

# **MOIN & ASSOCIATES LAWYERS**

## **Client Interviewing Techniques**

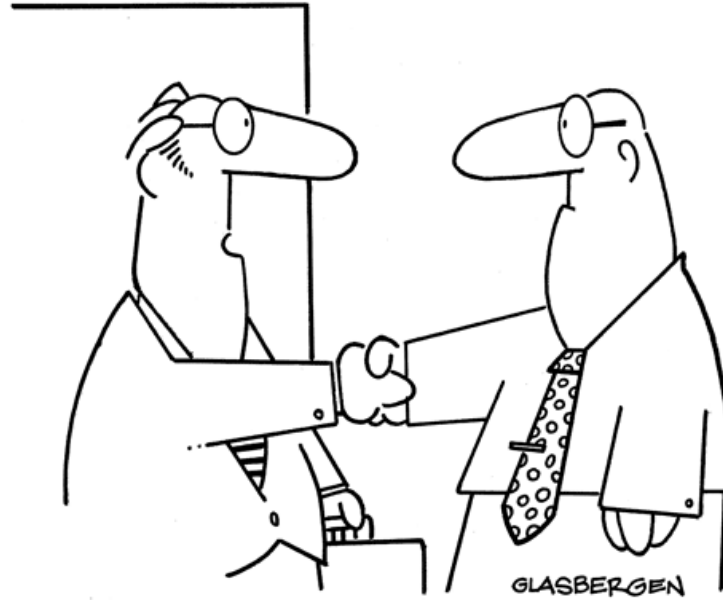
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# Today

- Introduction
- General Information
- Interview Process
- Questions

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**“Can we swap glasses? It helps me see things from the customer’s point of view!”**

# General Information

- Good client communication skills are vital for successful legal practice.
- How you deal with a client, or even a representative of client, will not only give an impression of you as a professional but also the firm or company you are working with.
- Face to face communication is often the key in building a successful client relationship.

# What is a Client Interview?

- A client interview is personal communication between two or more people for the practical purpose of obtaining information or instructions. It is NOT an emotional exchange, social conversation, argument or a debate. (College of Law Practice Papers 2011)
- The parties to the interview are the legal practitioner and the client/s. Questions and answers are used to gather relevant information, in addition to verbal and non-verbal cues.

# Interview Process

- Preparation
- Beginning the Interview
- Problem Identification Stage
- Client Free Narrative
- Theory Development
- Advising
- Concluding the Interview

# Interview Process

- Preparation
  - Time and Place
  - Conduct preliminary research
  - Know fee structure

# Interview Process

- Beginning the Interview
  - Comfortable
  - Greeting of the client



# Interview Process

- Problem Identification Stage
  - Establish rapport with the client
  - Identification of major issues

# Listening and Observing

- Helps build the relationship with the client.
- Think ahead.
- Be aware of non-verbal cues.
- Reiterate what the client has told you.

# Overcoming Listening Barriers

- DON'Ts:
  - Be preoccupied or bored by what the client is telling you
  - Impatient
  - Show that time is an issue
  - Show bias
  - Focus on the client's appearance or the delivery of their instructions
  - Interrupt the client or finish their sentences unless it is necessary to clarify any issue
  - Change the subject
  - Play with stationary
  - Speak down to a client

# Overcoming Listening Barriers

- DO's
  - Exclude distracting noises and interruptions
  - Ensure your desk is clean of all other client files and is tidy
  - Prepare yourself to listen for an extended period.
  - Prepare yourself physically to listen
  - Focus your attention on what the client is telling you
  - Withhold evaluation of what the client is telling you
  - Take notes
  - Listen responsively
  - Make sure you are prepared

# Body Language

- Non-verbal cues may include:
  - Posture
  - Body movements
  - Gestures
  - Facial cues
  - Body Responses

# Body Language

- Do's
  - Maintain an attitude that shows you are paying attention
  - Maintain eye contact – at a reassuring level.

# Factors that may prevent a client from disclosing all relevant information

- Ego Threat
- Case Threat
- Role Expectations
- Etiquette Barriers
- Trauma
- Client perceived irrelevancy
- Greater Needs

- Example of client who may withhold information to benefit their case





# How to overcome disclosure issues

- Concentrate on what the client is telling you.
- If a client gives you information that you require, compliment the client.

# Interview Process

- Client Free Narrative
  - Get the client to tell you their story chronologically
  - Do not rush in and pass judgment
  - Open and closed questions

# Interview Process

- Theory Development
  - Open and closed questions
  - Logical explanation of facts

# Questioning Techniques

- Open Questions: These questions are broad in nature, which allow a client considerable freedom in answering and providing information to you. For example:
  - “How may I help you?”
- Asking open questions requires you to be able to stop and re-direct a client if needed
- Advantages:
  - The solicitor can actively listen and take notes whilst the client is talking
  - Can communicate interest and trust as the client has the freedom to ‘tell their story’
  - Pose little threat to the client
  - Generally reveal what a client thinks is important
  - May reveal lack of information
  - May reveal a client’s uncertainty around certain issues
- Disadvantages:
  - Can consume a lengthy amount of time
  - Client may dwell on information that that the solicitor does not necessarily require (this is where you need to stop and re-direct the client)
  - Client may only give a brief answer, which then requires the solicitor to ask further questions
  - Lengthy and rambled answers which take time to reconcile with facts

# Questioning Techniques

- Closed Questions: These are restrictive questions which limit answers from the client and generally are designed to provide specific information (for example “How old are you?”).
- These questions are less threatening to clients as generally no explanation or justification is required.
- Advantages:
  - Solicitors can control the questions and answers more effectively. Allows questions to be asked in less time and allow the solicitor to get specific information without waiting for the client to volunteer it.
  - Answers are easier to replicate and analyse. Answers can be recorded more easily, reliably and confidently.
- Disadvantages:
  - May obtain not enough information
  - May force the client to take a specific position
  - May make the client feel as though the solicitor has no interest in the interview and is merely just going through the steps

# Questioning Techniques

- Use language that the client will understand and will not introduce bias into the question or answer
- Ask questions that are in the client's knowledge, if not sure of the level of knowledge always best to ask
- Avoid complex questions or multiple questions
- Be alert to social, cultural, religious or psychological constraints which may inhibit answers being provided

# Interview Process

- Advising
  - Legal and non-legal options
  - Consequences of options

# Interview Process

- Concluding the Interview
  - Fees
  - Confirm client instructions
  - Develop action plan
  - Comfortable



# Thank you

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