
Client Counseling Workshop

Fall 2025

General Information

- 30 minute preliminary and semifinal rounds
 - Key objectives
 - Discuss confidentiality, conflicts, and cost
 - Elicit all the necessary facts
 - Outline the problem
 - Identify legal and non-legal issues
 - Identify and propose legal and non-legal solutions
 - Post consultation wrap-up
 - Always remember you are not only talking to the client and your teammate, but you are also talking to the judge
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How is my 30 minute round going to look?

- Pre-client conversation (optional)
 - 30 sec to 1 minute
 - Introduction and initial housekeeping items
 - 3 to 4 minutes
 - Fact gathering
 - 10 to 12 minutes
 - Solutions and next steps
 - 5 to 8 minutes
 - Conclusion and wrap-up
 - 2 to 3 minutes
 - Post consultation wrap-up
 - 1 to 2 minutes
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Pre-Client Conversation (optional)

- Goals
 - Show the judges that you have thought through potential legal and non-legal issues relevant to the information presented on the memo
 - Articulate to the judges what information you need to uncover from the client to understand those issue
 - Show the judges a working rapport between you and your partner
 - Things to avoid
 - Too much speculation (stay high level)
 - Rambling
 - Stiff and canned conversation
 - Tips
 - Use phrases like, "We have seen a lot of X cases recently and in those cases it is important to understand Y."
 - Use small talk with your partner at the beginning to bring energy to the room (focus on positivity)
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Introduction

- Goals
 - Discuss conflicts, confidentiality, and cost
 - Convey the information in a way that is easily understandable to the layperson
 - Engage the client
 - Things to avoid
 - Talking at the client
 - Over complication of your ethical and legal duties to the client
 - Tips
 - Ask for status updates from the client
 - "Does that make sense? "
 - "Do you have any questions?"
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Conflicts

- **What is a conflicts check?**
 - You or your firm does not represent any of the people the client has mentioned/mentions
 - **Assume initial conflicts check**
 - Explain to the client that you have run an initial conflicts check on the names they provided
 - **Conflicts are ongoing**
 - Explain to the client that you will be asking for names throughout the consultation to ensure that there are no conflicts
 - **Why even mention it?**
 - It's our ethical responsibility
 - Ongoing conflicts checks help ensure you can diligently represent your client
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Confidentiality

Make client feel secure while reminding them of your mutual obligations

Bound by duty of confidentiality and attorney-client privilege not to disclose information client gives you without their consent

Exception: threat of imminent death or substantial bodily harm

Client can break attorney-client privilege by discussing specific contents of your meeting with a third party, you'd still be bound by duty of confidentiality but would have to answer judge's questions under oath if privilege broken by third party communication

Cost

Initial consultation fee of \$100 has been taken care of

Flat rate of \$200/hour per lawyer for future work

Rules allow for fee waiver, reduction, and contingency, but whether these are appropriate is up to judge discretion

May waive or substantially reduce fees when appropriate (financial hardship, client either of low income or of ordinary income facing very large fees)

May suggest contingency basis when appropriate (good chance of recovery and substantial amount to be recovered)

Fact Gathering Goals

Gather all the relevant information

Identify all the key people and institutions involved

Spot all the issues

Fact Gathering Tips

Start with open ended questions

- "What's brought you in today?"
- "What happened next?"
- "Have you spoken with them since?"

Don't use too many closed ended questions in a row

Empathize with the client

Keep the client on track

Recap the client's story with the relevant details, and ask if you're missing anything

Empathizing and Listening

Active v. Passive Listening

- Active
 - Content reflection
 - Repeat a particular fact they mentioned and ask them more about it to show you are listening to their story
 - Feelings reflection
 - Reflect the emotions they may be feeling to empathize
 - Avoid parroting
- Passive
 - Silence
 - "Mhm.."
 - Nodding

Recognizing Emotions

- Avoid having preconceived notions about how a client should feel
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Solutions and Next Steps

Explain the law in plain terms, don't try to show off legalese

Identify non-legal solutions

- If appropriate, suggest the client explore these first, especially if there doesn't seem to be a reasonable legal claim or there's an issue of cost
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Wrap-up and Housekeeping

- Discuss the engagement letter
 - What is an engagement letter?
 - Describes the relationship between the attorney and client, including the scope of work to be done and the fee arrangement
 - They are not your client until they sign the engagement letter
 - Schedule a follow up check in
 - A meeting to see where they are at regarding the engagement letter
 - Use large gathering questions before the client leaves
 - "Is there anything else you think would be important for us to know?"
 - "Before you leave is there anything that you think we should know?"
 - Creative exit
 - Use business cards
 - Visit reception to validate parking
 - Walk client out
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Post Consultation Wrap-up

Conversation between you and your partner only (remember always talking to the judges)

Identify next steps

- Questions and subjects to research
- Forms to file
- Witnesses to contact
- Do you want to take them on as a client?

Discuss red flags

- Issues you forgot to bring up
 - Missing information from the client
 - Does client seem truthful?
 - Can they pay?
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Judging Standards

Working Atmosphere

Description of the Problem

Client's Goals and
Expectations

Problem Analysis

Substantive Law

Moral and Ethical Issues

Alternative Courses of Action

Client's Informed Choice

Effective Conclusion

Teamwork

Post-Interview Reflection

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
Any other electronic communication devices
Blackboards
Whiteboards (both portable and fixtures)
Candy dishes
Photos
Plants
Tablets
