**UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW (BOALT HALL)**

**LAW 244.5, SECTION 1 - LEGAL INTERVIEWING AND CLIENT COUNSELING**

**FALL 2012 SYLLABUS (\*SUBJECT TO AMENDMENT)**

**Day/Time: Wednesdays, 6:25-8:15 p.m.**

**Location: Room 244**

**Faculty: Monali Sheth**

**Office Hours: By appointment on Wednesdays between 5-6 p.m. or 8:30-9:30 p.m.**

**Email: mssheth@law.berkeley.edu**

**Course Description**

This course covers the fundamental lawyering skills of interviewing and counseling, skills essential to the practice of law in any context. Through interactive discussion, simulation exercises, and role playing, this course provides students with a basic model for interviewing and counseling, provides the opportunity to practice the skills involved, and exposes students to the kinds of problems and ethical issues that can arise when counseling clients.  
  
Skills addressed in the interviewing segment include: active listening, question formulation, preliminary problem identification, development of a chronological overview, theory development, and concluding the interview. The counseling segment addresses the process by which, having determined what the client's legal problems are, the lawyer helps the client make decisions by clarifying the client's objectives, identifying potential strategies and solutions and their likely consequences and, when appropriate, providing advice. Class participation and a thorough understanding of the assigned materials are crucial to your success.

**Required Texts**

Binder, Bergman, Tremblay & Weinstein, Lawyers As Counselors: A Client Centered Approach, 3rd Ed. (Thompson/West 2011). The text will be referred to as “Binder” in the Course Schedule of Topics, Reading and Assignments, which are presented below.

**Other Required Materials**

Additional materials, including readings and exercises, will be distributed in class or via bSpace.

**Audio/Visual Support**

Some of the simulation may utilize audio/visual recording to facilitate development and feedback. We will address the logistics related to audio/visual issues in class.

**Course Grading**

This course is graded, but not “blind graded.” Students will be evaluated based on the following criteria:

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| **Criteria** | **Explanation** | **Percentage of Grade** |
| Preparation for Class; Class Attendance and Participation | Due to the use of simulation exercises, which depend on each student playing an assigned role, class attendance and participation in class discussion and exercises is mandatory. Effective participation in class discussion and simulation exercises requires completion of reading and writing assignments prior to class. Lack of preparation, absences or lateness will be noted and may adversely impact your grade. | 20% |
| Interviewing Unit Capstone Assessment  (\*Scheduled for Saturday, 10/6/12 and/or Sunday 10/7/12) | This Capstone Assessment is a 30 minute video-recorded simulation that is designed to evaluate the following:   * Essential mastery of interviewing skills and techniques taught, practiced and acquired in the Interviewing Unit * Effective communication with the client throughout the assignment * Effective organization and control of the interview | 40% |
| Counseling Unit Capstone Assessment  (\*Scheduled for Saturday 11/17/12 and/or Sunday 11/18/12) | This Capstone Assessment is a 30 minute video-recorded simulation that is designed to evaluate the following:   * Essential mastery of interviewing skills and techniques taught, practiced and acquired in the Counseling Unit * Effective communication with the client throughout the assignment * Effective organization and control of the interview | 40% |

**Course Schedule of Topics, Readings and Assignments**

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|  | **PART I: INTRODUCTION TO LEGAL INTERVIEWING AND CLIENT COUNSELING** |
| **CLASS 1**  WEDNESDAY  8.22.12 | Course Topic(s): Course Overview; Major Principles Underlying Client-Centered Lawyering  Assignment for Next Class:   * Binder, Chapter 2 (Motivation) and Chapter 3 (Active Listening) * See bSpace for additional assignments |
|  | **PART II: INTERVIEWING UNIT** |
| **CLASS 2**  WEDNESDAY  8.29.12 | Course Topic(s): Psychological And Cultural Factors That May Inhibit Or Enhance Communications Between Clients And Lawyers; Active Listening  Assignment for Next Class:   * Binder, Chapter 4 (Forms of Questions) and Chapter 5 (Beginning Client Conferences) * See bSpace for additional assignments |
| **CLASS 3**  WEDNESDAY  9.5.12 | Course Topic(s): Forms of Questions; Beginning Client Conferences – Rapport Building, Preliminary Problem Identification and Preparatory Explanations  Assignment for Next Class:   * Binder, Ch. 6 (Eliciting Timelines) * See bSpace for additional assignments |
| **CLASS 4** WEDNESDAY  9.12.12 | Course Topic(s): Eliciting Timelines    Assignment for Next Class:   * Binder, Chapter 7 (Theory Development Questioning – Pursuing Helpful Evidence) and Chapter 8 (Theory Development Questioning Undermining Adversaries Likely Contentions) * See bSpace for additional assignments |
| **CLASS 5** WEDNESDAY  9.19.12 | Course Topic(s): Theory Development Questioning - T-Funnel Questioning Techniques  Assignment for Next Class:   * Binder, Chapter 12 (Gathering Information from Especially Difficult Clients) * See bSpace for additional assignments |
| **CLASS 6**  WEDNESDAY  9.26.12 | Course Topic(s): Gathering Information from Especially Difficult Clients  Assignment for Next Class:   * Binder, Chapter 11 (Concluding Client Conferences) * See bSpace for additional assignments |
| **CLASS 7** WEDNESDAY  10.3.12 | Course Topic(s): Concluding Client Conferences  Assignment for Next Class:   * Chapter 13 (Principles Underlying Effective Counseling) and Chapter 14 (Implementing an Effective Counseling Process) * See bSpace for additional assignments |
| **SATURDAY**  **10.6.12**  **OR**  **SUNDAY**  **10.7.12** | **MID-TERM CAPSTONE ASSESSMENT: INTERVIEWING UNIT** |
|  | **PART III: COUNSELING UNIT** |
| **CLASS 8**  WEDNESDAY  10.10.12 | Course Topic(s): Principles Underlying Effective Counseling; Implementing an Effective Counseling Process  Assignment for Next Class:   * Binder, Chapter 15 (Clarifying Clients’ Objectives) and Chapter 16 (Identifying Alternatives) * See bSpace for additional assignments |
| **CLASS 9**  WEDNESDAY  10.17.12 | Course Topic(s): Clarifying Clients’ Objectives; Identifying Alternatives  Assignment for Next Class:   * Binder, Chapter 17 (Identifying Consequences) and Chapter 18 (Final Decision-Making) * See bSpace for additional assignments |
| **CLASS 10** WEDNESDAY  10.24.12 | Course Topic(s): Identifying Consequences; Final Decision-Making  Assignment for Next Class:   * Binder, Chapter 10 (Criminal Defense Interviewing Strategies) and 22 (Counseling Criminal Defendants) * See bSpace for additional assignments |
| **CLASS 11**  WEDNESDAY  10.31.12 | Course Topic(s): Interviewing and Counseling Criminal Defendants  Assignment for Next Class:   * See bSpace for assignments |
| **CLASS 12**  WEDNESDAY  11.7.12 | Course Topic(s): Counseling Immigrants and Victims of Trauma  Assignment for Next Class:   * Binder, Chapter 21 (Counseling Formal and Informal Organizational Clients) * See bSpace for additional assignments |
| **CLASS 13**  WEDNESDAY  11.14.12 | Course Topic(s): Counseling Joint Clients, Class Representatives, Formal and Informal Organizational Clients  Assignment for Next Class:   * See bSpace for assignments |
| **SATURDAY**  **11.17.12**  **OR**  **SUNDAY**  **11.18.12** | **FINAL CAPSTONE ASSESSMENT: COUNSELING UNIT** |
| **CLASS 14**  WEDNESDAY  11.21.12 | Course Topic(s): Counseling Children and Mentally Disabled |