

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW**  
**INTERVIEWING, NEGOTIATION, AND COUNSELING (LAW 813/511)**  
**SYLLABUS ~ SPRING 2017**  
**PROFESSOR ODEANA NEAL**  
**oneal@ubalt.edu ~ 410-837-4644 (voice) ~ 202-487-0958 (SMS)**

**COURSE DESCRIPTION:** This course focuses on the theory and techniques of interviewing, counseling, and negotiation that are necessary for effective representation of clients. Such topics as question formulation, witness interviewing, structuring the counseling session, case evaluation, development of bargaining range and negotiation tactics will be covered. The teaching medium will be simulation. Students will act as attorneys weekly in mock cases and critique the videotaped performances.

**REQUIRED TEXTS:** Cochran et al., *The Counselor-at-Law: A Collaborative Approach to Client Interviewing and Counseling*, 3d edition (2014)

Folberg and Golann, *Negotiation: Theory, Practice and Law*, 3d edition (2016)

**CLASS MEETING TIMES:** Class meets on Tuesdays from 1:30 to 4:15 p.m. There will be a fifteen-minute break during each class.

**OFFICE HOURS (Law Center Room 511):** My office hours are from 3:00 to 4:30 p.m. on Wednesdays and Thursdays. If you would like to meet during another time, please contact me to make arrangements.

**STUDENT LEARNING OUTCOMES:** By the end of the semester, students will be able to:

1. Conduct an initial interview that demonstrates that the student can:
  - a. Prepare for the interview;
  - b. Build rapport and trust with the client;
  - c. Inform the client concerning confidentiality and fees;
  - d. Successfully engage in active listening;
  - e. Ask questions that result in understanding fully the facts of the client's matter and the client's goals;

- f. Assess the client's legal position as far as possible and communicate that to the client;
  - g. Adjourn the interview in a manner that instills confidence in the client, even if the student is not certain about the client's legal position; and
  - h. Plan for next steps after the conclusion of the interview;
2. Conduct a counseling session that demonstrates that the student can:
- a. Prepare for the counseling session;
  - b. Continue a relationship of trust with the client;
  - c. Based on the facts of a client's matter, identify options about how to proceed that take into account the legal, financial, and social consequences for the client;
  - d. Assess the client's goals and values to assist him or her in deciding among the options presented; and
  - e. Respond to the client's questions and concerns while ensuring that the client makes the final decision; and
3. Engage in a negotiation session that demonstrates that the student:
- a. Can prepare for the negotiation by determining the client's and the opposing party's interests as well as the client's goals;
  - b. Can create a concession plan;
  - c. Knows what matters may be discussed in a negotiation and which are confidential;
  - d. Knows the ethical rules of lawyer negotiation; and
  - e. Knows and can deploy both a competitive and a cooperative negotiating style.

**ATTENDANCE POLICY:** All students are expected to attend class, be on time, and come prepared. Since this is a skills course, not attending class or not being ready when class starts may significantly interrupt the flow of the session. If there are times when you know that you will not be able to attend class in advance, inform Professor Neal as soon as possible. A student who exceeds two absences may be compelled to withdraw from the course. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

**CLASS CANCELLATIONS:** If Professor Neal must cancel a class session, students will be notified via email and a notice will be posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**COURSE WORK EXPECTATIONS:** American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and to spend two hours of out-of-class work each week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

**GRADING:** Final grades will be determined as follows:

- Regular class attendance and participation: 20%
- Major Client Interview: 25%
- Major Client Counseling Session (including preparation memorandum and self-assessment): 30%
- Major Negotiation Session (including preparation memorandum): 25%

**COURSE WEBSITE:** This course has a TWEN page that links to this syllabus, class announcements, class assignments, and other class materials. You are responsible for enrolling on the TWEN page and for checking it regularly for course information.

**LAPTOP POLICY:** Laptop use is not permitted while class is in session. Any notes must be taken without use of a laptop. Any materials needed for class must be printed; you will not be allowed to access them using a laptop, tablet, or smartphone.

**ACADEMIC INTEGRITY:** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic

matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**TITLE IX SEXUAL MISCONDUCT AND NON-DISCRIMINATION POLICY:**

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**DISABILITY POLICY:** If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

## **SYLLABUS\***

<b>Date</b>	<b>Reading Assignment</b>
<b>January 10</b>	Course Introduction  Three Models of Legal Counseling (TCAL Ch. 1)  How Lawyers Control Clients (TCAL Ch. 2)
<b>January 17</b>	Communication Skills (TCAL Ch. 3)  Beginning the Legal Interview (TCAL Ch. 4)
<b>January 24</b>	Hearing the Client's Story (TCAL Ch. 5)  Developing the Client's Story (TCAL Ch. 6)
<b>January 31</b>	Lawyers, Clients, and Psychological Type Theory (TCAL Ch. 12)
<b>Week of February 6</b>	Graded Interviews
<b>February 14</b>	Decision-Making (TCAL Ch. 7)  Client Counseling (TCAL Ch. 8)
<b>February 21</b>	Client Counseling (cont.) (TCAL Ch. 8)  Moral Choices in the Law Office: Who Gets Hurt? And Who Decides (TCAL Ch. 9)
<b>February 28</b>	Dealing With Client-Lawyer Difference (TCAL Ch. 11)
<b>March 7</b>	In-Class Client Counseling Exercises
<b>Week of March 14</b>	Graded Client Counseling Exercises
<b>March 28</b>	Perception, Fairness, Psychological Traps and Emotions (Lawyer Negotiation Ch. 2)

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\*Any updates to this syllabus will be reflected on the TWEN site. Reading assignments for individual class periods will be placed on the TWEN calendar. The syllabus may be modified during the semester. Calendar assignments supercede those on this syllabus.

	Competitive and Cooperative Negotiation (Lawyer Negotiation Ch. 3)
	A Combined Approach and Choosing a Style (Lawyer Negotiation Ch. 4)
<b>April 4</b>	Negotiation Step By Step: The Beginning (Lawyer Negotiation Ch. 5)
	Negotiation Step By Step: The Middle (Lawyer Negotiation pp. 101-119)
<b>April 11</b>	Negotiation Step By Step: The Middle (cont.) (Lawyer Negotiation pp. 119-125)
	Negotiation Step By Step: The End (Lawyer Negotiation Ch. 7)
<b>April 18</b>	Telephone and Cyber Negotiation (Lawyer Negotiation Ch. 8)
<b>April 19-May 12</b>	Graded Negotiation Exercises