NAMAN, HOWELL, SMITH & LEE
CLIENT COUNSELING COMPETITION

RULES AND REGULATIONS
2012

1. Rounds I and II will consist of four or five (possibly six) teams per room competing against one another. All teams are limited to a 20 minute session. The twenty minutes of the session are devoted to a consultation with the client during which the team members are expected to elicit relevant information, outline the client's problem, and propose a solution or plan of action to resolve the client's problem. If a team finishes early, the team members may use the remaining time in a post-consultation session to discuss with each other what was done in the interview and what areas need further exploration. At the end of the 20 minute session the team members will leave the room to allow the judges to discuss the team's performance. The judges will call the team members back into the room for a brief critique session. The standards that the judges will use to evaluate the team follow these rules.

2. Round III will consist of a total of six teams with three teams in each room. Round III will be conducted as described above for Rounds I and II except that each team will have up to 25 minutes.

3. In the Finals Round each of the two teams will have a total of 45 minutes to conduct an initial interview followed by a post-interview session between the team members (without participation of the client). During the interview, the team members are expected to elicit relevant information, outline the client's problem, and propose a solution or plan of action to resolve the client's problem. In the remaining time, the team members are to conduct a post-consultation session between the two team members discussing what was done in the interview and what areas need further exploration. Each team may divide its 45 minutes between the interview and the post-interview session as it chooses, but must leave some time for a post-interview discussion. At the end of the post-interview session the room will be cleared of all competitors and spectators to allow the judges to determine the winner. The judges will announce the winner and provide their evaluations of the teams.

4. All competitors are bound by the Official Fee Schedule, which follows these rules.

5. **Each team is responsible for keeping track of its own time. The judges have the discretion to penalize teams that exceed the allotted time limits.**

6. All teams will compete in the first two rounds (the preliminary rounds). Round I is scheduled for Monday, December 10, 2012. Round II is scheduled for Tuesday, December 11 2012. Please be available in the Student Lounge at least 30 minutes prior to your scheduled time (unless you are in class). If, as sometimes happens, we need to modify the schedule at the last minute, your availability will help us avoid down-time for our volunteer judges.

7. After Rounds I and II, the six top eligible teams will advance to Round III, which will be held on Wednesday, December 12, 2012.

8. The two teams with the best scores of Round III will advance to the Finals Round, which will be held on Thursday afternoon, December 13, 2012. Times will be posted and e-mailed.

9. All competitors are strongly encouraged to attend the Finals Round and the reception following.

10. Team pairings and the consultation memorandum for each round will be e-mailed to competitors or posted on the door to Room 328 no later than the day before the round.

11. Clients will be instructed to treat each team in the same manner. Team members are permitted to "interview" the clients only during the counseling session. No team or individual members may communicate with someone who is playing the client, regardless of whether or not the client is participating in a team's round other than during the team's counseling session. If a team or individual member is found to have discussed the problem with ANY client either prior to or during the competition, other than during their allotted counseling session, the team will be disqualified from the competition.

12. Team members should not communicate with the judges outside of the interview room until the judges have finished scoring the round and the score sheets have all been turned in for the round.

13. Team members may not use any form of electronic technology during the round, including cell phones, smart phones, personal digital assistants, and laptop computers, with the exception of a clock used for timing the round. No team member may communicate in any way with any observers or anyone else during the course of the team's performance.

14. As a general rule, the decision of the judges is final and will not be overturned. However, should a team elect to file a grievance, it must be submitted in writing to Kathy Serr by 12:00 noon the next day. **Only grievances that are signed by the grieving party will be considered.** Kathy Serr in consultation with Professor Wilson will render a written decision as soon as possible, which will be e-mailed to all competitors.

15. Competitors are required to treat all judges with the utmost courtesy, regardless of their personal feelings. Any and all reports of competitors treating any judge in a discourteous manner will automatically be reviewed by Professor Wilson and Kathy Serr and may result in disqualification of that team.

16. **To be eligible to compete, <u>both</u> competitors on a team must be members of the American Bar Association, Law Students Division and must provide evidence of that membership by 5 p.m., December 6th. Failure to comply with this requirement will result in disqualification from the competition.**

17. If you have any questions or suggestions about the competition, please see Professor Wilson or Kathy Serr.

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OFFICIAL FEE SCHEDULE

We have adopted a uniform fee schedule for all contestants so that no team will suffer because a judge disagrees with their decision as to how much to charge. All judges will be given this schedule.

1. The initial interview with both counsel will be billed at a flat rate of $100 total. Further work will be billed at $200.00 per hour of either attorney's time.

2. Fees will be waived or suitably reduced in cases of financial hardship, either for persons of low income or for persons of ordinary income faced with very large fees.

3. Work will be done on a contingency basis in appropriate cases. If it is not apparent that the case in question is one for which there is a good chance of recovery, the office may require a preliminary investigation at hourly rates before entering into a contingent fee arrangement.

4. The office may require the client to pay a retainer prior to commencing any further legal services. The amount of retainer requested, if any, will not be considered for judging purposes, as standard amounts may vary significantly among attorneys. However, if a retainer is requested, the attorneys should be able to explain how it will be applied against the fees incurred.

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STANDARDS FOR JUDGING

1. *Working Atmosphere:* Established the beginning of an effective professional relationship and working atmosphere and, if and when appropriate, oriented the client to the special nature of the relationship, including confidentiality, explanation of fees, responded to client's concerns, discussed mutual obligations and rights, after-hours availability, duration and plan of the consultation etc. in a courteous, sensitive and professional manner.

2. *Description of the Problem:* Learned how the client viewed his or her situation, using a combination of listening and questioning, drawing out both information and feelings, as appropriate, to develop a reasonably complete and reliable description of the problem.

3. *Client's Goals and Expectations:* Learned the client's goals and initial expectations, modified or developed these as necessary.

4. *Problem Analysis:* Analyzed the client's problem with creativity and from both legal and non-legal perspectives, resulting in a clear and useful formulation of the problem.

5. *Moral and Ethical Issues:* Recognized, clarified, and responded to any moral or ethical issues that may have arisen, without being prejudicial or judgmental.

6. *Alternative Courses of Action:* Consistent with the analysis of the client's problem, developed a set of potentially effective and feasible alternatives, both legal and non-legal.

7. *Client's Informed Choice:* As appropriate, assisted the client in his or her understanding of problems and solutions and in making an informed choice, taking potential legal, economic, social, and psychological consequences into account.

8. *Effective Conclusion:* Concluded the interview skillfully and left the client with a feeling of reasonable confidence and understanding, with appropriate reassurance, and with a clear sense of specific expectations and mutual obligations to follow.

9. *Teamwork:* As collaborating counselors, worked together as a team, with flexibility and an appropriate balance of participation.

10. *Post-Interview Reflection:* During the follow-up phase, gave evidence of having recognized their own and the client's feelings, the strengths and limitations of their interviewing and counseling skills, their handling of the substantive aspects of the client's problems (legal and non-legal), and provided for an effective follow-up.

11. *Overall Rating:* Synthesizing the above criteria, including how effectively the team used its time, how do you rate the client counseling team?

Judges will use the following scale to assess the performance of the team on each of the standards above. At their option, judges may provide additional written feedback.

a = highly effective **b** = effective **c** = somewhat effective **d** = ineffective **e** = very ineffective