

CLIENT INTERVIEW TIP SHEET

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Introductory Speech

- (1) Stand when they enter. Shake their hand. Welcome them in. Offer them a seat and introduce yourselves.
- (2) “Before we get started, on behalf of our firm we would just like to say that you needn’t worry about costs for this consultation as the first consultation period is complimentary – so you needn’t feel any pressure to retain us as your legal counsel. However this also means that anything that is said in this interview may not legally constitute advice and we are indemnified against any action you take upon our advice because we are not legally representing you. That just means that if you take our advice and represent yourself in court, we hold no responsibility for that. Well, that being said, we can also assure you that everything you say to us will be kept in the strictest possible confidence and doesn’t leave this room. So please feel free to tell us anything, in fact the more open and honest with us that you are the better position we are in to help you out.”
- (3) You should firstly ask them some personal contact details (for administrative purposes you may need them later for starting a file on the client: Who are they, how old are they (this is important – if they are under 18 you MUST ask if they would like an adult present etc), where do they live?
- (4) Let them know up front that the best possible outcome is that the client won’t even need to retain us as legal counsel and can go home.
- (5) Reassure them that you will help them through their problem. A client will always have some preconceived notions and desired outcomes about what’s going on and what to do about it, they may be way off. But be tactful in how you broach this – offer alternatives. You may not be able to solve the problem straight away, such is the nature of the legal mechanism, however you are on the path to a solution.
- (6) Begin the interview

During Interview

What would you like to happen? - Don’t just tell them what you think, you MUST ask them what they would ideally like to happen. This allows you to tailor your advice to suit them. However, it may not be a reasonable expectation, so you may have to level with your potential client and offer them alternatives!!!

Sensitive nature of information – would they like us to briefly adjourn so that they can just compose themselves, would they like a tissue or a glass of water, some privacy for a second or two?

Closing Speech

What we have gone over together – Sum up their case, as it appears to you at first glance (let them know that this is just at a cursory glance and is no means a final draft.)

What this means we have to do – “With all of this in mind, if you do choose to retain us as your legal counsel, we will X, Y, Z etc” [maybe, call a judge, call a union representative, call a guidance counsellor for the client [rape victim?] etc] “Our best course of action (if you retain us) is to...”

What you may do on your end – The client may also be given instructions, eg. Before we can proceed you should talk to your boss and see if we can avoid court altogether. Approach your union representative etc (don't tell them to approach their stalker, that is unethical and dangerous to the client)

What the client wanted as an outcome – whatever they said

What is likely to happen – whatever you recon

Reassure and thank client for their time, show them the door and present business card.

Tips for questioning:

- (1) Starting them off – Ask them what has brought them to you, what problem has brought them to you, why are they seeking your advice. It may turn out that why they came is actually a non-issue, but that they do have a real problem (that was divulged to you during their facts) that they weren't even aware that they had.
- (2) Don't interrupt – Let the potential client divulge all that they wish, remember to take notes on what they say if you feel it is important.
- (3) One Question at a time – DO NOT ASK MULTIPART QUESTIONS. This leads to confusion and mixed up answers. If you want to know more, that's what the next heading is for.
- (4) Follow up questions – If something sounds intriguing, strange, forced; probe deeper with some provoking follow up questions. If they say that their job is important to them, ask them why? Do they have specific obligatory payments/responsibilities to meet? What are their plans for the future?
- (5) Logic – What they say will always prompt a logical progression in the conversation from you. Apply this logic; if they have problems at the workplace, ask them if they know/have consulted their union representative. If so, what advice were they given? Have you been threatened about seeking legal counsel?
- (6) Team work – You are given points based on your ability to work with your partner in handling your client. Try to achieve a balanced approach and DO NOT BARRAGE YOUR POTENTIAL CLIENT WITH QUESTIONS (this is an interview not an interrogation). This means that you need to be soft, gentle, professional, accommodating.
- (7) Adaptive language – adapt your language and approach to the type of client you have, don't condescend a Harvard graduate/war hero, and don't intimidate a five year old.

- (8) Explore all paths.
- (9) Don't get too technical; put the legal/technical junk at the end.
- (10) Get your client's instructions.
- (11) Identify the best witness in the scenario apart from your client.
- (12) No Compound questions.

