



CANADIAN CLIENT CONSULTATION COMPETITION RULES

RULE 1: NATURE, HISTORY, AND PURPOSE OF THE COMPETITION

(a) Purpose. The Canadian Client Consultation Competition (hereinafter, the “Competition”) promotes greater knowledge and interest among law students in the preventative law and counseling functions of law practice. It also encourages students to develop interviewing, planning, and analytical skills in the lawyer-client relationship in the law office. Interviewing and advising are a significant part of most lawyers' work. The Competition provides an opportunity for a valuable educational interchange between students, law teachers, and legal practitioners.

(b) Nature of the Competition. The Competition simulates a law office consultation in which two law students, acting as lawyers, are presented with a client matter. The students are given a brief written memorandum that identifies the general nature of the client’s problem before the interviews are held. The students conduct an interview with a person playing the role of the client. Students are expected to elicit the relevant information from the client, explain the relevant laws, present the client with their options, and assist the client to select their preferred resolution. The interview with the client is then followed by a post-consultation period during which the students analyze the interview and discuss the work to be undertaken. The interview and post-consultation period last a total of 45 minutes. The students are evaluated against specific criteria that emphasize the use of listening, questioning, planning, and analytical skills in a lawyer/client interview.

(c) Brief History. Canada was one of the original founding members of the International Client Consultation Competition (initially called the International Client Counseling Competition) in 1985, and has competed in the International Competition since that time. Canadian teams have been competing in the American Bar Association's Client Counseling Regionals and Nationals for a number of years. The Committee is very grateful to the American Bar Association for their support and inclusion of the Canadian universities to date.

As of May of 2011, the Committee received support from a majority of Canadian law schools to develop a Competition for all Canadian law schools. The top ranking Canadian law school at the Competition will advance to the annual Louis M. Brown and Forrest S. Mosten International Client Consultation Competition, the international legal moot competition in which over 25 different countries compete. The International Competition is affiliated with the International Bar Association and collaborates closely with law societies and bar associations throughout the world.

RULE 2: ADMINISTRATION OF THE COMPETITION AND HOSTING

(a) The Canadian Committee. The Competition is organized and administered by the Canadian Client Consultation Committee (hereinafter, the “Committee”). The Committee was established to promote the aims and objectives of the Competition and to assist in its coordination.

The members of the Committee include the Chair of the Committee, a Western Canada Regional Coordinator and an Eastern Canada Regional Coordinator, although membership in the Committee is open to other interested individuals.

(b) Hosting. The Competition is hosted every year by a different university that competes in the Competition, on a rotating schedule. The success of the Competition depends on the willingness of schools to act as hosts. The Committee will publish the hosting schedule on its website. If a school cannot host in its designated year, it is responsible for finding another host for that year.

The Committee will provide the host school with Host School Instructions, and is available to answer any questions the host school might have. The host institution must designate a Competition Organizer who will be responsible for coordinating arrangements and the actual running of the Competition. The host country is responsible for arranging funding for the Competition, though the Committee will reimburse the host school in the amount of \$1500.00. Further, the entry fee for the host school’s first team is waived.

RULE 3. ENTRY INTO THE COMPETITION

Each recognized Canadian law school is eligible to enter one team composed of two law students who are enrolled in the same law school (neither student may have received any law degree prior to the date of the Competition). Up to 12 teams may enter the Competition. If space permits, a school may send two teams. A school’s dean must approve the entry of the team, and each team must have a faculty advisor/coach.

Registration forms must be received by the registration deadline posted on the Competition’s website, which is generally in October or November. Registration forms may also be found on the Competition’s website. Competitors’ names must then be provided to the Committee by a later posted date, generally in January.

Schools may register an alternate member of the team. An alternate may compete in the Competition in case of an unavoidable circumstance that prevents a team member from competing. If an alternate will be competing in the Competition, the school should advise the Committee as soon as possible. The name of the team alternate must be provided to the Committee at the same time that team names are provided.

RULE 4. PRACTICE CONSULTATION SITUATIONS

The Committee will provide all entering schools with several practice consultation situations. They will be in the same area of law as the Competition consultation situations, and may be used for intra-school competitions to select the team they will send to the Competition. The practice consultation situations will be emailed to the contact person listed on the school's registration form in November.

RULE 5. THE CONSULTATION SITUATIONS

(a) Drafting of the Consultation Situations. The Consultation Situations and Practice Consultation Situations will be drafted and reviewed by the Drafting Committee, a group of individuals selected from across Canada who have previous experience with the ideals of the Competition and/or the Competition topic. The Drafting Committee is independent from the Committee. The individuals who draft/review the Consultation Situations must keep all details of the Consultation Situations confidential. Coaches of school teams may not be a member of the Drafting Committee, or participate in the drafting or reviewing of the Consultation Situations.

(b) Distribution of the Lawyers Memos. Approximately two weeks before the Competition, the Committee will send to each team the Lawyers Memos briefly describing the Consultation Situations for the Competition. These Lawyers Memos will contain information similar to that which a law office secretary might record when informing lawyers of a forthcoming appointment.

(c) Competition Topic. A Competition topic (e.g., contracts, intentional torts, etc.) will be designated by the Committee prior to the Competition. All consultation situations will be based on this topic. Each Consultation Situation, however, will involve a different client and a different situation.

(d) Applicable Law. The law to be applied in the Competition is the law of each team's respective jurisdiction unless otherwise indicated in the Consultation Situation.

(e) Fees. The discussion of fees is an integral part of any first consultation between a lawyer and a client. Students should be judged on how they approach this problem, but not on the monetary amount used. All students should use the following fee structure for clients:

- I. Initial Consultation: \$100
- II. Hourly Rate: \$300 per hour

The participants may discuss fees at any appropriate point in the consultation. Fees may be waived or suitably reduced only in cases of financial hardship, either for persons of low income or for persons of ordinary income faced with very large fees.

(f) Assignment of Team Letters; Anonymity. All teams will be pre-assigned a letter designation (A, B, C, etc.) by the Competition Organizer on a random basis and will refer to their team by their team letter rather than by their school. Team members and others associated with a team shall not in any way inform the judges or clients from what city, province or law school they originate until the judges have been dismissed from their judging duties. Rather than referring to the state of the law "in Ontario" or

“in British Columbia”, references should be made to “the laws in this province”. No materials given to the judges or clients should reference any actual city, province or law school.

(g) Rounds. A round consists of two or three teams (depending on the number of teams competing) conducting interviews with the same client. Based on the skills demonstrated in light of the Assessment Criteria, the judges then rank the teams. All teams participate in the preliminary rounds. The top-ranking teams will then compete in a Semi-Final Round. Winners of the Semi-Final Round compete in the Final Round.

(h) Dress. During the Competition rounds, students should wear attire typical of a lawyer.

RULE 6. THE CONSULTATION AND POST-CONSULTATION

(a) Maximum Time Limit for the Session. Each team shall have a maximum of forty-five (45) minutes to complete the session. This session must include both a consultation session with the client and a post-consultation.

(b) The Consultation with the Client. Each team must conduct a consultation with the client during which the students are expected to elicit the relevant information, outline the problem, identify issues (both legal and non-legal) and propose options for resolving the problem.

Team members are entirely free to decide how they will divide their work, but both students must consult with the client as a team and their plan is subject to judging.

(c) The Post-Consultation. Each team must also conduct a meaningful post-consultation discussion between the lawyers after the client has left the room. The team may not leave the room between the consultation and post-consultation. During this post-consultation, the students may either talk to each other loudly enough to be overheard by the judges or dictate a file memorandum on the interview or both. The post-consultation performance may summarize the interview, indicate the scope of the legal work to be undertaken, and state the legal issues that should be researched. Explanation of the position or attitude taken by the students may be useful.

The students may also feel that documentation is appropriate. For example, they may want to write a letter to the client confirming their retention as lawyers, the fee arrangement, etc. It also may be appropriate for the students at the conclusion of this consultation to compose a letter to opposing counsel or to the party with whom the client is having legal problems.

(d) Timekeeping. The student competitors will not be provided with timekeepers. They are responsible for keeping track of their time. However, one of the judges on each panel should be selected to keep track of the time for the judges. Under no circumstance will a team be allowed more than forty-five (45) minutes to complete the session, including both the consultation and the post-consultation. The timekeeper judge shall stop students after forty-five (45) minutes regardless of where students are in the consultation or post-consultation process. The decision of the timekeeper judge as to when the round

should end is final. In determining a team's score, the judges shall consider the way the team allocated its time and, if applicable, the team's failure to include a meaningful post-consultation session.

(e) Use of Materials and Props. During the consultation and post-consultation, the team may use books, notes, and other materials. The team may also use office props (computers or other electronic devices, Dictaphones, files, desktop furnishings, etc.). If a team decides to use props, those props can in no way indicate a city, province, law school, etc.

RULE 7. JUDGES' CRITIQUE AND RANKING OF TEAMS OBSERVED

(a) Content and Timing of the Critique. Except in the final round, following each team's post-consultation presentation, the judges should provide the team with a critique of the team's handling of the consultation and post-consultation. Judges may ask the team to leave the room for a short time whilst they deliberate but can then ask the students to return. This critique should focus on the Assessment Criteria. The critique should last no more than ten (10) minutes.

(b) Client Not to Be Present. Clients should not be present during the post-consultation period or the critique.

(c) Judges' Discussion of Each Team; Consulting with the Client; and Awarding Points. After the judges have observed all teams, the judges may discuss each team's performance among themselves. Judges are encouraged to consult with the client, but only after all the interviews in the room have been conducted. Although the judges should discuss the performance of the teams, the judges should individually rank the teams. Judging independently, each judge must give one (1) point to the one (1) team that in the judge's opinion performed the best in light of the judging standards, two (2) points to the second-place team and three (3) points to the third-place team. Judges may not award half points. There cannot be a tie.

RULE 8. SEMI-FINAL ROUND

(a) Qualifying for the Semi-Final Round. At the end of the preliminary rounds, the total scores for each team will be computed (the best possible score is 9 points, i.e., 1 point from each of the three judges [3 points] in each of the three rounds, $3 \times 2 = 9$ points). Adjustments shall be made if fewer or more than three judges scored a round (e.g., if only two judges scored a round, their scores should be averaged to provide a third score for the round). Any coach that desires to observe the computation of scores may be present.

(b) Number of Teams Advancing to the Semi-Final Round. If 8 or more teams compete in the preliminary rounds, the top six teams will advance to the Semi-Final Round. If 7 or less teams compete in the preliminary rounds, the top four teams will advance to the Semi-Final Round. The Competition Organizer will pair the teams by separating the highest (2 or 3) ranking teams into different rooms. The other teams will be placed in the rooms by random draw. However, the Competition Organizer will alter

the pairings produced by the random draw to avoid placing teams in the same room when teams have previously appeared in the same room in the preliminary rounds.

(c) Ties after the Preliminary Rounds. In case of ties between teams that prevent the Competition Organizer from determining which teams will advance to the Semi-Final Round, the following procedure will be followed. If teams otherwise qualified to advance after the Preliminary Rounds are tied, the Competition Organizer shall determine the teams for the Semi-Final Round by eliminating all teams (among the tied teams) that had lost in head-to-head competition (e.g., assume that teams A and B are tied for the last place in the Semi-Final Round; if teams A and B have met in a round in which team A had received a lower (better) score among the judges than team B, team B would be eliminated from the Semi-Final Round). If the teams needed for the Semi-Final Round cannot be determined by this procedure, then the Competition Organizer shall determine the other semi-final round participant(s) by counting the number of "1's" each team received from the judges in the preliminary rounds. The team(s) with the greatest number of "1's" shall advance. If the teams needed for the Semi-Final Round cannot be determined by this procedure, then the Competition Organizer shall determine by lot (among the remaining tied teams) the teams that will compete in the Semi-Final Round.

(d) Order of Appearance of Teams in the Semi-Final Round. The teams with the lowest scores after the preliminary rounds are allowed to choose when they perform in the semi-final round. In case of a tie, the order will be made by a draw.

(e) Decision of the Judges in the Semi-Final Round; Advancing to the Final Round. After the judges in each room have observed all teams in the Semi-Final Round, the judges should discuss each team's performance among themselves. Judges are encouraged to consult with the client. By a majority vote, the judges should decide which team performed the best in light of the Assessment Criteria. If there is not a majority, the judges shall continue to confer until a winning team is selected. There cannot be a tie. After a decision has been reached, the judges should record their decision on the Judges' Semifinal Round Results Sheet. Thus, if six teams compete in the Semi-Final Round in three rooms, three teams will advance (one from each of the three rooms).

If the judges are unable to select the winning team by using the method outlined above, the judges are to notify the Competition Organizer who will use the following tie-breaking mechanism: a) if the teams competed head-to-head in any of the Preliminary Rounds, the team who lost in head-to-head competition will be eliminated. If the teams did not meet in head-to-head competition in the Preliminary Rounds, then b) the number of "1's" each team received from the judges in the Preliminary Rounds will be counted, and the team with the greatest number of "1's" shall advance. If the teams are still tied, then c) the Competition Organizer shall determine by lot which of the two teams will advance to the Final Round.

RULE 9. THE FINAL ROUND

(a) Order of Appearance of Teams in the Final Round. The team with the lowest score after the first three rounds (preliminary rounds) is allowed to choose when it performs in the final round. In case of a tie, the order will be made by a draw.

(b) Format of the Final Round; Decision by the Judges; Announcement of the Winner; and Critique. The final round will be in one room with one panel of judges. After the judges have seen all of the teams perform, the judges should discuss each team's performance among themselves. Judges are encouraged to consult with the client. By majority vote, the judges should decide which team performed the best in light of the Assessment Criteria. If there is not a majority, the judges shall continue to confer until a winning team is selected. The judges shall also select a second place team. There cannot be a tie. After a decision has been reached, the judges should record their decision on the Judges' Final Round Results Sheet. Following the announcement of the winner, the judges will then comment on the consultations.

RULE 10. ADVANCING TO THE INTERNATIONAL COMPETITION

The top Canadian team from the Competition will advance to the International Louis M. Brown and Forrest S. Mosten Client Consultation Competition. If the top Canadian team chooses not to attend the International Competition, the second-place team will be invited to attend.

RULE 11. AWARDS

Each participant in the Competition will receive a certificate. The students on the winning team will each receive a plaque, as will the winning team's school. The plaques will be sent to the winning team's school shortly following the Competition.

RULE 12. COUNSELING SESSIONS: ATTENDANCE AND COMMUNICATION

(a) Observing Rounds. Faculty advisors/coaches/team alternates/other observers may observe their own teams subject to space availability. The team and its faculty advisor/coach may not observe other teams competing in the preliminary rounds in the Competition. They may observe other rounds if they have been eliminated from the Competition.

(b) Prohibited Communications. No observer may communicate in any way with any team members during the course of their performance, or with any judge prior to scoring. No person associated with a school which has two teams competing in the Competition, and who watches one of the two teams compete may communicate in any way with the school's other team about the nature or content of that problem before that other team competes on that problem. Teams from the same school may not

communicate between rounds about the problems.

RULE 13. DISPUTES AND BREACHES OF THE RULES

(a) Disputes Subject to Review. Disputes relating to violations of the rules of the Competition by a team, persons associated with a team, or judges, and disputes relating to alleged misinterpretations of the rules by judges, will be subject to the provisions of paragraphs (b) to (d), below. All decisions of the judges relating to the quality of a team's performance are final; disputes regarding such decisions are not subject to hearing or appeal.

(b) Prior to Decision of a Round. Disputes concerning the conduct of a team (or persons associated with a team) or other complaints arising during a round of the Competition but prior to the decision of the judges, shall be directed to the Competition Organizer. When a timely complaint has been raised, the Competition Organizer shall investigate and resolve the dispute in a way that the Competition Organizer in his or her discretion deems best to avoid nullification of the round. If the Competition Organizer's team is involved in the disputed round, the Competition Organizer shall refer the matter to available members of the Committee who are not involved in the disputed round to resolve the dispute in the manner provided by this subsection. If the decision-maker determines that the team has engaged in a serious violation of the rules, the decision-maker may: (1) discuss the dispute with the judges and allow them to take the matter into account in making their decision; or (2) impose a sanction, including a deduction of points or disqualification of a team from the Competition.

If the decision-maker determines that the team winning the disputed round should be sanctioned by a lower ranking or disqualification from the Competition, the Competition Organizer shall allow the next-lowest-ranked team to be regarded as the winner.

(c) After the Decision of the Round but Before the Next Round Begins. When a dispute has been raised after a round has been decided but before the next round begins (if there is one), the Competition Organizer shall investigate the dispute. If the Competition Organizer's team is involved in the disputed round, the Competition Organizer shall refer the matter to available members of the Committee to resolve the dispute in the manner provided by this subparagraph. The decision-maker may hear representatives from the parties involved and shall resolve the dispute in a way that the decision maker in his or her discretion deems best, consistent with the purposes of the Competition. If the decision-maker determines that the team winning the disputed round should be sanctioned by loss of that round or disqualification from the Competition, the Competition Organizer shall allow the next-lowest-ranked team to be regarded as the winner.

(d) All Other Disputes. All other disputes shall be referred to the Committee as soon as possible, but no later than 2:00 p.m. PST on the Tuesday following the Competition.

RULE 14. CLIENTS

(a) Selection of Clients. The Competition Organizer is responsible for selecting persons to play the role of the client for each of the sessions. A law student from the host school may not act as a client in any room in which the host law school team is competing. If use of such a law student is unavoidable, the host law school team must be awarded the maximum score for that round. Host schools must also take reasonable steps to ensure that clients do not know the law students who are interviewing them.

(b) Orientation for Clients. The Competition Organizer will provide a Client Orientation prior to the Rounds (either in advance of the Competition date or on the morning of the Competition). In advance of the Competition, each client should be supplied with a packet containing the consultation situation and a detailed confidential memorandum concerning the client's background and concerns.

(c) Availability after the Round to Talk with Judges. Clients should plan to be available after all the interviews in the room have been conducted. to discuss the consultations with the judges.

(d) Anonymity of teams. Clients must not be told the identity of teams that are competing. Teams must have no contact with clients outside the competition room until all the interviews in the room are finished and the judges have had an opportunity to confer with the client. Clients should not ask teams where they come from until all the judging in the room has been completed.

RULE 15. JUDGES

(a) Selection of the Judges. The Competition Organizer is responsible for selecting judges for the preliminary and semi-final rounds of the Competition. The Competition Organizer should make every effort to have two practicing lawyers on the panel who have had prior experience with, or who are familiar with the ideals of, the Competition. In addition, there should be one person on the panel with a strong background in one of the counseling professions (e.g., social or welfare worker, psychologist, minister, or another person with extensive experience of counseling). If possible, one of the two lawyers on the panel should be familiar with the area of law that is the subject of the Competition.

(b) Final Round Judges. The Committee is responsible for selecting judges for the final round of the Competition. For the final round, the panel will usually consist of three judges, chosen from among the Committee or otherwise by invitation of the Committee. An effort will be made to include one person on the panel with a strong background in one of the counseling professions as well as a lawyer who is familiar with the area of law that is the subject of the Competition.

(c) Persons Prohibited from Judging. No one who judged an earlier round can act as a judge in the final round. No law professor may act as a judge for a team from that professor's law school. Faculty advisors/coaches shall not act as judges as long as their teams have not been eliminated from the

Competition. The Competition Organizer must take steps to ensure that the judges do not know the law students whom they are judging.

(d) Judges' Orientation. The Competition Organizer will provide a Judges' Orientation prior to the Rounds.

(e) Assessment Criteria and Feedback Form. All judges, as well as students, shall receive a copy of the attached 'Assessment Criteria and Feedback Form'. All judges will also be supplied with a copy of the consultation situation for the round they will be judging, a copy of the Rules, and a detailed confidential memorandum about the client's background and concerns. Judges are instructed that the 'Assessment Criteria and Feedback Form' are to be used as guidelines in scoring the Competition. Considering the nature of the Competition, it would be impossible for judges to adhere strictly to totally objective guidelines. After the Competition has been completed, copies of each team's Assessment Criteria and Feedback Forms, along with the rankings of the judges for that team, will be made available to the team.

(f) Taking Notes during the Round. Judges should take notes as they observe each team's performance and base their critiques on specific observations from their notes in light of the Assessment Criteria.

(g) Judges' Role in Anonymity. Judges may not ask the students the name of their law schools until the judges have finished scoring all teams in that round and the score sheets have been turned in. Judges may not communicate with the students or anyone associated with a team outside of the interview room until the judges have finished scoring all teams in that round and the score sheets have been turned in.

RULE 16. PARTICIPANT/JUDGES/COMMITTEE MEMBERS EXPENSES

(a) Participant Expenses; Judges Expenses; Committee Members Expenses. Travel, accommodation, and incidental costs incurred by participants in conjunction with the Competition will not be reimbursed by the Committee and will be the responsibility of the participants. A lunch will be provided for all participants.

Judges and coaches participate voluntarily and are not reimbursed.

Expenses incurred by a representative Committee Member to attend the Competition and/or the International Competition may be reimbursed, subject to funding.

(b) Entry Fee. The entry fee for the Competition will be set by the Committee.

RULE 17. FUNDING/SPONSORSHIP OF THE COMPETITION

Schools' entry fees currently cover the basic costs required to run the Competition. However, sponsorship is needed to purchase Competition prizes, to fund a Competition reception, and to assist with the costs of sending the top Canadian team to the International Client Consultation Competition. Questions concerning contributions should be addressed to the Committee.

RULE 18. THE ANNUAL GENERAL MEETING (AGM)

The Committee meets at least once annually when the Competition is held. The business of that meeting comprises matters relating to the aims and objectives of the Competition, its management, and arrangements for the future conduct of the Competition.

RULE 19. QUESTIONS ABOUT THE COMPETITION

Questions about the Competition should be directed to the Committee.

PROBLEM / ROUND: _____ TEAM LETTER:

JUDGE: _____ STUDENT-LAWYER:

DATE: _____ ROOM: _____ STUDENT-LAWYER:

Assessment Criteria and Team Feedback Form

CRITERION 1: ESTABLISHING AN EFFECTIVE PROFESSIONAL RELATIONSHIP

The lawyers should establish the beginning of an effective professional relationship. At an appropriate point, they should orient the client to the special nature of the relationship (confidentiality, fees, mutual obligations and rights, duration and plan of interview, methods of contact, etc.) in a courteous, sensitive and professional manner.

Select one of the following:

- 2 The lawyers did not establish the beginning of an effective professional relationship.
- 1 The lawyers established the beginning of an effective professional relationship. However, they either failed to adequately cover the issues pertaining to that relationship or showed some considerable failing in terms of courtesy, sensitivity and professionalism.
- 0 The lawyers established the beginning of an effective professional relationship. They adequately covered the issues pertaining to that relationship and demonstrated the basic elements of courtesy, sensitivity and professionalism.
- +1 The lawyers established the beginning of an effective professional relationship. They covered the issues pertaining to that relationship well and in a courteous, sensitive and professional manner.
- +2 The lawyers established the beginning of an effective professional relationship. They covered the issues pertaining to that relationship comprehensively and in a highly courteous, sensitive and professional manner.

CRITERION 2: OBTAINING INFORMATION

The lawyers should elicit relevant information about the problem from the client (both legal and non-legal). They should develop a complete and reliable understanding of the problem and reflect this understanding to the client.

Select one of the following:

- 2 The lawyers failed to elicit the relevant information about the problem from the client. They only developed an incomplete understanding of the problem and/or failed to reflect it to the client.
- 1 The lawyers failed to show competence in at least one of the following areas: eliciting the basic information about the problem from the client, developing a basic understanding of the problem, or making some effort to reflect that understanding to the client.

- 0 The lawyers elicited the basic information about the problem from the client. They developed a basic understanding of the problem and made some effort to reflect it to the client.
- +1 The lawyers elicited most of the relevant information about the problem from the client. They developed a reasonably comprehensive and reliable understanding of the problem and competently reflected that understanding to the client.
- +2 The lawyers elicited all relevant information about the problem from the client. They developed a comprehensive and reliable understanding of the problem and clearly reflected that understanding to the client.

CRITERION 3: LEARNING THE CLIENT’S GOALS, EXPECTATIONS AND NEEDS

The lawyers should learn the client’s goals and initial expectations and, after input from the client, modify or restate them as necessary, giving attention in doing so to the emotional aspects of the problems.

Select one of the following:

- 2 The lawyers failed to learn the client’s goals and initial expectations.
- 1 The lawyers learned some of the client’s goals and initial expectations. They made few modifications and developments to this understanding and took little or no account of any emotional aspects of the problems.
- 0 The lawyers obtained a general understanding of the client’s goals and initial expectations. They were able to make some modifications and developments to this understanding but may not have fully taken into account any emotional aspects of the problems.
- +1 The lawyers obtained a good understanding of the client’s goals and initial expectations. They were able to make modifications and developments to this understanding taking into account any emotional aspects of the problems.
- +2 The lawyers obtained an excellent understanding of the client’s goals and initial expectations. They were able to modify and develop this understanding fully taking into account any emotional aspects of the problems.

CRITERION 4: PROBLEM ANALYSIS

The lawyers should analyze the client’s problem with creativity and from both legal and non-legal perspectives and should convey a clear and useful formulation of the problem to the client.

Select one of the following:

- 2 The lawyers failed to achieve a clear understanding of the client’s problem or did not attempt to analyze the problem.

- 1 The lawyers achieved some understanding of the client's problem and attempted to analyze the problem. However, they omitted some significant elements or provided an unsound analysis.
- 0 The lawyers analyzed the client's problem from both legal and non-legal perspectives. They provided some formulation of the problem although it may have lacked clarity or usefulness.
- +1 The lawyers analyzed the client's problem with creativity from both legal and non-legal perspectives. They conveyed a clear and useful formulation of the problem.
- +2 The lawyers analyzed the client's problem with a high degree of creativity from both legal and non-legal perspectives. They conveyed a very clear and useful formulation of the problem.

CRITERION 5: LEGAL ANALYSIS AND GIVING ADVICE

Legal analysis and the consequent legal advice given should be both accurate and appropriate to the situation and its context. If appropriate, the lawyers should give pertinent and relevant non-legal advice.

Select one of the following:

- 2 The lawyers gave no advice or the advice given was seriously inaccurate or inappropriate.
- 1 The lawyers attempted to give legal advice, but it was inaccurate or inappropriate. Alternatively, any non-legal advice, if given, was either very unhelpful or irrelevant.
- 0 The lawyers engaged in legal analysis and gave advice that was reasonably accurate and showed some awareness of the situation. Any non-legal advice, if given, was pertinent and relevant.
- +1 The lawyers engaged in good legal analysis and gave advice that was reasonably appropriate to the situation. Any non-legal advice, if given, was pertinent and relevant.
- +2 The lawyers engaged in excellent legal analysis and gave advice that was highly appropriate to the situation and its context. Any non-legal advice, if given, given was pertinent and relevant.

CRITERION 6: DEVELOPING REASONED COURSES OF ACTION (OPTIONS)

The lawyers, consistently with the analysis of the client's problem, should develop a set of potentially effective and feasible options, both legal and non-legal.

Select one of the following:

- 2 The lawyers failed to develop any effective or feasible options.
- 1 The lawyers considered an option but showed inadequate consideration as to its effectiveness or feasibility.

- 0 The lawyers considered more than one option and showed some consideration as to the effectiveness or feasibility of the option.
- +1 The lawyers satisfactorily developed more than one potentially effective and feasible option of a legal and/or non-legal nature.
- +2 The lawyers fully and effectively developed a set of potentially effective and feasible options of a legal and/or non-legal nature.

CRITERION 7: ASSISTING THE CLIENT TO MAKE AN INFORMED CHOICE

The lawyers should develop an appropriate balance in dealing with the legal and emotional needs of the client. They should assist 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.

Select one of the following:

- 2 The lawyers failed to deal with the client's legal or emotional needs. They made little or no attempt to assist the client in his or her understanding of problems and solutions, or in making an informed choice.
- 1 The lawyers made some effort to deal with the client's legal or emotional needs. They made some effort in assisting the client in his or her understanding of problems and solutions or in making an informed choice. However, they may have been largely unsuccessful in this task.
- 0 The lawyers dealt appropriately with the client's legal and emotional needs. They assisted the client in his or her understanding of problems and solutions, and in making an informed choice. However, they were not wholly successful in this task.
- +1 The lawyers dealt appropriately with the client's legal and emotional needs. They effectively and constructively assisted the client in his or her understanding of problems and solutions and in making an informed choice.
- +2 The lawyers dealt with the client's legal and emotional needs very well. They provided excellent assistance to the client in his or her understanding of problems and solutions, and in making an informed choice.

CRITERION 8: EFFECTIVELY CONCLUDING THE INTERVIEW

The lawyers should conclude the interview skillfully and leave the client with: a feeling of reasonable confidence and understanding; appropriate reassurance; and a clear sense of expectations and mutual obligations to follow.

Select one of the following:

- 2 The lawyers showed a lack of skills in ending the interview. Alternatively, the client left with little or no confidence and understanding, sense of reassurance, or sense of expectations and mutual obligations to follow.
- 1 The lawyers showed some skills in ending the interview. However, the client clearly left without at least one of the following: a feeling of reasonable confidence and understanding, appropriate reassurance, or a clear sense of expectations and mutual obligations to follow.
- 0 The lawyers showed some skills in ending the interview. The client left with some feeling of confidence and understanding, reassurance, and sense of expectations and obligations to follow.
- +1 The lawyers showed good skills in ending the interview. The client left with a feeling of reasonable confidence and understanding, appropriate reassurance, and a clear sense of expectations and mutual obligations to follow. However, the lawyers may have exhibited deficiency in one of these areas.
- +2 The lawyers showed excellent skills in ending the interview. The client left with a feeling of reasonable confidence and understanding, appropriate reassurance, and a clear sense of expectations and mutual obligations to follow.

CRITERION 9: TEAMWORK

The lawyers should work together as a team with flexibility and an appropriate balance of participation.

Select one of the following:

- 2 The lawyers exhibited no evidence of teamwork.
- 1 The lawyers exhibited evidence of teamwork, but showed a lack of understanding between the team members or an imbalance in participation.
- 0 The lawyers exhibited a satisfactory basic level of teamwork.
- +1 The lawyers exhibited very good teamwork skills, but lacked the highest level of understanding between the team members and/or the ability to adapt their approach to the particular client.
- +2 The team members exhibited excellent teamwork showing a very high level of understanding between them and the ability to adapt their approach to the particular client.

CRITERION 10: ETHICAL AND MORAL ISSUES

The lawyers should recognize, clarify and respond to any moral or ethical issues which may arise, without being prejudicial in judgments.

Select one of the following:

- 2 moral or ethical issue(s) arose which the lawyers either did not recognize or which they dealt with in an inappropriate way.
- 1 moral or ethical issue(s) arose which the lawyers recognized but failed to deal with adequately.
- 0 no moral or ethical issues arose in the interview.
- +1 moral or ethical issue(s) arose which the lawyers recognized and partially dealt with.
- +2 moral or ethical issue(s) arose which the lawyers recognized and fully dealt

with. **CRITERION 11: POST INTERVIEW REFLECTION PERIOD**

During the post-interview reflection, the lawyers should give evidence of: recognizing their own and the client's emotional considerations; acknowledging the strengths and limitations of their interviewing and counseling skills; handling the substantive aspects of the client's problems (both legal and non-legal); identifying the ethical or moral issues and the proper handling of them; and providing for an effective follow up.

Select one of the following:

- 2 **The lawyers omitted or exhibited minimal post-interview reflection, or the lawyers failed to understand the purpose of the post-interview reflection.**
- 1 **The lawyers acknowledged some of the issues to be addressed, but they failed to address the issues with insight or with sufficient lucidity.**
- 0 **The lawyers acknowledged and addressed some of the issues to be addressed including those of real significance.**
- +1 **The lawyers made a good exposition and analysis of the issues to be addressed with some minor omission(s) of issues or lack of comprehension or insight.**
- +2 **The lawyers exhibited comprehensive and insightful exposition and analysis of all the issues to be addressed.**

SUMMARY COMMENT:

Please provide this team with a brief summary comment about the team's performance in the space below: