

AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION

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CLIENT COUNSELING COMPETITION

RULES AND STANDARDS FOR JUDGING

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**RULES OF THE
CLIENT COUNSELING COMPETITION**

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RULES OF THE CLIENT COUNSELING COMPETITION

Article 1 -- HISTORY AND PURPOSE

The Client Counseling Competition was conceived and developed as a legal teaching technique by Professor Louis M. Brown of the University of Southern California Law Center. Originally called the Mock Law Office Competition, it began on an interscholastic level in 1969 with two schools competing and has been held each year since then. The American Bar Association Law Student Division has administered the competition since 1973. Each year, approximately 100 U.S. and Canadian schools participate in the competition.

The purpose of the competition is to promote greater knowledge and interest among law students in the preventive law and counseling functions of law practice and to encourage students to develop interviewing, planning, and analytical skills in the lawyer-client relationship in the law office.

The competition simulates a law office consultation in which law students, acting as attorneys, are presented with a client matter. They conduct an interview with a person playing the role of the client. This includes eliciting facts, advising about the relevant law, providing options for proceeding, and assisting the client to make an informed choice. Following the interview, the student attorneys consult each other regarding how the interview proceeded and their intended plan of action.

Article 2 -- COMPETITIONS COMMITTEE

The Client Counseling Competition is directed by the American Bar Association Law Student Division Competitions Committee and its Client Counseling Competition Subcommittee, and is administered by the Division's Chicago staff. The Competitions Committee, appointed by the Law Student Division Chair, is composed of law professors and practicing attorneys.

Article 3 - NATIONAL STUDENT DIRECTOR

Each year, the Law Student Division Chair appoints four law students to National Student Director positions, who assist with coordinating the following year's regional and national competitions. The National Student Directors are responsible for keeping the Competitions Committee informed, through bi-monthly reports, as to the progress of the competitions. Beginning in 2008, the term of the National Student Directors will run from June 1 to May 31.

Article 4 -- ELIGIBILITY

All American Bar Association approved law schools and all recognized Canadian law schools are eligible to enter a maximum of two teams in the competition, subject to space availability. Each team is composed of two law students. (An alternate is also permitted; see Article 17(II)). Students who have received their JD degree prior to the date of the regional competition are not eligible to compete. **All competitors at the regional and national competitions, except Canadian competitors, are required to be members of the ABA Law Student Division. The annual membership fee for the Law Student Division is \$25.00. Please contact the Law Student Division staff at (312) 988-5622 or visit the ABA website at www.abanet.org for more information.**

To enter the competition, a school's Dean must approve the school's entry, and a faculty member or outside coach must agree to serve as an advisor. It is the expectation that Faculty Advisors will fully participate in the competition with the school's team at every level and, when called upon, serve as arbiters of disputes, advocate on behalf of their own team and develop their own hosting abilities. Entry forms accompanied by the entry fee for one team should be received by the ABA Law Student Division no later than the entry deadline, which is generally the fourth Friday of October. The online entry form and entry deadline are posted to the Client Counseling Competition home page at

<http://www.abanet.org/lstd/competitions/clientcounseling>. Schools may indicate on the entry form whether they wish to send a second team to the regional competition, space permitting.

The Law Student Division will make every effort to permit all schools desiring to send two teams to do so. The number of teams that will compete in the regional competition will be determined by the Law Student Division and the host school. If more teams than a region can accommodate wish to compete, the Chicago office in conjunction with the Client Counseling Competition Subcommittee will select the schools that can send a second team by draw except that (1) the host school will have the first priority to send two teams and (2) schools that indicated that they wished to send a second team to the prior year's regional competition but were unable to do so because they were not chosen in the drawing will have second priority. Teams not selected to send two teams may be given the option of moving both teams to another region, space permitting. Schools that are permitted to send two teams must pay an additional entry fee once permission to enter the second team is given.

The Law Student Division is unable to determine which schools may send two teams until after the competition entry deadline. The communication about second teams will be made at the same time that the school's regional assignment is made – generally in early December.

Schools must provide the names and ABA member identification numbers of their participants at least TWO WEEKS prior to the regional competition in which they compete. Please contact the Law Student Division staff at (312) 988-5622 for more information.

The final rounds of the regional and national competitions may be recorded. A student's decision to enter and participate in the competition constitutes the student's consent to this recording. As a condition of publication and for no monetary compensation, this consent grants the ABA the nonexclusive worldwide rights to reproduce, distribute, and sell any audio or visual material in connection with the student's participation, in whole or in part, in any media, as part of a course book or any other publication published under the auspices of the ABA and to license these rights to others. Consent also grants the ABA the right to use the student's name, voice, and image in connection with the published competition materials.

Article 5 -- TEAM SELECTION

Since schools are limited to a maximum of two teams (four students) in the competition, subject to space availability. Schools are encouraged to determine their participants by holding an intraschool competition. See Article 7.

Article 6 -- ORGANIZATION OF THE COMPETITION/HOST SCHOOLS

The ABA Law Student Division staff will divide participating schools into regions for the regional competitions. The success of the regional competitions depends on the willingness of schools to act as hosts, either alone or in cooperation with a local bar association, law firm, or other sponsoring organization.

It is expected that a school winning a regional competition will host the competition in the succeeding year. If the current host school or the host school from the prior year wins a regional competition, such school(s) shall have the option of declining to host the succeeding year. In such an event, the responsibility for hosting the competition in the succeeding year falls on the school whose team is runner-up in that regional competition. If this procedure results in a disparate burden falling on particular schools within a given region (e.g., because teams from these schools win or are runners-up in the competition several years in a row), the opportunity to host will be offered to schools that volunteer to do so. The ABA Law Student Division also has the discretion to designate a school to host or co-host the competition in a given year. In making this designation, schools that have participated in the competition for the longest time without hosting the competition will be considered the primary candidates. If none of the above procedures results in the identification of a host school, and no host school from another region can be identified, there will be no regional competition for that

region in that year. Schools registered to compete in that region will be disseminated to other regions with space permitting. The Law Student Division reserves the right to disqualify a school from participating in the competition if it fails to host as scheduled and does not find a replacement host.

The ABA Law Student Division will work with the school designated to host the competition in a particular region in the fall preceding the regional competition (which is held in February) to ensure that administrative tasks are understood. The school, firm, or other organization assuming administrative responsibility will be provided with Client Counseling Competition Regional Host School Instructions and other information about running a Regional Client Counseling Competition. In addition, each administrator will be assigned a Client Counseling Competition Subcommittee member who will act as a consultant and advisor to the competition administrator.

The regional competitions will be held in February. The National competition will take place in March. Dates and locations of regional and national competitions are posted to the Client Counseling Competition home page at <http://www.abanet.org/lsd/competitions/clientcounseling>.

Article 7 -- INTRASCHOOL COMPETITION

To encourage competitive team selection, the Law Student Division will provide all entering schools with several intraschool consultation situations. They will be in the same field of law as the regional and national competition consultation situations. The topic is posted to the Client Counseling Competition home page at <http://www.abanet.org/lsd/competitions/clientcounseling>.

Article 8 -- REGIONAL COMPETITION

By early December, all participating schools are informed of the region to which they have been assigned and the host school for their region. The host school is provided with detailed instructions for administering the competition and is responsible for providing each school in the region with information concerning schedule, specific location of competition facilities, and lodging arrangements or alternatives. On the day of the competition, the host school will also provide lunch to all competition participants in its region. Questions concerning these matters should be directed to the regional host school administrator. The host school is reimbursed for reasonable expenses (up to \$75 per team) incurred in conjunction with hosting a regional competition. Additionally, the entry fee for the host school's first team is waived.

Article 9 – NATIONAL COMPETITION

Information about the national competition should be available to the regional first place teams at the regional competitions. In addition, immediately following the regional competitions, the faculty advisors of all regional first place teams are sent information directly from the Law Student Division's Chicago office concerning the schedule, exact location, facilities, and lodging arrangements for the national competition. Questions concerning the national competition should be directed to the Chicago office. (See Article 20 for International Competition information.)

Article 10 -- CONSULTATION SITUATIONS

After a school has submitted its entry form and entry fee to the ABA Law Student Division's Chicago office, the intraschool consultation situations will be emailed (but not before October 1) to the contact person listed on the school's entry form. The consultation situations will contain information similar to that which a law office secretary might be given when a client calls to make an appointment.

DVDs containing the national competition championship round video from previous years are available. Two versions are available – one containing the video only; the other containing the video along with PDFs of the complete regional and national competition problems, including the confidential client profiles. Please visit <http://www.abanet.org/lsd/competitions/videos.html> for more information and to order your copy.

Ten days prior to the actual day of the regional and national competitions, the Law Student Division will send each faculty advisor an email containing the consultation situations.

Article 11 -- COMPETITION FORMAT

I. REGIONAL COMPETITIONS:

The regional competition will take place either during one day, a Saturday, or over two days, a Friday and Saturday or Saturday and Sunday, at the election of the host school and should include a meeting of faculty advisors to confirm competition procedures and establish networking among the schools. Each team competing at a regional competition will participate in three preliminary rounds.

Regional host schools will use the "point qualification" format in which the six teams accumulating the lowest number of points during the three preliminary rounds will qualify for the semifinal round. The semifinal round, which takes place in three rooms, will be head-to-head power-seeded competition (i.e. the lowest scoring team from the preliminary rounds competes against the highest scoring team from the preliminary rounds). The winner of each semifinal round room will advance to the final round. Since the specific schedule of the preliminary, semifinal and final rounds depends upon elections made by the regional host school, such schedules will be communicated by each host school administrator directly to the team contacts for the schools competing in his/her region. These communications will likely be distributed in January.

After the last team in the Final Round competes, the judges will meet to decide the winner of the regional competition. After the winning and second place teams are announced, the judges will provide a brief critique of each of the finalists.

All teams will be pre-assigned a letter designation (A, B, C, etc.) by the Chicago office on a random basis, except that the office will make every effort to prevent two teams from the same law school from competing against each other in the preliminary rounds.

A) Competition Schedule. Each host school shall choose one of the following competition schedules:

A. ONE-DAY FORMAT

Round	Time Frame	# of Rooms
Preliminary Round 1	8:30 am to 9:30 am	Up to 12 competition rooms (most regional competitions use 12)
Preliminary Round 2	9:45 am to 10:45 am	
Preliminary Round 3	11:00 am to 12:00 pm	
Semifinal Round (first set of teams)	1:00 pm to 2:00 pm	3 competition rooms
Semifinal Round (second set of teams)	2:00 pm to 3:00 pm	
Final Round (Team 1)	3:30 pm to 4:15 pm	1 competition room
Final Round (Team 2)	4:30 pm to 5:15 pm	
Final Round (Team 3)	5:30 pm to 6:15 pm	
Final Round Critique	6:30 pm to 7:00 pm	

B. TWO-DAY FORMAT

DAY ONE – Preliminary Rounds and Semifinal Round:

Round	Time Frame	# of Rooms
Preliminary Round 1	8:30 am to 9:30 am	Up to 12 competition rooms (most regional competitions use 12)
Preliminary Round 2	9:45 am to 10:45 am	
Preliminary Round 3	11:00 am to 12:00 pm	
Semifinal Round (first set of teams)	1:00 pm to 2:00 pm	3 competition rooms
Semifinal Round (second set of teams)	2:00 pm to 3:00 pm	

DAY TWO – Final Round:

Round	Time Frame	# of Rooms
Final Round (Team 1)	9:00 am to 9:45 am	1 competition room
Final Round (Team 2)	10:00 am to 10:45 am	
Final Round (Team 3)	11:00 am to 11:45 am	
Final Round Critique	12:00 pm to 12:30 pm	

C. TWO-DAY FORMAT

DAY ONE – Preliminary Rounds:

Round	Time Frame	# of Rooms
Preliminary Round 1	1:30 pm to 2:30 pm	Up to 12 competition rooms (most regional competitions use 12)
Preliminary Round 2	2:45 pm to 3:45 pm	
Preliminary Round 3	4:00 pm to 5:00 pm	

DAY TWO – Semifinal Round and Final Round:

Round	Time Frame	# of Rooms
Semifinal Round (first set of teams)	9:00 am to 10:00 am	3 competition rooms
Semifinal Round (second set of teams)	10:00 am to 11:00 am	
Final Round (Team 1)	12:00 pm to 12:45 pm	1 competition room
Final Round (Team 2)	1:00 pm to 1:45 pm	
Final Round (Team 3)	2:00 pm to 2:45 pm	
Final Round Critique	3:00 pm to 3:30 pm	

B) The Consultation. Each team must conduct a consultation with the client during which the students are expected to elicit the relevant information, outline the problem, identify issues (both legal and non-legal) and propose a solution or other means to resolve the problem. (See "Client Counseling Competition Standards for Judging" for more specific direction.)

- 1) Applicable Law. The law to be applied in the competition is the law of each team's respective state or province unless otherwise indicated in the consultation situation. The teams, however, should not identify from which state, province, or law school they originate. See Article 17(III).
- 2) Discussion of Fees. The discussion of fees is an integral part of any first consultation between a lawyer and a client and is required during this competition. Students should be judged on how and when they approach this problem, but not on the dollar amount used. Therefore, all participants in the competition will be supplied with a uniform fee schedule. The participants may discuss fees at any appropriate point in the consultation.

C) The Post-Consultation. Each team must also conduct a meaningful post-consultation discussion between the student attorneys after the client has left the room. The teams may not leave the interview room between the consultation and the post-consultation. During the 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, including jurisdictional differences in the law.

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 write 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) Use of notes 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.). Although props are permitted, teams should be aware that the judges are instructed that props are not required. Also, props are not included as part of the judges' evaluation sheets. If a team decides to use props, those props can in **NO WAY INDICATE ANY ACTUAL CITY, STATE, JURISDICTION, ETC.** (Ex. Use "Anytown, Anystate, USA, 12345" OR "(123) 456-7890," NOT "New York, NY, 10001" OR "(212) 555-1212."

E) Timekeeping. During the regional competitions, the competitors are not 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.

F) Critique. In both the preliminary rounds and the semifinal round (but not 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. The critique should last no more than fifteen (15) minutes. Clients should **NOT** be present during the post-consultation period or the critique.

G) Format.

1) Rounds. The competition consists of five rounds. All teams will compete in the first three preliminary rounds, which will be conducted simultaneously. Six teams will qualify for the semifinal round based on the number of points (lowest points win) accumulated in the preliminary rounds. Three teams will advance to the final round.

2) Point Scoring in the Preliminary Rounds. Judges in the first three rounds score the rounds by awarding points. After the round has been completed, the judges may discuss each team's performance among themselves. Judges are encouraged to consult with the client, but only after **ALL** of the interviews in the room have been conducted. Although the judges should together discuss the teams, the judges should

individually rank the teams. Judging independently, each judge must give one (1) point ONLY to the one (1) team that in the judge's opinion performed the best in light of the judging standards.

After giving a score of 1 to the first place team, each judge should then give a 2 or 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 performance of one or more teams was close to the first place team, those teams should be given 2 points. If the performance of one or more teams was not close to the first place team, those teams should be given 3 points.

3) Qualifying for the Semifinal Round. At the end of the preliminary rounds, the total scores for each team will be computed (the best possible score is 9 points, i.e., 1 point from each of the three judges [3 points] in each of the three rounds, $3 \times 3 = 9$ points). Adjustments shall be made if less 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). The six teams with the lowest scores will compete in the semifinal round.

If more than six teams, or the rankings of the teams, are tied for the semifinals, the ties shall be broken using the following protocols:

First Tie-Breaking Protocol. If more than six teams are tied for the first six places, the host school administrator, meeting with the available faculty advisors, shall determine the teams for the semifinal round, eliminating all teams (among the tied teams) that had lost in head-to-head competition; e.g., assume that teams A, B, C, and D are tied for fifth and sixth place. If teams A and B have met in a round in which team A had received a lower score among the judges than team B, team B would be eliminated from the semifinal round; and if teams C and D have met in a round in which team C had received a lower score among the judges than team D, team D would be eliminated from the semifinal round. Thus, teams A and C would advance to the semifinal round.

Second Tie-Breaking Protocol. If a head-to-head comparison does not produce (a) clear semifinal team(s), the regional administrator shall determine the other semifinal round participant(s) by counting the number of "1's" each team received from the judges in the preliminary rounds. The team(s) with the greatest number of "1's" shall advance. For Example, if Team A is ranked first after the preliminary rounds, and Teams B, C, and D are tied, and none of the tied teams competed head-to-head, and Team B received four "1's" and Teams C and D received three "1's", Team B would advance.

Third Tie-Breaking Protocol. If a comparison of the number of "1's" does not produce (a) clear semifinal team(s), the regional administrator shall determine the other semifinals participant(s) by comparing each team's scores on each problem. For example, if Team A is ahead after the preliminary rounds, and Teams B, C, and D are tied and the first two tie-breakers have not produced an appropriate number of teams for the semifinals, the team(s) that won the highest number of rounds, determined by comparing the total score of each team in each round, will advance to the semifinals.

If six semifinal teams or the rankings of the semifinal teams cannot be determined by the above-described procedures, then the host school administrator shall determine by lot (among the tied teams) the teams that will compete in the semifinal round.

4) **Tally Sheet.** A tally sheet to compute the scores is provided in the Host School Instructions. The host school administrator may post the tally sheet or distribute copies to the participants after the preliminary rounds. Otherwise, the host school administrator will send the tally sheet to the participants within seven (7) days after the competition has been completed.

5) **Order of Performance in the Semifinal Round.** The semifinal round shall be power-seeded head-to-head competition (i.e. the lowest scoring team from the preliminary rounds competes against the highest scoring team from the preliminary rounds). The team with the lowest score after the preliminary rounds is allowed to choose when it performs in the semifinal round. In case of a tie, the order will be made by a draw.

6) **Scoring The Semifinal Round.** After seeing both of their assigned teams perform and after consultation with the client, **the judges should together discuss each team's performance** and by a majority vote decide which team performed the best in light of the judging standards. If there is not a majority, the judges shall continue to confer until a winning team is selected. After a decision has been reached, the judges should record their decision on the Judges' Semifinal Round Results Sheet. The Judges' Semifinal Round Results Sheet should be given to the host school administrator who will publicly announce the three teams advancing to the final round.

7) **Order of Performance in the Final Round.** The team with the lowest cumulative score is allowed to choose when it performs in the final round. The team with the second lowest cumulative score is then allowed to choose when it performs in the final round. In case of a tie, the order will be made by a draw.

8) **The Final Round.** The final round will be in one room with one panel of judges. After the judges have seen all three teams perform, the judges, after consultation with the client, **should together discuss each team's performance** and by a majority vote decide which team performed the best in light of the judging standards. If there is not a majority, the judges shall continue to confer until a winning team is selected. The judges shall also select a second place team. After a decision has been reached, the judges should record their decision on the Judges' Final Round Results Sheet. The Judges' Final Round Results Sheet should be given to the host school administrator who will publicly announce the winning team.

9) **Advancing to the National Competition.** The top ranked team will advance to the national competition. If the top ranked team in a regional chooses not to participate in the national competition, the second ranked team will be invited. If both the first and second ranked teams choose not to participate, the third ranked team in the final round will be invited. Otherwise, the Client Counseling Competition Subcommittee, in its discretion, may choose to invite another team from that region to compete in the national competition. The choice of which team to invite, if any, will be based on the order of finish in the regional competition. The Client Counseling Competition Subcommittee, in its discretion, may invite additional teams to compete in the national competition. Barring special circumstances, this will be done by a random draw among the teams that finished second (or possibly third) in their region.

II. **NATIONAL COMPETITION.**

The national competition will take place during two days. Each team competing at the national competition will participate in three preliminary rounds. The preliminary rounds, consisting of Problems I, II, and III, will be performed in the morning or afternoon of the first day. The national

competition host school will employ the "point qualification" format used at the regional competitions to determine the six teams accumulating the lowest number of points during the three preliminary rounds that will qualify for the semifinal round, which will take place the morning of the second day. The semifinal round will be a head-to-head competition, with the winner from each of the three semifinal round competition rooms advancing to the final round in the afternoon of the second day.

The national competition will otherwise run like the regional competitions.

All teams will be pre-assigned a letter designation (A, B, C, etc.) by the Chicago office on a random basis, except that the office will make every effort to prevent two teams from the same Region (if applicable) from competing against each other in the preliminary rounds.

III. ELIGIBILITY OF CANADIAN TEAMS FOR REGIONAL, NATIONAL, AND INTERNATIONAL COMPETITIONS.

Canadian teams frequently participate in regional competitions held in the United States or Canada. If a Canadian team wins a regional competition, the team may:

- A)** Choose to go directly to the International Client Counseling Competition, if it is the highest ranking Canadian team; or
- B)** Choose to compete in the national competition. If a Canadian team wins the national competition, the Canadian team will advance to the International Competition, along with the highest scoring United States team. If a Canadian team does not place first in the national competition, but is still the highest-ranking Canadian team, it will proceed to the International Competition.

If Canadian teams place first and second at a regional competition, and the first place team proceeds directly to the International Competition, the second place team will compete at the national competition. The second place Canadian team may not advance to the International Competition. The highest-ranking United States team at the national competition will compete at the International Competition.

Article 12 -- JUDGES AND SCORING FOR REGIONAL AND NATIONAL COMPETITIONS

I. REGIONAL AND NATIONAL COMPETITIONS' PRELIMINARY ROUNDS AND SEMIFINAL ROUNDS. At the regional and national competitions, host school administrators are responsible to select three judges for each competition room for each round. The host school should make every effort to have two attorneys on the panel who have had prior experience with, or who are familiar with, the ideals of the Client Counseling Competition, and to have one person on the panel with a strong background in one of the counseling professions (i.e. counselor, psychologist, minister, etc.). Preferably, at least one of the two attorneys on the panel should be familiar with the area of law that is the subject of the competition.

II. REGIONAL AND NATIONAL COMPETITIONS' FINAL ROUNDS. At the final rounds of the regional and national competition, each panel will consist of three judges: The host school should make every effort to have two practicing attorneys on the panel who have had prior experience with, or who are familiar with, the ideals of the Client Counseling Competition, and **MUST** have one person on the panel with a strong background in one of the counseling professions (i.e. counselor, psychologist, minister, etc.). In the absence of a judge from one of the counseling professions, contact the subcommittee before proceeding. Preferably, at least one of the two attorneys on the panel should be familiar with the area of law that is the subject of the competition.

III. NOTE TAKING AND EVALUATION SHEETS. Judges may take notes as they observe each team's performance and base their critiques on specific observations from their notes. Each judge must complete an evaluation form for each team he or she observes.

IV. PERSONS WHO MAY NOT BE JUDGES. No one who judged a prior round can act as a judge in a semifinal or final round unless that judge has not previously judged the competing teams. No law professor may act as a judge for a team from that professor's law school. Faculty advisors/team coaches shall not act as judges, unless in an emergency where if faculty advisors/team coaches did not act as judges, the competition could not be run. Host schools must ensure that the judges do not know the law students whom they are judging.

V. APPLICATION OF STANDARDS. All judges, as well as students, receive a copy of "Client Counseling Competition Standards for Judging." All judges will also be supplied with a copy of the consultation situation for the round they will be judging, a copy of the Rules and a detailed confidential memorandum about the client's background and concerns. Judges are instructed that the Standards for Judging 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.

Students and faculty advisors should realize that inequities may occur and that the Client Counseling Subcommittee does want to be informed about problems; **however, the scoring decisions of the judges must be considered final.**

Article 13 -- CLIENTS

At both the regional and national competitions, host school administrators are responsible to select persons to play the role of the client for each of the sessions. Under no circumstances shall a law student from the host school act as a client in a room in which a team from the host school is competing. If a law student from the host school acts as a client during a preliminary round in a room in which a host school team is competing, that host team must automatically be awarded the maximum score of 9 points for that round. If this occurs during a semifinal or final round, that host team must forfeit that round. In addition, host schools should take all reasonable steps to ensure that clients do not know the law students who are interviewing them.

Host schools 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 instructions for clients, the consultation situation, and a detailed confidential memorandum concerning the client's background and concerns.

Article 14 -- FACULTY ADVISORS

The primary purpose of the Client Counseling Competition is education. Faculty advisors/team coaches should emphasize the educational value of the competition to their students. Subject to space availability, they may observe their own team(s).

Questions are often raised concerning the extent to which faculty advisors may assist students prior to the day of the competition. Louis M. Brown, the originator of the competition, has stated:

Professors might be very much like the coach of an athletic team up to the moment when the actual performance begins. In other words, you can work with the students, assist the students, direct the students, go through dry runs, set up consultations of the sort you might think actually take place in the interscholastic competition, etc. ... In a sense, the whole idea is that the project should be a learning project and an educational one. We want to use it in order to stimulate interest in the complexities of counseling, to help develop teaching materials and teaching methods, to help draw attention to the counseling that goes on in a law office as a significant aspect of the total legal process.

Article 15 -- AWARDS

Each participant in the regional competition will receive a certificate to be awarded at the regional competition as long as the team member names and ABA member identification names are submitted by the stated deadline (see Article 4). Each first place team in the regional competitions will receive a trophy for the school, as well as individual certificates for the team members. These awards will be distributed during the national competition at the National Competition Awards Banquet. **(NOTE: IT IS MANDATORY THAT ALL TEAM MEMBERS AND COACHES ATTEND THE NATIONAL COMPETITION AWARDS BANQUET.)** The first place team in the national competition will be sent a trophy for its school and individual certificates for the team members. The second and third place teams in the national competition will receive a plaque for the school as well as individual certificates for the team members.

Any monetary awards provided by corporate sponsor(s) may be presented to the individual student competitor(s) of the national competition championship team pursuant to the Law Student Division document entitled "Corporate Sponsor/Award Policy" as amended from time to time. (This is subject to change without notice.)

Article 16 -- EXPENSES

The travel and lodging costs incurred by participants in the regional and national competitions will not be reimbursed by the Law Student Division. A lunch will be provided for all participants at the regional and national competitions and an awards banquet will be provided at the national competition.

Article 17 -- GENERAL RULES

I. **TEAM MEMBERS.** Each team consists of two students. 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 to the judges why they worked together in the way that they did.

II. **ALTERNATES.** An alternate may compete in the regional or national competition in case of unforeseen circumstances that prevent a team member from competing, such as sudden illness, a death in the family, or other similar incapacity, but in any case, to compete a team must have two members. The same two-person team that competed in the regional competition must compete in the national competition, except that a person designated as an alternate may compete in the case of unforeseen circumstances like those described in the previous sentence. If a school needs to have the alternate compete in the national competition, the school must notify the Law Student Division office or a member of the National Client Counseling Competition Subcommittee as soon as possible.

III. **ANONYMITY.** Team members and others associated with a team shall not in any way inform the judges or clients from what state, province, or law school they originate until the judges have finished scoring all preliminary rounds and the score sheets have all been turned in for all preliminary rounds. References to the applicable law should be to the law "in this state or province." No materials given to the judges or clients, such as letterheads or business cards, should indicate any **ACTUAL STATE, PROVINCE, OR LAW SCHOOL.** (See Article 11(I)(D).)

IV. **OBSERVATION OF ROUNDS.** Under no conditions may a team that is still alive in the competition observe other competitors.

Preliminary and Semifinal Round:

Faculty advisors, team coaches, and team alternates may observe their own teams (subject to space availability). The team, its alternate(s), and its faculty advisor/team coach may not observe other teams competing in any round while their team is still alive in the competition.

Final Round:

In the final round all observers, including coaches of final round teams, may sit in the final round and observe under the following conditions: 1) observers must enter prior to the commencement of any interview, 2) once observers enter the room they must remain for the duration of the final round; 3) observers may not communicate with any of the final round competitors.

V. TEAMS DISQUALIFIED FROM COMPETING. In the event a team is disqualified from competing (because of a violation in a preceding round or because the team is from the host school and there is a conflict with a final round judge or client) all determinations for subsequent rounds shall be made as if such disqualified team did not compete in the preceding rounds.

VI. PROHIBITION AGAINST COMMUNICATION. No observer may communicate in any way with any team members during the course of the team's performance. Team members, faculty advisors, team coaches, team alternates, and any other persons associated with a team should not communicate with the judges or clients outside of the interview room until the judges have finished scoring the three preliminary rounds and the score sheets have all been turned in for those three preliminary rounds.

Faculty advisors, team coaches, team alternates, or any other person from a school with two teams competing in a regional competition who watches one of the school's two teams compete on a particular client counseling problem may not communicate with the school's other team, in any way whatsoever, about the nature or content of that problem before that other team competes on that problem. Nor may teams from the same school communicate between rounds about the problems.

VII. VIOLATION OF ANY OF THE RULES, GENERALLY. Violation of any of the rules or standards may result in either disqualification from the competition and/or the team that violates the rule or standards being awarded the highest possible score (9) for that room.

Article 18 -- DISPUTES

I. 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 II through IV of this Article.

II. 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 host school administrator. When a timely complaint has been raised, the host school administrator shall investigate and resolve the dispute in a way that the host school administrator in his or her discretion deems best to avoid nullification of the round. If the host school administrator's team is involved in the disputed round, the host school administrator shall appoint up to three faculty advisors who are not involved directly in the round to resolve the dispute in the manner provided by this subsection. The decision-maker, if practical, shall consult with a member of the Client Counseling Competition Subcommittee prior to making the decision.

If the decision-maker determines that the team has engaged in a serious violation of the rules, the decision-maker may:

- A)** discuss the dispute with the judges and allow them to take the matter into account in making their decision; or
- B)** impose a sanction, including a reduction of rank 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 reduction of rank or disqualification from the competition, the host school administrator shall allow the next ranked team to be regarded as the winner.

III. AFTER THE DECISION OF THE ROUND BUT BEFORE THE NEXT ROUND BEGINS (IF THERE IS ONE). When a dispute has been raised after a round has been decided but before the next round begins (if there is one), the host school administrator shall investigate the dispute. If the host school administrator's team is involved in the disputed round, the host school administrator shall appoint up to three faculty advisors who are not involved directly in the round to resolve the dispute in the manner provided by this subsection.

The decision-maker may hear representatives from the parties involved (and, if appropriate, the judges) and shall resolve the dispute in a way that the decision-maker in his or her discretion deems best, consistent with the purpose of the competition. The decision-maker, if practical, shall consult with a member of the Client Counseling Competition Subcommittee prior to making a decision. 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 host school administrator shall allow the next ranked team to be regarded as the winner.

IV. ANY OTHER UNRESOLVED DISPUTES. All other disputes shall be referred to the Client Counseling Competition Subcommittee by written protest.

Article 19 - WRITTEN PROTESTS

To submit a formal protest, fax or email the protest **NO LATER THAN** 5:00 p.m. CST on the Tuesday following the regional competition. Protests should be sent to:

ABA Law Student Division
321 North Clark Street
Chicago, IL 60610
Fax: 312-988-6033
E-mail: ccc@abanet.org

Article 20 -- INTERNATIONAL CLIENT COUNSELING COMPETITION

The ABA Law Student Division has a close liaison with the International Client Counseling Competition Committee, an independent body that sponsors the Louis M. Brown International Competition. The Louis M. Brown International Client Counseling Competition is affiliated with the International Bar Association, a worldwide organization of lawyers, law societies, and bar associations representing more than 2.5 million lawyers. International competitions have been held in San Antonio, Texas (1986), Toronto, Canada (1987), London, England (1988 & 1991), Baltimore, Maryland (1989), Vancouver, Canada (1990 & 1998), Portland, Oregon (1992), Calgary, Canada (1993), Glasgow, Scotland (1994 & 2004), St. Petersburg, Florida (1995 & 2002), Brisbane, Australia (1996), Bristol, England (1997), Chicago, Illinois (1999), Belfast, Northern Ireland (2000), Dunedin, New Zealand (2001), Durban, South Africa (2003), Honolulu, Hawaii (2005), Wales, Great Britain (2006) and Sydney, Australia (2007). The 2008 International Competition will be held in Southern Bangalore, India. The rules are similar to those used in the ABA competition.

Immediately after the regional competitions, the International Client Counseling Competition contact will send regional winners information about the International Competition. (The ABA Law Student Division is not involved with the administration of the International Client Counseling Competition.) Further information about the 2008 International Client Counseling Competition can be obtained from Professor Larry L. Teply, Creighton Law School, 2133 California Street, Omaha, Nebraska, 68178; 402/280-3164. The Executive Director of the International Client Counseling Competition is Forrest S. Mosten, Mosten and Wasserstrom, 10990 Wilshire Boulevard, Suite 940, Los Angeles, California 90024; 310/475-7611.

CLIENT COUNSELING COMPETITION STANDARDS FOR JUDGING

1. *Working Atmosphere:* Established the beginning of an effective professional relationship and working atmosphere and, if and when appropriate, oriented the client to the special nature of the relationship, including confidentiality; explanation of fees; responded to client's concerns, discussed mutual obligations and rights, after-hours availability, duration and plan of the consultation etc. in a courteous, sensitive and professional manner.
2. *Description of the Problem:* Learned how the client viewed his or her situation, using a combination of listening and questioning, drawing out both information and feelings, as appropriate, to develop a reasonably complete and reliable description of the problem.
3. *Client's Goals and Expectations:* Learned the client's goals and initial expectations, modified or developed these as necessary.
4. *Problem Analysis:* Analyzed the client's problem with creativity and from both legal and non-legal perspectives, resulting in a clear and useful formulation of the problem.
5. *Moral and Ethical Issues:* Recognized, clarified, and responded to any moral or ethical issues that may have arisen, without being prejudicial or judgmental.
6. *Alternative Courses of Action:* Consistent with the analysis of the client's problem, developed a set of potentially effective and feasible alternatives, both legal and non-legal.
7. *Client's Informed Choice:* As appropriate, assisted the client in his or her understanding of problems and solutions and in making an informed choice, taking potential legal, economic, social and psychological consequences into account.
8. *Effective Conclusion:* Concluded the interview skillfully and left the client with a feeling of reasonable confidence and understanding, with appropriate reassurance, and with a clear sense of specific expectations and mutual obligations to follow.
9. *Teamwork:* As collaborating counselors, worked together as a team, with flexibility and an appropriate balance of participation.
10. *Post-Interview Reflection:* During the follow-up phase, gave evidence of having recognized their own and the client's feelings, the strengths and limitations of their interviewing and counseling skills, their handling of the substantive aspects of the client's problems (legal and non-legal), and provided for an effective follow-up.
11. *Overall Rating:* Synthesizing the above criteria, including how effectively the team used its time, how do you rate the client counseling team?

Please evaluate student performance on the following sheets

***Students are instructed to apply the law of their jurisdiction and judges should presume the accuracy of their application despite differences in the law of the host jurisdiction.**

**CLIENT COUNSELING COMPETITION
EVALUATION FORM**

JUDGE: _____ STUDENT-ATTORNEY: _____

DATE: _____ STUDENT-ATTORNEY: _____

ROOM: _____ TEAM LETTER _____

NAME OF CLIENT IN PROBLEM: _____

Please use the following scale in order to assess the performance of the team. Any additional comments may be written in the blank spaces below the ratings.

a = highly effective **b** = effective **c** = somewhat effective **d** = ineffective **e** = very ineffective

<p>1. Working Atmosphere: Established effective relationship with client. a b c d e</p> <p>2. Problem Description: Learned how client views his or her situation and problems. a b c d e</p> <p>3. Client's Goals: Learned the client's initial goals and expectations. a b c d e</p> <p>4. Problem Analysis: Analyzed the client's problems. a b c d e</p> <p>5. Moral/Ethical Issues: Recognized and dealt with moral and ethical issues. a b c d e</p>	<p>6. Alternative Courses of Action: Developed alternative solutions. a b c d e</p> <p>7. Client's Informed Choice: Assisted client in understanding and making informed choices among possible courses of action. a b c d e</p> <p>8. Effective Conclusion: Effectively concluded the interview. a b c d e</p> <p>9. Teamwork: Worked together as a team; balance of participation. a b c d e</p> <p>10. Post-Interview Reflections: Effectively analyzed interview and client's problem(s). a b c d e</p>
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* Please note: Students are instructed to apply the law of their jurisdiction and judges should presume the accuracy of their application despite differences in the law of the host jurisdiction

Use the following space for notes or additional comments that might be helpful to the team.

**American Bar Association
Law Student Division
CLIENT COUNSELING COMPETITION**

**Judge's Score Sheet
Preliminary Rounds**

Judge: _____

Room: _____

Date: _____

Problem: _____

Each judge scores the teams independently and CANNOT give one point to two teams.

Following discussion by the judges among themselves and possible consultation with the client, each judge, judging independently, must give one (1) point to the one team that performed the best in light of the judging standards. Then, based on the relative performance of each team, each judge should give 2 or 3 point(s) to the other team(s). Judges may **NOT** award half points. There may be ties between teams other than the one receiving the requisite one (1) point.

First Place	Team Letter _____	___ 1 ___ (1 point)
	Team Letter _____	_____ (2 or 3 points)
	Team Letter _____	_____ (2 or 3 points)

Judge's Signature _____ Cell Phone # _____
(in case of scoring discrepancy)

Please return to _____ in Room _____.

You must *personally* hand in your score sheet.

Thank you for your participation in the ABA Law Student Division Competitions Program.

**American Bar Association
Law Student Division
CLIENT COUNSELING COMPETITION**

Judges' Semifinal Round Results Sheet

Judge: _____ Room: _____

Date: _____

After seeing both of their assigned teams perform and after consultation with the client, **the judges should together discuss each team's performance** and by a majority vote decide which team performed the best in light of the judging standards. If there is not a majority, the judges shall continue to confer until a winning team is selected. After a decision has been reached, the judges should record their decision on the Judges' Semifinal Round Results Sheet.

We find that the order of finish in the Semifinal Round is:

First Place Team Letter _____

Second Place Team Letter _____

Judge's Signatures:

Cell Phone # (in case of scoring discrepancy)

Thank you for your participation in the ABA Law Student Division Competitions Program.

**American Bar Association
Law Student Division
CLIENT COUNSELING COMPETITION**

Judges' Final Round Results Sheet

After the judges have seen all three teams perform, the judges, after consultation with the client, **should together discuss each team's performance** and by a majority vote decide which team performed the best in light of the judging standards. If there is not a majority, the judges shall continue to confer until a winning team is selected. The judges shall also select a second place team. After a decision has been reached, the judges should record their decision on the Judges' Final Round Results Sheet.

We find that the order of finish in the Final Round is:

First Place Team Letter _____

Second Place Team Letter _____

Third Place Team Letter _____

Judge's Signatures:

Cell Phone # (in case of scoring discrepancy)

Thank you for your participation in the ABA Law Student Division Competitions Program.

CLIENT COUNSELING COMPETITION FEE SCHEDULE

We have decided to adopt a uniform fee schedule for all contestants so that no team will suffer because a judge disagrees with its decision as to how much to charge. All judges and competitors will be given this schedule:

1. The initial interview with both counsel will be billed a flat rate of \$100.00 total. Further work will be billed at \$200.00 per hour of either lawyer's time.
2. Fees will be waived or suitably reduced in cases of financial hardship, either for persons of low income or for persons of ordinary income faced with very large fees.
3. Work will be done on a contingency basis in appropriate cases. If it is not apparent that the case in question is one in which there is a good chance of recovery, the office may require a preliminary investigation at hourly rates before entering into a contingent fee arrangement.
4. The office may require the client to pay a retainer prior to commencing any further legal services. [The amount of retainer requested, if any, will not be considered for judging purposes, as standard amounts may vary significantly across regions. However, if a retainer is requested, the attorneys should be able to explain how it will be applied against the fees incurred.]

**CLIENT COUNSELING COMPETITION
JUDGES' TIMEKEEPING SHEET**

Each panel of judges should appoint one of the judges as timekeeper. The timekeeper should use this sheet to keep track of the time and should stop a team at the time indicated.

1st team

Time round started (when attorneys greet client): A. _____

Determine time round must end by (45 minutes after round started) B. _____
Stop the team at this time! (time from A plus 45 minutes)

Time round ended (after post-interview consultation)
(Must be 45 minutes or less from time round started) C. _____

2nd team

Time round started (when attorneys greet client): A. _____

Determine time round must end by (45 minutes after round started) B. _____
Stop the team at this time! (time from A plus 45 minutes)

Time round ended (after post-interview consultation)
(Must be 45 minutes or less from time round started) C. _____

3rd team

Time round started (when attorneys greet client): A. _____

Determine time round must end by (45 minutes after round started) B. _____
Stop the team at this time! (time from A plus 45 minutes)

Time round ended (after post-interview consultation)
(Must be 45 minutes or less from time round started) C. _____