



# Client-Counseling

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Helping Clients To Achieve  
Effective Solutions To Their  
Legal and Non-Legal Problems

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# Client counseling is the essence of the attorney client relationship.

- Your principal role as a lawyer will always be the same--to help clients achieve effective solutions to their problems.
- The process of counseling is the process by which you facilitate the resolution of client problems.



# Engaged client-centeredness



- The attorney must work to earn the trust of the client from the moment you first meet--to the end of the representation.
- The attorney must offer insight and wisdom while preserving and enhancing the client's control over legal and life choices.

- Identifying and helping clients resolve problems requires more than knowledge of the law.
- You need to know about client's individual circumstances in order to help them shape satisfactory solutions.
- Effective counseling requires an understanding of how each client's unique needs and goals intertwine with legal and non-legal issues.

# Context and Connection

- In what context is the client's problem embedded? Each client comes to the attorney with different degrees of knowledge, emotion and sophistication.
- Think flexibly and creatively about how to approach legal and non-legal problems.
- Building a connection has a powerful effect on the client's feelings of trust, willingness to be open and perception of choices.

# Good interviewers and counselors are "made," not "born"!"

- Effective communication and interview skills come from practice.
- Observe, practice and receive corrective feedback.



# Basic Framework

## ➤ *An Outline of Interviewing*

1. Preparation
2. Introductions and Greetings
3. Construction of the Attorney-Client Relationship
4. Problems and Concerns
5. Fact Exploration
6. Client's Possible Solutions
7. Counseling Preview
8. Closing

➤ *An Outline of Counseling*

1. Preparation
2. Greeting
3. Update Your Client
4. Client Updates You
5. Discussion of Actions and Options
6. Consequences
7. Choosing a Course of Actions and Options
8. Ethical Issues and Counseling Decisions

# A Client-Centered Approach

- Understanding the problem from the client's point of view.
- Actively involving the client.
- Substantive legal or non-legal impact.
- Advice based on a client's values.
- The client's feelings and their importance.
- Conveying a desire to help.
- Responding promptly.



# The Client's Problem



- The Data-Gathering Stage
- Potential Solutions
- The Path From Identifying to Resolving Problems

# What Are You Listening For?

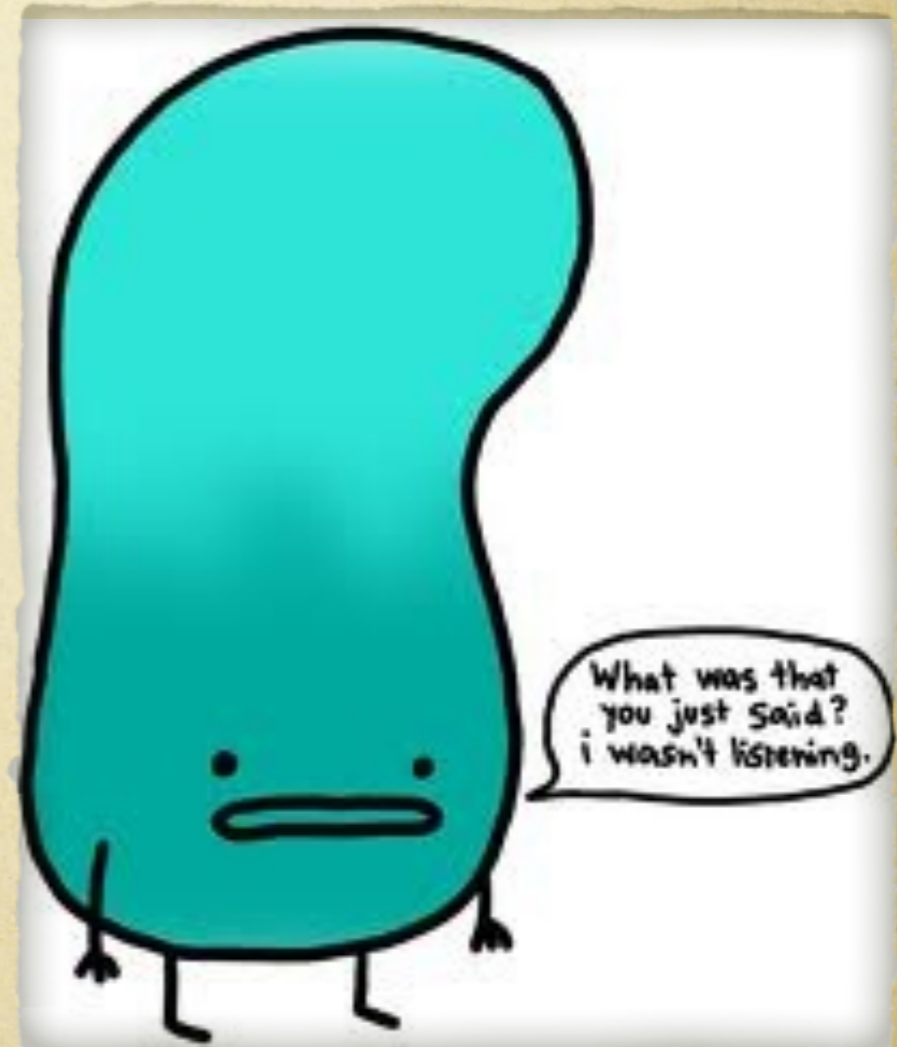
- The Client's Feelings.
- The Client's Goals and Values.
- The Client's Connection to and Expectations of Others.
- The Client's Expectations of You, the Lawyer.

# Are You Really Listening?

➤ Are you in the moment with the client?

1. Performance Distractors
2. Personal Distractors
3. Client Distractors

➤ Are you hearing with empathy and respect?



# Content vs. Feelings

- **Content**--the data that determines client's legal rights
- **Feelings**--labels that clients use to describe their emotional reactions to events or contemplated actions.

# Creating Connection

- **Sympathy**--How you identify with or understand the thoughts and feelings of your clients.
- **Empathy**--The ability to share some of the feelings that the client expresses.
- **Support**--the ability to empathize and sympathize with authenticity and convey a willingness to help the client.
- **Identification vs. Objectivity**

# Conveying Support

- Direct Assertion
- Apology as a recovery technique
- Explanation
- Personal connection or sharing

# Active Listening

- The technique through which you may readily communicate empathic understanding.
- It ensures that you hear and understand the client.
- Can be used to motivate the client's full participation.



➤ Vagueness

➤ Unstated Feelings

➤ Non-Verbal Expressions of Feelings

➤ Clearly-Articulated Feelings

➤ Judgmental Responses



# Passive Listening Techniques

- Silence
- Minimal Prompts
- Open-Ended Questions

# Questioning

- Open Questions
- Closed Questions
- Yes-No Questions
- Leading Questions



# Advantages and Disadvantages of Different Question Forms

## Open Questions

- Motivate full client participation
- Promote accuracy of information
- Help the client to tell their "whole" story
- Can sometimes be inefficient
- Do little to stimulate memory
- Puts all of the burden on the client

## Closed Questions

➤ Elicit Details

➤ Motivate responses

- Can harm rapport with client
- Can cause you to miss important information
- Can create inaccurate responses

## Leading Questions

- Can help to overcome inhibitors
- Can promote inaccuracy
- Can be ethically improper

# Questioning Tools

## ➤ T-Funnels

- "Park"ing
- Visualization
- Pressing

## ➤ Probing gaps in events

## ➤ Order of Questioning

## ➤ Timing

## ➤ The "War Story"

## ➤ Prefacing

## ➤ Timing



# Atypical and Difficult Clients

- Reluctant Clients
- Elderly Clients
- Clients with an Intellectual Disability
- Adolescents
- Mentally Ill Clients
- Capacity Issues
- Language Barriers
- Rambling Clients
- Clients Who Are Under the Influence
- Hostile, Angry and Explosive Clients
- Fabrication

# Basic Counseling Approaches

- Neutrality
- Preparatory Explanation
- Clarifying Objectives
- Identifying Alternatives
- Identifying Consequences
- Organizing the Discussion of Consequences

Your Own Experiences

# Decision Making

- Counseling and Advice Giving
- Truth and Consequences
- Moral Dialogue

# Client Interviews

➤ Client 1

➤ Client 2

➤ Client 3



**KEEP  
CALM  
AND  
CARRY  
ON**