

INTERVIEWING, COUNSELING & NEGOTIATION

Course #5223

Syllabus - Spring 1997

Professor: Judith Kilpatrick
Office: 318A Waterman
Telephone: 575-8743 (office) • 442-9477 (home)

Class Scheduled: Room 103
TuTh, 10:20-11:50 a.m.

Office Hours: Tu-Wed, 1:30-3:00 p.m., or by appointment.
If you have questions about assignments that are more immediate,
you may call me at the office (first) or at home.

Required:
Readings from Riskin/Westbrook, available on library reserve.
Gifford, Legal Negotiating, West Publ. Co. (1989).

Attendance. We will not always meet during the regularly-scheduled class time, but attendance is required whenever meetings are scheduled. Effort will be made to accommodate your schedules in setting times for meetings and exercise performances, but absences will detract from your grade. You must fulfill all exercise requirements. Please place all dates appearing below, and those distributed during the semester, on your personal calendars.

Check your mailboxes and e-mail accounts regularly. Communication (when we are not meeting regularly) will take place via your student lounge mailboxes and e-mail.

Calendaring. Once your daily schedules for the semester are final, exact dates and times for the various videotaping, group meetings, etc., listed below will be set. Thereafter, you are responsible for maintaining your own calendar, and arranging or rescheduling meetings with other students, when necessary.

Exam: There will be no final exam. You will be graded on class participation and your work in the lawyering skills exercises throughout the semester. This is a “professionalization” class; your handling of *every* aspect of your interaction with me and with your classmates will determine your final grade.

“Foul Weather” Plan:

As required by the University, should winter weather raise questions about whether class will be held, the procedure is as follows:

Call my office number after 7:00 a.m. If class is canceled, there will be a message to that effect. (But, be warned, it would take a lot to cancel class. I hate makeup sessions.)

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Class Schedule and Assignments

WEEK ONE Activities (January 14, 16):

Reading for Week One: Riskin/Westbrook materials on Interviewing & Counseling (library reserve); Chapter 11, Gifford.

Tuesday: Introduction to course, each other, and to interviewing. Distribute “Amy” interview exercise.

Thursday: Interviewing: Perform “Amy” in class; all prepare, two will perform. Discussion: Nonverbal communication, fact-gathering, open-closed questions, active listening. Be prepared to submit your final class/work schedule at this time. Distribute “Lakeview Estates” and “Caught with Cocaine” (to be performed outside class at your convenience).

Note: Completing these two exercises will take about two hours: 30 minutes for each interview and 30 minutes to discuss and complete the reports you must submit. Reports are due by noon, Monday, in the plastic file pockets outside my office.

WEEK Two Activities (January 21, 23):

Tuesday: Discuss results of “Lakeview” and “Cocaine” exercise interviews and potential counseling approaches. Distribute “Daily Bugle” materials and ADR excerpt; prepare for client counseling by creating a written outline of points to be considered.

Thursday: Discuss outlines for “Daily Bugle” counseling. Review videotape of counseling session. Overview of interviewing/counseling goals. Counseling outlines to be submitted at end of class.

Once exercises have begun, *scheduled* meetings with the Senior Partner (S.P.) are held *in-role*. If you have out-of-role questions for me - as your law school Professor - please make arrangements to see me during office hours, or call to discuss them or arrange a time to meet.

WEEK Three Activities (January 28, 30):

Videotaping of interviews: “CEO” As scheduled. (30-minute maximum length).

Intake memo due within 24 hours of interview: Submit original to Professor and place a copy in the box of each student in your critique session group. The memo should contain (1) elicited facts and (2) a suggested research and investigation plan. They should be placed in file pocket outside my office door.

NOTE: Students should not read another student’s memo unless they already have submitted their own memo to me.

Confirm date and time of critique session when you submit intake memo. Each two-hour critique session will involve two students and myself. Schedule will be posted on bulletin board outside my office.

Class Assignment: Before next Tuesday's class, create a list of the specific points to be considered in counseling this client on the problem presented. The list must be submitted at the end of class.

Critique Session preparation: Review all interview tapes for your critique group (four students). Use the Attorney Critique Guide (available in file pocket when you submit your intake memo) to guide your review. In addition, please prepare a *written* agenda of topics for discussion at the critique session; where viewing a portion of a tape or tapes would be useful to discuss the topic, note the "counter number" where that portion occurs. The discussion agenda will be collected at the end of the critique session.

NOTE: Tapes will be kept at the library reference desk and can be checked out for reviewing purposes (maximum 12-hour period). The tapes may not be checked out during the 12-hour period immediately preceding your critique session (so that I can review them).

WEEK Four Activities (February 4, 6):

Tuesday: Discussion of research and counseling plans.

Group critique sessions. Two hours, as scheduled.

Reading for next class: Chapters 1-4, Gifford.

WEEK Five Activities (February 11, 13):

Tuesday: Discuss reading assignment. Revisit "Amy" exercise; discuss planning process for negotiating. Assume family court judge has required attorneys to negotiate a custody and visitation plan for court approval.

Assignment: Prepare written negotiation plan for "Amy." Negotiations will occur during next class. Plans must be submitted at end of class.

Thursday: "Amy" negotiation; discussion concerning process.

Distribute materials for "Mason-Dixon" exercise. Teammates (to be assigned) to meet and prepare written negotiating plan. Copy of plan to be submitted by 9:00 a.m. Tuesday, 2/18.

WEEK Six Activities (February 18, 20):

Reading assignment: Chapters 5-6, Gifford.

Tuesday: No class. Instead, meet with opponent (to be assigned) to negotiate "Mason-Dixon." Report on outcome of the negotiation must be submitted by 9:00 a.m. Wednesday.

Thursday: Discuss negotiation planning and execution on "Mason-Dixon." NOTE: Class discussion will incorporate additional readings assigned.

Distribute "Buy-Rite" materials. Prepare (individually) a written negotiating plan. Copy of plan to be submitted by 9:00 a.m. Tuesday, 2/25.

WEEK Seven Activities (February 25, 27):

Reading assignment: Chapters 7-8, Gifford.

Tuesday: Meet with opponent (to be assigned) to negotiate “Buy-Rite.” Report on outcome of the negotiation must be submitted by 9:00 a.m. Wednesday.

Thursday: Discuss negotiation planning and execution on “Buy-Rite.” NOTE: Class discussion will incorporate additional readings assigned.

Distribute materials for “Pool.” Written (individual) negotiation plan to be submitted by 9:00 a.m., Monday, 3/3.

WEEK Eight Activities (March 4, 6):

Videotaping of negotiations: “Pool” As scheduled. (45-minute maximum length).

Report on outcome of negotiation due within six (6) hours of taping. Submit original to Professor and place a copy in the box of each student in critique session group. See materials for content requirements. The report should be placed in file pocket outside my office door.

NOTE: Students should not read another group member’s outcome memo until they have submitted their own to me.

Confirm date and time of critique session when you submit outcome memo. Each critique session will involve four students (two sets of negotiating attorneys) and myself.

Tape review: Before your critique session next week, review both negotiation tapes by members of your critique group. Use “Guidelines for Tape Review” (available in file pocket after you submit your Outcome Memo) to guide your review. Please prepare a *written* agenda of topics for discussion at the critique session; where viewing a portion of a tape or tapes would be useful in discussing the topic, note the “counter number” where that portion occurs. The agenda will be collected at the end of the critique session.

NOTE: Tapes will be kept at the library reference desk and can be checked out for reviewing purposes (maximum 12-hour period). The tapes may not be checked out during the 24-hour period immediately preceding your critique session (so that I can review them).

WEEK Nine Activities (March 11, 13):

Group critique sessions, as scheduled.

WEEK Ten Activities (March 18, 20): SPRING BREAK!

WEEK Eleven Activities (March 25, 27):

Reading assignment: Chapters 9-10, Gifford.

Tuesday: Discuss readings.

Distribute "Sect & Shelter" materials. Meet with other students in same role (4 total) to discuss/generate negotiation "interests," and prepare a written negotiating plan. Copy of plan to be submitted by 9:00 a.m. Thursday, 3/27.

Videotaping of negotiations: "Sect & Shelter." As scheduled. (45-minute maximum length).

Report on outcome of negotiation due within six (6) hours. Submit original to Professor. See exercise materials for content requirements. The report should be placed in file pocket outside my office door. Once the report has been submitted, you are free to begin reviewing all group negotiation tapes in preparation for next Thursday's class. There is NO CLASS on Tuesday (4/1).

Tape review: Before next Thursday's class, please review all negotiation tapes (4). Meet with your "role" group to prepare a *written* agenda of topics for discussion at the critique session; where viewing a portion of a tape or tapes would be useful in discussing the topic, note the "counter number" where that portion occurs. The agenda will be collected at the end of the next class.

NOTE: Tapes will be kept at the library reference desk and can be checked out for reviewing purposes. To provide time for all class members to review all tapes, you may (1) watch the tapes with one or more members of your assigned negotiation group (in fact, it would make creating the agenda easier if you did), (2) NOT check out more than one tape at a time.

WEEK Twelve Activities (April 1, 3):

Thursday: Class discussion of group negotiations. Each "group" submit its agenda.

Distribution of web access code to "Informal Advocacy" materials.

WEEK Thirteen Activities (April 8, 10):

Tuesday: Class on the "law" of the informal advocacy problem. Second access code (for remainder of exercise materials) distributed.

Report memo to S.P.: Planning memo on how you will conduct meeting with bureaucrat due in file pocket outside my office door on Friday, April 11, by 12:00 noon.

WEEK Fourteen Activities (April 15, 17):

Meeting with S.P.: As scheduled.

Meeting with bureaucrat: As scheduled. Each meeting will be for 15 minutes, and will be followed by a 40-minute critique.

WEEK Fifteen Activities (April 22, 24):

Individual conferences to review semester's performance.

Thursday: Final class session. Overview of class; your critique.

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