
**INTERVIEWING AND ADVISING
STUDY UNIT 1
STUDENT INSTRUCTIONS**

Student Instructions

1 Introduction

This Study Unit:

- is the first of two Study Units in the skill of Interviewing and Advising
- is concerned with welcoming, parting, questioning and reflective skills
- consists of preparatory work, a face to face workshop featuring a number of short interview practices and reflection afterwards

2 Teaching Aims

In this Study Unit we will:

- Introduce the skill of Interviewing and Advising on the Legal Practice Course
- Consider common problems facing solicitors when interviewing clients
- Consider how to welcome, part with, and question clients
- Consider how to structure an attendance note

3 Learning Outcomes

When you have completed this Study Unit you will be able to:

- Establish a suitable rapport with a client
- Structure and close an interview properly
- Elicit a client's goals
- Use questioning techniques to take instructions
- Summarise a client's instructions
- Write a concise, accurate and effective attendance note

4 Scenario

The focus of this study unit is on interviewing a client rather than interviewing *and* advising. You will, however, have an opportunity to research the law and to write an attendance note after the workshop. The skill of advising will be developed as the Legal Practice Course progresses.

The workshop interviews are based upon a dispute between a client and his/her neighbour. You will be expected to play the role of the client, a trainee solicitor and an observer. You will observe and practise opening and closing an interview, questioning a client and summarising the client's instructions.

It is essential that you are properly prepared for the workshop so that you get the most out of it for yourself and do not let your colleagues down. You will need to be able to change roles quickly and give feedback to your colleagues.

You will also need to keep a note of all the feedback you receive during the workshop so that you can reflect on your performance after the workshop and decide what you need to concentrate on in your next Interviewing and Advising practice to improve your technique.

5 Preparation for the workshop

By way of preparation you should:

- Read Document 1 – The Core Skill of Interviewing and Advising
- Read Chapter 2 (Interviewing and Advising) of the Lawyers' Skills manual then read Document 2
- Read Document 3 – WASP structure of an interview
- Prepare answers to the questions in Document 4 and be prepared to discuss them in class
- Read Document 5 to familiarise yourself with the outline scenario and how to research and prepare your "story" as a client
- Bring these Student Instructions, your Document Bundle and your Lawyers' Skills manual to the workshop

Workshop timetable:

6 Introduction

Your tutor will spend approximately 10 minutes introducing the workshop.

7 Workshop activity 1: review of preparatory work

In the first 30 minutes of the workshop we will discuss your preparatory work and any difficulties that you encountered.

8 Workshop activity 2: welcoming the client

8.1 Time for completion of this task

10 minutes including feedback

8.2 Method of working

In pairs, you will take turns at playing a client and a trainee solicitor.

Trainee solicitors: you will have 2 minutes to welcome your new client and introduce yourself.

Clients: after the role-play, please give specific, clear and concise feedback to your trainee solicitor.

Trainee solicitors: please make a note of the feedback you receive so that you can reflect on your performance after your workshop.

9 Workshop activity 3: explaining funding and the structure of the interview

9.1 Time for completion of this task

20 minutes including feedback

9.2 Method of Working

In pairs, you will play the role of a client and a trainee solicitor.

Trainee solicitors: you will have 5 minutes to explain your firm's funding policy and the structure of the interview to your client.

Clients: after the role-play, please give specific, clear and concise feedback to your trainee solicitor.

Trainee solicitors: please make a note of the feedback you receive so that you can reflect on your performance after your workshop.

10 Workshop activity 4: questioning a client and summarising

10.1 Time for completion of this task

60 minutes including feedback

10.2 Method of Working

In groups of four: each student to play the role of a client, a trainee solicitor and an observer.

Trainee solicitors: you will have 10 minutes in which to question your client on a problem he/she is experiencing with his/her neighbours and to summarise his/her instructions. Please feel free to take brief notes as they will help you when writing an attendance note on the interview after the workshop.

Clients: please explain your problem and answer your trainee solicitor's questions fairly, making your trainee solicitor work a little but without withholding information unreasonably. When your trainee solicitor summarises your instructions, say whether the summary is accurate and complete or if your trainee solicitor has missed anything.

Observers: please make a note of the questions and the style of the questions used by the trainee solicitor in the role-plays you observed. Please also check whether his/her summary is accurate and complete and, if not, in what respects it was deficient. After the role-play, please give specific, clear and concise feedback to the trainee solicitor.

Trainee solicitors: after the role-play, please make a note of the feedback you receive so that you can reflect on your performance after your workshop.

11 Workshop activity 5: parting with your client

11.1 Time for completion of this task

15 minutes including feedback

11.2 Method of Working

In pairs, you will play the role of a client and a trainee solicitor.

Trainee solicitors: you will have 3 minutes in which to part with your client.

Clients: please give specific, clear and concise feedback to your trainee solicitor.

Trainee solicitors: please make a note of the feedback you receive so that you can reflect on your performance after your workshop.

12 Tutor recap

Your tutor will spend approximately 5 minutes recapping on the activities you have performed and the learning you should have acquired.

13 Review and consolidation

After the workshop, please complete the following tasks:

13.1 Review the feedback provided by your peers during your interview practices and complete the remainder of the feedback sheet (Document 7).

13.2 Write an attendance note of the main interview you carried out as Workshop Activity 4. To do this properly, you will need to research the law and the advice that you should give to your client. Compare the structure and level of detail of your finished attendance note with the example attendance note on Blackboard.

INTERVIEWING AND ADVISING
STUDY UNIT 1
DOCUMENT BUNDLE

This student instructions/document bundle contains:

DOCUMENT 1	3
The Core Skill of Interviewing and Advising	3
DOCUMENT 2	5
Pre-reading.....	5
DOCUMENT 3.....	7
WASP structure of an interview	7
DOCUMENT 4.....	9
Preparatory questions.....	9
DOCUMENT 5.....	11
Outline scenario and research	11
DOCUMENT 6.....	13
Memorandum for scenario	13
DOCUMENT 7.....	15
Feedback document	15

DOCUMENT 1

The Core Skill of Interviewing and Advising

1 Introduction

The ability to settle a client or witness, to elicit information and your client's objectives and to give accurate advice is central to your role as a solicitor. There is much to be gained from reading about this skill. However, interviewing and advising is a skill that requires practice and you will have numerous opportunities to practise Interviewing and Advising on the LPC.

2 What are the Learning Outcomes for the core skill of Interviewing and Advising on the LPC?

By the time you finish the LPC you should be able to demonstrate an understanding of the principles and techniques of the skill of interviewing and advising in accordance with the Solicitors Regulation Authority's LPC Outcomes for Interviewing and Advising. The Outcomes are:

Element 1: Interviewing

You should:

- Be able to choose an appropriate way to obtain relevant information;
- Be able to plan, prepare for and identify the objectives of an interview;
- Understand how to conduct an effective interview that elicits the relevant information, allows the client to explain any concerns, anticipates the client's questions and has clear outcomes;
- Be able to listen actively and use appropriate questioning techniques;
- Be able to establish a professional relationship;

Element 2: Advice and Follow Up

You should be able to:

- Advise the client taking into account the client's objectives, priorities and constraints and addressing all relevant factual, practical and legal issues;
- Identify possible courses of action, the legal and non-legal consequences of a course of action (including the costs, benefits and risks) and assist the client in reaching a decision;
- Identify any further decisions to be made or steps to be taken and manage the client's expectations including likely outcomes and timescales;
- Accurately record an interview, advice given orally, decisions made by the client and follow-up steps and, where appropriate, confirm instructions in each case in accordance with the outcomes for the core skill of Writing;
- Identify the circumstances in which to take instructions or seek advice from a supervising solicitor.

3 How will the skill of Interviewing and Advising be taught?

You will have 2 Units dedicated to the skill of Interviewing and Advising (I&A) and one Additional Exercise.

The first Study Unit will be an introduction to I&A and will take place early in the first term. The second Study Unit will be in the second term and will introduce you to I&A in the context of Wills and Administration of Estates (WAE). This will be followed by a practice assessment for the combined Assessment of I&A and WAE. Between the Study Units, you will undertake further I&A tasks in the Core Practice Areas. You will also have an Additional Exercise on I&A in the context of WAE in the second term.

4 Feedback/ review

As with the other core skills, I&A is a skill to be practised and in order to improve, it is very important to reflect and evaluate your performance. This may be through self-assessment, peer review or tutor feedback. We will be helping you to do this regularly and we have designed a feedback sheet which we will ask you to complete at various stages for this purpose. You will see that during each exercise and practice, we shall focus on particular learning outcomes.

5 How will the core skill of Interviewing and Advising be assessed on the LPC?

The core skill of I&A be assessed against the SRA Outcomes for Interviewing and Advising (set out above). The assessment is a combined assessment of Interviewing and Advising and Wills and Administration of Estates. The assessment will take the form of a first interview with a potential client in connection with the estate of someone who has recently died.

DOCUMENT 2

Pre-reading

After you have read Chapter 2 of the Lawyer's Skills manual, read the following:

After the interview

There are a couple of further points to add to the coverage of Interviewing and Advising in the Lawyers' Skills Manual:

After the interview you should:

- confirm any important advice in writing to the client afterwards;
- do what you said you were going to do, when you said you were going to do it!

If the matter is complex or very important decisions were taken, it may be helpful to write to the client recording what the client has instructed you to do. A summary of the scope of your instructions should always appear in the Client Care Letter that must be sent to the client at the outset in any event. This summary can be expanded, as appropriate, to record the advice given to the client and perhaps set out in a separate letter sent at the same time as the Client Care Letter. Your Client Care Letter or other correspondence from you will help to protect you if the client later says that he/she had not agreed to a particular course of action.

It is also important for your own purposes to record the outcome of the interview. If possible, dictate/ type an **attendance note** immediately afterwards. The purpose of this note is partly to ensure that somebody else could pick up the file and deal with it in your absence. The attendance note is also a reminder to you of what stage the matter has reached. There is no need to record everything said by you and your client. The note should record important information which will be required later - such as dates, addresses, summary of main facts etc - and it should record what you advised the client and what the client and you agreed to do next. Since the attendance note will be used when the file is costed, it should always record the time spent in the interview and the time spent dictating/ making the note itself.

If you have agreed to do something – for example, draft a document – by a certain day, it is a good idea to make a diary entry of this fact. This will not merely remind you of what you had agreed to do, but if someone else has to take over your work, the diary entry will indicate that something needs to be done on this particular file.

DOCUMENT 3

WASP structure of an interview

The WASP structure is a suggested method in which to structure an interview with a client.

	Empathise, Rapport	Factual, 'Legal'
Welcome	Gain confidence -small talk -put at ease -explain structure	Information -who you are -(costs) -(client care)
Acquire information	-open questions - listen sympathetically	-listen critically -closed questions - (recap)
Supply advice	-be clear -be structured and organised	
Part	-reassure -ring anytime etc -will write to you	-recap - confirm instructed -what (both) to do next - (costs) -(client care)

DOCUMENT 4

Preparatory questions

- 1 Identify two major goals of the interviewing process for a solicitor when meeting a client for the first time.
- 2 Identify two major goals of the interviewing process for a client when meeting a solicitor for the first time.
- 3 List up to 5 problems commonly encountered when interviewing clients
- 4 List up to two things that you should do to prepare for an interview with a new client.
- 5 What does WASP stand for?
- 6 List up to 3 things you can say and do to make your client feel welcome.
- 7 Identify two preliminary matters you should attend to during your interview.
- 8 Think of a suitable question to start an interview.
- 9 What is meant by “attending behaviour”?
- 10 Think of a probing/ closed question and a leading one.
- 11 Why should you summarise your client’s instructions from time to time?
- 12 Briefly, how should you structure your advice to your client?
- 13 Describe how you will part with your client.
- 14 “Map out” the structure of an Attendance Note

DOCUMENT 5

Outline scenario and research

- Spend up to half an hour researching neighbour disputes. You will discover that neighbours can quarrel over many issues!
- In the workshop, you will play the role of a client who is having problems with his/her neighbour. The client's contact details are set out overleaf, in Document 7. It is vital that you undertake your research into neighbour disputes thoroughly so that you can be a convincing client with a **specific problem** with your neighbour. Your neighbour may, for instance:
 - be noisy in some way during the day (perhaps as a result of being a DIY enthusiast and constantly drilling and hammering!); or
 - be noisy in some way at night, perhaps by playing loud "techno" music until the early hours; or
 - have encroached on your land in some way, resulting in a boundary dispute; or
 - be lazy and untidy in relation to their garden, meaning that their trees, hedges and plants are out of control and diminish the light, damage fences and/ or generate lots of unsightly weeds; or
 - always park their car(s) in "your space" outside your home.

Think about when you're likely to be at home and what kinds of things might interfere with your peaceful enjoyment of your home

You will also need to be able to describe your neighbour's name and address, whether he/ she works etc.

The problem should take you no less than 5 minutes but no more than 10 minutes to describe in the interview.

- You will also play the role of a trainee solicitor taking instructions and summarising those instructions. It is not necessary that you are in a position to give advice at the workshop; it is, however, important that you listen to your client and ask questions to establish the salient facts. After the workshop, you will be expected to research the law and to write an attendance note recording the interview and the advice you plan to give to your client. That advice should be relevant, helpful and practical.

DOCUMENT 6

Memorandum for scenario

To: Interviewer (Trainee Solicitor)
From: Mary Court (Supervising Principal)
Date: [Date]
Client: Mr/ Ms Kim Ashley
Matter: Neighbour dispute

My secretary has taken some details about this new client which are reproduced below.

Client

Kim Ashley
33, Boswell Close,
Brentry,
Bristol
BS11 5KJ

Full-time student

Home telephone number - 0117 964 3322

Reason for Consultation

Advice is needed in connection with a dispute with the client's neighbours.

Regulatory Issues

Mr/Ms Ashley is a new client. Identity and conflicts checks carried out - no problems revealed.

Costs

Please reassure Mr/Ms Ashley that our first interview and first letter setting out our initial advice are free. If Mr/Ms Ashley would like our firm to undertake any further work, your hourly rate as a trainee is £80 per hour plus VAT and mine, as the partner in charge, is £200 per hour plus VAT.

DOCUMENT 7

Feedback document

Interviewing and Advising Study Unit 1

Feedback and Review

Name:

Date:

The focus of this workshop is on establishing a professional rapport and relationship, listening actively and using appropriate questioning techniques.

Extract from the Outcomes for Interviewing & Advising

Element 1: Interviewing

- Be able to choose an appropriate way to obtain relevant information
- Be able to plan, prepare for and identify the objectives of an interview
- Understand how to conduct an effective interview that elicits the relevant information, allows the client to explain any concerns, anticipates the client's questions and has clear outcomes
- Be able to listen actively and use appropriate questioning techniques
- Be able to establish a professional relationship

Peer review

1 Briefly summarise the feedback you received from your peers about:

(a) your rapport –building with your client

(b) your explanation about funding the interview and work carried out in the future and your explanation about the structure of the interview

(c) your listening and questioning techniques and summary of your client's instructions

(d) parting with your client

2 Do you feel confident that you could give advice on the facts you have elicited?

3 Do you feel confident that your client will instruct you formally?

Self Appraisal

Do you agree with the feedback you were given?

With reference to the criteria overleaf, identify 3 things you did that made your interviews effective.

1.

2.

3.

Next time you interview a client, what will you do to improve your performance?