# Family Law Education Reform Project

# Hofstra FLS Instructions–Attorneys (Divorce)

## OVERVIEW

This document contains a list of instructions and fact sheets for student attorneys for the client interviewing skills exercise. Please refer to other Family Law with Skills (FLS) documents to aid in this and other exercises.

## EXPLANATION AND COMMENTS

Students should use this document to prepare for this client interview, as attorneys. In a nutshell, students should be able to explain retainer and fees, actively listen to the client, and ask open-ended questions. Student lawyers should avoid counseling the client, analyzing legal issues and discussing strategy. This is strictly a client interviewing process.

## ABOUT THE AUTHOR

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Professor Schepard is the Chair of the Family Law Education Reform Project co-sponsored by Hofstra Law School and the Association of Family and Conciliation Courts. He is an attorney member of the Judicial Conference of the State of New York. Professor Schepard is also Program Director for the National Institute of Trial Advocacy's course in Modern Divorce Advocacy and has served as Program Director for NITA's Child Advocacy, Deposition and Trial Advocacy courses.

Professor DiFonzo has had a wide-ranging two decades of law practice before becoming a full-time professor, including stints as a federal prosecutor and as a litigator in the areas of family law, criminal defense, negligence, and professional malpractice. In all, he conducted over 30 jury trials and several dozen appeals. He has taught at Hofstra since 1995. From 1995-2003, he served as Director of the Criminal Justice Clinic. From 2005-2008, he served as Director of the LL.M. Program in Family Law.

The Family Law Education Reform Project is co-sponsored by the Association of Family and Conciliation Courts, Hofstra University School of Law Center for Children, Families and the Law and William Mitchell College of Law.

*Family Law with Skills*
*Hofstra University School of Law*
*Fall 2008*

**ALLEN MARITAL DISSOLUTION –**
**CLIENT INTERVIEWING EXERCISE**

**INSTRUCTIONS**
**FOR HUSBAND'S OR WIFE'S ATTORNEY**

I. PRELIMINARY MATTERS:

- Please read and be familiar with the attached fact sheet pertinent to your role as either the Husband's or the Wife's attorney. You may have the fact sheet with you during the client interview but please keep your referrals to a minimum.

- Each student attorney has been assigned to a designated room and group.

- Please report promptly and directly to your room at the start of class (noon) on Friday, September 5, 2008.

- All student-lawyers are expected to dress in business casual.

- You should have **NO PRIOR KNOWLEDGE** of the client's facts and circumstances. It will defeat the purpose of this exercise if you know what your client knows ahead of time.

- You need to prepare for this client interview. In a nutshell, you should be able to explain your retainer and fees, actively listen to the client, and ask open-ended questions. You should avoid counseling the client, analyzing legal issues and discussing strategy. This is strictly a client interviewing process, not client counseling.

- Each student-lawyer will have approximately fifteen (15) minutes to conduct part of the interview with the client/husband or wife and will receive constructive feedback from your supervisor and possibly the client, if asked.

II. SET-UP & PROCEDURE:

(1) Student-lawyers will be arranged in a semi-circle with the client seated in a chair across from them, or in another office set-up depending on the size of the room.

(2) The discourse should be as if there is only one lawyer and one perspective client in the room meeting for the first time and the interview should proceed as one continuous interview/fact gathering session.

(3) The interview should proceed systematically down the line with each student-lawyer receiving a piece of the interview. Your supervisor may assign to you a particular aspect of the interview process.

(4) You may take notes during your client interview. Be careful not to disengage with the client by taking too many notes during the interview. Remember, active listening first, note taking second. You want to bond with your client. Your note taking should be limited to a brief jotting down of key points to follow-up on later.

(5) **Please do not exceed your allotted time**. Each student-attorney should be afforded the same opportunity to exercise his or her skills.

## IV. EVALUATIONS

All student attorneys are required to complete a self-evaluation and are asked to place your self-evaluation form in your journals for collection at the end of the semester.

Should you have any questions, comments or concerns prior to the start of this exercise, please speak with Professor Andrew I. Schepard or Tena Vitkovich.

Thank you.