

## Table of Contents

---

PREFACE .....	III
ACKNOWLEDGMENTS.....	V

### PART 1. ATTORNEYS AND COUNSELORS— WE ARE BOTH, FOLKS!

<b>Chapter 1. A Law License Wake-Up Call .....</b>	<b>3</b>
<b>Chapter 2. Law School Curriculum—Changes Are Coming .....</b>	<b>5</b>
A. The Basic Law School Curriculum: Doctrine over Skills? .....	5
B. <i>Carnegie</i> , Employers, and Clients—Oh, My!.....	7
1. Law School Curriculum: The Medical School Model .....	8
2. Law School Curriculum: More Practice-Ready Courses .....	9
<b>Chapter 3. Problem-Solving Attorneys and Counselors .....</b>	<b>11</b>
A. The Legal Profession and Math Class?.....	11
B. A Different Type of Word Problem? .....	14
<b>Chapter 4. Multiple Hat-Wearing Problem Solvers.....</b>	<b>17</b>
A. How Many Hats Can You Wear? .....	17
B. A Word Problem with No Words?.....	18

### PART 2. JOIN THE CLUB! YOU, TOO, CAN BE AN EFFECTIVE ATTORNEY-CLIENT COUNSELOR

<b>Chapter 5. Building a Bridge to a Strong Professional Relationship with Our Clients.....</b>	<b>21</b>
A. Reminiscing—Good and Bad Conversations .....	22
B. You Are on the Right Track, Already!.....	22
<b>Chapter 6. The Importance of Communication .....</b>	<b>25</b>
A. You Don't Have to Be a Talker to Be an Effective Communicator .....	25
B. I'd Prefer to Just Sit in My Office and Not Speak to Anyone .....	26
C. The Five Pillars to the Conversation Foundation—An Introduction .....	26

**PART 3. LET'S WORK WITH THE  
CONVERSATION FOUNDATION!**

<b>Chapter 7. The First Pillar—Let the Clients Know You Are There to Help Them .....</b>	<b>31</b>
A. I Am Your Attorney. Please Don't Fear or Hate Me. ....	31
B. How Can I Help You? Here Are Some Take-Away Techniques from the Example .....	33
1. Take-Away Technique #1: The Attorney Stated That He Is There to Help the Client.....	34
2. Take-Away Technique #2: The Attorney Let the Client Know, Early on, That He Was Familiar with the Client's Situation and That He Was Beginning to Understand How the Situation Was Impacting the Client .....	34
3. Take-Away Technique #3: The Attorney Allowed the Client to Talk.....	37
 <b>Chapter 8. The Second Pillar—Let the Clients Talk.....</b>	 <b>39</b>
A. I Am Important. You Are Important. We Are All Important. ....	39
B. Dealing with Quiet Clients—Opening the Door to a Client's Story .....	40
C. Uninvited? Here Are Some Take-Away Techniques from the Example .....	45
1. Take-Away Technique #1: The Attorney Didn't Feel Compelled to Force the Client to Speak Right Away.....	45
a. Additional Tip #1: Pay Attention to the Signals the Clients Present to You!.....	48
b. Additional Tip #2: It's Not Only What You Say, but Also How You Say It! Turn the "Caps Lock" Off!.....	49
c. Additional Tip #3: It's Not Only What You Say, but Also How You Say It! Watch Your Emoji! .....	50
2. Take-Away Technique #2: The Attorney Used Open- Ended Questions to Help Encourage the Client to Tell Her Story .....	51
3. Take-Away Technique #3: The Attorney Resisted the Urge to Speak and Allowed the Client to Take the Stage.....	59

---

<b>Chapter 9. The Third Pillar—Listen!</b> .....	<b>63</b>
A. We Are Not Like <i>Charlie Brown</i> .....	63
B. Have You Stretched? It's Active Listening Time .....	64
C. Listen Up! Here Are Some Take-Away Techniques from the Example .....	70
1. Take-Away Technique #1: The Attorney Reflected Back to the Client the Content of the Client's Message .....	70
2. Take-Away Technique #2: The Attorney Reflected Back to the Client the Values and Emotions Attached to the Content of the Story.....	73
3. Take-Away Technique #3: The Attorney Used His Reflection to Help Move the Client Interview .....	75
<b>Chapter 10. The Fourth Pillar—Try to Understand the Clients' Stories</b> .....	<b>79</b>
A. Do You Understand Me? You've Got to Try to Understand the Client's Story! .....	79
B. Pity the Fool Who Does Not Show Empathy!.....	80
C. Understand This! Here Are Some Take-Away Techniques from the Example .....	86
1. Take-Away Technique #1: The Attorney Followed the Client's Narrative .....	86
2. Take-Away Technique #2: The Attorney Empathized with What the Client Is Going Through .....	91
a. Additional Tip #1: Use of "I Imagine" and "It Must Be Like" .....	95
b. Additional Tip #2: Pay Attention to the Client's Confirmation of Your Empathic Responses .....	95
<b>Chapter 11. The Fifth and Final Pillar—Take Time to Explain to the Clients, in Layman's Terms, How the Law Applies to Their Problems</b> .....	<b>97</b>
A. Speak My Language, Please!.....	97
1. Consider Outlining, in Layman's Terms, How the Client Interview Will Proceed .....	98
2. Explain the Law and How the Law Applies to the Client's Problem in a Manner That the Client Will Understand.....	104

- B. Apply and Explain Away! Here Are Some Take-Away Techniques from the Examples ..... 110
  - 1. Take-Away Technique #1: The Attorney Did Not Rush the Explanation or Application of the Law..... 110
  - 2. Take-Away Technique #2: The Attorney Spoke in Plain English..... 111
  - 3. Take-Away Technique #3: The Attorney Did Not Guarantee Any Specific Results ..... 112

#### PART 4. DESCRIPTIONS AND ILLUSTRATIONS FOR A CLIENT INTERVIEW—LET’S BREAK IT DOWN

- Chapter 12. Before the Interview: Dealing with “Administrative Items” ..... 115**

- Chapter 13. Show Your Manners! You Don’t Have to Be Best Friends to Still Greet and Welcome the Client..... 117**
  - A. Seat Your Clients to Limit Any Power Dynamic ..... 118
  - B. Greet Your Clients with Some Initial, Uncontroversial Chitchat ..... 119

- Chapter 14. Roadmap! Let the Clients Know Where You Are Going with the Interview ..... 123**
  - A. An Ode to Paper Maps—Yes, Paper Maps! ..... 123
  - B. Mapping the Client Interview..... 124
    - 1. The Roadmap Provides a Highlighted Path of the Client Interview for New or Inexperienced Clients ..... 127
    - 2. The Roadmap Provides an Outline of What to Cover During the Interview for New or Inexperienced Attorneys ..... 128

- Chapter 15. Let’s Go on a Fact-Gathering Hunt: Listening to and Understanding the Client’s Story ..... 129**
  - A. Identifying and Understanding the Relevant Facts ..... 132
    - 1. Working with Clients Who Freely Tell Their Stories ..... 132
    - 2. Working with Clients Who Don’t Freely Tell Their Stories..... 134
  - B. Identifying and Understanding the Clients’ Values and Emotions ..... 135

<b>Chapter 16. Trying to Solve That Word Problem: Using Legal Analysis to Help Solve the Client’s Problem</b> .....	<b>137</b>
A. Applying the Law or Preparing a Research Strategy to Find the Law .....	138
1. We Are Lawyers. So Let’s Find and Work with the Law!.....	138
2. It’s Legal Analysis. But, Don’t Promise Results You Can’t Deliver!.....	142
B. Discussion of Potential Solutions to the Clients’ Problems .....	143
1. It’s the Client’s Choice .....	143
2. Discussion of Possible “Legal” and “Non-Legal” Options .....	144
C. Identifying Further Steps.....	150
 <b>Chapter 17. Shutting It Down! Closure Is Good, Even in a Client Interview</b> .....	 <b>153</b>
 <b>PART 5. YOU DON’T HAVE TO BE AN EXPERIENCED THERAPIST TO PRACTICE BASIC CLIENT COUNSELING SKILLS</b>	
 <b>Chapter 18. Training as an Attorney and Counselor: An Introduction</b> .....	 <b>161</b>
A. Accept It and Embrace It. Counseling Is Part of Our Jobs.....	161
B. Varying the Level of Our “Counseliness” .....	162
 <b>Chapter 19. Be Ready, Genuine, and Present</b> .....	 <b>165</b>
A. Ready. Set. Focus! .....	165
B. Don’t Fake It! Be Genuine .....	166
C. Proactively Try to Counter Your Distractions.....	167
 <b>Chapter 20. Don’t Shut Down the Conversation from the Get-Go: Open with Open-Ended Questions</b> .....	 <b>169</b>
A. The Benefits of Open-Ended Questions.....	169
B. We Can Still Be Friends with Close-Ended Questions .....	171

<b>Chapter 21. This Is Not Physical Education, but Practice</b>	
<b>Active Listening</b> .....	<b>173</b>
A. Can You Hear Me? Active Listening Is Hard .....	173
B. More than Words: Pay Attention to Nonverbal Clues ...	174
C. Mirror Some of the Clients' Nonverbal Behavior .....	176
<b>Chapter 22. You've Listened to the Client's Story.</b>	
<b>Make Sure You Got It Right: Summarize and</b>	
<b>Reflect!</b> .....	<b>179</b>
A. Mirror, Mirror: Reflect Back the Factual Content	
of the Clients' Stories .....	180
B. Mirror, Mirror: Reflect on Any Emotional Context	
Attached to the Clients' Stories .....	181
C. Picking the Right Time to Summarize and Reflect .....	182
<b>Chapter 23. I Understand. You Don't Have to Feel Sorry</b>	
<b>for Your Clients to Empathize</b> .....	<b>187</b>
<b>Chapter 24. The Power of "I Wonder"</b> .....	<b>189</b>