

The Risks and Rewards of Clinical Legal Education Programs  
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# Enhancing Emotional Competencies in Clinical Legal Education

- Felicity Wardhaugh, University of Newcastle Australia
- Dr Colin James, Australian National University – [colin.james@anu.edu.au](mailto:colin.james@anu.edu.au)

# Research Question

Can we train law students in emotional competency to improve their ability to experience of their interview clients?

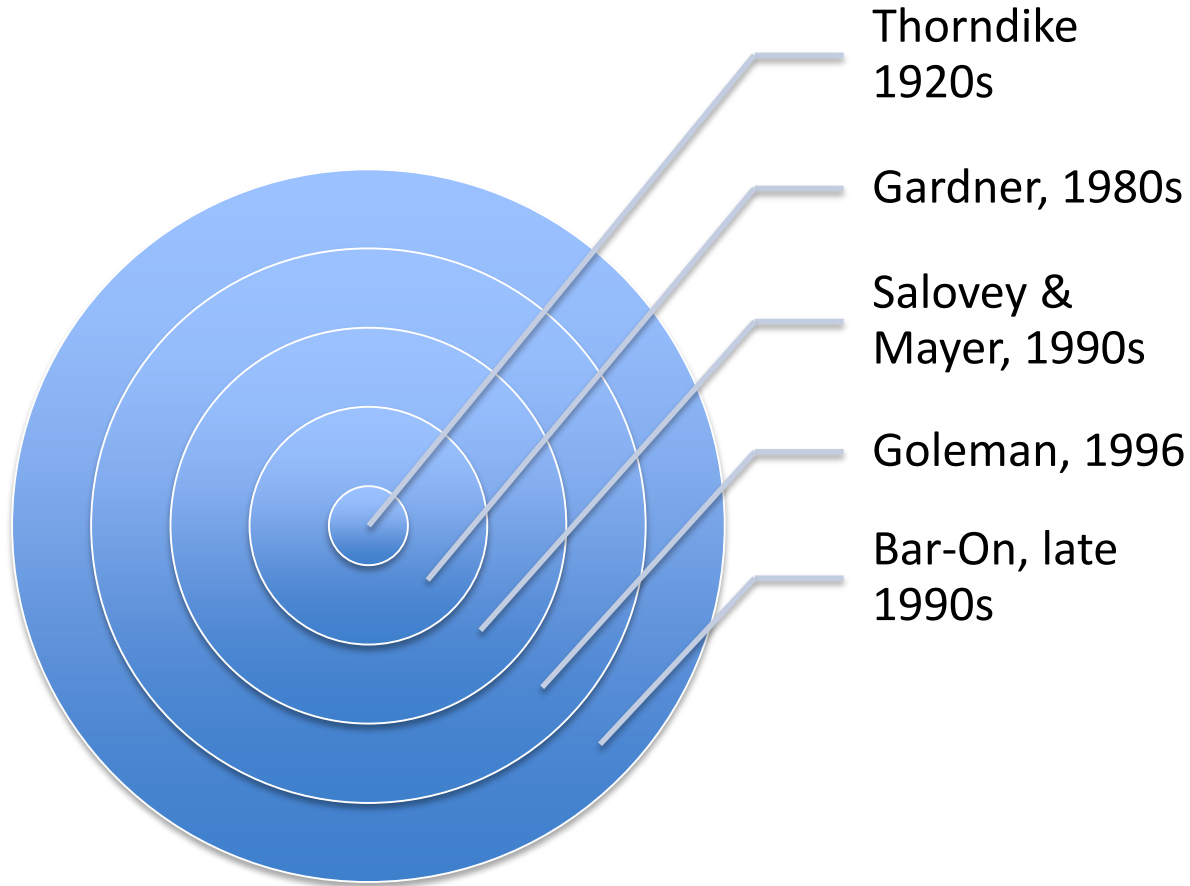


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Can we train law students in emotional competency to improve their ability to experience of their interview clients?



# Theories of Emotional Intelligence



# Salovey and Mayer (1990-2004)



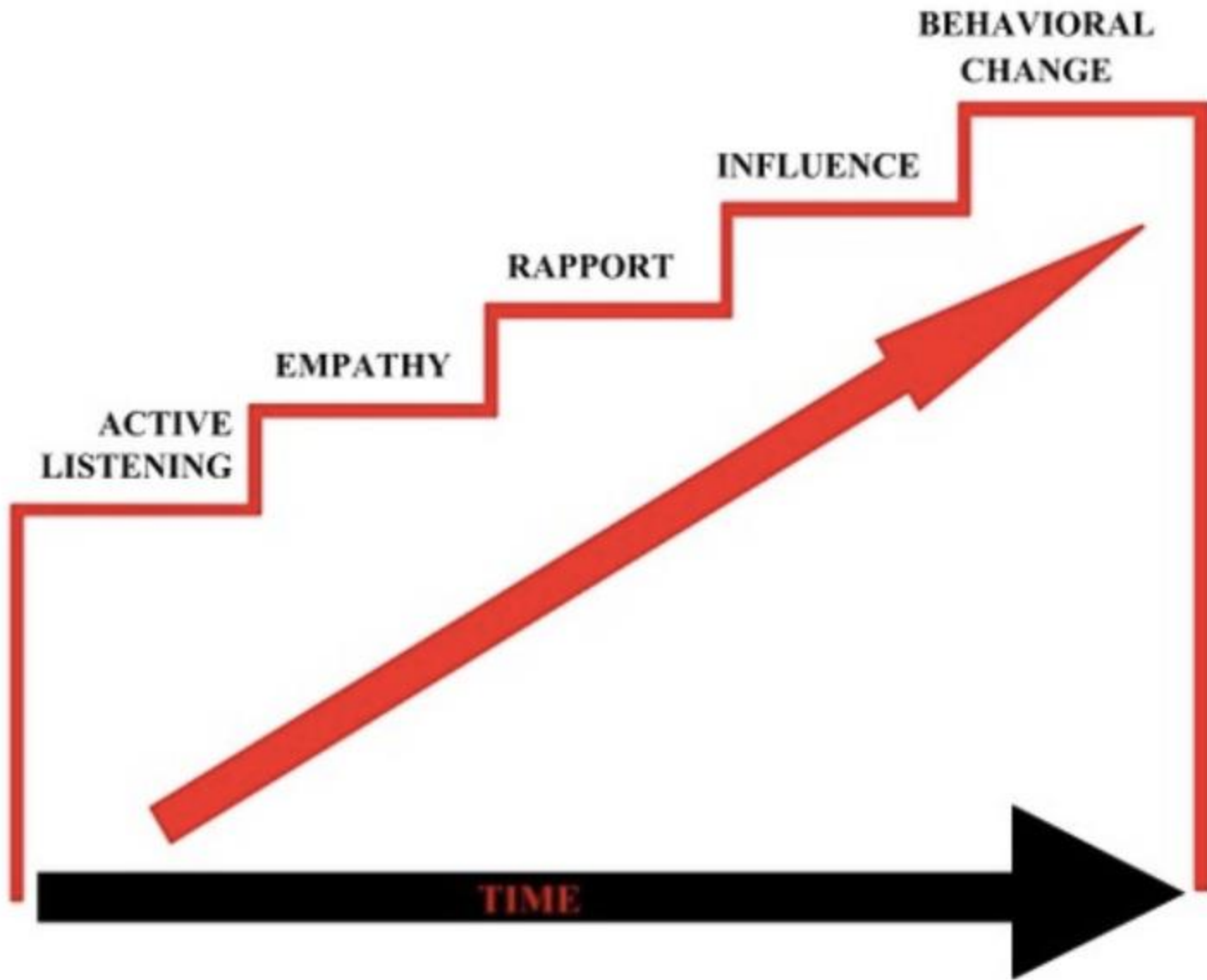
J D Mayer , P Salovey, and D R Caruso, 'Emotional Intelligence: Theory, Findings and implications' (2004) 15 *Journal of Psychological Inquiry* 197, 197.



# Salovey and Mayer (1990-2004)

Emotional intelligence is....

- ‘the ability to accurately perceive emotions, to access and generate emotions so as to assist thought, to understand emotions and emotional knowledge, and to reflectively regulate emotions so as to promote emotional and intellectual growth’



Behavioral change stairway

# What we did

- **4<sup>th</sup> year students on placement in a 'live client' legal advice clinic**
- **Student interviews clients in general law areas**
- **2012 – 'pilot', to test the instruments**
- **2013 – 'control', we asked clients post-interview about the student**
- **2014 – 'intervention EI training' over 4 weeks, then we asked clients about the student**



# Our Participants

224 clients



197 students



6 Supervisors



# Our questionnaire sources

\* University of Glasgow (2004) - The CARE Measure  
[http://www.gla.ac.uk/media/media\\_65352\\_en.pdf](http://www.gla.ac.uk/media/media_65352_en.pdf)

\* Barton et al. '[Valuing What Clients Think: Standardized Clients and the Assessment of Communicative Competence](#)' (2007) 13(1) *Clinical Law Review* 1

\* Avrom Sherr, '[The Value of Experience in Legal Competence](#)' 2000 (2) *International Journal of the Legal Profession* 95

# 2012 - Pilot



- 12 clients, 25 students, 4 supervisors

## Findings

Clients were overly positive about the interviewing students, making it difficult to identify and measure elements to improve.

## Action

We changed the questionnaire and added a qualitative question.

# 2013 - Stage 1

(the control group)

- 99 clients, 52 students, 4 supervisors

## Results

Most client responses were still (unhelpfully) positive - although some clients were not satisfied that their interviewing student was interested in them as a 'whole person'.



# 2014 – Stage 2

The ‘intervention’ seminars

113 clients,  
120 students,  
4 supervisors

- 1. Introduction and understanding emotions*
- 2. Identifying emotions in oneself and others*
- 3. Expressing and using emotions*
- 4. Managing emotions in oneself and others*



# Legal Interviewing – best strategies?

Listening



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graph TD; A[Listening] --> B[Questioning]; B --> C[Rapport Building]; C --> D[Advising];
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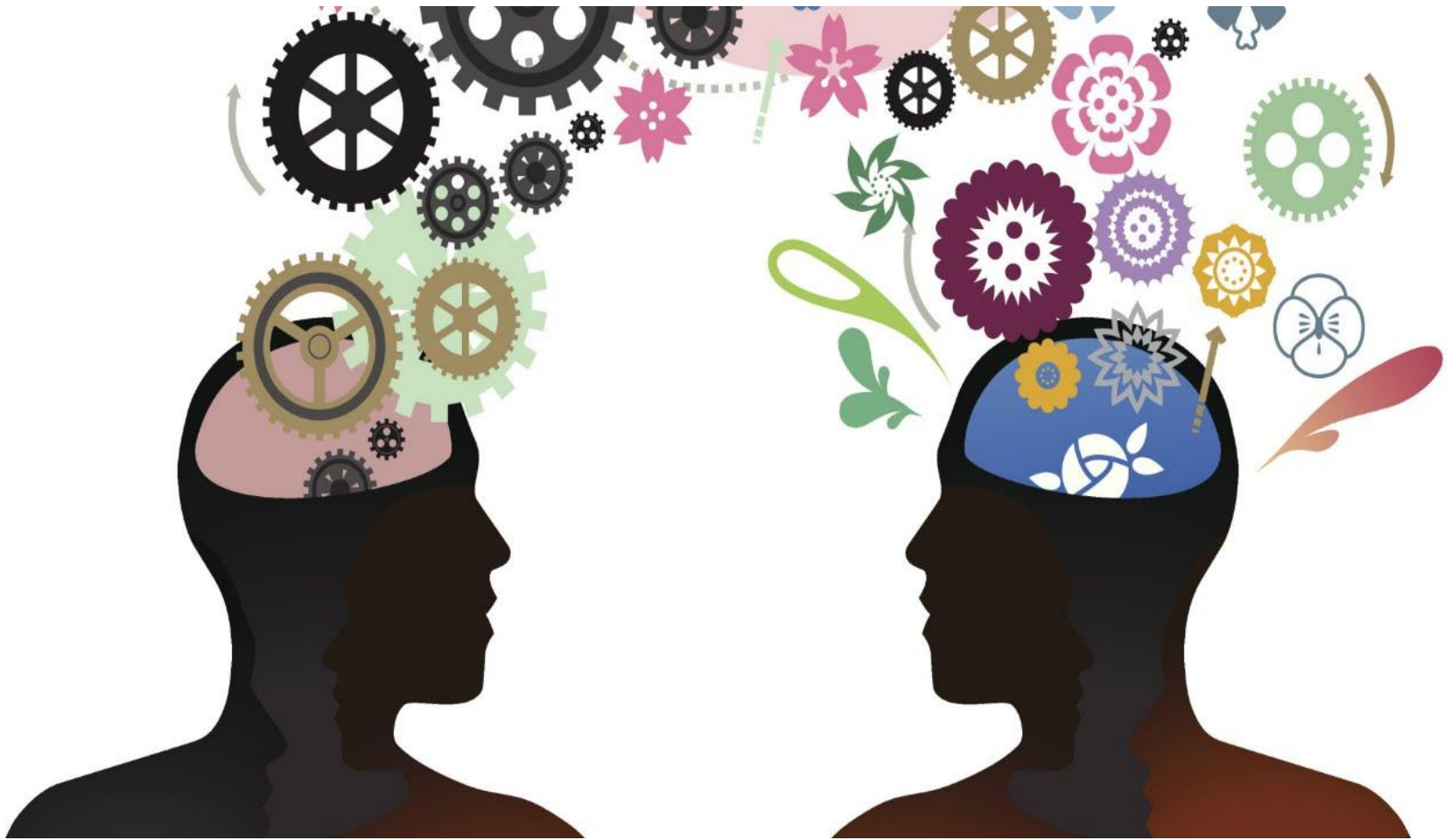
Questioning

Rapport Building

Advising



# Feedback on Reflections



# Self-awareness

"BE YOURSELF  
EVERYBODY  
ELSE IS TAKEN"



# 2014 – Stage 2

(Results of intervention)

- No statistical difference in client's survey responses between Stages 1 and 2
- Significant qualitative results in reflective comments by Stage 2 students as part of the intervention training.
- Significant qualitative results in feedback by Stage 2 clients post interviews.

# Stage 2 Students' reflections

observation → assumptions



*'The client came in visibly anxious with an edge of anger or possibly frustration. ... the client's speech .. was rushed and pointed... sat hunched with their arms crossed and spoke quickly in a loud and impatient manner, ending most sentences with a rhetorical question....'*

# Stage 2 Students' reflections

self-assessments → new ideas for future

*'I feel that I probably could have used a different way of questioning or talking to her in a way that both allowed her to get it off her chest but also moved our time on productively.'*



# Stage 2 Students' reflections

self-awareness → flexibility

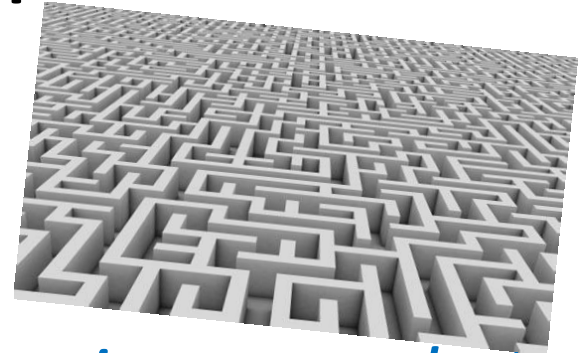
*'I was very conscious of my body language making sure I was leaning forward, giving eye contact and trying to be as sincere as I could at particular times (I found this difficult as my clients emotions spiked quite radically so I was never certain of exactly how to respond to things she said)'*





# Stage 2 Clients' quotes

complexity



*Question ...how could the student improve their interviewing skills?*

- *'I had many issues, too big for one session'*
- *'....complicated matter and the student did a good job of giving understanding to solicitor,'*
- *'Honestly my matter is quite complex. It need to be broken down...'*

# Stage 2 Clients' quotes

positive

*Question ...how could the student improve their interviewing skills?*



- *'They were attentive and showed understanding and seemed to have a reasonable grasp of a complicated and uncommon situation'*
- *'I thought the students interviewing strategies were well developed and no need for improving at this time'*

# Stage 2 Clients' quotes

critical

*Question ...how could the student improve their interviewing skills?*

- *'..(students) didn't ask too much about my life in general which may have some underlying influence/support to defend my case'*
- *'...summarising needs to ensure that it is correctly relayed or it can come across as being vague/disinterested'*

I wish I could tell you  
it gets better. It  
doesn't get better.  
YOU get better.

Joan Rivers

# Conclusions

- The training in emotional competency had a significant effect on many students, based on their feedback and reflections
- The qualitative results indicated clients appreciated students' attentiveness in Stage 2
- No statistical difference between Stages 1 and 2 from client feedback surveys

# Limitations

- The numbers of clients were not sufficient to confirm a statistically significant effect in their assessment of the students' competencies during interviews.
- The numbers of students in Stage 2 (intervention) required more than one student in each interview, which altered the dynamic in the interview room, making comparisons less valid.

# Future research

- Structure questions to counter the effect of participant bias
- Include sufficient numbers of participating clients to enable statistical significance.
- Ensure comparison groups are comparable in number, and interview situations are as similar as possible
- Questions about this research? Email [colin.james@anu.edu.au](mailto:colin.james@anu.edu.au)