

CLIENT INTERVIEWING

How to interview your clients so they'll keep coming back for more

J. Melissa Woods
Assistant Public Defender
Mecklenburg County
(704) 417-1949
j_m_wds@yahoo.com

There are three components of a good client interview.

Be **Positive** –in your attitude/approach

Being positive does not mean being overly optimistic and misleading your client about the possible outcome. It does mean putting the best spin on the information provided and facts that you have.

Be **Productive**—in what you get from your client

*Includes getting information from your client
Making sure you get the right information
Making sure your client understands your function
Confidentiality
Role of attorney*

Be **Proactive** by getting down to business/ being practical

*Acting in advance to deal with the situation; taking the steps to avoid a difficult situation.
Making sure that you speak to your client in a way they understand
(saves you and them headaches in the future)
Taking good notes*

Before you can put these abstract concepts into practical use, you have to start the with the client interview

A. Information Gathering

Information gathering is the most important aspect of the client interview, but it's the **type** of information you get and **how** you go about gathering it that counts. This includes more than work information and family support.

1. The information you get could be the difference between your client being found guilty and not guilty. If you don't get the right information, you may miss a crucial defense.
 - a. Ask open-ended questions. Instead of asking: **do you have children?**
Say: **tell me about your family.**
 - b. Ask the same questions in different ways (and more than once)
 - c. Give your client the opportunity to tell you his/her story in their own way.
2. Go into each interview knowing the basic information you have to get from your client
 - a. have in interview sheet or checklist (see attachment A)
 - b. don't be afraid to deviate from the "script."
3. Present the information in a way that is helpful to your client.

Positive/Productive/Proactive:

looking your client in eye and making sure they know you are listening to them and what they have to say is important. Keeping your head down and taking notes is not appropriate the whole time they are talking

Keep good notes in your file. This will save you from having to ask you client for information they've already given (which affects trust)

Go over the elements of the crime in a way to bring out possible defenses or legal issues. Unfortunately your clients aren't going to hand you the information on a silver platter. You may have to do a little digging.

Get witness or alibi information. The last thing you want to happen is for your client to say during trial: Well my boss was there and he saw the whole thing. Always ask.

This way you know what's happening with your clients and they know you know

B. Forming relationship with client

Whether it's for fifteen minutes or over several months, at soon as that case is assigned to you a relationship has begun. How successful that relationship is will largely be up to you.

1. Talk to your client not at him/her

2. Establishing trust
 - a. know the law –that includes affirmative defenses. **Your client needs to trust you as an attorney. Be prepared with your elements of the crime and their defenses.**
 - b. let the client know that you are comfortable in the courtroom and with the way things work.
 - c. Keep them informed.

3. Treating client with respect
 - a. your job while interviewing your client is to let them know that the opinion of the cops, DA, judge and general public is not your opinion
 - b. how you speak to your client is there indication of how you will represent them

Positive/Proactive/Productive:

It's important that your client knows that while you are handling their case it is the most important one you have. Reinforce that idea.

Reassure them that you are on their side while remaining objective about the law and the facts.

Let them know that you're going to put up the best defense possible and that you're going to argue to the judge that they get the outcome of that they want (even if you don't agree with it. And then do just that.

Develop a rapport. We represent people we don't like all the time. However, you can't effectively represent someone that you can even tolerate speaking to and who refuses to speak with you. So utilize all the points to make sure that you have a working rapport with your client.

C. Making sure your client understands you

1. Don't speak over the client's head
 - a. Legal jargon is not necessary to explain most charges or defenses
 - b. Just because your client has a long record, doesn't mean s/he understands what's happening. Maybe no one else ever took the time to explain it. 2.
2. No two are alike
 - a. Some clients will have had little or no experience with the system and quickly become intimidated, let them know that you can address them on their level
 - b. Talk to them about what they are going to hear in court and assure them it will be explained afterwards if they don't understand.

Positive/Productive/Proactive:

Take the time to explain the legal language they will hear in court. Don't just leave the conditions of probation to the PO. Don't let the first time they hear the language of the transcript be from the judge. Don't let the first time they know jail is possible is when the deputy puts the handcuffs on them.

A client always wants to know the worse case scenario and it important that you tell them all the things that could happen **and** based on your experiences what probably will happen.

D. Making sure you understand your client

1. What are his/her issues?
 - a. Mental Illness
 - b. Retardation
 - c. Youth
 - d. Stubbornness
 - e. Fear

Each of these will warrant that you approach your client in a different way. Sometimes there will be a combination and only through talking with (**not at**) your client, will you figure out how to best deal with him/her.

2. What is his/her motivation for the crime?
 - a. Drug use
 - b. Peer Pressure
 - c. Retaliation
 - d. Fear

Knowing underlying issues will go along way in negotiation and sentencing

Epilogue:

Be Positive: This doesn't stop after the interview. Put the best possible spin on the information your client give you. Know what to say and what to leave out. **Even you if you can sum up your client's life in thirty seconds, doesn't mean you should.**

Be Productive: Keep up with the law on the most common cases you handle. Revise your interview sheets when necessary.

Be proactive: Know your judges and DA's. Use this information to benefit your clients.