Syllabus

Welcome to the Client Interviewing, Counseling and Negotiation module of the Foundational Lawyering Skills course. This syllabus provides you with important administrative information for this portion of FLS, as well as the Course Goals, Readings, and Course Schedule.

Contact Information

My office is room 125 in Joan Axinn Hall (the one-story brick building directly across California Avenue from the Law School). My email address is lawtsl@hofstra.edu, and my phone number is 463-4736. Email contact information for the small workshop instructors is provided in a separate document on the TWEN site.

Class Schedule

Our class meets from 8:30 to 10:00 in Room 230 for lectures, and from 8:10 to 10:30 in a variety of rooms for small group workshops. A more detailed schedule is provided below.

Materials

We have two sources of materials:

2. Exercises and mock case materials that I will either hand out in class or post on our TWEN site.

TWEN

I have set up a course page on TWEN, which is available at www.lawschool.westlaw.com. I will post all exercises, mock case materials, special announcements, syllabus changes, handouts, etc. on TWEN. Please also feel free to use the page to share ideas and ask questions of each other.

Attendance

The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. For purposes of this class, a student may not have more than six hours of unexcused absences from class over the course of the semester, nor
may a student have more than **three hours** of unexcused absence(s) from a scheduled class during any of the three modules. If you exceed the permitted amount of unexcused absences from the class, you are at risk of not passing the class or being administratively withdrawn from the course, either of which would require retaking the class. If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations will be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception made to the Office of Student Affairs must be accompanied with appropriate documentation.

Your instructor will provide sign-in sheets for each regularly scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in during the class. Falsification of sign-in sheets is a violation of the Code of Academic Conduct.

**Grading**

This course is graded on a pass/fail basis, and your grade is determined by your overall performance in all three modules. During each module, you will be required to satisfactorily complete all assignments in a timely manner. If you fail to satisfactorily complete one or more graded assignments in any of the modules, you will be at risk of receiving a failing grade for the course and will be required to retake it.
Goals / Readings / Schedule

Week One: Interviewing

Goals:

1. Introduce students to the role of the lawyer in client representation generally, and client interviewing in particular;
2. Familiarize students with the range of possible goals in a client interview, including building an effective relationship with the client;
3. Introduce students to techniques for effectively eliciting relevant factual information from a client, as well as eliciting the clients’ goals, interests, priorities and concerns.

Readings:

Essential Lawyering Skills pp. 89-116
- Client Interviewing as Problem-Solving
- Organizing the Interview
- Questioning Techniques
- Special Problems in Client Interviewing

Schedule:

Large Group Meeting

The first lecture will cover the following topics: (1) the client as collaborator; (2) structuring the interview; (3) questioning techniques; and, (4) special challenges in interviewing (e.g. addressing sensitive areas; working with an untruthful client; discussing fee arrangements).

Written Assignment

All students are assigned to a small workshop group and a specific instructor. Your group’s instructor is listed at the end of this Syllabus. For your written assignment, all students must prepare a Pre-Interview Memorandum based on the mock file for the module. After the lecture, students will have two days to prepare the Memo and send it to their group’s assigned instructor.

Small Group Exercise

For the small group exercise, each group will be in a separate room and will be working with its assigned instructor. Students will engage in an interviewing exercise that will be available on the course TWEN site. Every student will do at least one portion of the mock interview. Each role play will be about five to seven minutes, with brief, specific feedback immediately afterward from the instructor.
Week Two: Counseling Clients

Goal:

1. Introduce students to basic counseling theories;
2. Familiarize students with basic counseling skills, such as generating and explaining options for clients (including process alternatives such as ADR, mediation, negotiation, etc. to resolve disputes);
3. Demonstrate common challenges in client counseling, and methods of overcoming those challenges.

Readings:

Essential Lawyering Skills pp. 233-241, 273-293
- What Happens When a Lawyer Counsels a Client
- The Counseling Meeting with the Client
- Overcoming Special Problems in Counseling

Schedule:

Large Group Meeting

Topics will be: (1) the process of helping another person make a decision; (2) preparing for a counseling session; and, (3) structuring a counseling session.

Written Assignment

After the lecture, students will be assigned to prepare a Pre-Counseling Session Memorandum based on the mock file for the module. Students will have two days to prepare the Memo and send it to their group’s assigned instructor.

Small Group Exercise

Students will engage in a counseling exercise that will be available on the course TWEN site. Every student will do at least one portion of the mock counseling session. Each role play will be about five to seven minutes, with brief, pointed feedback immediately afterward from the instructor.
Week Three: Negotiation

Goal:

1. Introduce students to basic negotiation skills and theories, including basic mediation principles.

Readings:

Essential Lawyering Skills pp. 297-345
- How Negotiation Works
- Negotiation Preparation: Assessing the Parties
- Developing a Negotiation Strategy

Schedule:

Large Group Meeting

Topics will be: (1) an introduction to negotiation theory (interests, rights, power and relationship theory); (2) basic negotiation skills; and (3) negotiation ethics.

Written Assignment

After the lecture/demonstration, students will be assigned to prepare a Negotiation Plan based on the mock file for the module. Students will have three days to prepare the Memo and send it to their group’s assigned instructor.

Small Group Exercise

Students will engage in a negotiation exercise that will be available on the course TWEN site. Students will be assigned a client in the exercise, and will be paired with an “opposing” student for the exercise. Every student will do at least one portion of the negotiation session. Each role play will be about twenty minutes, with brief, pointed feedback immediately afterward from the instructor.
**Week Four: Negotiation & Counseling**

**Goal:**
Provide students an opportunity to integrate client counseling and negotiation skills.

**Readings:**
None.

**Schedule:**

**Large Group Meeting**

The final large group meeting will be an opportunity for feedback and reflection on the previous exercises, as well as some basic preparation and explanation of the final exercise.

**Written Assignment**

None.

**Small Group Exercise**

Students will engage in a full hour-long negotiation exercise that will be available on the course TWEN site. Students will be assigned a client in the exercise, and will be paired with a teammate, and will face an “opposing” team for the exercise. Each negotiation session will be about one hour.