

2025

CLIENT COUNSELING COMPETITION BASIC INFORMATION FOR JUDGES

(updated September 2025)

On behalf of the participants, the American Bar Association, the University of Illinois College of Law, and everyone involved with the Client Counseling Competition, thank you for agreeing to judge this competition.

PURPOSE OF THE COMPETITION. The purpose of the competition is to promote greater knowledge and interest among law students in the client counseling functions of law practice. The competition seeks to encourage students to develop and use interviewing, planning, and analytical skills in the establishment of lawyer-client relationships.

OVERVIEW OF THE COMPETITION. The competition simulates a law office consultation in which law students, acting as lawyers, are presented with a typical client matter. Each team is provided with a consultation memorandum that contains information similar to that which a law office secretary might be given when a client calls to make an appointment. **This information is all the students have.** On the other hand, the client and the judges receive not only the short consultation memorandum given to the students, but also a longer “script” that details the client’s problem. The team members do not see this script. Each year, the competition has a general topic involved in all of the consultation situations. That topic is listed at the top of the page on the consultation situation.

The student lawyers must conduct an interview with a person playing the role of the client and then explain how they would proceed further in the hypothetical situation. You will see a client interviewed by two or three different teams. Your role during the teams’ performance is to watch and take notes in order to evaluate the teams based on the competition standards for judging. It is important to remember that, unlike a moot court competition, you should not interject during the students’ performance.

BASIC FORMAT OF THE COMPETITION. During the **Preliminary** and **Semifinal Rounds** of competition, each team shall have a maximum of **thirty (30) minutes** to complete the session. During the **Championship Round** of competition, each team shall have a maximum of **forty (40) minutes** to complete the session. **The session must include both a consultation session with the client and a post-consultation.**

THE CONSULTATION (INTERVIEW). Each team must conduct a consultation with the client during which the student lawyers are expected to elicit the relevant information, outline the problem, identify issues (both legal and non-legal) and propose a solution or other means to resolve the problem. (See *Standards for Judging* for more specific direction.)

POST-CONSULTATION (THE WRAP-UP). Each team *must* also conduct a meaningful post-consultation discussion between the attorneys after the client has left the room. **Failure to conduct a post-consultation discussion shall result in disqualification.** The teams may not leave the interview room between the consultation and the post-consultation. During this post consultation the student lawyers may review the facts, point out facts which have been omitted, offer a self-critique, comment on the substance, plan strategy, divide work, write a letter, dictate a memorandum, or otherwise use the time creatively. You should **not** ask questions during this phase of the competition.

The teams may confer privately and then make a presentation to the judges. The students may either talk together loudly enough to be overheard by the judges or they may dictate a file memorandum on the interview, or both. The post-consultation performance may (a) summarize the interview, (b) indicate the scope of the legal work to be undertaken, or (c) state the legal issues that should be researched. An explanation of the position or attitude taken by the student lawyers may be useful, including the jurisdictional differences in the law. For example, it may appear to a “spectator” that the lawyers were a bit hostile to the client during the interview. The post-consultation performance might explain the purpose of such hostility.

The student lawyers may feel that some documentation is appropriate at this stage and should be dictated at this point. For example, the lawyers may want to write a letter to the client confirming their retention, the fee arrangement, etc. Or it may be appropriate, at the conclusion of the interview, for the student lawyers to write a letter to opposing counsel or to the party with whom the client is having his or her legal problem. Such a document may be dictated during this post-consultation period.

CRITIQUES. An important educational aspect of the competition is the feedback from the judges regarding a team’s performance. Judges are encouraged to provide constructive feedback to help promote an inclusive, educational, and positive experience for all competitors. **In the Preliminary and Semifinal Rounds** specifically, the judges should provide a short critique of each team at the end of the post-consultation period. Tell the team what you saw as its strengths and weaknesses. The **entire** critique period should last **NO MORE THAN fifteen (15) minutes total**. *Each judge should take no more than 5 minutes to ensure each has a chance to speak.*

Please stay within this time limit because another team will have arrived and will be waiting to perform for you at the bottom of the hour, so we can keep the rounds on time. Clients should NOT be present during the post-consultation or critique. After all teams have performed, you will choose the team that performed best in your room for the evening and choose a winner based on each team’s relative performances in light of the Standards for Judging. **The judging panel does NOT need to be unanimous.**

In the Final Round, no critique is given after each team performs. Rather, once the final team has performed, there is a joint critique of ALL teams, during which you should provide your reaction to the teams’ handling of the consultation and post-consultation periods.

CONSULTING WITH THE CLIENT BEFORE MAKING A DECISION. To avoid the appearance of impropriety, once the round has begun, the judges shall not communicate with the client until all teams have performed. After all teams have performed, and prior to making a decision, it is recommended (but not required) that the judges consult with the client. **It is highly encouraged and recommended for you to ask the client for his/her impressions, feelings, or reactions to the various teams.** *The client, however, does not have a vote in determining the winning team. Rather it is one factor of many you may take into consideration when determining a winning team.*

NOTETAKING. You are encouraged to take notes as you observe each team’s performance. Be aware that it is otherwise very difficult to recall specific dialogue after two or three teams’ performances. You should base your critiques on specific observations from your notes.

ROOM ARRANGEMENTS AND OFFICE “PROPS.” During the interview and the post-consultation, a team may use books, notes, and substantive materials. A team may also use office props (dictaphones, files, coffee cups, clocks, desktop furnishings, etc.). You should not give undue weight to the use of props. Thus, you are cautioned against being overly impressed or critical of the use of props. Students may arrange the table and chairs as they wish.

Teams may set up their individual physical spaces however they like, however the following items are permitted/prohibited in the competition room or on their counsel table as part of their interview.

Permitted Items

Legal or letter sized writing pads
Folder or binder w/the lawyer's notes
(materials/outlines must represent personal work product)
Business cards
Engagement letter
Water bottles
Tissues
Smart Watches **in Airplane Mode***
Mobile Phone **in Airplane Mode***

*for use as a timekeeping device only

Prohibited Items

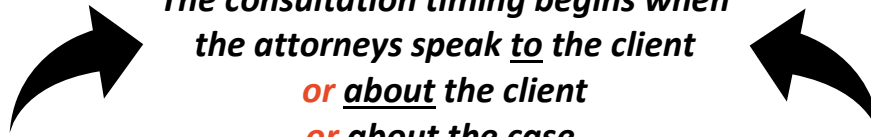
Commercial outlines
Treatises
Nutshells
Laptops
i-Pads or Tablets (No Supernotes, Remarkables, Scribes, etc.)
Any other electronic communication devices
Blackboards
Whiteboards (both portable and fixtures)
Candy dishes
Photos
Plants
Tablets

APPLICABLE LAW. The law to be applied in the competition is the law of each team's respective state unless otherwise indicated in the consultation situation.

FEES. Although the discussion of fees should be an integral part of any first consultation between a lawyer and a client, **students should not be judged based upon the amount of the fee quoted to clients.** All participants in the competition have been supplied with a uniform fee schedule so that no one will suffer because a judge disagrees with a team's decision as to how much to charge. **The participants may decide to discuss fees at any appropriate point in the consultation,** but this decision is subject to your evaluation.

TIME LIMITS AND TIMEKEEPING. During the competition, timekeepers are not provided. The student lawyers should limit the consultation and post consultation period to thirty (30) minutes for preliminary and semifinal rounds, and forty (40) minutes for the final round. As judges, you should note the exact time the consultation begins.

*The consultation timing begins when
the attorneys speak to the client
or about the client
or about the case.*



If a team runs over on their time by more than 1 minute, **the judge panel has the authority to stop the team,** notify them their time has expired (regardless of where the student lawyers are in the consultation or post-consultation process), and keep the competition moving along.

TEAMWORK. Team members are entirely free to decide how they will divide their work, but both students must consult with the client as a team and their plan is subject to judging. (See Standards of Judging.) The students may explain to you why they worked together in the way they did during the post-consultation period.

PROHIBITED COMMUNICATION. Team members may not communicate in any way with any observers during the course of their performance.

STANDARDS FOR JUDGING

1. *Working Atmosphere:* Established the beginning of an effective professional relationship and working atmosphere and, if and when appropriate, oriented the client to the special nature of the relationship, including confidentiality, explanation of fees, responded to client's concerns, discussed mutual obligations and rights, after-hours availability, duration and plan of the consultation etc. in a courteous, sensitive and professional manner.
2. *Description of the Problem:* Learned how the client viewed his or her situation, using a combination of listening and questioning, drawing out both information and feelings, as appropriate, to develop a reasonably complete and reliable description of the problem.
3. *Client's Goals and Expectations:* Learned the client's goals and initial expectations and modified or developed them as necessary.
4. *Problem Analysis:* Analyzed the client's problem with creativity and from both legal and non-legal perspectives, resulting in a clear and useful formulation of the problem.
5. *Substantive Law:* Accurately Articulated the applicable substantive law from their jurisdiction or identified legal issues that required more research before legal advice could be given.
6. *Moral and Ethical Issues:* Consistent with the analysis of the client's problem, recognized, clarified, and responded to any moral or ethical issues that may have arisen, without being prejudicial or judgmental.
7. *Alternative Courses of Action:* Consistent with their analysis of the problem, the lawyers developed a set of potentially effective and feasible alternatives, both legal and non-legal.
8. *Client's Informed Choice:* As appropriate, assisted the client in his or her understanding of problems and solutions and in making an informed choice, taking potential legal, economic, social, and psychological consequences into account.
9. *Effective Conclusion:* Concluded the interview skillfully and left the client with a feeling of reasonable confidence and understanding, with appropriate reassurance, and with a clear sense of specific expectations and mutual obligations to follow.
10. *Teamwork:* As collaborating counselors, worked together as a team, with flexibility and an appropriate balance of participation.
11. *Post-Interview Reflection:* During the follow-up phase, gave evidence of having recognized their own and the client's feelings, the strengths and limitations of their interviewing and counseling skills, their handling of the substantive aspects of the client's problems (legal and non-legal), and provided for an effective follow-up.
12. *Overall Rating:* Synthesizing the above criteria, including how effectively the team used its time, how do you rate the client counseling team?

Applying the Judging Standards. The judging standards recognize that there are many effective styles of interviewing and counseling, and that there is no set pattern of problems presented to lawyers and their clients. The criteria, however, are based on the belief that in order to work effectively with clients, lawyers would have to, at a minimum:

- (1) establish effective relationships with their clients;
- (2) learn how clients view their problems and their situations;
- (3) learn the clients' initial goals and expectations;
- (4) analyze the clients' problems;
- (5) develop alternative "solutions" for the clients' problems;
- (6) assist clients in their understanding and ability to make informed choices among alternatives;
- (7) recognize and deal with moral and ethical problems;
- (8) effectively conclude the interview; and
- (9) be able, as legal counselors, to learn from their interviewing and counseling experience.

With regard to issue spotting, the failure to raise an issue may or may not be decisive. The failure to raise an issue at all must be balanced with the rest of the team's performance. A team that did not raise an issue with the client during the interview might raise it during the wrap-up discussion. In general, raising an issue during the wrap-up should be judged as better than not raising it at all, but not as good as raising it with the client, unless there is an explanation for not raising it with the client. With regard to the accuracy and sophistication of legal advice, it is certainly better to know the law than to misstate it. Clearly erroneous legal advice should be penalized. However, you should not overly stress treatment of the law and ignore other factors in the judging standards. It is acceptable to advise a client in an initial interview that research is needed before legal advice is given.

The clients have been instructed to attempt to be as consistent as possible for all teams. Therefore, if a client makes up certain facts or deviates from their role in the first or second counseling session, they should be consistent in subsequent counseling sessions. If the client fails to be consistent, however, the lawyers should be neither penalized nor helped by inconsistencies in terms of judging.

Remember that no one aspect of the judging should make or break a team. Every team is relative to the other team(s) that you observe.

JUDGING SCALE

Judges will use the following scale to assess the performance of the team on each of the standards above. Judges may or may not provide additional written feedback.

a = highly effective **b** = effective **c** = somewhat effective **d** = ineffective **e** = very ineffective

FEE SCHEDULE

We have decided to adopt a uniform fee schedule for all contestants so that no team will suffer because a judge disagrees with its decision as to how much to charge. All judges and competitors will be given this schedule:

1. The initial interview with both counsel will be billed a flat rate of \$100.00 total. Further work will be billed at \$200.00 per hour of either lawyer's time.
2. Fees will be waived or suitably reduced in cases of financial hardship, either for persons of low income or for persons of ordinary income faced with very large fees.
3. Work will be done on a contingency basis in appropriate cases. If it is not apparent that the case in question is one in which there is a good chance of recovery, the office may require a preliminary investigation at hourly rates before entering into a contingent fee arrangement.
4. The office may require the client to pay a retainer prior to commencing any further legal services. [The amount of retainer requested, if any, will not be considered for judging purposes, as standard amounts may vary significantly across regions. However, if a retainer is requested, the attorneys should be able to explain how it will be applied against the fees incurred.]