

COURSE SYLLABUS

LAW 7312
PRACTICE FOUNDATION I: INTERVIEWING AND COUNSELING
UNT Dallas College of Law
Spring 2021

Tuesdays: 4:00-5:00 Room(s) TBA & Zoom
Thursdays: 4:00 – 6:00 (all via Zoom)

COURSE PROFESSOR

Prof. Laura A. Frase
Office location: Room 411
Office Hours: M/W/F 1:00 - 3:00 via Zoom or by appointment
Zoom link: <https://untdallas.zoom.us/j/81513530358>
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ADMINISTRATIVE SUPPORT:

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COURSE PREREQUISITES: There are no prerequisites for this course.

CREDIT HOURS: Three

COURSE DESCRIPTION

Welcome to LAW 7312 - Practice Foundation I: Interviewing and Counseling. This course provides a foundation for the essential lawyering skills of interviewing and counseling, including principles and concepts relating to these essential skills, emphasizing simulation and practice exercises. Both litigation and transactional contexts and scenarios will be covered.

It is all too easy to believe that, because we have worked with people, talked with people and had a variety of types of relationships in our lives, interacting with clients will come naturally. Developing client relationships is an intentioned practice that requires skills and preparation. It is our duty to our clients to build a relationship that encourages them to share confidences, to trust our opinions, and respect our advice.

Historically, the single largest source of client malpractice and disciplinary complaints revolves around communication. Clients are also focused upon our interpersonal skills and behaviors. They demand and are entitled to our commitment and respect, both in word and manner. Most importantly, often today's clients seek an empathetic and caring counselor. This course will introduce you to those components of client representation.

This course is challenging. Those who succeed are those who read the assigned materials and practice the skills. We will delve into communication, social science, psychology and some

neuroscience. Ideally, you will augment or even change the way you think about and communicate with your future clients. It is also the first law school course in which you will engage in regular simulations intended to reproduce real-life situations in practicing law. Here, you will learn skills you will use throughout your career, no matter your chosen field. Few law schools offer this sort of course. I hope you will take full advantage of this unique opportunity.

I am of the philosophy that there is no such thing as a dumb question. In fact, a portion of the learning is dedicated to asking questions and curiosity. Bring them on. If there is a subject you wish to delve in deeper, let me know and I will do my best to accommodate. I also hope you will have some fun with this class.

LEARNING OUTCOMES

- Garner an understanding of legal and non-legal counseling options available to clients in real-life scenarios;
- Understand your role in the development of the attorney client relationship and be able to recognize points at which you can influence and impact the development of that relationship;
- Understand the importance of the ethical obligations that attorneys owe to our clients, especially the disciplinary rules that relate to counseling and keeping clients informed;
- Understand the importance of non-verbal, verbal and written communication, in developing and maintaining the attorney client relationship;
- Understand and be able to use a variety of approaches and tools in interviewing and counseling clients that enhance effective communication;
- Employ good listening and questioning skills with the goal of promoting conversations;
- Understand the dynamics of interviewing and gathering information from clients, especially the impact of psychological influences in client communication;
- Write and speak within the attorney-client relationship to serve the needs, perspectives, and goals of diverse clients;
- Develop an appreciation for and encourage the habit of self-assessment and reflection;
- Develop and facilitate critical thinking and complex problem-solving skills in a methodical way to produce lasting solutions.

COURSE DESIGN

To achieve these goals, the course is specifically designed to focus on client relationships, communication, interviewing and counseling. Generally, the Tuesday classes will discuss the phases and components of client interviewing and counseling that will be the subject of the Thursday small group sessions. While some of the Tuesday classes will be in lecture format, class participation and an exchange of ideas is vital. We all learn best when we learn from each other.

Short lectures introducing various client counseling concepts will be pre-recorded. It is intended that these recorded lectures augment our discussions and not replace class time. You are responsible for reviewing those lectures prior to class in which these concepts will be discussed. You may also have quizzes or pre-class assignments required to be completed before class that will help facilitate discussions.

Thursday Group Simulations. In the Thursday small group sessions, you will conduct simulated interviews in the role of both attorney and client. Regardless of the role, you must be fully prepared and actively participate in the exercises. The purpose of these simulations is to give you, in your role of attorney, an opportunity to experiment with various styles and approaches and hone your skills in interviewing and counseling another. These skills are often a new way of thinking and communicating for students. You may be nervous. You may mess up. And that is the point of these exercises. These simulations are a safe place to struggle, practice and ultimately succeed. Only by stepping out of your comfort zone will you truly flourish in interviewing and counseling.

In your role as client, you should present a realistic portrayal of the client role you are assigned so your fellow classmates are challenged and able to practice the requisite skills. By stepping into the role of client, you may also experience the daunting experience of coming to another, who is often a stranger, and ask for help and advice. While “Oscar-caliber” portrayals are not expected, going easy on your class-mates means they have less opportunity to absorb the learning. Challenge your classmates and give them a chance to enhance their skills.

These opportunities to learn should also be extended between classes. You should practice between simulations to truly see and experience improvement. Practice with each other in your study groups. Practice with your friends and family. You may be surprised that, even during these COVID times, there are many opportunities to get better. As you will hear me repeat, the neurons that fire together wire together.

Some of the finest attorneys and judges in Dallas will work with you as Adjunct Professors. During these simulations, you will be assessed on your demonstrated skills and will receive contemporaneous feedback from them. They are there to guide and mentor you through this process. Also, they will grade you on your successful demonstration of the skills learned. Take this opportunity to learn from the best, and develop a network for your future practices.

Periodically during the stimulations, students may be selected to engage in an extended interview. Those selected students will be informed several days before the class. The goal is that each one of you has the opportunity to conduct a longer interview, similar to the interviews practicing attorneys conduct. This also means that each student will work in the role of client at least once during the term in an extended interview format.

The simulations will be observed by your classmates. Because we always benefit from feedback from others' observations of our efforts, students must participate in oral feedback of your classmates.

There are a number of videos posted in Canvas that are examples of interviewing skills. For other examples, you may want to google Client Counseling videos which are typically recordings of the final rounds of various Client Counseling competitions. Take note, these videos may be student competitions so not all you will see are exemplary examples of client counseling skills.

Assignments. Periodically, you will review your notes, the recordings of your session and

feedback and write about your experience. It is important that you be objective, truthful, and candid in those assessments. My grading will focus on what you have learned, the relationship of that learning to you personally, how the learning applies outside of class and what you can do to improve. A rubric is posted. The purpose of these self-assessment/reflective papers is to encourage regular analysis of your efforts and learning that is unique to you.

You will also write a letter to the client and/or a memo to the file relevant to a simulation. These writing assignments are geared to instill:

1. Good habits in documenting client conversations;
2. Good writing skills;
3. An appreciation for how others will rely upon this documentation; and
4. An understanding of the ethical consequences of documenting client conversations.

All assignments are published on Canvas along with all of the deadlines. I strongly encourage you to record the due dates of all assignments now on your calendar, along with reminders. Please carefully review my Course Policies on assignments, including any that are late. **Assisting or suggesting ideas or subject matter to another classmate(s) upon which to write constitutes cheating and, therefore, a violation of the Honor Code. It is vital that you do your own work.**

PARTICIPATION AND ATTENDANCE LIVE OR VIA ZOOM

Classes will be delivered simultaneously live in class rooms and on line via Zoom. These links are available in Canvas under the new Zoom tab.

To connect to the Live Class sessions on Tuesdays, please use the following link:
<https://untdallas.zoom.us/j/84587289969>

To connect to the Live Class sessions on Thursdays Jan. 21st and Jan. 28th please use the following links: <https://untdallas.zoom.us/j/85022873427>

Zoom Interview Simulations. You will receive a Zoom invitations to register for the Zoom simulation sessions. You must register to participate. Once you register, you will receive a link to the Thursday Zoom simulation sessions. The link is unique to you and you will use the same link to join each Thursday simulation class, unless I instruct otherwise. It is therefore important that you keep up with your individual links. You must log into the simulation session using the same email address you used to register. The individual links for the Thursday simulation sessions are provided by LET personnel. If you have any difficulty with the link, please contact LET.

Class Participation. All students are to fully participate and engage in class. This means you cannot conduct any other activity not related to class while in class. I will devote my full energy and attention to you and the learning and I expect each of you to do likewise. Please see the Course Policies.

For those engaging in class via Zoom, you are required to turn on your video during the sessions and attend the entire class. Failure to do either may mean that you are marked absent. Zoom records your attendance time and I will confirm during class that you are visible on camera. Roll will also

be taken of those attending in the classrooms. You are welcome to create whatever background you would like as long as it is not distracting to me or other students and does not violate UNT Dallas College of Law or UNT Dallas policies. You will also have your video turned on during all group simulations, even if you are not actively conducting an interview. If personal circumstances require you to turn off your video, you must contact me to seek permission to do so before class.

The Zoom Chat function will be enabled for all classes. It is a great way to ask questions and for us to have some fun. Use of the private chat option during class is strongly discouraged. **Recall that all comments in the chat box are recorded (including private chats) while the Zoom session is recording.** Unless I say otherwise, conversations with anyone, including fellow classmates, using other media (text, Instagram, etc.) during class or the simulations are prohibited.

All classes will be recorded. During the small group simulations, I will ask one student in each small group to record that session. It is that student's responsibility to make sure the recording is uploaded to Canvas in the correct folder for viewing by your team mates.

REQUIRED TEXTBOOKS

Binder, D., Bergman, P., Tremblay, P., Weinstein, I., *LAWYERS AS COUNSELORS*, 4th edition, West Publishing, 2019 (referred to as *Lawyers*). Please make sure you buy the most current edition with the brownish cover.

Sternlight, Jean R. & Robbennolt, Jennifer, *Good Lawyers Should be Good Psychologists: Insights for Interviewing and Counseling Clients*, 23 OHIO STATE J. DISP. RESOL. 437-548 (2008) (referred to as *Sternlight*). Portions of this extensive article are assigned throughout the term. The complete article is available on Canvas.

Additional reading materials will be uploaded in the modules in Canvas. It is your responsibility to regularly check for updates as the term progresses.

HONOR CODE

By enrolling at the UNT Dallas College of Law, all students accept and agree to abide by the College of Law Honor Code. The Honor Code requires that students behave with academic integrity. This requirement of academic integrity means that a student shall not cheat, plagiarize, or falsify in any academic matter. The Honor Code also requires all students to report any violations they see others commit. For my class, the Honor Code also specifically applies to all simulations and interviewing exercises. Unless instructed otherwise by me, you cannot discuss these roles with fellow classmates or those who have previously taken this course. Any effort made to acquire information about a fact pattern (such as searching for it on line or acquiring the roles from other sources independent of this class) or sharing information in the roles with others is a violation of the Honor Code. The full Honor Code is available in the COL Student Handbook and on the COL website. For more information, please see the Course Policies.

COURSE POLICIES

Please see Course Policies for the full statement of Academic Performance Expectations, Disability Policies and other vital information. You are to be familiar with the academic performance expectations and these course policies and to conduct yourselves accordingly. **You are required to read and acknowledge the Course Policies as one of your assignments.**

GRADING

Only your Midterm paper and Final exam/paper are graded anonymously. Effort will be made to grade your Canvas Submissions anonymously but cannot be guaranteed.

Students are expected to come to class fully prepared to discuss all readings and participate actively in class sessions. If you should come to class unprepared, it is in my discretion to mark you absent from class for being unprepared.

Your grade in this course will be based on the following:

Quizzes and assignments other than graded reflective self-evaluations	5%
Periodic reflective self-evaluations	20%
Weekly simulations, periodically graded	40 %
Midterm Examination	15%
Final Examination	20%

This allocation of percentages may be changed dependent upon the inclusion of additional assignments or for other reasons. Grades will be impacted by unexcused tardiness/absence or turning in work late. Deadlines and timeliness are integral to the practice of law. Start acquiring those good habits now. See Course Policies for further important information.

Adjunct Professor Grading. The simulations in this course are graded by Adjunct Professors. Many of your Adjunct Professors have extensive experience practicing law in a variety of practice areas. They have earned and deserve the same respect you show your full time professors. Each Adjunct Professor is responsible for and has sole discretion on grading your simulation efforts. If you have any concerns about any grades or feedback you receive from any Adjunct Professor, you must discuss the issue with that Professor first. I will not change any Adjunct Professor's grades unless there are extraordinary circumstances involved.

Below is my grade scale:

Score	Grade
97.00-100%	A+
93-96.99%	A

90-92.99%	A-
87-89.99%	B+
83-86.99%	B
80-82.99%	B-
77-79.99%	C+
73-76.99%%	C
70-72.99%	C-
60-69.99%	D
0.00-59.99%	F

COURSE COVERAGE

Throughout the term, we will be breaking down the interview and counseling processes into distinct elements. This syllabus is an approximation of what we will cover and when. It may be supplemented and is subject to change as we progress through the semester. I will announce any updates during class meetings or via Canvas. The expectations, descriptions, and due dates for assignments are posted to Canvas. Most of your submissions should likewise be uploaded to Canvas. It is your responsibility to read and understand the additional materials in Canvas. Materials may be added during the term. Please regularly check to make sure you are up to date on the postings.

Date	Activity	Assignment
Class 1 Jan. 19	What it means to be a lawyer	COMPLETE BEFORE 1st CLASS <i>Lawyers</i> Ch. 1-2 <i>Sternlight</i> 437-465 Materials on Canvas
Class 2 Jan. 21	Communication Basics – Curiosity, Empathy, Body Language, and Vocal Tone	Materials on Canvas <i>Sternlight</i> , 473-490
Class 3 Jan. 26	Client Confidentiality and Ethics related to Interviewing and Counseling	Materials on Canvas
Class 4 Jan. 28	Listening and Silence Introduction of Adjunct Professors	<i>Lawyers</i> , Ch. 3 <i>Sternlight</i> , 491-495, 507-513 Materials on Canvas
Class 5 Feb. 2	Beginning the Interview Description of Interview Process	<i>Lawyers</i> , Ch. 5 <i>Sternlight</i> , 538-548 Materials on Canvas
Feb. 4.	Simulation #1	
Class 6 Feb. 9	Asking Powerful Questions	<i>Lawyers</i> , Ch. 4 Materials on Canvas
Feb. 11	Simulation #2	
Class 7 Feb. 16	Time line and Theory Development Questioning	<i>Lawyers</i> , Ch. 6-7 <i>Sternlight</i> , 495-507 Materials on Canvas

Date	Activity	Assignment
Feb. 18	Simulation #3	
Class 8 Feb. 23	Responding to Challenging Circumstances & Writing Memos Memorializing Interviews	<i>Lawyers</i> , Ch. 8 Materials on Canvas
Feb. 25	Simulation #4	
Class 9 Mar. 2	Getting Hired, Explaining Legal Terminology and Concluding the Initial Interview	<i>Lawyers</i> Ch. 9 Materials on Canvas
Mar. 4	Simulation # 5	
Mar. 8	MIDTERM WEEK – No Classes	
Class 10 Mar. 16	Beginning Counseling	<i>Lawyers</i> , Ch. 12-14 <i>Sternlight</i> 513-538 Materials on Canvas
Mar. 18	Simulation # 6	
Class 11 Mar. 23	Interviewing and Counseling Strategies for Transactional Clients & Drafting Letters to the Client	<i>Lawyers</i> , Ch. 10, 16-18 Materials on Canvas
Mar. 25	Simulation # 7	
Class 12 Mar. 30	Interviewing and Counseling Strategies for Criminal Defense Clients	<i>Lawyers</i> , Ch. 11 & 19 Materials on Canvas
April 1	Simulation #8	
Class 13 April 6	Conveying Bad News and the Art of Apologies	Materials on Canvas
April 8	Simulation #9	
Class 14 April 13	Decision-Making Skills and Traps/ Cognitive Heuristics	<i>Lawyers</i> , Ch. 15 <i>Sternlight</i> 465-473 Materials on Canvas
April 15	Simulation #10	
Class 15 April 20	Interviewing Witnesses	Materials on Canvas
April 22	Simulation #11	
Class 16 April 27	Summary and Final Thoughts	Materials on Canvas
April 29	Simulation #12	
May 4th	READING DAYS/MAKEUP INTERVIEWS	
TBD	FINAL EXAM	

COMMUNICATIONS

You are welcome to meet with me at any time, even outside of my normal office hours. I do not believe I will be regularly found in the building or in my physical office. To ensure we have sufficient time to talk, please make an appointment, if possible. Given the issues with COVID-19 this term, any person to person meetings with me will be conducted in private conference rooms rather than my office. I also have regular Zoom office hours as indicated on page one. Out of an abundance of caution, if you want to meet with me during Zoom office hours, please email me ahead of time so I leave space available for you. Email is the best way to contact me for an appointment. Any email correspondence should include the class name in the subject line. Further,

telling me about an issues before or after class will mean your concerns are not memorialized. You should not rely on my memory concerning your issues. Please also do not rely only on office voice mail.

You are also welcome to contact me via email with any issues and concerns. Though this should be rare, if you have not received an answer from me via email in 24 hours during the week, please email me again. I do not, however, regularly check other programs that may have an email or message interface. For example, I do not check Canvas for messages, so please email me directly.

I also regularly communicate with the class via Canvas Announcement. Please thoroughly review any announcement I circulate. A lot of your questions about assignments and simulations will be answered there.

I look forward to working with you in PF I.