

In-Class Exercise: Interviewing Across the Void, Static, Plexiglass & WhatsApp Teaching Notes

Goals: Experiential clinics are ideal opportunities for students to develop comfort interacting with clients and exploring difficult themes that may be the basis of a client's claim. However, these interpersonal skills often rely on an ability to read non-verbal communication and adapt one's interviewing style accordingly. As incarceration rates continue to soar, our students increasingly need to be proficient in interviewing their clients remotely, sometimes without ever meeting in person.

This exercise proposes a scenario in which an interviewing attorney needs to gather personal information from a client without the benefit of a face-to-face meeting. Some of the issues interviewing attorneys will need to address include:

- Forming rapport with a client via phone or other remote communication technology
- Structuring interview and formulating questions to broach sensitive issues during a time-limited interview
- Employing creative communication tools when voice communication is limited

Duration: 30 minutes (3-minute explanation; 10-minute interview; remaining time for discussion)

Materials: Two cell phones with internet connectivity

Instructions: See attached handout

Discussion: Below are suggestions of topics and questions to facilitate student reflection on the exercise.

Forming rapport with clients: Clinical supervisors may start the discussion by eliciting observations from the Interviewer and Client about their emotional reactions during the exercise:

- Client/Interviewer: What was easy to talk about? What was difficult and why?
- Client: What did the interviewer say that made you more/less comfortable?
- Interviewer: How did the prompts/interruptions affect your interview?

Structure of interview: Ask the Interviewer why they made the choice to broach subjects of greater sensitivity at the times they did during the interview.

Prompt Observers to examine whether there are alternate ways of conducting the conversation they just observed:

- How would you have structured the conversation?
- What did participants observe were effective questions?
- Were there any other questions you wish the Interviewer had asked?
- What are different ways the Interviewer could have reacted to the prompts?

Technological tools for interviewing: Another line of inquiry might focus on what alternate means of communication the interviewer could employ to carry out this conversation with the client.

- Are there phone apps that you've used to communicate with people outside the US?
- What texting apps can help bridge distance?
- How might the conversation have been different using a video calling service?
- How about if it had occurred in writing?

This portion of the discussion will be very relevant to clinics where the students are engaged in work that requires collaboration with partners or clients in other countries. For clinics that focus on working with incarcerated clients, supervisors may focus on skills rather than tools for effective communication as many of these tools are likely unavailable or prohibited for these clients.

Application to clinical work: Supervisors should relate the exercise back to students' cases.

- Reflect and describe any current or anticipated communication issues with their client or other witnesses.
- What techniques or questions did you observe today that will be useful in future interviews with your client?

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Participants

- Interviewer
- Client
- Observers, each of whom is given a numbered prompt and can be called on randomly during the exercise to enact their prompts with either Interviewer or Client.
- Timekeeper (this role is optional, but is a simple way to engage an additional student in the exercise)

The Interviewer will receive a fact-finding goal of which only she is aware: she will need to find out from her Client when was the last time her Client cried and what was the cause of this emotion. The Interviewer should treat this information as a necessary element of their Client's case.

The Client should be instructed that her responses should be factual and based on actual personal experience. This exercise is challenging because the Client is being asked to divulge honest information about personal emotions, requiring some degree of rapport to be established prior to arriving at this point in the conversation.

Prompts

Print the information below on small pieces of paper; write a number and "Client" or "Interviewer" on the back of each card. Distribute these among the Observers, telling them that they will be called on randomly to act upon their prompt. When called upon, Observers should approach the Client or Interviewer to enact the prompt. Clinical supervisors can call on numbers in any order and should use as many or as few prompts as time and circumstances permit.

Sample prompts for Client

- Observer pretends to be a family member of the Client. Observer asks client why they are on the phone, with whom they are speaking, and how long the call will be.
- Observer is the client's baby, who needs to be consoled while the Client maintains the conversation with the Interviewer. Observer is a fellow inmate who hovers around the phone for two minutes, visibly listening and responding to the Client's conversation. Client knows that inmate is listening in and begins to feel uncomfortable. Client is afraid to communicate this to the Interviewer.

Sample prompts for Interviewer

- Interviewer mimics a bad phone connection ("Hello, can you hear me? Hello?" "Sorry, I couldn't hear you – can you repeat that?" "Can you speak louder?" "What?").
- Interviewer's phone beeps with a message saying there are only 60 seconds left on the call. Interviewer must interrupt and tell Client that Client needs to decide whether to:
 - continue the conversation only by text,

- call Interviewer back immediately, or
 - write down response to question and mail it to Interviewer.
- Observer whispers to the Interviewer that they witnessed the last time the Client cried, and it was for a different reason [Observer can make up an alternate reason] than the Client just shared. Interviewer must reconcile inconsistent information.

Set-up

The Interviewer and Client sit on opposite sides of the classroom with their backs to each other. Observers are free to walk around the classroom and should observe the body language and facial expressions of the Interviewer and Client. Observers should note any signs of confusion or frustration in both parties, and/or any barriers to communication. They should also focus on the structure of the interview and the questions asked to and by the Client for the post-exercise reflection.

As soon as the call begins, the Timekeeper begins a 10-minute count down timer. (The Timekeeper may provide the Interviewer a 60-second phone cut-off if prompted, and a 2-minute warning before the 10-minute session concludes.)