

# Family Law Education Reform Project

## Hofstra FLS Instructions—Student Lawyers (Divorce)

### OVERVIEW

This document contains a list of instructions 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.

INSTRUCTIONS  
FOR STUDENT LAWYERS

I. PRELIMINARY MATTERS:

- Each student-lawyer has been assigned to a designated room and group. These assignments were made on a purely random basis.
- Please report promptly and directly to your room at the start of class (noon) on Friday, September 5, 2008.
- Please dress in the appropriate attire— business casual— for the client interview.
- Each student-lawyer will receive a fact sheet. Please read the fact sheet prior to your skills session.
- **PLEASE DO NOT SHARE OR COMPARE INFORMATION WITH ANY OF THE STUDENTS WHO ARE ASSIGNED THE ROLE OF THE CLIENT.**
- For purposes of this exercise, it is important that you have relatively little to no prior knowledge of the client’s facts and circumstances. It will defeat the purpose of this exercise if you know beforehand the facts contained in the client’s factsheet.
- 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.
- Please prepare accordingly for this skills session as you will be evaluated on your performance and demonstrated skills and understanding of the key concepts. You will also be required to do a self-evaluation.

II. SET-UP & PROCEDURE:

- (1) Student-lawyers will be arranged in a semi-circle with the perspective client seated in a chair front and center.
- (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) 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 feedback on his or her performance.

(4) RECEIVE THE FULL BENEFIT OF THIS LEARNING TOOL BY BEING PREPARED AND TAKING IT SERIOUSLY.

#### IV. EVALUATIONS

- You will be evaluated on your performance by the assigned supervisor to your group. The evaluations by your supervisors will be collected by Tena Vitkovich and considered at a later time Professors Schepard and DiFonzo in order to determine whether you have gone above and beyond and should receive extra consideration on an increase in your final grade.
- You will need to complete a self-evaluation form. Please do this immediately following the close of the skills session. After you have completed your self-evaluation, kindly place the self-evaluation form in your journal. All self-evaluations for the skills exercises are a required part of this course, will be collected at the end of the semester, and will be considered as part of your class participation for purposes of grading.

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.