



Teaching legal communication to undergraduates:

Helping with the first steps



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Masaryk University Language Centre



- Department at the Faculty of Law
- **Legal English** - 1st and 2nd year undergraduates
- 90 minutes per week – 4 semesters

Outline

Activities related to communication (soft skills)

- Interviewing a client
 - pre-interview activity
 - family law related case
- Negotiating
 - snowball activity
- Discussion activity
 - types of custody

Feedback from students and Lessons learnt

Real life like activities

- ***Motivation – to get involved, to realize: professional communication ≠ chatting***
- **Authentic materials**
- **Czech context**
- **Believable scenario**
- ***Effective practice***

Hotel Room Theft
Lawyer-Client Interview



You work as a novice lawyer in a provincial 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!

CLIENT

You're John Hopkins from London visiting Brno. You booked a single room in a hotel in Brno for one week. One night you went out to the city centre. When you returned you found that the door to your room had been opened. Your valuables were missing. You informed the hotel receptionist. The hotel called the police.

The hotel manager informed you that the hotel is not liable for your loss and that you have to wait for the police and hope they will find the perpetrator.

You realized that you had signed an accommodation contract containing the clause that the hotel was not liable for any loss that might occur. This information is also written on a notice hanging in the lobby.

You've come to see a lawyer in Brno for advice. You want to know if the hotel should compensate you for the loss incurred.

Ask your lawyer for clarification of your legal position.

You are free to make up any other details in response to your lawyer's questions.

LAWYER'S BRIEF

A new client, John Hopkins from London, has made an appointment to discuss whether the hotel he was staying in is liable for a burglary that occurred during his stay.

The law to be applied:
§ 432 Czech Civil Code
§ 2946 KOCZ

(1) Kdo provozuje prostřednictvím ústřední místnosti, nájemní službu na vědomí, kterou ústředněj vědomí do provozu vyhrazených k ústředněj vědomí k účelům vědomí, poskytl na vědomí, které nem bylo pro ústředněj vědomí. To platí i tehdy, když vědomí vědomí k účelům ústředněj vědomí.

(2) Poskytl-li ústředněj, že by se služba dala i jinak, než se služba poskytl ústředněj vědomí, která ústředněj a jeho vědomí, poskytl-li nájemní službu na vědomí, k ústředněj a jeho ústředněj ústředněj na vědomí.

assist the client, make him feel relaxed
listen actively to your client, sum up the main points
explain the relevant legislation and how it relates to your client's case
give advice and suggest further steps and if the client agrees, or if he has any further suggestions
thank the client for coming, repeat what you're going to do, and say goodbye



Useful suggestion:
www.guesting.com

Soft skills: Dealing with clients in a law firm

[video](#)

Scene 1: Law firm meeting

There are two new cases in the law firm today – what are they?

- Assisting an offender
- Being fired for being too attractive
- Careless and reckless driving
- Landlord X Tenant dispute
- Disclosing confidential information
- Public urination

Dealing with clients

[video](#)

Scene 2: A chance meeting of the client in the corridor

- *Analyze the situation. Was it a typical meeting?
What went on?*

Dealing with clients

Scene 3: 1st meeting with the lawyers

The lawyers need to prepare for the first official meeting with the client.

- *What do they need to prepare?*
- *What ground needs to be covered?*
- *What potential problems can you foresee?*

Dealing with clients

[video](#)

Scene 3: You are now going to watch the meeting without any sound. Try to figure out how the meeting went.

What could students learn from the activity?

- Paying attention to body language/facial expression
- Preparing questions and taking notes

CLIENT

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You've come to see a lawyer in Brno for advice. You want to know if the hotel should compensate you for the loss incurred.

Ask your lawyer for clarification of your legal position.

You are free to make up any other details in response to your lawyer's questions.

LAWYER in Brno

A new client, John Hopkins from London, has made an appointment to discuss whether the hotel he was staying in is liable for a burglary that occurred during his stay.

The law to be applied:

§ 2946 NOZ

(1) Kdo provozuje pravidelně ubytovací služby, nahradí škodu na věci, kterou ubytovaný vnesl do prostor vyhrazených k ubytování nebo k uložení věcí, popřípadě na věci, která tam byla pro ubytovaného vnesena. To platí i tehdy, byla-li věc za tím účelem ubytovatelem převzata.

(2) Prokáže-li ubytovatel, že by ke škodě došlo i jinak, nebo že škodu způsobil ubytovaný nebo osoba, která ubytovaného z jeho vůle provází, povinnosti k náhradě škody se zproští. K ujednáním o jiných důvodech zproštění se nepřihlíží.

Interviewing clients

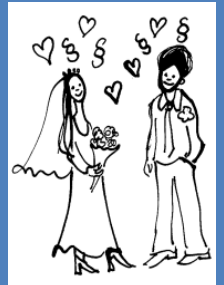
Getting married in the Czech Republic (Family Law)



- 2 students – a couple to be married in the CR
- 1 student – a busy lawyer

	Future bride	Prospective bridegroom
Nationality		
Name – first and surname		
Marital status		
Social status (rich?, what job?)		
<i>Agree on the following:</i>		
Kind of wedding – church, civil		
Future country of residence		
Future Surname		

Prepare any questions you would like to ask your lawyer:



Lawyer – quick preparation

Getting Married: Making it Legal - How to officially get married in the Czech Republic

Church or civil wedding?

You'll also need to determine whether you'll be having a civil or religious ceremony, as the documents needed for each type of marriage will differ. For civil marriages, you'll take your documents to the Office of Vital Records (*matrika*) in the Municipal Office (*místní úřad*), under whose jurisdiction the venue for your ceremony falls. For church ceremonies, go directly to the officiating church authority. For Catholic ceremonies, at least one of the parties must be Catholic. Such weddings also require all the papers used in regular Catholic weddings: baptism certificates, a letter from the bride and/or groom's parish priest, and a certificate proving completion of a marriage-preparation course. Some Protestant denominations also require a baptism certificate. Jewish ceremonies involve additional religious papers from home, of which the bride and/or groom can receive information from their local rabbinate.

Documents you'll need

Whether you are a non-EU citizen marrying a Czech national, an EU citizen marrying a Czech national or two non-Czech persons marrying one another, you will need the form "A

After the wedding

Shortly following the ceremony, a marriage certificate will be mailed to you. Foreigners must report the change in their marital status to the appropriate consular department of their home country's embassy in the Czech Republic. Women who...

Interview + Follow-up

- Lawyer – what kind of clients, which advice
- Clients – were you satisfied with the lawyer and why
- orally or in writing
(lawyer: report, clients: “Facebook posts”)

What could students learn from this role-play?

It depends on the “clients”:

e.g. dealing with difficult clients 😊, coping with the situation when you need to refer to the text when answering the clients' questions, ...

Negotiating

Various kinds

- contractual terms
- out-of-court settlement (case studies)
- reaching a group consensus
(not so much competitive)

Organizing a seminar for junior lawyers

Organizing a seminar for junior lawyers

Negotiating, writing memos

You work for an international law firm in Prague and you have been assigned the task of organizing a seminar for the firm's junior employees. Discuss the areas in which your staff needs training and select the most relevant one. Agree on the topic and list reasons that it is needed.

Snowball activity: In groups of three, students prepare a topic for the seminar, then two groups meet and negotiate to decide which topic to offer on behalf of the new group. Finally, the "official" version is selected from the negotiations by a general vote.

The agreed version of the forthcoming training is then added into the memo template:



Dear all,

I am pleased to inform you that our law firm is continuing with its in-company training programme. We have arranged for an interesting seminar on ... *Lawyer-Client Interview Techniques - How to Get Relevant Information* ... (SUBJECT).

The seminar is being held at ... *Faculty of Law, Masaryk University* ... (PLACE) on ... *10 November* ... (DATE & TIME). It is being conducted by an experienced lecturer, Prof. Paul Hall, and should be extremely informative. The quality of the speaker is such that none of us can afford to miss the seminar.

We would strongly recommend that every member of our law firm attend this seminar because ... *client management is one of the basic soft skills essential for every lawyer* ... (REASONS).

We will, of course, pay the entrance fees and other expenses related to this event for all those attending. I would greatly appreciate it if you would encourage everyone to go and provide me with the names of those who will be attending *no later than/by ... Friday 1 November* ... (DEADLINE).

I look forward to your reply.

Sincerely,

Anna Nováková

Following steps: analysis of the structure and language of memos (sentence openers, phrases, etc.).



Law firm representatives' perspective: our recruits should have a good command of written language with the right level of formality.

Organizing a seminar for junior lawyers

- ***You* work for an international law firm in Prague and you have been assigned the task of organizing a seminar for the firm employees.**

TOPIC:

REASONS:

WHEN (DATE & TIME):

PLACE:

ACTION/DEADLINE:

ANY OTHER DETAILS:

Organizing a seminar for junior lawyers

- Choosing a topic

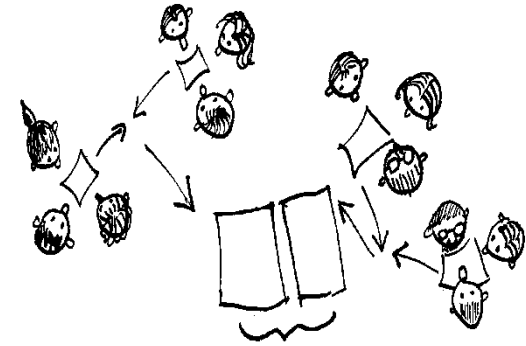
New Czech Civil Code

Successful Negotiations

Lawyer-Client Interview Techniques

- Why is the topic important? (as many reasons as possible)
- Negotiating the topic

Snowball activity



TOPIC:
REASONS:

1. Each student decides individually
2. Negotiating in pairs
3. Negotiating in groups of four (using all your arguments, while listening attentively to the arguments of the other pair)

EXPLAINING REASONS!

Benefits of the activity

Not too competitive

Changing patterns in negotiations

Stress on being able to explain the importance
(useful vocabulary: essential, vital, key
competences, ...)

Follow-up



- Writing a memo

Dear all,

I am pleased to inform you that our law firm is continuing with its in-company training programme. We have arranged for an interesting seminar ...(SUBJECT).

The seminar is being held at ... (PLACE) on ... (DATE & TIME). It is being conducted by an experienced lecturer, Prof. Paul Hall, and should be extremely informative. The quality of the speaker is such that none of us can afford to miss the seminar.

We would strongly recommend that every member of our law firm attend this seminar because ...(REASONS).

We will, of course, pay the entrance fees and other expenses related to this event for all those attending. I would greatly appreciate it if you would encourage everyone to go and provide me with the names of those who will be attending no later than/by ... (DEADLINE).

I look forward to your reply.

Sincerely,

Anna Nováková

Discussions

Family Law – Child custody

Types of custody

Applying the theory to practice

Child custody

Legal content; discussing the best possible solution

There are different types of custody. Read the explanations and match them with the terms.

Type of custody

Joint custody



Sole custody

Bird's nest custody



Third-party custody

Split custody



Definition

an arrangement whereby only one parent has physical and legal custody of a child

an arrangement whereby the parents go back and forth from a residence in which the child/children reside

an arrangement whereby both parents have legal custody and/or both parents have physical custody

an arrangement whereby one parent has full-time custody over some children, and the other parent has full custody over the other children.

an arrangement whereby the children do not remain with either biological parent, and are placed in the custody of a third person.

Discuss the situations below and try to agree on the most suitable type of custody.

Scenario 1

Father – suffers from epilepsy with occasional seizure attacks, manager, Brno

Mother – former "Miss Jihomoravský kraj", unemployed, unqualified, Brno

Children – Twins René and Renata (13)

Scenario 2

Father – Nigerian who wishes to return to his family, surgeon, at the moment still in Prague

Mother – Czech citizen, qualified nurse, Praha - Vršovice

Children – Adam (16) who plans to become a doctor like his father, Jessica (7) schoolgirl, and Martinek (1)

Scenario 3

Father – secondary school teacher, found a lover, moved to Brno

Mother – primary school teacher, Kuřim (10 km from Brno)

Children – Jamiša (16) and Karel (15)



Graduate perspective: more speaking practice concerning legal issues.

Language Focus

Read the text below and fill in the gaps with suitable words from the list below.

community	alimony	arrangements	bequeathed	entitled
visitation	separate	obliged	lump	maintenance

The other parent must, of course, be 2. entitled to have contact with the children (in the UK) or 3. visitation rights (in the USA) but, on the other hand, he or she is 4. obliged to provide the children with 5. maintenance payments, either periodically or with a 6. lump sum of cash...



Types of custody

Type of custody	Definition
Joint custody	A. a traditional form of custody, an arrangement whereby only one parent has physical and legal custody of a child
Sole custody	B. an arrangement whereby the parents go back and forth from a residence in which the child/children reside, placing the burden of upheaval and movement on the parents rather than the child/children
Bird's nest custody	C. an arrangement whereby both parents have legal custody and/or both parents have physical custody
Third-party custody	D. an arrangement whereby one parent has full time custody over some children, and the other parent has full-time custody over the other children
Split custody	E. an arrangement whereby the children do not remain with either biological parent, and are placed under the custody of a third person

Scenario 1

Mother secretly drinks, Prague

Father is workoholic – demanding job, well paid, Prague

Children: Eliška (age 6), Jakoubek (age 8)

Scenario 2

Father suffers from epilepsy with occasional seizure attacks, manager, Brno

Mother, former “Miss Jihomoravský kraj”, unemployed, unqualified, Brno

Twins René and Renata (13)

Scenario 3

Father – Nigerian who wishes to return to his family, surgeon, at the moment still Prague

Mother – Czech citizen, qualified nurse, Prague - Vršovice

Children – Adam (16) who plans to become a doctor like his father,

Jessica (7) schoolgirl and Martínek (1)

Scenario 4

Father – unemployed with criminal record, Ostrava

Mother – shop assistant, Ostrava

Children – Alice (10), Jana (9), Josef (7)

Scenario 5

Father – secondary school teacher, found a lover, moved to Brno

Mother – primary school teacher, Kuřim (10 km out of Brno)

Children – Jarmila (16) and Karel (15)

Arriving at a solution

- Ss prepare the cases individually
(stating reasons for their decisions, thinking about the consequences, ...)
- Discussing in pairs (often bringing their own life experience), any order
- Ss should realize there is not always one single right solution

Feedback from students



Speaking is not necessary. The students already know how to speak in English.

I'm so happy for all the speaking activities, I feel much more confident when speaking now.

I would cancel the group work. It didn't bring any results, it was a waste of time.

I would love to work more in groups. I learn so much.

The seminars are very interactive, but the teacher should realize that students are not interested in interactive work.

I enjoyed all these interactive activities, It was fun and we learnt a lot.

Feedback from students

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+



Lessons learnt

- Ss can be very creative
- Ss themselves are a great resource for teaching material
- there is no universal successful activity
- motivation, involvement, variety
- legal communication X
communication with aspects of law

Aims

- Steps towards better professional communication
 - Be aware of soft skills
 - Listen actively
 - Prepare carefully
 - Express ideas/facts/arguments clearly and politely
- Variety of communication tasks

**Thank you for your attention.
And co-operation.**

Pictures: Barbora Chovancová