

CLINIC INTERVIEW PROCESS

I. What legal resources will you have available during the interview?

What legal specialties are accessible to you through friends & contacts?

In what areas of law do you have some experience?

Who do you know practicing in each subspecialty you may encounter?

Who do you know that you can call NOW?

You must develop human resources list (HR list) – A list of lawyers you can call from clinic to ask questions and obtain advice about particular cases

Resorting to this human resources will help dispel the following fears.

“I won’t know what to tell the clients.”

“I have little/no experience in this area of law.”

“How can I counsel them?”

“I may give them bad advice/direction.”

But don’t access people on your HR list until you have all your questions ready to ask.

IN REALITY, the problem areas you face in clinic are limited in number and will repeat themselves often.

After awhile you will not need to contact the HR list – you will become the HR.

II. Work in pairs if you can during the interview.

One attorney will triage the client – glean the chief complaint and other issues that will present the client’s story to the other attorney with the client listening to his story being recounted by the lawyer.

BENEFITS to repeating the client’s story orally after the initial interview:

You can engage the client during recounting his/her story.

The client may correct the attorneys' presentation.

The client can supplement details.

The client knows someone has listened to them.

The client will trust you and will tell you more.

The client now has two attorneys to talk with.

BENEFITS of two attorneys with the client:

You are not alone.

One writes and one listens.

As the other listens one asks questions.

Part of what you do during this interview process is to EDUCATE AND EMPOWER the client.

You must determine your client's level of understanding of:

1. His/her legal problems/needs/abilities
 - Learn how he/she got there – step by step.
 - Learn why he/she got there – what he/she did or failed to do
 - o Learn what was done to him, by him, for him to date
2. Does client understand his/her needs – He/she has an idea but it may be
 - Wrong
 - Not focused
 - Execution of it may exacerbate situations
 - It may just need a bit of tweaking
3. Client's understanding of his own abilities
 - Can he understand what needs to be done?
 - Does he have faith in himself?

- Can he stand up for himself?
- Can he stand up to the system?
- Can he sustain his motivation after he leaves the clinic?

A key: What has (s)he experienced to date?

At whose hands?

Who does he blame?

Why did it fail or just stop dead?

Will the client accept things will be different now?

Will he accept that his situation can change, and change for the better?

III. Client's prior experience with attorneys (also important)

5 out of 10 prior clients perceive they have gotten ripped off by an attorney

Or they did not understand what the attorney told them

Or they did not understand what attorney did or what they paid him to do

Client is disenchanted by lawyers because:

Prior lawyer 1 day's representation only

Not enough money so no representation

Attorney was a no show and attorney took the money

Thus be prepared for **LEGAL MALPRACTICE CLAIMS AND THE ASSOCIATED ETHICAL ISSUES**

IV. Somewhere in the interview you may realize:

1. Client may have too many legal problems
2. Client's legal needs might take weeks to solve (more than several sessions)

3. Some manageable, some simply not manageable
4. Many need paper documents – but there is no paper trail since the documents have been lost

At some point you may determine whether you are in a position to know:

Does this person really want help?

Does this person really want change?

Can this person bring about change in his/her own life?

Can I empower-educate this person?

NOW STOP HERE:

How many of these questions do you ask a paying client or ask yourself about a paying client?

WELCOME TO CHRISTIAN LEGAL AID

TWO THINGS ARE ESSENTIAL:

1. Having enough time to listen through their discussion of their problem
2. Being patient to listen the whole time before you begin to advise them, because most clients are used to explaining their problems, but are not used to someone actually listening to them, who can effect change.

We lawyers want to:

Talk

Direct

Boss

Control

WE NEED TO LISTEN AND LISTEN!

THIS MAY BE THE ONE AND ONLY TIME YOU WILL HAVE TO HELP THIS PERSON LEGALLY AND SPIRITUALLY.

V. THE INTERVIEW ITSELF.

You have to begin somewhere.

BRING INTO FOCUS THEIR PRIMARY PROBLEM

Why are they here today?

What do they expect you to do?

What do they want you to do?

What are they willing for you to do?

What are they willing to do after they meet with you?

OFTEN WHAT THEY CAME TO YOU FOR IS NOT WHAT YOU END UP DOING FOR THEM.

EXAMPLES

A. They have lived in a place 5-10 years and now want to change the deed into their name.

Is there a will

Who has been paying taxes – are there liens on the property –can they afford the process

Open an estate, is it worth it?

Should you alter the status quo?

Has there already been at sheriff sale?

Can they get a loan on any equity?

Issues are very sophisticated and overwhelm the client.

B. Client wants to get a his driver's license restored.

He was in violation of parole or probation.

Jail time awaiting if he reinstates his license.

What do you advise?

C. Client wants a divorce.

Can you help them – morally?

Why not counsel the family?

Why not plug them into a church?

AS you investigate the Chief Complaint, continue to listen.

What has happened to date – what next?

What has been done to them – what cost?

What have they attempted – what result?

REMEMBER: You may be sending them someplace to do something or to get help, so you need to know what will/could/should happen to them wherever you send them.

If they know what to expect ahead of time they will have less apprehension when they arrive.

And they will be emboldened once they see the place or process as you have said it would be.

In our law practices we usually focus on a specific issue or need.

At Clinic – we minister to the whole person – physical & spiritual

WATCH THEM BECOME MORE TRUSTING AND MORE VULNERABLE.

VI. SPECIFIC AREAS OF LAW

Consumer laws – issue

Home alarms

Used cars

Rent to own appliances/electronics

Immigration

I have been here so long

I cannot go back now

I don't know where my papers are

I cannot pay what is needed

They all know immigration horror stories. The only truth about immigration law is since 9/11 it is constantly changing and usually does not favor the immigrant/alien.

Property

Who owns what?

What is it worth?

Is it worth keeping?

Can they keep it if they get it?

Housing – Section 8

Administrative issues

What is their experience inside the site?

Who do they know – is there someone inside they can depend on?

Are they a part of the problem or a part of the solution?

Landlord/tenant

Where?

What?

How much time do they have left?

Is place habitable?

Benefits

SSD

SSI

VA

MA

Workers Comp

CRIMINAL LAW

Bench warrants

Probation

Parole violations

Expungement

Explain frustration of public defenders they do care but \geq work load.

FAMILY LAW

Support

Custody

Paternity

INJURY LAW

Torts

Documents

Essential often

Missing often

What to do?

1. Those who set up your first meeting with the client must insist they bring all papers. All means they do not choose what is important, needed or necessary, you do.
2. If you cannot give advice without papers, set new appointments or send them home to return and PROMISE YOU WILL STAY.
3. Tell them to return on X date.

Or have them call you.

CONCLUDING MINUTES OF THE INTERVIEW

1. Prayer of a discovery of God's law
2. End up with a list of instructions to give to them, discharge institutions, copy it, you retain a copy and they get the original.

You can call them later and see where they are on the list, and how well they have done.

Pray with them

1. They know you care
2. They know they are not alone