ROADMAP

I. What type of lawyer are you?
II. Three Techniques to use during every client interview.
III. The Furious Five – type of clients.

1. WHAT TYPE OF LAWYER ARE YOU?

I. Three Types of Public Defenders.

a. The Die Hard.
   i. All about the client.
   ii. A feeling of doing for others . . . “Client-Driven”

b. The Runway Model.
   i. All about the lawyer.
   ii. A feeling of doing for self . . . “Self-Driven”

c. The Waiter
   i. All about waiting for the “real” job.

II. No Matter What Type of Lawyer You Are – We All Need the Same Thing.

a. To zealously represent a client to the fullest – need client interviewing skills.

b. To be as effective in the courtroom as possible – need client interviewing skills.

c. To get the next job – need the marketable skill of client interviewing.

III. If You Don’t Maximize This Skill:

a. Miserable . . . despise your clients.

b. Miss crucial information needed for your defense.

c. Client interaction – become ineffective and burdensome.

IV. Generally, Client Interviewing is

a. Time consuming in the short term.

b. But, if done properly, it can be very useful in the long term.

Trust is not built, trust is the result of what you’ve built.
2. THREE TECHNIQUES

I. **Set the Stage.**

   a. Set the boundaries for the interview.
      
      i. Explain the process and expectations.
         1. Keep it brief...60 seconds or less
      ii. Imagine: A chess board or an empty canvass (Four Corners).

   b. Introduce the Four Corners.
      
      i. Yourself...“I am your attorney” then your name.
      ii. Trial and Guilty Plea options.
      iii. Charges.
         1. There is no discovery in District Court.
         2. But get what you can – copy of the Pink Sheet or Affidavit.
      iv. Sentencing options. (+ worst case scenario).
         1. Maximum sentence length.
         2. Probation length and conditions.
         3. Range of court costs and fees.
         4. Alternatives to convictions.

II. **Listen! (Silent)**

   a. Purpose of the interview.
      
      i. The Case?
      ii. The Client?

   b. To get started – ask open-ended questions.
      
      i. “What can you tell me about this case?”
      ii. A quick note about note-taking... 
         1. Keeping notes will be important down the road – it will prevent you
            from having to ask your client to repeat important details all over again.
         2. But don’t write verbatim... jot down a word or two.

   c. Be Mindful of Distractors.
      
      i. Stanford game – rename that object
      ii. Race & the interview.
         1. Implicit Bias plays a role in how we interpret everything.
         2. Be mindful of your implicit bias towards the client.
         3. Be mindful of the client’s implicit bias towards you the Public Defender.
         4. But don’t let it create a barrier between you and the client.

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2. THREE TECHNIQUES (cont’d.)

III. The Interview.

a. You don’t have to prove yourself.
   i. Not an interrogation.
   ii. Not an investigation.
   iii. Not an intramural competition.

b. Information gathering.
   i. Inter...inside.
   ii. View...to look.
   iii. Client inter-views allow you “to look inside” the facts of the case or the life experiences of your client.

c. Keep it Simple.
   i. No legal jargon.
   ii. Don’t believe the tone or facts in the police report . . . Always BIASED.

d. Stay within the Four Corners.
   i. Gently guide the interview and keep on task.

3. THE FURIOUS FIVE

I. Every Client is Different.

a. Different clients require different approaches.

II. The 5 Common Types of Client (Courtesy of Kung Fu Panda).

a. The Emotionally Aggressive (Tigress).
   i. Client Personality – These type of clients normally:
      1. Lack control over their emotions.
      3. Believe the world is out to get them, a feeling of being abandoned.
   ii. Lawyer Approach - As the lawyer, you must:
      1. Acknowledge their emotions.
         a. “I can see that this really bothers you.”
         b. “I hate that the cop did that to you.”
         c. “I see that you are trying to do right.”
      2. But do not get drawn into those emotions.
      3. Be disciplined.
         a. You cannot change their world, so stick to the case before you.

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THE FURIOUS FIVE (cont’d.)

b. The Intelligibly Challenged (Crane).
   i. Client Personality – These type of clients normally:
      1. Lack confidence.
      2. Act like it’s not their fault
      3. Are immature or mentally disabled.
   ii. Lawyer Approach - As the lawyer you must:
      1. Be confident – show that you know what you are talking about.
      2. Do not ask or make insulting statements.
      3. Ask about mental health treatment, level of schooling, etc.

c. The Liars & Deceivers (Snake).
   i. Client Personality – These type of clients normally:
      1. Seem sneaky.
      2. Act timid but are not.
      3. Are elusive with the facts and the truth.
   ii. Lawyer Approach - As the lawyer you must:
      1. Be observant.
      2. Handle the facts with care.
      3. Don’t argue with them – always say “it is up to the judge or jury.”

d. The Cynic (Monkey).
   i. Client Personality – These type of clients normally:
      1. Make empty-threats.
      2. Act cynically.
      3. Are troublemakers.
   ii. Lawyer Approach - As the lawyer you must:
      1. Be compassionate.
      2. Be optimistic.
      3. Don’t take it personal / laugh along when appropriate.

e. The Know-it-All (Mantis).
   i. Client Personality – These type of clients normally are:
      1. Jump to conclusions.
      3. Are impulsive decision-makers.
   ii. Lawyer Approach - As the lawyer you must:
      1. Be patient.
      2. See the big picture and don’t get caught up in the heat of the moment.
      3. Realize the more you say, the more you give them to argue about.

Know your lawyer-type; Use the three techniques (set the stage, listen, and inter-view); ID the client.

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