreigner in the CR), make up details, ask questions, ... □
- SUPERVISOR: prepare for the feedback

Fallstudie: Gute Zäune machen gute Nachbarn

KLIENT Sie sind Frau Roswitha Lüdecke aus München und gerade nach Ostrava gezogen. Sie haben ein Haus gekauft, das gründlich umgebaut werden muss. Ihre Baufirma hat Ihnen mitgeteilt, dass die Bauarbeiten nicht durchgeführt werden können, falls sie den Anfahrtsweg Ihres...	RECHTSANWALT in Ostrava Eine neue Mandantin, hat einen Termin vor um zu besprechen, wie sie ihren Nachbarn bringen kann, dass sie seine Einfahrt für den Umbau ihres Hauses nutzen darf. Anwendbares Recht: RECHTSANWALT in Ostrava
---	---

Caso – Buenas vallas hacen buenos vecinos

CLIENTE Tú eres D ^a Elena Rodríguez de Puerto Rico y acabas de trasladarte a Ostrava. Has comprado una casa que necesita una reconstrucción total. La compañía de construcción te ha informado que para poder hacer la reconstrucción es necesario utilizar el camino de acceso perteneciente a la propiedad de tu vecino. Es decir, no será posible que entren las máquinas de construcción a menos que se utilice el acceso de tu vecino. Insisten en que no hay otro modo de...	ABOGADO en Ostrava Una nueva cliente, D ^a Elena Rodríguez de Puerto Rico, concertó una cita para ver cómo puede obligar a su vecino que la deje utilizar su camino de acceso para reconstruir su casa. La legislación para aplicar: §1021 <i>Vlastník umožní sousedovi vstup na svůj pozemek v době, rozsahu a způsobem, které jsou nezbytné k údržbě sousedního pozemku nebo k hospodaření na něm, nelze-li tohoto účelu dosáhnout jinak; soud však nřadí vlastníku</i>
--	---

Help for lawyers

- I hope you had **no trouble finding** our office.
- Let me assure you that everything you tell me today will **be held in strict confidence**.
- I understand that you would like some **advice on** your ... situation.
- If I understand you correctly**, you're saying that ...
- Allow me to summarize** what you've said
- I need to know more about...
- The legal position is as follows...**
- I am sorry to inform you that there is **no legal ground for** ...
- I have to warn you** that proving that ...will be extremely difficult.
- You have **two or three options** here. The first... the second... and the third is to....
- Thanks for coming in to see us today. **Don't hesitate to phone** or send me an email if you have any questions.

After the interview

- Lawyer self-reflects first
- Client's perspective
- Supervisor's feedback

Junior Lawyer's Performance Assessment Sheet:

	Tick if OK	Comments
Correct structure: Opening/ Listening and Questioning Summarizing/ Advising/ Concluding		
rapport with the client		
appropriate questions and language		
confirm understanding		
matters explained clearly		
client management (enough space, no digressions)		

A SLIDE FOR OUR STUDENTS:

Feedback/reflection is not only listing the mistakes.

Supervisor: Be diplomatic and friendly!

Student (client) feedback

Feedback – Lawyer - Client interview

	What was good or even excellent	What could have been done in a better way
Active listening	He understood, what I wanted to say.	- Sometimes, he didn't let me finish and started suggesting at end of my sentence.
Effective questioning	He asked me about my specific dream of my business and if my apprentices complied with that.	Maybe, he could have asked me about my finances.
Advice + Explanation	Since he questioned me really well, he could give me personal advices.	

Student (supervisor) feedback

Assessment Form

Case:

1. Did the lawyer establish and maintain rapport with the client? YES/needs improving
2. Did the lawyer use appropriate questions and language? YES/needs improving ?
3. Did the lawyer confirm understanding throughout the interview? YES/needs improving
4. Did the lawyer explain the matters clearly to the client? YES/needs improving
5. Did the lawyer leave enough space for the client, and at the same time didn't let him/her go away from the topic? YES/needs improving

What the lawyer managed easily: *making the client relaxed and good*

What needs improving: *I think, more questions, because the client speak more than lawyer.*

Student self-reflection:

Feedback - Lawyer - Client interview

	What was good or even excellent	What could have been done in a better way
Active listening	I Let the client tell me all he wanted before starting to talk	Should have made more small talk
Effective questioning	Asked questions aimed at possible solutions and the clients plans in the future	I could have been briefer with my questioning
Advice + Explanation	I explained issues multiple times to make sure the client understands them completely	It might come off as rude if I ask too many times, so I should limit it next time

Activity (Lawyer-client interview) analysis

- Believable scenario (Czech law, Czech setting)
- Authentic Czech act (mediation)
- Peer feedback
- Entertaining, motivating
- Everybody is involved but relatively stress free (in groups)
- In the lesson: 2 cases (role reversal)
- Language input AND soft skills...

Step 2:

Reflecting on your experience

- What did it feel like to be a student?
- What was the hardest part of the task for you personally?
- How (if at all 😊) will this experience influence your teaching?

Conclusion

- Mediation is a difficult skill for our students – all the more reason for practicing
- Thank you for piloting our new case study. We will take all your comments on board!

Děkujeme za pozornost!

- Thank you for your attention!

- Merci de votre attention.
- ¡Gracias por su atención!
- Danke für Ihre Aufmerksamkeit!
- Gratias agimus pro attentione animi!

