
HAPLESS HARVEST
CLIENT COUNSELING EXERCISE

Genericized Version of Participant Client Memo for Final Video

[This document is a somewhat genericized version of the memo I have sent to students after they've done their dress rehearsals and are preparing to record their final client counseling exercise, required to be submitted in the course.]

Date

To ____ Client Counselors:

Now that you have completed your "Final Dress Rehearsal," I wanted to make some recommendations about your "Final Final Counseling Skills" submissions.

As stated in the syllabus and memo, the assignment is to complete and submit a recording of yourself acting as client and demonstrating "perfect" client counseling with your client, Jan Hapless. I anticipate (though don't require) that you pair up within the class, with one student playing Jan and the other the lawyer, and then switching roles. Your submission is the one in which you are in the lawyer's role, though I will also pay attention to your awareness and performance of the client's role for your classmate.

Having said that, it is VERY important that your clients (YOU when in the client role) set up the important challenges in the counseling session. (When it's your video, you are the film director too, and if your client isn't doing that, you can and should direct the action. To figure out what those Hapless counseling challenges are, I STRONGLY recommend that you and your client watch the recording of your Final Dress Rehearsal. Your Jan Hapless and I worked hard to make sure that these "challenges" were pretty consistent, in every student session.

In a nutshell, at the very least, in every session:

- Jan Hapless initially stated that she wasn't interested in settlement (if and when the lawyer mentioned it);
- Jan needed to understand the legal process (Summary Judgment) and doctrine" and applicable law ("open and obvious" doctrine) and arguments relevant to these;
- Jan resisted direct or implied assertions that she was at fault;
- Jan wanted to believe/feel that her attorney was her strong advocate (and she pushed or expressed displeasure if she didn't feel that);
- Jan initially (and strongly) perceived the settlement offer as a loss (in fact, the way settlement discussion were described mattered a great deal, as was evident for most of you) in other words, when she heard about the 40K – 50K settlement offer range, she said she felt like she had just "lost \$200,000, just walking in here today,"
- After expressing understanding of the logic of the settlement range, Jan that it was "not all about the money" and expressed discomfort at the idea of not "doing something" about the grocery store and preventing someone else from harm.

Please understand this as a strong and intentional "heads up" re what I'll be looking for. Essentially, it is a list of what you need to do when you play the client role, in order to enable the student attorneys to demonstrate that they have completely mastered this. (If the clients aren't ready to set up these challenges, if and when appropriate, then the lawyer's submission can't be a successful



one, from my perspective. I also suggest that you review other aspects of your own recording, for other more stylistic or strategic suggestions made.

On the practical/logistical front:

1. There should be at least one card reader available in the library (check at the circulation desk) for students to use, in case you don't have an easy ability to see the recording, and make it a file on your computer. If not, I can leave one with Jennie on the Fourth Floor.
2. If you'd like to use a law school camera and tripod for the exercise, you should contact our AV department. They know of the assignment and will be glad to let you have one of our cameras (but didn't want to just leave one at the library desk.) If you do use on the law school's cameras, you must make your recording on the law school premises.
3. You are more than welcome to record on your own phones or laptops, as long as you end up with a file I can read on my computer (directly or via a link).
4. As you know, I strongly suggest that your final submission be EDITED. Of course, you may just keep redoing it to achieve perfection. But I suspect that many of you will do an initial "take" and decide that some pieces were great and others needed some work. You will no doubt want to redo the portions you're not satisfied with, and then edit the new and perfect segments in. For those students who really have no idea on how to do the most basic video editing, or turn it into a file that I could watch on my computer, our AV folks may be willing to guide you. (They should not be expected to do the editing for you, but can help make sure you're set up to do it and can give you some tips.) Please note that the editing doesn't have to fancy at all, no music or subtitles or fancy effects are needed. You just have to make sure that your video includes all of the elements of your great client counseling session.

I hope this is helpful, and I wish you much success in these final tasks – the decision analysis assignment (a tree for the Harvest Plenty case and memorandum) and the Final Final FCSE submission (the recording and a memorandum).

Just by way of reminder, here are the key deadlines: _____ is the deadline for submission of these assignments. Our final, all together wrap-up session will be on _____. **I will hand out evals and then disappear (in accordance with law school rules) before the end of the session.**

With best regards,
