Long Assignment for
The Elder Law Clinic

Hannah Vaughan
Elon University School of Law

Introduction to Faculty Colleagues

I prepared this multi-part client counseling assignment for the Elder Law Clinic. The Clinic provides an opportunity for advanced law students to represent live clients, sometimes for the first time. This assignment gives students an opportunity to practice explaining difficult legal terms and legal documents to mock clients in two different settings. First, they explain the documents in a presentation format to a group of undergraduate students acting as potential clients. Second, they explain the documents to an individual student, who is acting as a client, in a private meeting where they assist the client in executing legal documents in accordance with their personal values/goals. This is one of the very first assignments during the semester and is designed to boost students’ confidence for actual client meetings.

This assignment also gives students an opportunity to practice the level of planning they need to do in order to be prepared for a client meeting and requires them to critically reflect on the meeting after the fact. Planning and Reviewing are two important lawyering skills that allow attorneys to be successful and improve the quality of their work, but they are often skipped by attorneys due to the time pressures of practice. I want students to practice these skills in the clinic so that they can understand how planning and reflection impacts their ability to provide quality services.

This is an assignment that I have used in previous semesters. However, in the past, I have given most of the instructions for this assignment orally. By putting the instructions in writing and being explicit about the purpose of the assignment, I believe the students will have a better understanding of how this assignment will help them with real clients. Also, I had not previously defined the criteria I was using for grading the assignment. I always provide comments/feedback when discussing the self-reflection paper with the student, but I like the idea of having a specific set of predefined criteria, identifying for myself and the student what constitutes great work and what level of performance requires significant improvement, and giving students an indication of where they stand on a continuum.
The Assignment I Distribute to Students
The Elder Law Clinic
Client Counseling Exercise

Learning Objectives
One purpose of this multi-part assignment is to have you practice explaining important legal documents to clients. You will have the opportunity to explain the documents in two contexts:

1. First, you will prepare a PowerPoint presentation about Advance Directives and give that presentation to undergraduate business school students. Attorneys frequently speak to the public about legal topics both as a service to the community and to promote their services. The PowerPoint presentation to undergraduate business students is meant to simulate this real life lawyer activity.

2. Second, you will meet with individual students (acting as your clients) and counsel them through the execution of these documents. Client Counseling is a core skill required for the practice of law and it is not as easy as it appears. In order to properly counsel a client, the attorney must know the law, listen to the client and have an understanding of the client’s needs, desires, and values, be able to identify mechanisms in the law for implementing the client’s goals, advise the client on the pros and cons of available options, and, when appropriate, recommend a course of action that meets the client’s needs.

A second purpose of this assignment is to have you practice preparing for a client meeting. Prior to the client counseling meeting, you will do as much background research as you deem necessary to be prepared for any questions you might be asked. You will also prepare an interview plan that will serve as an agenda for the client meeting. Please refer to the assigned readings about staging interviews and various forms of questions in creating your interview plan.

A third purpose of this assignment is to have you practice incorporating feedback from others and reflecting on your work. After you conclude your client counseling meeting, you will review the feedback from both your client and any witnesses and prepare a written self-critique. Specific instructions for each part of the assignment will follow.

Specific Instructions

Part 1
Educational Presentation on Advance Health Care Directives
You will work in teams to prepare an educational presentation on Advance Directives. The presentation should be approximately 20 minutes. You are tasked
with explaining the Health Care Power of Attorney and the Living Will to your audience (undergraduate business school students) in an understandable way. You should review and explain the two documents in their entirety, but should be sure to highlight the similarities and differences between them so that your audience leaves with a clear understanding of each document and its purpose. You should also mention any important considerations and/or cautions for a client when executing any of these documents. If you have any questions about what to include or not include in your presentation, please see me as soon as possible. Your presentation (including powerpoint slides and any outline or talking points you have prepared) are due by 5pm on Sunday 9/8. Presentations will take place in the Clinic on Monday September 9th and Tuesday September 10th at 6pm. Clinic faculty will assign you to a presentation date based on your class schedule. As a presenter, you will be graded on your collaboration with your classmates, the accuracy of the information you provide, as well as your presentation skills.
### Rubric for Part 1 of Client Counseling Exercise

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>Done Well</th>
<th>Rating and Comments</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provided Accurate Information</strong></td>
<td>Made sure that each document was fully explained in the presentation, highlighted similarities and differences between the documents, identified the purpose of each document, mentioned relevant personal considerations and cautions for a client when executing either documents.</td>
<td></td>
<td>Stated the law inaccurately, Described the documents inaccurately, failed to explain the purpose of each document or how the documents work together, failed to explain similarities and differences in the documents, failed to explain any cautions or other personal considerations relevant to executing the documents</td>
</tr>
<tr>
<td><strong>Collaborated with Peers</strong></td>
<td>Student had a role in preparing the PowerPoint presentation. Student had a speaking role during the presentation. Student understands his contribution to the presentation in context of the whole.</td>
<td></td>
<td>Student dominates the presentation or does not speak at all. Student did not understand his role or part of the presentation within the context of the whole. Student did not participate in preparation meetings (virtual or otherwise). Student did not contribute to the PowerPoint Presentation</td>
</tr>
<tr>
<td><strong>Presentation Skills</strong></td>
<td>Student articulated words clearly. Student spoke at an appropriate volume. Student spoke at an appropriate rate/speed. Student used language that was easy for audience to understand. Student appeared confident and</td>
<td></td>
<td>Student’s speech was unclear. Student could not be heard or seemed to be shouting. Student talked to fast or too slow. Student spoke in legalese or oversimplified language. Student appeared extremely nervous or overconfident</td>
</tr>
<tr>
<td>CRITERIA</td>
<td>Done Well</td>
<td>Rating and Comments</td>
<td>Needs Improvement</td>
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<td></td>
<td>professional. Student maintained eye contact with the audience. Student made appropriate use of slides or outline as a guide to the presentation. Student stayed focused and on point.</td>
<td>(cocky). Student did not make eye contact with audience. Student read from the powerpoint screen or from notes. Student failed to stay on topic.</td>
<td></td>
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**Part 2**

**Client Counseling Meeting Preparation**

Immediately following the presentation on Advance Health Care Directives, each student will conduct a client meeting to counsel a client about the specific documents. Students from the UNCG Bryan School of Business will serve as clients. Each law student will be paired with a client and at least one witness/observer. Each group will be assigned an interview room. The purpose of your client meeting will be to explain the advance directives and help the client execute desired documents in accordance with their values. You should be prepared to thoughtfully walk a client through the documents and be able to answer any questions they might raise. With this purpose in mind, you should prepare an interview plan to guide you through the meeting. Consider our class readings about how to stage an interview and the various forms of questions that may help you elicit helpful responses. Your interview plan is **due by noon on Monday 9/9**. It is strongly advisable to have practiced explaining these documents to others in advance of the meeting so that you do not stumble through your explanation to the client.

**Part 3**

**Written Self-Critique of Client Meeting**

You will be responsible for reviewing the feedback provided by your client and any witnesses/observers. Then, you are to prepare a 2-4 page self-critique of both your planning for and your execution of the client counseling meeting using the following guidelines. Evaluate yourself on both the substance of the meeting and your interviewing and counseling skills. Identify your strengths and some areas where you need to improve. Please identify specific examples of both positive and negative aspects of the client meeting in your self-critique for further discussion with me and your classmates. Provide yourself with constructive criticism and include your thoughts about how you would handle an aspect of the meeting or meeting preparation/planning differently in the future. Your written Self-Critique is **due no later than 6pm on Friday 9/13**. We will discuss the client counseling meeting in our Team Meetings the week of 9/16 and possibly also in class or case-rounds. Potential issues for discussion include:

1. **Planning – Logistics: In planning for the client meeting, did you consider:** Length of interview, Seating arrangements, What information you wanted to give to the client, Who should be present for the interview

2. **Planning – Content: In planning for the client meeting, did you consider:** Areas of law you might need to research – what sources did you consult?, Areas of factual significance you would need to inquire about, Stages you wanted to include in the interview (ice-breaking, questions, explanations), Types of questions you would use to solicit what types of information.

3. **Planning – Evaluation of Interview Plan:** Was your Interview Plan effective for you during the interview? Why or why not? How would you change your plan for a subsequent interview of this type?
4. Execution – Please identify what you did to accomplish the following, how well you think it worked, and how you might do it differently next time: Rapport building, Active listening, Fact gathering, confirming client goals, Balance of letting client talk and staying on topic, Explanations of the law, Use of language appropriate for this client, Extent to which you provided client with essential information, Bringing closure to the interview, Appropriate use of different types of questions (open, closed, leading)