

# RULES OF THE CLIENT COUNSELING COMPETITION

## RULE 1. NATURE AND PURPOSE OF THE COMPETITION.

**(a) Purpose.** The Client Counseling Competition promotes greater knowledge and interest among law students in the preventative law and counseling functions of law practice. It also encourages students to develop interviewing, planning, and analytical skills in the lawyer-client relationship in the law office. Interviewing and advising are a significant part of most lawyers' work. Too often, it is assumed that lawyers have the listening and questioning skills needed to conduct an effective interview. Regrettably, not all lawyers possess these skills. The Competition provides an opportunity for a valuable educational and cultural interchange between students, law teachers, and legal practitioners.

**(b) Nature of the Competition.** The Competition simulates a law office consultation in which two law students, acting as lawyers (attorneys/solicitors/legal practitioners), are presented with a client matter. The students are given a brief written memorandum that identifies the general nature of the subject-matter of the client's problem (e.g., that a client wants advice about a problem arising from the construction of a house, that the client is facing a shoplifting charge, etc.) before the interviews are held.

The students conduct an interview with a person playing the role of the client. Students are expected to elicit the relevant information from the client, explore with the client his or her preferred outcome, outline the nature of the problem, and present the client with a means (or range of alternatives, if appropriate) for resolving the problem. The interview with the client is then followed by a post-consultation period during which the students, in the absence of the client, analyze the interview and discuss the legal and other work to be undertaken. The interview and post-consultation period last a total of 45 minutes. The students are evaluated by a panel of judges, usually composed of two lawyers and a counselor (e.g., social or welfare worker, psychologist, or another person with extensive experience in counseling). The inclusion of a non-lawyer counselor on the judging panel is designed to broaden the interdisciplinary perspectives of the panel both in terms of skills and possible solutions to a problem.

The students are evaluated against specific criteria that emphasize the use of listening, questioning, planning, and analytical skills in a lawyer/client interview. Once the judges have completed their evaluation of the interview, the students are called back in and the judges provide a brief critique of the team's handling of the consultation and post-consultation periods.

## RULE 2. ENTRY INTO THE COMPETITION.

### **(a) Composition of the Team; Eligible Students; and Past Entrants and Winners.**

Participating countries are eligible to enter one team composed of two law students. Students conduct the simulated interviews in teams of two in order to provide mutual assistance and support in researching, planning and conducting the interview. There is the added benefit of encouraging students to work cooperatively.

The Competition is designed for the winners of national client counseling competitions. Thus, a team should ordinarily have won an internal domestic client counseling competition prior to entering this Competition. At the time of their selection to represent their country, the two law students should be enrolled in a course accredited as leading to qualification as a legal practitioner, such as an undergraduate law degree or diploma or practical legal training program, or a postgraduate law degree where the student has not been admitted as a practitioner.

**(b) Observers.** Persons from countries interested in organizing client counseling programs and others are encouraged to observe the Competition.

**RULE 3. THE CONSULTATION SITUATIONS; COMPETITION TOPIC; APPLICABLE LAW; FEES; TEAM LETTERS; ROUNDS; FACULTY ADVISORS/TEAM COACHES; PREPARATION; AND DRESS.**

**(a) Distribution of the Consultation Situations.** Approximately 21 days before the first day of the Competition, the Competition organizer will send to each team the memoranda briefly describing the consultation situations for the Competition. These memoranda will contain information similar to that which a law office secretary might record when informing lawyers of a forthcoming appointment.

**(b) Competition Topic.** A Competition topic (e.g., contracts, intentional torts, human rights, etc.) will be designated by the International Committee prior to the Competition. All consultation situations will be based on this topic. Each consultation situation, however, will involve a different client and a different situation.

**(c) Applicable Law.** The law to be applied in the Competition is the law of each team's respective country unless otherwise indicated in the consultation situation.

**(d) Fees.** The discussion of fees is an integral part of any first consultation between a lawyer and a client. Students should be judged on how they approach this problem, but not on the monetary amount used. The participants may discuss fees at any appropriate point in the consultation. Fees may be waived or suitably reduced only in cases of financial hardship, either for persons of low income or for persons of ordinary income faced with very large fees. Furthermore, in view of the comparative complexities involved and the fact that some jurisdictions do not fully address them, the teams and judges should assume that any money laundering (and any other similar) regulations have been met for the purposes of the competition and should not be covered in the interview.

**(e) Assignment of Team Letters.** All teams will be pre-assigned a letter designation (A, B, C, etc.) by the Competition organizer on a random basis.

**(f) Rounds.** A round consists of two or three teams (depending on the number of teams competing) conducting interviews with the same client. Based on the skills demonstrated in light of the Assessment Criteria, the judges then rank the teams. All teams participate in the preliminary rounds. The top-ranking teams may then compete in a Semi-Final Round or go directly to the Final (Championship) Round, depending on the number of teams in the Competition. Winners of the Semi-Final Round compete in the Final (Championship) Round.

**(g) Faculty Advisors/Team Coaches and Preparation.** The primary purpose of the Competition is education. Faculty advisors/team coaches should emphasize the educational value of the Competition to their students. Questions are often raised concerning the extent to which faculty advisors may be of assistance to students prior to the day of the Competition.

**(h) Dress.** Dress is generally casual, except for the Competition rounds and the Awards Banquet. Students generally wear attire typical of a lawyer in their home country during the Competition rounds and to the banquet—the rest is relaxed and up to personal taste. Alternatively, students are encouraged to wear traditional dress to the banquet. The Competition organizer will provide notice of any other special requirements, such as for visits to local legal institutions.

**RULE 4. THE CONSULTATION AND POST-CONSULTATION; GENERAL FORMAT; TIME LIMITS AND TIMEKEEPING; AND USE OF MATERIALS AND PROPS.**

**(a) Maximum Time Limit for the Session.** Each team shall have a maximum of forty-five (45) minutes to complete the session. This session must include both a consultation session with the client and a post-consultation.

**(b) The Consultation with the Client.** Each team must conduct a consultation with the client during which the students are expected to elicit the relevant information, outline the problem, and propose options for resolving the problem. Team members are entirely free to decide how they will divide their work, but both students must consult with the client as a team and their plan is subject to judging. The students may wish during their post-consultation presentation to explain why they worked together in the way that they did.

**(c) The Post-Consultation.** Each team must also conduct a meaningful post-consultation discussion between the attorneys after the client has left the room. During this post-consultation, the students may either talk to each other loudly enough to be overheard by the judges or dictate a file memorandum on the interview or both. The post-consultation performance may summarize the interview, indicate the scope of the legal work to be undertaken, and state the legal issues that should be researched. Explanation of the position or attitude taken by the students may be useful.

The students may also feel that documentation is appropriate. For example, they may want to write a letter to the client confirming their retention as attorneys, the fee arrangement, etc. It also may be appropriate for the students at the conclusion of this consultation to compose a letter to opposing counsel or to the party with whom the client is having legal problems. Such a document may be dictated at this time.

**(d) Division of Time Between the Consultation and Post-Consultation; Timekeeping.** The student competitors will not be provided with timekeepers. They are responsible for keeping track of their time. However, one of the judges on each panel should be selected to keep track of the time for the judges. Under no circumstance will a team be allowed more than forty-five (45) minutes to complete the session, including both the consultation and the post-consultation. The timekeeper judge shall stop students after forty-five (45) minutes regardless of where students are in the consultation or post-consultation process. The decision of the timekeeper judge as to when the round should end is final. The timekeeper judge should use the Judges' Timekeeping Sheet to record the time each session begins and ends to assure that the timekeeping was accurate. In determining a team's score, the judges shall consider the way the team allocated its time and, if applicable, the team's failure to include a meaningful post-consultation session.

**(e) Use of Materials and Props.** During the consultation and post-consultation, the team may use books, notes, and other materials. The team may also use office props (computers, Dictaphones, files, desktop furnishings, etc.). The Competition organizer will endeavor to provide water and facial tissues on the desk.

## **RULE 5. JUDGES' CRITIQUE AND RANKING OF TEAMS OBSERVED.**

**(a) Content and Timing of the Critique.** Except in the final round, immediately following each team's post-consultation presentation, the judges should provide the team with a critique of the team's handling of the consultation and post-consultation periods. This critique should focus on the Assessment Criteria. The critique should last no more than fifteen (15) minutes.

**(b) Client Not to Be Present.** Clients should not be present during the post-consultation period or the critique.

**(c) Judges' Discussion of Each Team's Performance; Consulting with the Client Prior to Ranking; and the Awarding of Points to the Teams Observed by Judges at the End of the Round.** After the judges have observed all teams, the judges should discuss each team's performance among themselves. Judges are encouraged to consult with the client. Although the judges should discuss the performance of the teams, the judges should individually rank the teams. Judging independently, each judge must give one (1) point to the *one* (1) team that in the judge's opinion performed the *best* in light of the judging standards. Then, each judge must give a two (2) or three (3) to the other team(s). Judges may not award half points. There can be a tie for

second or third place, but each judge must select only one winning team and must give that team one (1) point. If the second place team was close to the first place team, the second place team should be given 2 points.

**RULE 6. ADVANCING TO THE SEMI-FINAL ROUND; THE SEMI-FINAL ROUND; AND ADVANCING TO THE FINAL (CHAMPIONSHIP) ROUND.**

**(a) Point Qualification Format.** The Competition uses a “point qualification” format in which teams accumulating the lowest number of points in the preliminary rounds will qualify either for (1) the Semi-Final Round or (2) the Final (Championship) Round if there are fewer than 12 teams in the Competition.

**(b) Number and Sequence of Preliminary Rounds.** The host of the Competition must provide a minimum of two preliminary rounds in which all teams compete. At the host’s and the Competition Problem Drafting/Review/Topic Committee’s discretion, a third preliminary round may be provided for all teams. These rounds may be run simultaneously or consecutively.

**(c) Qualifying for the Semi-Final Round.** At the end of the preliminary rounds, the total scores for each team will be computed (e.g., when two preliminary rounds are held, the best possible score is 6 points, i.e., 1 point from each of the three judges [3 points] in each of the two rounds,  $3 \times 2 = 6$  points). Adjustments shall be made if fewer or more than three judges scored a round (e.g., if only two judges scored a round, their scores should be averaged to provide a third score for the round).

**(d) Ties after the Preliminary Rounds.** In case of ties, the following procedure will be followed. If teams otherwise qualified to advance after the Preliminary Rounds are tied, the Competition Organizer shall determine the teams for the Semi-Final Round by eliminating all teams (among the tied teams) that had lost in head-to-head competition (e.g., assume that teams A and B are tied for the last place in the Semi-Final Round; if teams A and B have met in a round in which team A had received a lower (better) score among the judges than team B, team B would be eliminated from the final round). If the teams needed for the Semi-Final Round cannot be determined by this procedure, then the Competition Organizer shall determine by lot (among the remaining tied teams) the teams that will compete in the Semi-Final Round.

**(e) Order of Appearance of Teams in the Semi-Final Round.** The Competition Organizer shall determine the order of appearance of the teams in the Semi-Final Round by random draw. The teams with the lowest scores after the preliminary rounds are allowed to choose when they perform in the semi-final round. In case of a tie, the order will be made by a draw.

**(f) Decision of the Judges in the Semi-Final Round; Advancing to the Final (Championship) Round.** After the judges in each room have observed all teams in the Semi-Final Round, the judges should discuss each team’s performance among themselves. Judges are encouraged to consult with the client. Although the judges should discuss the performance of the teams, the judges should individually rank the teams. Judging independently, each judge must give one (1) point to the *one* (1) team that in the judge’s opinion performed the *best* in light of the judging standards. Then, each judge must give a two (2) or three (3) to the other team(s). Judges may not award half points. There can be a tie for second or third place, but each judge must select only one winning team and must give that team one (1) point. If the second place team was close to the first place team, the second place team should be given 2 points. The team in each room with the lowest score will advance to the Final (Championship) Round. Thus, if six teams compete in the Semi-Final Round in two rooms, two teams will advance (one from each of the two rooms); if nine teams compete in the Semi-Final Round in three rooms, three teams will advance (one from each of the three rooms).

**(g) Ties among the Judges in the Semi-Final Round.** If the teams are tied after the judges in a room in the Semi-Final Round have independently awarded points, the judges shall decide by a

majority vote which team performed the best in the room in light of the Assessment Criteria. If the vote does not produce one team to advance, the Competition Organizer shall determine by lot (among the remaining tied teams) the teams that will compete in the Final (Championship) Round.

#### **RULE 7. THE FINAL (CHAMPIONSHIP) ROUND.**

**(a) Order of Appearance of Teams in the Final (Championship) Round.** The team with the lowest score after the first three rounds is allowed to choose when it performs in the final round. In case of a tie, the order will be made by a draw.

**(b) Format of the Final Round; Decision by the Judges; Ties; Announcement of the Winner; and Critique.** The final round will be in one room with one panel of judges. After the judges have seen all of the teams perform, the judges should discuss each team's performance among themselves. Judges are encouraged to consult with the client. Although the judges should discuss the performance of the teams, the judges should individually rank the teams. Judging independently, each judge must give one (1) point to the one (1) team that performed the best in light of the Assessment Criteria. The team with the lowest number of points is the winner. If the teams are tied after the judges have independently awarded points, the judges shall decide by a majority vote which team performed the best in the room in light of the Assessment Criteria. If the vote does not produce one team as a winner, the Judges shall declare a tie and the tied teams will be co-winners. Following the announcement of the winner, the judges will then comment on the consultations.

#### **RULE 8. AWARDS.**

Each participant in the Competition will receive a certificate to be awarded at the Competition Banquet. The winning team will, in addition, receive a special award.

#### **RULE 9. COUNSELING SESSIONS: ATTENDANCE AND COMMUNICATION.**

**(a) Observing Rounds.** Faculty advisors/team coaches may observe their own teams subject to space availability. The team and its faculty advisor/team coach may not observe other teams competing in the preliminary rounds in the Competition. They may observe other rounds if they have been eliminated from the Competition. Persons not associated with any team may observe all rounds, subject to space availability.

**(b) Prohibited Communications.** No observer may communicate in any way with any team members during the course of their performance, or with any judge prior to scoring.

#### **RULE 10. DISPUTES AND BREACHES OF THE RULES.**

**(a) Disputes Subject to Review.** Disputes relating to violations of the rules of the Competition by a team, persons associated with a team, or judges, and disputes relating to alleged misinterpretations of the rules by judges, will be subject to the provisions of paragraphs (b) to (d), below. All decisions of the judges relating to the quality of a team's performance are final; disputes regarding such decisions are not subject to hearing or appeal.

**(b) Prior to Decision of a Round.** Disputes concerning the conduct of a team (or persons associated with a team) or other complaints arising during a round of the Competition but prior to the decision of the judges, shall be directed to the Competition organizer. When a timely complaint has been raised, the Competition organizer shall investigate and resolve the dispute in a way that the Competition organizer in his or her discretion deems best to avoid nullification of the round. If the Competition organizer's team is involved in the disputed round, the Competition organizer shall refer the matter to available members of the Competition Problem Drafting/ Review/ Topic Committee who are not involved in the disputed round to resolve the dispute in the

manner provided by this subsection.

If the decision-maker determines that the team has engaged in a serious violation of the rules, the decision-maker may: (1) discuss the dispute with the judges and allow them to take the matter into account in making their decision; or (2) impose a sanction, including a deduction of points or disqualification of a team from the Competition.

If the decision-maker determines that the team winning the disputed round should be sanctioned by a lower ranking or disqualification from the Competition, the Competition organizer shall allow the next-lowest-ranked team to be regarded as the winner.

**(c) After the Decision of the Round but Before the Next Round Begins.** When a dispute has been raised after a round has been decided but before the next round begins (if there is one), the Competition organizer shall investigate the dispute. If the Competition organizer's team is involved in the disputed round, the Competition organizer shall refer the matter to available members of the International Committee to resolve the dispute in the manner provided by this subparagraph.

The decision-maker may hear representatives from the parties involved and shall resolve the dispute in a way that the decision maker in his or her discretion deems best, consistent with the purposes of the Competition. If the decision-maker determines that the team winning the disputed round should be sanctioned by loss of that round or disqualification from the Competition, the Competition organizer shall allow the next-lowest-ranked team to be regarded as the winner.

**(d) All Other Disputes.** All other disputes shall be referred to the available members of the International Committee who are not directly involved in the round to resolve the dispute in the manner provided by this section.

#### **RULE 11. CLIENTS.**

**(a) Selection of Clients.** The Competition organizer is responsible for selecting persons to play the role of the client for each of the sessions. If a team from the host law school is taking part in the Competition, a law student from the host school shall not act as a client in any session in which the host law school team will conduct the interview. If use of such a law student is unavoidable, the host law school team must forfeit.

**(b) Orientation for Clients.** Hosts are strongly encouraged to conduct an orientation for the clients in advance of the date of Competition. Each client will be supplied with a packet containing the consultation situation and a detailed confidential memorandum concerning the client's background and concerns.

**(c) Client Briefing.** The Organizer Committee will provide a Client Briefing prior to the Rounds.

**(d) Availability after the Round to Talk with Judges.** Clients should plan to be available at the conclusion of a round to discuss the consultations with the judges.

#### **RULE 12. JUDGES.**

**(a) Selection of the Judges.** The Competition organizer is responsible for selecting judges for the preliminary and semi-final rounds of the Competition. The Competition organizer should make every effort to have two practicing lawyers on the panel who have had prior experience with, or who are familiar with the ideals of, the Competition. In addition, there should be one person on the panel with a strong background in one of the counseling professions (*e.g.*, social or welfare worker, psychologist, or another person with extensive experience of counseling). If possible, one of the two lawyers on the panel should be familiar with the area of law that is the subject of the Competition.

**(b) Final Round Judges.** For the final round, the panel will usually consist of five judges. An effort will be made to include one person on the panel with a strong background in one of the

counseling professions as well as a lawyer who is familiar with the area of law that is the subject of the Competition.

**(c) Persons Prohibited from Judging.** No one who judged an earlier round can act as a judge in the final round. Faculty advisors/team coaches shall not act as judges as long as their teams have not been eliminated from the Competition.

**(d) Judges' Briefing.** The Organizing Committee will provide a Judges' Briefing prior to the Rounds.

**(e) Assessment Criteria and Feedback Form.** All judges, as well as students, shall receive a copy of the "Assessment Criteria and Feedback Form." All judges will also be supplied with a copy of the consultation situation for the round they will be judging, a copy or summary of the International Rules, and a detailed confidential memorandum about the client's background and concerns. Judges are instructed that the "Assessment Criteria and Feedback Form" are to be used as guidelines in scoring the Competition. Considering the nature of the Competition, it would be impossible for judges to adhere strictly to totally objective guidelines. After the Competition has been completed, each team's Assessment Criteria and Feedback Forms, along with the rankings of the judges for that team, will be made available to the team.

**(f) Taking Notes during the Round.** Judges should take notes as they observe each team's performance and base their critiques on specific observations from their notes in light of the Assessment Criteria.