To: All Students in the January 2014 Client Counseling Workshop – Dispute Context
A/k/a Client Science: Client Interviewing, Counseling and Decision-Making

Fr: Marjorie Corman Aaron, Professor of Practice

Date: December 6, 2013

Re: IMPORTANT COURSE INFORMATION AND INSTRUCTIONS - and Welcome

Welcome to the January 2014 Client Counseling Workshop – Dispute Context. I very much look forward to working and learning with you.

I ask that you PLEASE read this memorandum carefully, as it contains important instructions for participation in the workshop, including how to access:

- a short assignment to be completed and handed in BEFORE the workshop – DON’T WORRY, the assignment is just to read a fact pattern and fill out a short questionnaire
- case role play information to be read before the workshop
- articles on the syllabus to be read before the workshop

Please read below for detailed information about the course format and requirements, absence and class participation policies, the pass-fail grading policy, and the final individual client counseling skills exercise.

Different (and Early) Drop-Add

Because this workshop takes place well before the normal drop/add dates, involves a waiting list, and there’s no adding after the first day, the registrar and I have established a final drop-add date of Friday, January 3, 2014. If you have not dropped by then, consider yourself committed for the full workshop. (Even if the on-line system will accept a drop after that date, we will not, absent extenuating, unforeseen circumstances referenced below.)

If you suffer a severe illness, injury, or death in the family after the drop/add date and will be unable to participate in the workshop, please let Registrar Charlene Carpenter, me, and Faculty Assistant Mindy Lawson know as soon as possible, so that we can alert anyone on the wait list.

Students admitted to the workshop after the drop add date (when we check final drops and available spaces) should disregard information in the syllabus or in the separate role assignment document regarding their assigned groups for role play instructions. Instead, please check in with Mindy Lawson, and she will assign you to a group. Your group may NOT correspond to your last name, as we juggle to insure even distribution of students among the groups.
Reading, Preparation and Materials

I am pleased to direct students to the new course website: Clientsciencecourse.com. This class is an official beta-tester for the site, so please DO let me know of any glitches. I also welcome any and all suggested improvements for the site. As you’ll see, all course readings and all simulation materials and exercises are available and downloadable at the site.

You should go to the website http://clientsciencecourse.com/ and click on the section of the site for participants. Prior to January 6, you are welcome to access the course readings (other than the text, which must be purchased separately) at http://clientsciencecourse.com/course-readings/. After January 6, when Group Assignments have been finalized, you can click onto group assignments page. http://clientsciencecourse.com/course-materials-designation/ (I will email and/or post your Group Assignments before the end of the day on January 6.) You should view and download materials ONLY from within your assigned group.

As noted on the syllabus, with some pride, I’ve assigned my book, Client Science: Advice for Lawyers on Counseling Clients Through Bad News and Other Legal Realities (Oxford University Press, 2012) as the course text. It should be available through the campus bookstore or Dubois. It is also available through Amazon.com or Barnesandnoble.com. Check prices. The technical list price is $39.99 at Oxford University Press, but the list on Amazon or B&N has lately been $29 - $33; I’ve seen it at least once for just under $27.

This book’s DNA was generated by this course and what I learned from working with your predecessor UC Law students. For that reason, it just does not feel right for me to realize profits from UC Law students from assigning the book. Thus, I will donate my approximate royalties from your book purchases (roughly $2 per book, by my calculations) to the UC Law fund of your choice, or to purchase lunch or snack for all on one of the workshop days.

The good news is that the workshop will be finished in just about four days in January (not including the half hour individual client counseling sessions PLUS a final wrap up session to be scheduled later). The workshop compresses but does not reduce the number of two credit-class hours. The bad news is that each day’s reading assignment may seem long, because each day covers a lot of ground. Thus, you are strongly advised to do all of the first day’s reading before the first class, and to get a jump on the remaining reading as well. I hope you will find the readings to be straightforward, accessible, and practical. No appellate case decisions are involved!

PRE Workshop Readings and Assignments, including case assessment exercises and lawyer and client role information

For the workshop to work, all MUST be ready to “hit the ground running.” To help make that possible, the case assessment exercise and all role information are accessible and downloadable
from the course website, at http://clientsciencecourse.com/course-materials-designation. To find your assignments, go to the student Group on the website corresponding to your last name’s place in the alphabet. Readings other than the course text are at:
http://clientsciencecourse.com/course-readings/

If you somehow managed to register for the workshop after the deadline, you must see or email Mindy Lawson (mindy.lawson@uc.edu; 556-0090) for your group and role assignments. DO NOT USE THE ALPHABETICAL SYSTEM.

IT IS EXTREMELY IMPORTANT that you go to the CORRECT student group on the Clientsciencecourse.com website, open, download, and print all of the documents there. Please do not open or download the materials for any other group. (YOU SHOULD PRINT THEM OUT AS LAPTOP SCREENS WILL NOT BE UP DURING CLASS EXERCISES.)

For each student, one of these documents is pre-workshop case assessment exercise. Don’t worry. No outside research is required! But you should read it carefully and think about your answers to the questions on the form. THESE MUST BE COMPLETED AND HANDED IN TO MINDY LAWSON BEFORE THE START OF THE WORKSHOP. We will be compiling class statistics from these, and need the time for number crunching.

Each group has also been given client or attorney role play information in three classroom role play exercises. You should have read these before the workshop date on which they will be used. Note that the role-plays entitled Hapless Harvest Interview and Family Matters Interview will begin on the first workshop day!

Course format

The workshop will at times be in plenary presentation/discussion format and at times will involve work in small groups. This course is designed for participation, interaction, role-playing, in-class problem sets and small group work. Please be ready to do some serious acting when in client roles, and some serious lawyering when in the attorney roles. While I will offer a few demonstrations and video clips, the workshop’s value depends upon your willingness to undertake the tasks of interviewing, counseling and decision-making as real and important.

Absence Policy

Please don’t get sick! I know that this is easier said than done. No one should come to class delirious, nauseated.....etc. Unfortunately, to miss one day is to miss 1/4 of the workshop. Thus, after some deliberation, I have decided that if you are absent for 4 hours or more, you cannot receive credit for the workshop. You would be required to transfer to another client counseling course. Absence shorter than 4 hours, but significant, may require make up work, at the prof’s discretion.
Of course, the paragraph above should not be read as permission to be late, leave, or miss less than 4 hours. Your absence adversely affects your classmates in paired role playing exercises. Our agenda is TIGHTLY packed; missing even an hour or so may make it more difficult for you to perform effectively. Coming in late, or returning late from breaks (unless excused) will affect that “high pass,” “low pass” determination and, just as important, will make your professor unhappy.

Bottom line: I look forward to everyone being bright eyed, bushy tailed, on time, and healthy.

The Pass-fail Grading

This course is graded on the modified pass-fail basis. Students may receive the grade of “high pass”, “pass”, “low pass”, or “fail”. While these words will appear on your transcript, they will not affect your GPA or class rank. A “high pass” signals exemplary performance on your transcript, and low pass the opposite. Failing the course would also appear on your transcript and you would be required to repeat it for credit and for graduation.

Your “high pass,” “pass”, “low pass”, or “fail” grade will be based upon a written decision analysis exercise, the final individual client counseling exercise, and class participation (which includes preparation for the in class simulation exercises). Students who do not perform the counseling or decision analysis exercises competently will be required to redo them to receive course credit.

Proposal for student cooperation toward continuing the pass fail grading!

Pass-fail grading for this course continues based upon my representation that it is successful. I propose that all join in a collective effort to prove that UC Law students are self-motivated to work diligently, complete reading, prepare and participate seriously, and perform skills exercises at the highest level, even in a pass-fail course.

The reasons for pass-fail grading in this course are many:

- My initial experience in this course indicated that many students were resentful and anxious about being graded based upon performance in skills exercises in a required course. When given critical feedback or asked to “retake” an exercise, students understandably became defensive or flustered. Eliminating grade anxiety makes everyone more comfortable with honest feedback and more receptive to incorporating it.

- This course does include a significant segment on decision-analysis and that does involve math. While it’s easy math - arithmetic only - I know that many lawyers (and law students) are “math phobic.” They would most likely choose to avoid an elective course with any math at all. Students seem to learn better and find the requirement to be fair under pass-fail grading. I WANT YOU TO LEARN THE BASICS OF DECISION ANALYSIS because a future client might well benefit from your familiarity with its
application in client counseling and decision-making.

- Paradoxically, pass-fail grading may enable your professor to be more critical and seek demonstration of skills at very high levels. With traditional grades, there’s no power to ask students to do better, try it again. In this workshop, particularly the Final Counseling Skills Exercise, I am committed to asking students to demonstrate skills at a high level.

Class participation

Full participation in the workshop means joining into class discussion (including discussion of the readings), being fully ready to “act” in your seat or occasionally in front of the class, providing feedback on classmates’ performance, engaging in small group tasks, and completing problem sets and case assessment exercises. Class participation and quality of performance will count in the assignment of “high pass”, “low pass”, or plain “pass” designations.

Final Counseling Skills Exercise

Students obtain tremendous value from the experience of counseling a "real" client, consciously applying the collaborative counseling approach, skills, and strategic lessons taught in the course. Practicing with classmates is useful and efficient, but it cannot fully replicate a client counseling experience. The College of Law and I are committed to each student's receiving individual attention and "coaching" feedback, in a way that is not possible in class. This is the motivation for the final “capstone” Final Counseling Skills Exercise (“FCSE”).

All students will sign up for the FCSE to be scheduled at the end of January and early February. In that exercise, each student will counsel a “real” client - who is an actor playing the client role. The actors will be prepared to provide realistic and consistent client performances. I will be present and will intervene as “coach” to facilitate your performing the client-counseling task well - at least by the end of the time slot. Each counseling session will be scheduled for approximately 30 minutes, and will be videotaped.

A full memorandum of instructions, with the case and client information will be provided to all students either in hard copy or via email before the fourth workshop day.

Each student should prepare a decision tree indicating the structure of the case, assigning values and percentages, and “rolled back” to reflect the estimated monetary value. (This will make sense to you after you have completed the course.) **This should be submitted at the time of the counseling session. The tree will be helpful for your thinking about the case, but YOU SHOULD NOT USE THIS DECISION TREE DOCUMENT IN THE FINAL COUNSELING SKILLS EXERCISE SESSION WITH YOUR ACTOR-CLIENT!!**

While no library or on-line research is required, some students will find it helpful to review basic torts concepts as they prepare to explain them to a client within the counseling session. Students should also review the lessons of the workshop, and be prepared to demonstrate their application
in the counseling session. Most importantly, students should demonstrate:

- Collaborative counseling approach to process
- Clear communication of legal issues and concepts
- Strong listening skills
- Strategies for psychological barriers (including framing around risk and loss)
- An understanding of how best to deliver bad news
- Strategies/skills for the emotional or difficult client

I ask that you participate in the exercise in good faith - be prepared and able - with coaching - by the end of the time period - to demonstrate some mastery of the skills and concepts. Note the emphasis on with coaching. If you are struggling with the task, I (and sometimes your actor client) will intervene and make suggestions. You will be able to incorporate these suggestions for a more successful counseling session. Often, I will intervene and make a suggestion just to add some polish when a student is doing extremely well. (I am ever aiming for the perfect video.) However, if you are unprepared, appear not to have read the materials, or demonstrate little familiarity with the core prescriptions in the course, you will not pass.

I am happy to answer any questions regarding this exercise, or any other aspect of this course.

It should be fun, and a great learning experience!

Marjorie Aaron
# January 2014 Client Counseling Workshop
## Group and Role Assignments

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**General Information:**
- Instructions for Attorney
- Prepare for second class
- Decision Analysis Problems: Simple Hypotheticals: plaintiff’s side, defense side, optional Balanced Trees on Balance Beams
- Prepare for third class
- Upscale Accusations Interview Lawyer and Client Roles
- Upscale Accusations Client Counseling Ex. Lawyer and Client Roles
- Prepare for fourth class