

Simulated Client Assessment Criteria

1. The greeting and introduction by the student lawyer were appropriate

This item is designed to assess the degree to which the lawyer can set you at ease in the first few minutes of the interview. There should be an appropriate attempt to make conversation with you, set you at ease, and then a smooth movement to the matter in hand.

1	2	3	4	5
No attempt to meet & greet you; plunges straight into matter. Inappropriate remarks made.	Brusque introduction, then straight to matter. Does not seem really interested in you. Little or limited recognition of client situation.	Friendly greeting and recognition of client situation.	Included appropriate small talk in greeting; greeting was appropriate in tone and manner to client's situation. Good transition to client's narrative.	Fluent and confident greeting; very effective use of small talk in context; made you feel at home from the start. Very smooth transition to client narrative. Instant rapport established.

2. I felt the student lawyer listened to me.

This item is designed to assess the degree to which the lawyer can listen carefully to you. These criteria focus especially on the early part of the meeting when the client should be encouraged to tell their story and concerns in their own words. This entails *active* listening – where it is necessary for the interview structure or the lawyer’s understanding of your narrative. The lawyer will not interrupt, cut you off, talk over you or rush you in conversation. The lawyer reacts to your responses appropriately. The lawyer may take notes where appropriate, but if the lawyer does so, the lawyer should not lose much eye contact with you. To some extent in this item we are concerned with what the lawyer does *not* do that facilitates the interview.

1	2	3	4	5
Lawyer prevents you from talking by interrupting, cutting off, talking over, rushing you. Takes over the conversation prematurely as if the lawyer already knows all the answers.	Lawyer limits your opportunity to talk by interrupting, cutting you off, etc. You are allowed to answer specific questions but are not allowed to expand on topics.	Lawyer rarely interrupts or cuts off or rushes you. The lawyer reacts to your responses appropriately in order to allow you to tell your story. More interested in notes taken than in eye contact with you.	The lawyer is clearly listening closely to you. If the lawyer interrupts, it is only to assist you in telling the story more effectively. Lawyer provides opportunities for you to lead the discussion where appropriate. Good eye contact and non-verbal cues.	The lawyer is an excellent listener and speaks only when it is clearly helpful to your telling your story. Lawyer uses silence and other non-verbal facilitators to give you an opportunity to expand. Excellent eye contact and non-verbal cues.

3. The student lawyer approach to questioning was helpful

This item is designed to assess the degree to which the lawyer can use both open and closed questions to elicit information from you. Effective questions often incorporate what the client has previously said and “frame” the question with a brief explanation of why the question is being asked. The use of such questions should vary according to topic, stage in the interview and many other interpersonal factors, and the lawyer should show awareness of when it is appropriate to use one approach rather than another. These criteria are also designed to assess the degree to which the lawyer can identify which facts are germane to the legal scenario and your interests, and which you do not have. You may of course have these facts, but in the course of the interview the facts do not become apparent, either because you have forgotten to mention them, or because the lawyer did not pursue the matter sufficiently during the interview.

1	2	3	4	5
Lawyer ignores your cues or misses obvious facts that require questioning; lawyer uses closed questions where open would be better, or <i>vice versa</i> . No attempt by lawyer to identify relevant facts required; no attempt to pursue in questions; no statement to you about the need for further information	Lawyer uses questions rather aimlessly; does not seem to know what he or she is looking for. Does not preview sets of closed questions. Overuses closed questions. Some attempt by lawyer to identify relevant facts; no attempt to pursue in questions; no statement to you about the need for further information	Lawyer can question systematically. Effective follow up questions enable the lawyer to identify the basic relevant facts in your narrative.	Lawyer identifies most of the relevant facts; pursues further facts required, in questions; informs you about the need for further specific information. Lawyer can appreciate when to use open & closed questions; can question systematically and extensively; can pursue facts and legally relevant information. Good use of follow-up questions for clarification in logical sequence.	Excellent use of a wide variety of questions. Questions fluently embedded in the interview. Confident use of questioning to create a sense of a narrative building within the interview; gives you confidence in his/her ability to obtain and use information. All relevant facts required are identified by the lawyer; thorough questioning to determine extent of information required.

4. The student lawyer accurately summarised my situation

This item is designed to assess the degree to which the lawyer communicates with the client to confirm his or her understanding of the client's narrative. This can be demonstrated by mini-summaries in which the lawyer feeds back an understanding of parts of the client's narrative to the client. It can also take the shape of a larger summary towards the end of the interview. It should include acknowledgement of the concerns raised by the client, whatever form these concerns may take.

1	2	3	4	5
No confirmation of client narrative and issues. Lawyer insensitive to or dismissive of client concerns	Attempted summary of client narrative, but awkwardly presented (facts only) and incomplete. No or very little communication over client concerns.	Summary of client narrative captures most important elements of client's story and clearly identifies main concern(s).	Very good summary. Lawyer checks accuracy and completeness with client and supplements summary if need be. Lawyer shows clear sensitivity regarding client's concerns.	Excellent summary of client narrative. Links to future action. Lawyer takes account of client's emotions, concerns, wishes, etc in the narrative, and shows the client he or she is taking account of this in the summary.

5. I understood what the student lawyer was saying

This item is designed to assess the degree to which the lawyer is able to communicate in a clear and helpful way, including avoiding the use of legal jargon. The key criterion here of course is the level of your understanding as the client. What can be jargon to a client is perfectly acceptable use to another lawyer; and what is jargon to one client may be understandable to another client.

1	2	3	4	5
Lawyer uses jargon repeatedly, and takes no account of your level of understanding. When you ask for explanations, he or she makes no attempt to respond, or alter jargon used. Rambling, confusing explanations.	Lawyer uses some jargon and has to explain to you what this means, generally not doing this well. When you ask for explanations he or she gives poor or disjointed or ambiguous explanations, and does not alter use of jargon in the rest of the interview.	Lawyer either only uses plain language that you understand or if uses terms that have special legal meaning, lawyer explains that meaning to you.	Lawyer is very effective in explaining necessary legal concepts and terms to you in ways you can understand and remember. The lawyer checks to make sure you understand.	Explanations are clear, simple, elegant. If the lawyer uses a special legal term, you understand why the lawyer is doing so and fully understand what the lawyer is saying. The lawyer makes sure you understand.

6. I felt comfortable with the student lawyer

This item is designed to assess the degree to which the lawyer can connect at many levels with you so that you feel comfortable telling the lawyer everything important, even on uncomfortable topics. The lawyer should seem interested in you as a person and not treat you as a routine task or problem to be solved. Key aspects to look for: attentive, polite, comfortable, pleasant, interested, connection.

1	2	3	4	5
Lawyer was bored, uninterested, rude, unpleasant, cold, or obviously insincere. Used inappropriate remarks. No empathy.	Lawyer was mechanical, distracted, nervous, or lacking in empathy. Slightly distant and unsympathetic. Little empathy.	Lawyer was courteous to you and encouraged you to confide in him or her. You felt reasonably comfortable with the lawyer.	Lawyer was very attentive to and interested in you. You felt confident to confide in him/her. Good empathy between you.	Lawyer showed a genuine and sincere interest in you. There was a real sense of empathy and connection between you and the lawyer.

7. I would feel confident with the student lawyer dealing with my situation

This item is designed to assess the degree to which the lawyer can gain the client's confidence in his or her ability to handle the client's case. Signs include attempts to gain client confidence, structuring the legal matter, sensitivity to client issues, allowing the client space to talk and explain while maintaining a structure to the interview, and making the client feel as secure as possible in the world of legal matters.

1	2	3	4	5
No confidence that lawyer will help you. Lawyer is insensitive to client issues; or lawyer dominates interview and client; no apparent structure to meeting. A lack of certainty and direction from the lawyer.	Not sure that lawyer will help you. Lawyer is distant or domineering, but some attempt to be sensitive to client concerns. Or little attempt to structure the interview. Not sure where the lawyer is going with questions.	There is some structure to the interview. The lawyer understands what is most important to you and you feel fairly confident that the lawyer will be able to help you.	Feel very secure in the lawyer's ability to help you. Good structure, manner is helpful and lawyer is sensitive to client issues. Transitions clear and lawyer attempts to reassure client where necessary, and tries to structure the legal matter.	Feel totally secure in lawyer's ability to help you. Excellent manner, with good transitions, well-structured interview. Lawyer actively provides focus and direction, but no domineering attitude; pleasant and confident.

8. If I had a new legal problem I would come back to this student lawyer

It is possible that a lawyer could do quite well on most of the above items, but one or more critical problems would make you feel like you would not use this lawyer again. Likewise a lawyer might have lower scores on some of the above items, but overall does the kind of job that would make you want to use them again. This item is designed to capture this “hard to measure” but all-important aspect of effective interviewing but it is not intended to be a cumulative “grade” for the interview.

1	2	3	4	5
No, you are not happy with this choice of lawyer and you will not be returning to this lawyer	You might return	You would seriously consider returning to this lawyer	You would return to this lawyer	You would definitely return to this lawyer.