



Brittany Glidden
UC Law SF
Individual Representation Clinic
gliddenbrittany@uclawsf.edu

Sample Lesson Plan:

Witness Interviews using Generative AI (GAI)

Learning Objectives:

- Review case elements and identify necessary factual information for cases
- Create interview plan (using GAI as one tool)
- Practice Interviewing (using GAI as one tool)
- Understand the importance of critical thinking and revision when using GAI

Situating this class in the arc of the case (5 min)

We are currently in the factual development phase of our cases. What methods can we use to develop facts?

- **Client testimony**
- **Formal discovery tools**
- **Informal discovery:** Internet research, witness interviews

Today's focus: Witness interviews that may lead to declarations or letters of support.

Activity:

1. Review proof/element/litigation charts from the previous class.
2. Identify one or more areas where witness testimony could serve as evidence.
3. Select a potential witness. If no witness is identified, create a hypothetical (e.g., a coworker in a wage & hour case, a close friend in a clean slate case).
4. Determine which legal or narrative elements the witness may help establish.
5. Consider whether additional areas in your chart could benefit from witness testimony.

Part II - Creating the Interview Plan, Planning for the Plan (10-15 min)

Your identified elements form the backbone of the interview plan—they define the key information to obtain from the witness and potentially present in court.

Discussion Topics:

- How can you approach and motivate the witness to speak with you?
- Differences between **client interviews** and **witness interviews**:
 - Confidentiality
 - If witness called to stand can be asked to recount your discussion witness later called to stand?
 - Goals (i.e. how important is rapport here?)
 - Ethical rules
- Types of witnesses:
 - Friendly
 - Neutral
 - Hostile
- **Considerations for each witness type**:
 - Willingness to speak
 - Perception by fact-finder
 - Credibility concerns in what disclosed to you

Activity:

- Identify your witness: Are they likely **friendly, neutral, or hostile**?
- What might motivate them to talk?
- What concerns do you have about this witness? How will you address them?

Refresher:

- Interview structure: Do these still apply?
 - Icebreaking
 - Overview
 - Open-ended questions
 - Probing questions
- Refresh on potential interview structure (ice breaking, overview, open questions, probing questions) – may follow similar structure, or may not depending on concerns / motivations raised above

Part II: Creating the Interview Plan – Drafting the Plan (20-25 minutes)

Use GAI to draft an initial interview plan.

Activity:

- **Draft a GAI prompt** to create an interview plan. Ensure no confidential client information is included.
 - [Why are we using GAI for witness interviews and not client interviews?]
 - [Could you use it for a starting point for client interviews?]

- **Considerations for the prompt:**
 - Who is the witness?
 - What tone should they adopt: are they friendly, neutral, or hostile?
 - What specific elements are you seeking evidence for?
 - How much structure is needed to “lock in” the witness?
 - Estimated interview length.

*Suggest copying output and putting into a Word doc for better comparison later.

- **Generate a second prompt** with modified parameters:
 - For example, adjust the witness’s disposition (e.g., friendly vs. hostile).
 - Or, prioritize certain factual elements.

Part III: Revising the Plan (20 min total; 10 min in pairs, 10 min class discussion)

Discussion Questions:

- Compare the two versions of the plan.
- What did GAI do well? What were its limitations?
- Was GAI helpful for drafting interview questions?
- What additional refinements could be made?

Additional GAI Uses:

- Identify closed questions and suggest open-ended alternatives.
- Generate three ways to start the interview and motivate the witness.
- Offer follow-up questions to develop a specific element further.

Key Takeaway:

You are **not** done once GAI generates a draft. You must:

- Use judgment to assess what’s missing.
- Treat GAI as a brainstorming partner, not a final authority.
- Recognize that GAI will never understand the case as well as you do.

Part IV: Practicing the Interview (15–20 min, flexible)

Use GAI to simulate a witness interview and evaluate your plan.

GAI Prompt Considerations:

- Who is the witness?
- What is their tone? (e.g., hostile, hesitant, friendly, neutral)
- Relevant factual background.
- What information should or shouldn’t be shared?
- Should GAI strictly follow the prompt or generate unknown details?
- Directly instruct GAI:
 - “I will ask the questions; you will answer as the witness.”

*Here is an example used previously in class [disability appeal where students trying to prove element that client was not able to attend work regularly]

You are going to play a witness that is about to be interviewed by a lawyer. Please answer the questions of the lawyer (I will ask the questions in the chat box and you respond) and respond as the witness based on the following information. You are allowed to make up additional information, as needed. You are a supervisor who works at events spaces, such as sporting events stadiums. you oversee a large number of employees, and there is significant turnover because people come in and out of this job. About 5 years ago, client worked for you. You don’t remember that much about her, but you do remember that she missed work quite a number of times. Her absences were so many that it stuck in your mind and eventually she lost her job because she didn’t show up. One time she didn’t show up and you had to fill in her position as a stocker. You hate how unreliable people can be; you were raised to do what you say you are going to do. You don’t understand why people can’t just pick up the phone and tell you when they aren’t going to come. The client did a good job of the work when she was there; you didn’t notice other issues in her performance. You are super busy and not eager to take more time talking to lawyers (which makes you uncomfortable) or signing anything.

Options for Implementation:

1. **Instructor Prepares Prompts in Advance** (Recommended)
 - Requires knowledge of student cases or pre-class witness identification.
2. **Students Draft Prompts for Each Other**
 - Requires review to ensure clarity and effectiveness.

Activity:

- Students conduct interviews.
- If time allows, adjust the prompt and try again.
- Review transcripts and prompts to analyze effective and ineffective strategies (and effectiveness/ineffectiveness of using GAI for this task).
- Options:
 - Instructor creates prompts before, stores drafted on google doc or other accessible place to post into AI during class. [This is what I have done]
 - Requires knowing what witnesses the students will identify; can occur because know cases, or because have asked student to ID witness before class.
 - One student partner makes prompt for the other student.
 - But this means you will want to look over the prompt.
- Students conduct interview; if complete one, prompt can be adjusted and they can try again.
- Students read over the transcript and prompt and discuss what worked and what didn't. Part of the goal is to id what techniques worked (i.e. more leading questions with hostile witnesses) and partly about if AI was working or not to simulate.

Closing (5 min)

Discussion:

- What key factors should you consider when planning witness interviews?
- What did you learn from using GAI?