

Family Law Education Reform Project

Hofstra FLS Instructions–Clients (Divorce)

OVERVIEW

This document contains a list of instructions and fact sheets for student clients 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 playing the role of a client should memorize (as best as possible) all of the facts contained in the fact sheets and stay in role during the exercise. Clients are allowed to have the fact sheet with you during the exercise for quick reference if and when necessary but should try to avoid it if they can. Ideally, clients should not have to repeatedly refer to the fact sheet during this exercise, as this will slow down the pace and the flow of the exercise.

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.

Family Law with Skills
Hofstra University School of Law
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**ALLEN MARITAL DISSOLUTION –
CLIENT INTERVIEWING EXERCISE**

**INSTRUCTIONS
FOR PERSPECTIVE CLIENTS – HUSBANDS/WIVES**

I. PRELIMINARY MATTERS:

- Please read and be familiar with the attached fact sheet pertinent to your role as a Husband or Wife. You may have the fact sheet with you during the client interview but please keep referrals back to that fact sheet to a minimum.
- If you have been assigned a role as a perspective client in this skills exercise, you will be given first preference in being assigned the role of a lawyer in the next exercise session, which is client counseling.
- If you are playing a Husband or Wife client, we ask that you to take your role play seriously.
- You are an important part of making this exercise a good learning experience for your peers and future colleagues.
- You have a unique opportunity here to experience what a client actually feels like going to see a divorce attorney for the first time. As you can imagine, a divorce is a scary process and an emotional time in a person's life. It is not easy to talk openly about your private married life to some attorney you have never met before! So we are asking you to put yourselves in the Husband's or Wife's shoes and convey their concerns, frustrations, and fears-- not only in your words but in your mannerisms for purposes of this exercise. This role play may impact how you interview your own clients in the future.
- Each Husband and Wife prospective client 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.
- As the client, you will need to memorize (as best you can) all of the facts contained in your fact sheets and stay in role during the exercise. You are allowed to have the fact sheet with you during the exercise for quick reference if and when necessary but try to avoid it if you can. Ideally, you should not have to repeatedly refer to your fact sheet during this exercise, as this will slow down the pace and the flow of the exercise.

- **PLEASE DO NOT SHARE ANY OF THE INFORMATION CONTAINED IN YOUR FACT SHEET WITH ANY OF THE STUDENT-LAWYERS.** (The students-lawyers will be receiving separate instructions and a separate fact sheet. It is important that they have no prior knowledge of your facts and circumstances.)
- Your role play is a key part of this exercise. Please do not laugh or make light of your role when in character. The more you stay in character the better the process.
- As the client you may wear anything you like to this skills session, whereas the student-lawyers are expected to dress in business casual.
- Each student-lawyer will have approximately fifteen (15) minutes to conduct part of the interview with the client/husband or wife and will receive feedback on his or her performance.

II. SET-UP & PROCEDURE:

- (1) Student-lawyers will be arranged in a semi-circle with you, the perspective client, seated in a chair front and center 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 in a fact gathering session.
- (3) The student-lawyers should have NO PRIOR KNOWLEDGE of the client's situation.
- (4) The perspective client should treat this exercise as a continuous interview. Please start and continue through his or her facts and avoid repeating facts as best you can, although some repetition may be inevitable.
- (5) Please do not ask the student attorneys for legal advice. The client interviewing exercise is separate and distinct from the client counseling exercise.
- (6) Beginning from a designated side of the semi-circle, and proceeding systematically down the line, each student-lawyer should receive approximately 10-15 mins. to do a piece of the interview with the client and receive constructive feedback.
- (7) Your supervisor may ask you to provide some feedback as well in terms of what you liked or did not like about the interview. If you are asked to comment, please give positive and constructive suggestions for improvement.

IV. EVALUATIONS

- AS THE CLIENT YOU HAVE A SELF-EVALUATION EXEMPTION. PLEASE NOTE YOUR CLIENT ROLE PLAY ON THE SELF-EVALUATION SHEET. INSTEAD OF

THE SELF-EVALUATION, WE ASK THAT YOU COMPLETE THE EVALUATION BY COMMENTING ON HOW WELL THE STUDENT LAWYERS DID, WITHOUT NAMING NAMES.

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.