

**The Attorney Client Relationship**

OSPD 2018 Southern Region  
Parent Representation Seminar  
April 26, 2018

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**The Attorney Client Relationship**

- ▶ Why is it important to develop an effective relationship with your client in a parent defense case?
- ▶ Exercise: The Seven Whys

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### How Do Attorneys Develop Effective Relationships With Their Clients?

- › We communicate clearly and regularly with our clients
- › We are competent
- › We understand our role
- › We advocate for our clients
- › We show loyalty to our clients

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### Barriers in a Parent Defense Case

- › Our clients' circumstances
- › The biases of the system
- › The inequities of the system
- › How our clients' perceive us
- › Our biases

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### Pre-Interview Preparation

- › Review information and documents
- › Do research as necessary
- › Prepare outline for interview
- Consider your client
  - - age, cultural background, language barriers, small children, trauma victim, capacity, need for support during the interview
- Prepare the environment - location/time
- Gather your tools
  - - intake form, retainer, releases, interview outline, etc.

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### Client-Centered Interviewing

- ▶ Why is it important?
- ▶ What do we mean by client-centered interview?
- ▶ Who knows the most about the client's problem? And the client's desired solution?

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### Client-Centered Interviewing

- ▶ Legal ethics require that you pursue the client's goals and resolve them in a way that is acceptable to the client.
- ▶ What do you need to do that?
  1. Client must be able to articulate their goals.
  2. You must be able to discuss with the client acceptable solutions.
  3. You need to understand the client.

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### Good Communication = Useful Interview

- ▶ Quickly assess your client
- ▶ Develop rapport and trust
- ▶ Understand impact of trauma
- ▶ Understand cultural background
- ▶ Develop empathic understanding
  - Clients who feel that they have been heard, understood and not judged are more motivated to participate

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### Setting the Rules

1. Confidentiality
2. Truthfulness
3. Okay to say "I don't know"
4. Try to give complete information
5. Okay to ask reason for a question
6. Okay if difficult to talk about
7. Okay to come back to it later
8. Correct me if I get something wrong

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### Developing Trust During Interviews

- › Understand the dynamics, especially in the beginning
- › Diffuse some tension
- › Be a safe place
- › Calm client's fears
- › Avoid the DMV interview
- › Learn client's strengths

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### Content Essentials

- › What your job is and what the client's is
- › Confidentiality/Privilege and exceptions
- › Contact information and methods
- › The client's version of the incident/issue.
- › Immediate goals. What will happen next.
- › Give the client some control over the process rather than a feeling that outcomes are preordained.
- › Next steps/meeting

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### What to Avoid

- › Assuming you know what the client wants
- › Going too fast
- › Not giving the client time to fully respond
- › Trying to get too much done at one time
- › Coming across as blaming
- › Providing, as opposed to, eliciting solutions

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### Adults vary in:

- › Cognitive Ability
- › Language
- › Memory
- › Attention Spans
- › Social Skills
- › Emotional Maturity
- › Mental Health

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### Cultural Issues Can Impact

- › Interaction with you
- › View of situation
- › Self-definition
- › Problem definition
- › Viable solutions

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## Memory

- › Sensitive to passage of time.
- › Participation in an event generally leads to better recall.
- › Memory for the gist of events is more enduring than memory for details.
- › Memory for stressful events is stronger than memory for non-stressful events
- › Stress may impair memory

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## Identifying Content and Feelings

- › Content - data that determines a client's legal rights or is relevant to the proposed transaction
- › Feelings - the labels clients use to describe their emotional reactions to events or to contemplated transactions

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## Obstacles

- › Client related obstacles - your reactions to the client; judgments about client's values or behavior
- › Time related obstacles - focusing on how much time and effort the matter will require

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### 10 Questioning Techniques

- › Encourage the client to reconstruct mentally
- › Ask client to start at beginning and tell what happened to the end
- › Encourage client to tell everything they can recall.
- › Have client draw a time line, pictures or a flow chart.
- › Use simple language – avoid legalese.
- › Use T-funnel questioning
- › Encourage client to use nouns, not pronouns.
- › Pay attention to non-verbal clues. Help client to remember using remembering clues.
- › “Do you recall if it was cold that day?”
- › “Was your wife with you on that Monday appointment or was she at work?”
- › Review and summarize periodically throughout the interview.

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### Interviewing Techniques

- Essential Lawyering Skills by Krieger and Neumann
- 1) brief opening part [rapport building];
  - 2) information gathering part: open ended narration, probing stage (specific follow up questions), review stage (tell the story in your own words;
  - 3) goal identification part;
  - 4) preliminary strategy part in which you might discuss some possible strategies and theories in support of the client's position; and
  - 5) closing phase in which you talk about what will happen after the interview; next steps.

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### Developing Trust During Court

- › Be professional
- › Show your expertise
- › Advocate for your client
  - Services
  - Visitation
- › Stand with your client

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### Developing Trust Out of Court

- › Maintain contact
- › Conduct discovery
- › Advocate with the agency
- › Service Providers

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### Marian Wright Edelman:

- › You're not obligated to win. You're obligated to keep trying to do the best you can every day.

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### Exercise

- › Groups
- › Rooms
- › Handouts

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