ASSOCIATION OF LEGAL CLINICS OF UKRAINE

ASSESSMENT CRITERIA AND TEAM FEEDBACK FORM

(Annex to the Rules of the National Client Consultation Competition of Legal Clinics of Ukraine)

CRITERION 1: ESTABLISHING AN EFFECTIVE PROFESSIONAL RELATIONSHIP WITH A CLIENT

This criterion determines the level of psychological and communicative consultants-client interaction. Consultants' ability to establish effective professional relationships and dispose the client on future work is evaluated. Following a courteous and professional manner, at an appropriate point, lawyers should orient the client to the special nature of the relationship (confidentiality, fees, mutual obligations and rights, duration and plan of interview, methods of contact, etc.).

Scoring of this criterion

"0" - the lawyers did not establish the beginning of an effective professional relationship and did not dispose a client for a future work

"1" - the lawyers established the beginning of an effective professional relationship. However, they either failed to adequately cover the issues pertaining to that relationship or showed some considerable failing in terms of courtesy, sensitivity and professionalism.

"2" - relationships established, supported and students showed adequate courtesy.

"3" - the lawyers established the beginning of an effective professional relationship. They covered the issues pertaining to that relationship well and in a courteous, sensitive and professional manner.

"4" - the lawyers established the beginning of an effective professional relationship. They covered the issues pertaining to that relationship comprehensively and in a highly courteous, sensitive and professional manner.

CRITERION 2: OBTAINING INFORMATION

This criterion characterizes the depth of ascertaining of the important case issues. The lawyers should elicit relevant information about the problem from the client (both legal and non-legal). They should develop a complete and reliable understanding of the problem, both – by attentive listening to client's story and by asking relevant questions, and reflect this understanding to the client.

Scoring of this criterion

"0" - The lawyers failed to elicit the relevant information about the problem from the client. They only developed an incomplete understanding of the problem and/or failed to reflect it to the client.

"1" - The lawyers failed to show competence in at least one of the following areas: eliciting the basic information about the problem from the client, developing a basic understanding of the problem, or making some effort to reflect that understanding to the client.

"2" - The lawyers elicited the basic information about the problem from the client. They developed a basic understanding of the problem and made some effort to reflect it to the client.

"3" - The lawyers elicited most of the relevant information about the problem from the client. They developed a reasonably comprehensive and reliable understanding of the problem and competently reflected that understanding to the client.

"4" - the information is fully obtained, the problem is comprehensively outlined and clearly reflected to the client.

CRITERION 3: LEARNING THE CLIENT'S GOALS, EXPECTATIONS AND NEEDS

This criterion characterizes the lawyers' ability to determine the essence of the client's situation as well as the subject (tasks) of interview. The lawyers should learn the client's initial motive of addressing the lawyers, his or her goals and expectations, giving attention in doing so to the emotional aspects of the problems.

Scoring of this criterion

"0" - The lawyers failed to learn the client's goals and initial expectations.

"1" - The lawyers learned some of the client's goals and initial motives, expectations. However, they failed to learn the interview tasks, made no account of any emotional aspects of the problem.

"2" - The lawyers obtained a general understanding of the client's goals and initial motives, expectations; emotional aspect of a problem is also partly accounted.

"3" - The lawyers obtained a good understanding of the client's goals and initial motives expectations; emotional aspects are well accounted; interview tasks are defined.

"4" - The lawyers obtained an excellent understanding of the client's goals, initial motives and expectations; emotional aspects of the problem were fully taken into account.

CRITERION 4: SOCIO-MORAL (NON-LEGAL) PROBLEM ANALYSIS

Lawyers shall demonstrate resourcefulness when analyzing the client's problem, consider and articulate social and moral (non-legal) aspects of the situation.

Scoring of this criterion

"0" - The lawyers failed to demonstrate the understanding of the social and moral aspects of a problem and/or did not attempt to analyze the problem considering its socio-moral aspect.

"1" - The lawyers demonstrated general understanding of the social and moral aspects of a problem and its analysis, nut failed to consider substantial.

"2" – The problem has been analyzed in the context of social and moral issues, but no clear formulation of the non-legal aspects of the situation was provided.

"3" - The problem has been analyzed in the context of social and moral issues, clear formulation of the non-legal aspects of the situation was provided. Lawyers demonstrated proper resourcefulness when analyzing the non-legal of situation and the problem formulation was rather appropriate.

"4" - The lawyers demonstrated excellent understanding of the socio-moral aspects of the situation. They formulated these aspects absolutely clear and reflected this understanding well to a client.

CRITERION 5: LEGAL PROBLEM ANALYSIS

Legal analysis and following legal advice must be accurate and relevant to the situation of the client.

Scoring of this criterion

"0" - The lawyers failed to analyze legal context of a problem or such analysis was inappropriate.

"1" - The lawyers attempted to analyze legal context of a problem but conclusions they derived from such analysis did not respond to the situation.

"2" – The lawyers have not performed an adequate legal analysis of a problem, and failed to reach reasonable conclusions based on such analysis.

"3" - The legal analysis has been well given, however the lawyers failed to apply the analysis in full and did not reach reasonable conclusions regarding legal component of the problem.

"4" - The lawyers performed detailed and appropriate legal analysis of a problem and demonstrated an excellent understanding of its legal context.

CRITERION 6: DEVELOPING REASONED COURSES OF ACTION (OPTIONS)

The lawyers, consistently with the analysis of the client's problem, should develop a set of potentially effective and feasible options, both legal and non-legal.

Scoring of this criterion

"0" - The lawyers failed to develop any effective or feasible options.

"1" - The lawyers considered an option but showed inadequate consideration as to its effectiveness or feasibility.

"2" - The lawyers considered more than one option and showed some consideration as to the effectiveness or feasibility of the option.

"3" - The lawyers satisfactorily developed more than one potentially effective and feasible option of a legal and/or non-legal nature.

"4" - The lawyers fully and effectively developed a set of potentially effective and feasible options of a legal and/or non-legal nature, which correspond to the case circumstances, are coherent with client's motives, goals and expectations.

CRITERION 7: ASSISTING THE CLIENT TO MAKE AN INFORMED CHOICE

The lawyers shall help the client to understand the suggested solutions to the problem, analyze the advantages and disadvantages of each option and help the client to an informed choice taking potential legal, economic, social and psychological consequences into account.

Scoring of this criterion

"0" – options are not explained for a client, or deliberated in a way the client could not understand them and/or the choice of the option was made by the

lawyers solely instead of a client; no analysis of advantages and disadvantages of each suggested option was provided to a client.

"1" – The lawyers made some effort to explain possible solutions of the situation to a client, however they failed to give the client an opportunity of making an informed choice; no analysis of advantages and disadvantages of each suggested option was provided to a client or such an analysis was inappropriate or elemental.

"2" – The lawyers provided sufficient explanation of the problem solution options to a client, including the analysis of advantages and disadvantages of each suggested option; however they failed to give the client an opportunity of making an informed choice

"3" – The client demonstrated the understanding of the suggested problem solution options but did not choose any of them and the lawyers did not assist him or her in making such a choice.

"4" – Problem solution options are explained plainly and concisely, advantages and disadvantages of each option are clearly outlined, the client is given the opportunity to knowingly choose the most convenient option.

CRITERION 8: EFFECTIVELY CONCLUDING THE INTERVIEW

The lawyers should conclude the interview skillfully and leave the client with: a) a feeling of comprehensible understanding of a problem and possible options of its solution; b) clear sense of expectations and mutual obligations to follow; c) reasonable confidence that his or her problem may be solved based on the situation provided by lawyers.

Scoring of this criterion

"0" – The lawyers showed a lack of skills in ending the interview. Alternatively, the client left with little or no confidence and understanding, sense of reassurance, or sense of expectations and mutual obligations to follow.

"1" - The lawyers showed some skills in ending the interview. However, the client clearly left without at least one of the following: a feeling of reasonable confidence and understanding, appropriate reassurance, or a clear sense of expectations and mutual obligations to follow.

"2" - The lawyers showed some skills in ending the interview. The client left with some feeling of confidence and understanding, reassurance, and sense of expectations and obligations to follow.

"3" - The lawyers showed good skills in ending the interview. The client left with a feeling of reasonable confidence and understanding, appropriate reassurance, and a clear sense of expectations and mutual obligations to follow. However, the lawyers may have exhibited deficiency in one of these areas.

"4" - The lawyers showed excellent skills in ending the interview. The client left with a feeling of reasonable confidence and understanding, appropriate reassurance, and a clear sense of expectations and mutual obligations to follow.

CRITERION 9: TEAMWORK

The lawyers should work together as a team with flexibility and an appropriate balance of participation, be tolerant to each other.

Scoring of this criterion

"0" - The lawyers exhibited no evidence of teamwork.

"1" - The lawyers exhibited evidence of teamwork, but showed a lack of understanding between the team members or an imbalance in participation.

"2" - The lawyers exhibited a satisfactory basic level of teamwork.

"3" - The lawyers exhibited very good teamwork skills, but lacked the highest level of understanding between the team members and/or the ability to adapt their approach to the particular client.

"4" - The team members exhibited excellent teamwork showing a very high level of understanding between them and the ability to adapt their approach to the particular client.

CRITERION 10: ETHICAL AND MORAL ISSUES

Ethical and moral issues characterize the conformity of lawyers' behaviour to established ethical norms of legal profession, without being prejudicial in judgments and assessments, ability to pay attention at moral and ethical aspects of the interview. Manner of lawyers' communication, their attitude towards a client and other external manifestations of behaviour consultants are evaluated.

Scoring of this criterion

"0" – Lawyers' behaviour is inconsistent with ethical and moral norms

"1" – Lawyers failed to demonstrate adequate moral and ethical attitude towards a client or their attitude or assessments were prejudiced towards a client or his observations.

"2" – Lawyers stick to the bases of legal ethics, but failed to adequately deal with the moral-ethical peculiarities of the situation or the client's personality, or the flow of the interview.

"3" – Lawyers behaved in consistency with moral-ethical norms of legal profession, however they failed to consider at least one of the following aspects: adequately react on the moral-ethical aspects of the situation; or the client's personality; or the interview flow.

"4" – Lawyers showed professionalism and ethics in communication with the client, reckoned in and appropriately responded to ethical aspects of the situation, personality of a client and the flow of interview

CRITERION 11: POST INTERVIEW REFLECTION PERIOD

During the post-interview reflection, the lawyers should give evidence of:

a) recognizing their own and the client's emotional considerations;

b) acknowledging the strengths and limitations of their interviewing and counselling skills;

c) handling the substantive aspects of the client's problems (both legal and non-legal);

d) identifying the ethical or moral issues and the proper handling of them;

e) and providing for an effective follow up.

Scoring of this criterion

"0"- The lawyers omitted or exhibited minimal post-interview reflection, or the lawyers failed to understand the purpose of the post-interview reflection.

"1" - The lawyers acknowledged some of the issues to be addressed, but they failed to address the issues with insight or with sufficient lucidity.

"2" - The lawyers acknowledged and addressed some of the issues to be addressed including those of real significance.

"3" - The lawyers made a good exposition and analysis of the issues to be addressed with some minor omission(s) of issues or lack of comprehension or insight.

"4" - The lawyers exhibited comprehensive and insightful exposition and analysis of all the issues to be addressed.