

# NLS NEGOTIATION MEDIATION & CLIENT COUNSELLING COMPETITION

14<sup>TH</sup>-17<sup>TH</sup> APRIL, 2016



## CLIENT COUNSELLING EVALUATION FORM

**STAGE:** Preliminary Round 1/Preliminary Round 2/Quarter Final/Semi Final/Final (tick relevant option)

**JUDGE(S):**

**TEAM:**

### 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)*

- [-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)*

- [-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)*

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14<sup>TH</sup>-17<sup>TH</sup> APRIL, 2016



- [-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 analyse 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)*

- [-2] The lawyers failed to achieve a clear understanding of the client's problem or did not attempt to analyse the problem.
- [-1] The lawyers achieved some understanding of the client's problem and attempted to analyse the problem. However, they omitted some significant elements or provided an unsound analysis.
- [0] The lawyers analysed 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 analysed 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 analysed 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)*

- [-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)*

- [-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.

# NLS NEGOTIATION MEDIATION & CLIENT COUNSELLING COMPETITION

14<sup>TH</sup>-17<sup>TH</sup> APRIL, 2016



- [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)*

- [-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 skilfully 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.)*

- [-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.

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## Criterion 9: Teamwork

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

- [-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)*

- [-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 counselling 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)*

- [-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.

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**TOTAL SCORE:**

**COMMENTS:**

**SIGNATURE**