

**WESTERN STATE COLLEGE OF LAW  
SUMMER 2024  
INTERVIEWING & COUNSELING**

SECTION: LAW-488-A  
TIME: 4:20 - 6:20  
ROOM: L834  
PROFESSOR: Rich Pfeiffer  
CONTACT: rpfeiffer@wsulaw.edu; highenergylaw@yahoo.com  
(714) 710-9149  
OFFICE HOURS: As an adjunct professor and practicing attorney, I do not have an office on campus. However, I will meet with students before or after class as can be arranged in advance. I have a flexible schedule that will make scheduling meetings (in person, telephonically, or by zoom) fairly easy. Email to schedule appointments.

**Course Description**

Welcome to Interviewing and Counseling! This course is a two-credit course that introduces you to a set of skills critical to the practice of law in any context. The goals of the course are to develop your skills in: (1) interviewing and gathering information from clients; and (2) counseling clients to solve problems and achieve their goals.

**Course Materials**

The following text is *required*:

David A. Binder, Paul Bergman, Paul R. Tremblay, Ian S. Weinstein, Lawyers as Counselors: A Client-Centered Approach, 4th Ed. (West Academic).

Additional readings and podcasts may be assigned. The following text is *recommended*:

Lisa A. Fontes, Interviewing Clients Across Cultures: A Practitioner's Guide, 1st Ed. (Guilford Press).

## **Attendance**

All students are expected to attend class and to come prepared. Since this is a skills course, not attending class, or not being ready when class starts, may significantly interrupt the flow of the session and may affect your final grade. If there are times when you know that you will not be able to attend class in advance, please email Prof. Pfeiffer. More than 2 absences may result in your receiving a failing grade for the course.

Western State College of Law has a written policy that requires students attend all classes. Students must attend eighty-five (85%) percent of all scheduled classes, including the drop-add period. That translates into only being able to miss two full classes. More than two missed classes will result in failing the course and receiving a grade of 0.0 (on a 4.0 scale). Arriving late for class will result in missing  $\frac{1}{2}$  of the class. Arriving later than half of the two-hour class will result in missing the entire class. The attendance policy is published in the Student Handbook. Students must sign in for each class and sign-in sheets will be circulated at the start of each class.

## **Recording Classes**

You may not record this class without my prior approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.

## **Grading Criteria and Evaluation**

The two units are graded on the law school's 4.0 scale. Grading will be determined according to three general categories of evaluation, listed below:

- In-class participation (regular class attendance, participation and simulation exercises): 40%
- Client interview outline: 10%
- Client meeting & outline (final exam): 50%

Each grading component is described in greater detail below.

## **Simulation Exercises**

A significant part of the course will involve in-class simulation exercises where you will play the role of an attorney with a partner playing the role of the client. Instructions for these simulations will be distributed prior to each simulation. Your performance will be evaluated by me, yourself, and your partner. A self-evaluation will be due at the beginning of the next class following a simulation. A self-evaluation is your opportunity to reflect on your performance and make your own determinations about what you do well and what you believe you can improve on in future simulations.

## **Reflection Papers**

Students are required to submit two short written papers during the course of the semester. These papers are intended for you to reflect on certain aspects of your interviewing and counseling skills as the course progresses. Reflection papers should adhere to the following guidelines:

- (1) Reflection papers should be submitted via email on or before the due dates listed below.
- (2) Reflection papers should be 2 – 3 pages, double-spaced, in 13-point Times New Roman font.
- (3) Below are some general themes and questions to consider for writing each reflection:
  - a. Pick one or two skills from the readings. How do you plan to use the skills while interviewing clients?
  - b. Pick one or two skills you feel need improvement. How can you improve on these skills in the future?
  - c. Which interviewing and counseling skills do you believe make an effective or successful attorney and why?
  - d. What have you learned about yourself throughout the semester?

You have the opportunity to improve your class grade through your reflection papers. Good papers submitted on time will be given a ✓ (“check”) grade. Excellent papers will be given a ✓+ (“check plus”). ✓+

performance on both papers will improve your overall class grade. Consistent ✓ performance on the two papers will not affect your class grade. Please note, however, that poor papers or papers submitted late will be given a ✓- (“check minus”). ✓- performance on both papers will result in a reduction in your overall class grade.

### **LATE ASSIGNMENTS**

As a professional, you are responsible for handing in all assignments on time. Courts do not accept late papers. Late assignments will not be accepted. If an *unforeseen emergency* occurs, contact your professor as soon as possible. Traffic, computer problems, or workload are not emergencies. Your professor will evaluate if an unforeseeable event is an actual unforeseeable emergency. If permitted to turn in a late assignment, there will be a 20% reduction in grade. If an in-class participation event is missed (moot court argument, etc.), that event cannot be made up. If an in-class participation is missed due to an actual unforeseen emergency, 80% of the grade can be made up by the professor giving an additional assignment.

### **DISABILITY SERVICES STATEMENT**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Student Services Suite #111. Dean Espinoza’s phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Marisa Cianciarulo at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled

in accordance with the College of Law's "Policy against Discrimination and Harassment."

## **WESTERN STATE COLLEGE OF LAW PROGRAMMATIC LEARNING OUTCOMES**

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including

identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

## **(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

### **Requirements for Students in Zoom Sessions**

**\*\*\*NOTE: CLASS IS HELD IN-PERSON UNLESS OTHERWISE ANNOUNCED\*\*\***

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname,

please notify your professor in advance so you are not marked absent.

- Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.
- If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.
- Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in that particular class.
- Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share your screen, type in the chat window. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.

## **SYLLABUS**

### **CLASS SCHEDULE**

#### **Course Schedule of Topics, Readings and Assignments:**

The assigned readings should be done before class. Please be prepared to: (1) discuss readings; (2) conduct simulation exercises; and (3) complete all exercises assigned within each chapter. **It is estimated that, on average, the assigned reading and other classroom preparation for every class should require four hours of outside class preparation time.**



**\* This syllabus is subject to be updated/revised as the class progresses.**

**\* Guest speakers will present at various points during the course. Preparation for class will include preparing questions for the guest speakers using topics learned in class.**

**Monday, June 10, 2024: Course Introduction; Client-Centered Lawyering; What Motivates a Client to Share Information with You?**

Download and review the class syllabus and be prepared to ask any questions you may have regarding the course on the first day of class.

Be prepared to introduce yourself to the class. Introductions should include your name, your year in law school, anticipated practice areas as an attorney, legal experience, and anything interesting about yourself that you'd like to share with the class.

- Course Syllabus (*In class*)
- Chapter 1 & 2: Lawyers as Counselors

**Wednesday, June 12, 2024: The Lawyer-Client Relationship; Professionalism; Building Rapport with Your Client; Nonverbal Communication**

- Chapter 4 & 5: Interviewing Clients Across Cultures
- California Rules of Professional Conduct, Rule 1.6, Rule 1.3, Rule 1.4
- In-Class Practice: Building rapport with your client

**Monday, June 17, 2024: Gathering Information and Responding to Challenging Circumstances; Bias; Cross-Cultural Competence**

- Chapter 8: Lawyers as Counselors

**Wednesday, June 19, 2024: Fundamental Counseling Skills (Active Listening & Forms of Questions)**

- Chapter 3 & 4: Lawyers as Counselors

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**Monday, June 24, 2024: Fundamental Counseling Skills (Active Listening & Forms of Questions)**

- The Trial Lawyer’s College Podcast, Attorney David Guitierrez Talks About Courage & the Power of Listening, Oct. 20, 2016
- In-Class Simulation #1

**Wednesday, June 26, 2024: Information-Gathering (Beginning & Concluding Client Meeting); Working with Interpreters**

- Chapters 5 & 9: Lawyers as Counselors
- Chapter 7: Interviewing Clients Across Cultures

**Monday, July 1, 2024: Information-Gathering (Eliciting Timelines)**

- Chapter 6: Lawyers as Counselors
- Chapter 10: Lawyers as Counselors
- Build Timeline Questions

**Wednesday, July 3, 2024: Information-Gathering (Theory Development Questioning – Pursuing Helpful Evidence, Questioning Undermining Adversaries’ Likely Contentions)**

- Chapter 7: Lawyers as Counselors

**Monday, July 8, 2024:**

- Just Mercy: A Story of Justice and Redemption by Bryan Stevenson (*Will be emailed to you*)

**Wednesday July 10, 2024:**

- In-Class Simulation #2
- Submit Reflection #1 via email before end of class

**Monday, July 15, 2024: Decision-Making (Principles Underlying Effective Counseling; Implementing an Effective Counseling Process and Clarifying Clients’ Objectives); Counseling (What Happens When a Lawyer Counsels a Client)**

- Chapter 12 & 13: Lawyers as Counselors

**Wednesday, July 17, 2024: Decision-Making (Identifying Alternatives and Consequences, Final Decision-Making); Ethical Considerations**

- Chapters 14 & 15: Lawyers as Counselors

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**Monday, July 22, 2024: Counseling Strategies for Organizational Clients and Criminal Defense Cases**

- Chapters 18 & 19: Lawyers as Counselors
- The Trial Lawyer's College Podcast, Trial Attorney Nelson Tyrone & the Extraordinary Power of Story, Sept. 29, 2016
- In-Class Simulation #3
- Submit Client Interview Outline via email

**Wednesday, July 24, 2024: Counseling Strategies for Civil Litigation and Transactional Matters ; Last Day of Class**

- Chapters 16 & 17: Lawyers as Counselors
- Submit Reflection #2 via email before end of class
- Go over final exam

**Monday, July 29, 2024, 7:00 PM-9:00 PM: Final Exam**