

Effective Lawyer Client Communication: An International Project to Move from Research to Reform

Web Site Adress <http://law.gsu.edu/Communication/>

This goal of this project is improve lawyer-client communication by combining what has been learned so far within legal education with empirical social science research. We have selected the initial client interview as the focus for the pilot project. The initial interview is, of course, the one unit of service that is constant across all forms of legal service delivery. It is also one of the most critical units of service. The initial interview: (1) shapes client perception of the lawyer; (2) defines the service to be provided in terms of both problem and goal; and (3) is an important opportunity for client education, e.g. confidentiality, substantive legal rights, what the client can do for himself or herself, and the need to preserve evidence. In many cases the initial interview may in fact be the most significant communication before outcome determinative events such as hearing or settlement. By assessing effectiveness at the outset of the case, this approach provides feedback to lawyers during provision of service, thus creating the possibility for improved service and increasing the relevance of the assessment both to lawyers and clients. The use of customer satisfaction surveys is a standard procedures in most service industries. Our forms and procedures are modeled on the standard procedure used by health care providers.

Pilot Project to Assess Initial Interviews

For a description of the Pilot Project, see Clark D. Cunningham, [The Client's Perspective on the Initial Interview: A Social Science Approach](#) (pdf file)

- [Instructions for Pilot Sites](#)
- [Explanation Sheet for Clients](#)
- Client Survey Forms (download in MS Word)
 - [U.S. form](#)
 - [Australian form](#)
- Lawyer Survey form
 - [U.S. form](#)
 - [Australian form](#)

[Valuing What Clients Think: Standardized Clients and the Assessment of Communicative Competence](#) (pdf) Karen Barton, Clark D. Cunningham, Gregory Todd Jones & Paul Maharg, 13

Clinical Law Review 1 (Fall 2006) (reporting empirical evidence that standardized clients can provide reliable assessment of client interviewing skills) (presented at the 6th International Clinic Conference as *Do We Value What Clients Think About Their Lawyers? If So, Why Don't We Measure It?*)

-- [Excerpts from Valuing What Clients Think](#) (pp 1-6, 35-41, 50-54, appendices 4-6) (pdf) (to print using Adobe Acrobat, select "shrink large pages" for "Page Scaling" and un-check the box marked "Auto-Rotate and Center")

[The Signet Accreditation Program for Lawyers in Scotland](#) The Society of Writers to Her Majesty's Signet ("The WS Society"), an independent membership organization for lawyers based in Edinburgh, is one of the oldest professional bodies in the world. The ELCC project is consulting with the WS Society on its plans to use Standardized Clients to assess both communicative competence and ethical decisionmaking for experienced lawyers who apply for its new Signet specialty accreditation program.

[What Clients Want From Their Lawyers](#) (August 2006) (prepared for the Society of Writers to Her Majesty's Signet, Scotland)
-- [powerpoint presentation](#)

[Legal Education after Law School: Lessons from Scotland and England](#) 33 **Fordham Urban Law Journal** 193 (2005) (presented at Conference on Professional Challenges in Large Firm Practices: Fordham Law School April 15, 2005)

Lessons from the Medical Profession

- Ker J.S., Ramsay J., Hogg G., Dewar G., & Ambrose L., [Medical Use of Standardised Patients](#) (pdf file) [The Role of Simulated Patients in the Education of Doctors](#) (Powerpoint Presentation) (Clinical Skills Centre: Ninewells Hospital and Medical School, University of Dundee, Scotland) (presented January 7, 2005 at the 7th Annual Conference of the Learning in Law Initiative, University of Warwick, England)
- David Stern, [Outside the Classroom: Teaching and Evaluating Future Physicians](#), 20 **Georgia State University Law Review** 877 (2004).
- Lawrence M. Grossberg, [Standardized Clients: A Possible Improvement for the Bar Exam](#), 20 **Georgia State University Law Review** 841 (2004).
- Lynne Robins, [The Establishing Focus Protocol: Training for Collaborative Agenda Setting and Time Management in the Medical Interview](#), **Families, Systems & Health** (2001)
- Robert Smith et al, [The Effectiveness of Intensive Training for Residents in Interviewing](#), 128 **Annals of Internal Medicine** 118-26 (1998)
- *The Use of Standardized Patients in the Teaching of and Evaluation of Clinical Skills*, 6 **Teaching & Learning in Medicine** No. 1 (1994) ([Table of Contents to Special Issue](#))
- **National Board of Medical Examiners (U.S.A.)**
 - [Home Page](#)
 - [Article on Standardized Patient Exam](#)
 - [Video Explaining Use of Standardized Patients](#)
- [Association of Standardized Patient Educators \(ASPE\)](#)
 - [History of Standardized Patients in Medical Education](#)
 - [Standardized Patient Methodology for Teaching and Assessment: How to Get Started \(pdf\)](#)

[Assessing Quality Legal Services -- The Client's Viewpoint](#) (Clinical Legal Education Association Workshop New York City July 8, 2000)

[**How to Explain Confidentiality?**](#), Clark D. Cunningham, 9 **Clinical Law Review** 579 (2003) Click [here](#) to (1) read an on-line version with direct links for viewing videotaped simulations and other materials discussed in the article, (2) go directly to the videotapes, or (3) download a pdf version of the article.

[**Evaluating Effective Lawyer-Client Communications: An International Project to Move from Research to Reform**](#) (pdf file) Clark D. Cunningham, 67 **Fordham Law Review** 1959 (1999).

[**Taking It to the Streets: Putting Discourse Analysis to the Service of a Public Defender's Office**](#), Clark D. Cunningham & Bonnie S. McElhinny, 2 **Clinical Law Review** 285-314 (1995).

[**The Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse**](#),(pdf file) Clark D. Cunningham, 77 **Cornell Law Review** 1298-1387 (1992).

[**A Tale of Two Clients: Thinking About Law as Language**](#), (pdf file) Clark D. Cunningham, 87 **Michigan Law Review** 2459-2494 (1989).

[ELCC Advisory Board](#)

[Bibliography: Books, Articles, and Cases](#)

Guides to audiovisual materials

- [**The Shooting of Big Man**](#)
- Cunningham, [**"What is Their Story?" Using Steven Spielberg's *Amistad* to Improve Lawyer-Client Communication**](#) (pdf file)
--[Powerpoint Presentation](#) (presented to Macquarie University, Sydney, Australia-July 2005)
- [**The 1999 International Client Counseling Competition**](#)

Links to related web sites:

[Burge Endowment for Law & Ethics](#)

[Speciality Certification as an Incentive for Increased Professionalism: Lessons from Other Disciplines and Countries](#)

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Last updated January 22, 2007