

**AMERICAN BAR ASSOCIATION LAW STUDENT
DIVISION**

2020-2021

CLIENT COUNSELING COMPETITION

C O M P E T I T I O N

RULES



As of September 2, 2020

CLIENT COUNSELING COMPETITION RULES
TABLE OF CONTENTS

1. INTRODUCTION.....	4
2. ADMINISTRATION	4
3. ELIGIBILITY	5
4. TEAMS.....	6
5. TEAM PAIRINGS	7
6. COMPETITION PROBLEM	8
7. FORMAT	8
8. COMPETITION SCHEDULE	9
9. THE CLIENT COUNSELING CONSULTATION	9
10. SCORING, ADVANCING, AND JUDGING STANDARDS	11
11. CRITIQUES.....	14
12. ANNOUNCEMENT OF RESULTS.....	14
13. SCORE SHEET REVIEW PERIOD	15
14. COMPETITION JUDGES	15
15. COMPETITION CLIENTS.....	16
16. RESOLVING COMPLAINTS, VIOLATIONS, AND DISPUTES	17
17. REGIONAL COMPETITION	19
18. NATIONAL FINALS COMPETITION and INTERNATIONAL COMPETITION	19
19. FACULTY COACHES / ADVISORS	21
20. ASSISTANCE	21
21. PROHIBITED COMMUNICATION, OBSERVATION OF ROUNDS	22
22. VIDEORECORDING	23
23. AWARDS	23
24. EXPENSES.....	23
25. PROFESSIONAL CONDUCT	24
26. RULES INTERPRETATION.....	24
27. CANCELLATION	24
28. INFORMATION.....	24

29. Additional Terms and Conditions 24

APPENDICES..... 26

 CLIENT COUNSELING COMPETITION FEE SCHEDULE..... 26

 CLIENT COUNSELING COMPETITION STANDARDS FOR JUDGING 27



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AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION

CLIENT COUNSELING COMPETITION RULES

1. INTRODUCTION

The ABA Law Student Division has administered the competition since 1973. Each year, approximately 100 U.S. 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.

2. ADMINISTRATION

The ABA Law Student Division and the Client Counseling Competition Subcommittee of the Competitions Committee for the ABA Law Student Division conducts this competition.

The Client Counseling Subcommittee, together with Regional Host School Administrators, administers the competition at the regional level. A member will attend or be available by telephone for each Regional Competition. Faculty coaches and advisors of competing teams are prohibited from judging or assisting in the administration of competitions in which their teams are competing. (See Section 14 for exceptions.)

The ABA Law Student Division and the Client Counseling Competition Subcommittee directly administers this competition at the national level.

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.

All schools are expected to host the regional competition, pursuant to the schedule published by the ABA Law Student Division. The schedule is available at <http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/client-counseling-competition/>. Any school that cannot host when scheduled is responsible for finding another host for that year. The Law Student Division reserves the right to disqualify a school from participating in the competition for two (2) years if it fails to host as scheduled and does not find a replacement host.

If a host school for a particular region cannot 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 ABA Law Student Division and Client Counseling Competition subcommittee 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.

3. ELIGIBILITY

Participation is limited to ABA Law Student Division Premium members pursuing a JD at an ABA accredited law school and enrolled at the time of the Regional Competition. Students pursuing an LLM or students already licensed in the US are not eligible to compete.

Visiting students may represent either their home school or the school they are visiting, but not both, during any academic year.

All American Bar Association-approved law schools are eligible to enter team(s) in the competition. The entry fees are posted to the Law Student Division's website (www.ambar.org/lsdcompetitions).

To enter the competition, the dean of the participants' law school must approve the application and a full or part-time faculty member or a lawyer approved by the law school must agree to serve as the Client Counseling Competition Coach or 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 must be *received* by the ABA Law Student Division no later than the published entry deadline, which is generally the third or fourth Friday of October. The online entry form and entry deadline are posted to the Client Counseling Competition home page at <http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/client-counseling-competition/>. Schools may indicate on the entry form whether they wish to send an additional team to the regional competition, space permitting. For each additional team requested a \$25 registration deposit may be required. If the additional team(s) request is honored, the remaining registration fee is due; if an additional team request cannot be honored, the \$25 fee is refundable. If a school is allowed to enter three teams, all three teams will be allowed to compete in the preliminary round and advance to the next round if all three teams achieve sufficient points for advancement. Under no circumstances will a fourth team from the same school be permitted to participate in the regional competition whether as a paying team or a ghost team despite any vacancies in the regional pairings. Registration is not complete until identification of the faculty member and his/her contact information is provided to the ABA; the failure to accurately identify the faculty member on the registration application could result in disqualification.

Acceptance of entry forms and fees received later than the deadline is at the discretion of the Law Student Division and the Client Counseling Competition Subcommittee. All team members and alternates are required to be ABA Law Student Division Premium members. Team member and alternate names and their ABA membership identification numbers are due to the Law Student Division Chicago Office by the Friday approximately three weeks before the first regional competition. This date will be posted on the website each year.

All American Bar Association approved law schools are eligible to enter teams in the competition. Schools may indicate on the entry form whether they wish to send more than one team to the regional competition, subject to space availability. Schools will be required to rank three preferences for their regional location taking into consideration travel expenses associated with their preferences. Once assigned, a request for a region change must show good cause and should be submitted in writing to the Chicago office within three days of the regional assignment. Each team is composed of two law students enrolled in the same law school. Visiting and graduating students should pay special attention to these rules for the appointment of an alternate competitor. Every alternate competitor must meet the eligibility requirements herein as if they were a primary competitor. **All competitors at the regional and national competitions are required to be ABA Law Student Division Premium Members. To join, please call the ABA Service Center at 800.285.2221 or visit the ABA website at <http://www.americanbar.org/join>. Failure to comply may result in disqualification.**

The Law Student Division will make every effort to accommodate the number of teams requested and the regional location desired. 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 multiple teams by draw except that (1) the host school will have the first priority to send multiple teams and (2) schools that indicated that they wished to send additional teams 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. Requests for a third team will be considered only after all requests for second teams have been honored.

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

Schools must provide the names and ABA member identification numbers of their participants and alternates no later than the Friday approximately three weeks before the first regional competition. Failure to do so by the deadline may result in disqualification. Please visit the Client Counseling Competition home page at <http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/client-counseling-competition/> or contact Law Student Division staff at 312.988.5621 or ccc@americanbar.org for more information.

4. TEAMS

A team consists of two to three law students attending the same ABA-approved law school. Any combination of the three-person team may constitute the two competitors conducting an interview and

each interview may be conducted by a different combination of two competitors from within the three-person team. Each interview must be conducted by exactly two competitors from the three-person team.

Additional students, otherwise registered for the competition and Premium Members of the ABA Law Student Division, may be designated at the time of check-in as an alternate to the team. The designation of which three students will comprise a competition team(s) and which students will be designated as an alternate(s) will be made when checking in at the regional competition. For schools registering two teams, the designation and composition of the teams made at the time of check-in is final and competitors and alternates may not thereafter switch teams. Alternates may be placed into service in the event there is an unavoidable circumstance¹ as determined by the Client Counseling Competition Subcommittee. Unavoidable circumstances do not include graduating early or a visiting student returning to the student's degree-granting institution. The ABA Client Counseling Competition Subcommittee must approve any substitutions otherwise permitted under this paragraph.

Failure to register and identify possible alternates at the time of registration precludes the opportunity to realign competitors at the time of the regional competition or in the event of an unavoidable circumstance. Any on-site alternate may be substituted for an incapacitated competitor so that the team may continue in competition. Once substituted in, the alternate continues as a member of the two or three-person team and may be rotated into competition interviews as determined by the team; however, the newly consisted team advances throughout the remainder of the regional competition and, if applicable, the national competition. The incapacitated competitor may not rejoin the team once a substitution has been made. Any members among the three-person team, in addition to an alternate called into service during the regional competition, may conduct competition interviews during the national competition.

Schools are encouraged to determine their participants by holding an 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://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/client-counseling-competition/>.

5. TEAM PAIRINGS

The Law Student Division will assign each team a random designation and provide each Host School with a pairing schedule. This method will be the sole method of identifying the team to all competition judges and clients during the competition. The team designations will not be revealed until the team membership has been elected during check-in at the regional competition. If a school has entered three competition teams into the regional competition, the team coach has the right to elect which of the school's two teams will meet each other in the regional competition and the team designations will be assigned accordingly. Anyone affiliated with a team, including team members, coaches, and observers, may not directly or indirectly divulge their law school's identity to the judges or clients. Violation of this rule shall result in a penalty, up to and including disqualification.

¹ Examples of unavoidable circumstances include civic or legal duties, absence from which might result in civil liability or criminal culpability; the serious illness or injury of the competitor or a relative or close friend; inability to travel, for a reason other than lack of funding or poor planning; or a religious obligation.

Additionally, team members and others associated with a team shall not in any way inform the judges or clients from what state or law school they originate. References to the applicable law should be to the law “in this state”. No materials given to the judges or clients, such as letterheads or business cards, should indicate any **ACTUAL CITY, STATE, OR LAW SCHOOL**.

6. COMPETITION PROBLEM

The Client Counseling Competition Subcommittee is responsible for developing the Consultation Situation for the Regional and National Finals Competitions. 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. 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.

All ABA Law Student Division Competition Problems (also known as case files, scenarios, profiles, consultation situations, fact patterns and records) are copyright protected under U.S. copyright laws. Audio, visual or written versions of these problems may NOT be posted and/or shared online or digitally distributed in any manner without express written permission from the ABA Law Student Division. Failure to comply with this requirement may result in immediate disqualification from the competition or may subject you to civil and/or criminal liability under 17 USC §100 et. seq.

The persons and events depicted in the problem are purely fictional and are prepared solely for the educational exercise being conducted in the competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

Video links containing the national competition championship round from previous years are available as well as PDFs of selected regional and national competition problems, including the confidential client profiles. Please visit <http://ambar.org/lscdcompvideos> for more information and to order your copy.

Two weeks prior to the first scheduled regional competition, the Law Student Division will send each faculty advisor an email containing the consultation situations. The national competition situations will be forwarded two weeks before the national competition.

7. FORMAT

Rounds. Each competition consists of three preliminary rounds, a semifinal round, and a final round. 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. In the event a region is hosting a 6-team competition, the competition schedule will be modified so that all six teams will compete in the first three preliminary rounds, conducted simultaneously. Three teams will qualify to advance to the *final* found based on the number of points (lowest points win); no semi-final round or competition problem will be used.

Preliminary Rounds. The three preliminary rounds will be conducted simultaneously, i.e. every team will conduct three different interviews, based on the three consultation situations during each of the three preliminary rounds. After each preliminary round, the judges and clients remain in the same room while the competition teams travel from room to room to interview three different clients, each with a different client profile. It is the responsibility of each team to confirm that the competition room for each preliminary round corresponds to the consultation situation identified on their pairing schedule. The consultation situation will be posted on the exterior of each competition room. The host school must use the pairing schedule that is provided by the ABA based on the number of teams competing in the preliminary rounds. If the number of teams competing changes prior to competition day, the ABA will provide a revised pairing schedule. Each school will be pre-assigned a letter designation(s) (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. 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.

Semifinal Round. The semifinal round, which takes place in three rooms, will be a 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). This may result in two teams from the same school competing against each other in the semifinal round. The winner of each semifinal round room will advance to the final round.

Final Round. The three teams advancing from the semifinal round will compete head-to-head against each other. After the last team in the Final Round competes, the judges will meet to decide the winner of the regional competition. After the judges have agreed on the winners, they will be announced and the judges will provide a brief critique of each of the finalists.

8. COMPETITION SCHEDULE

The regional competition will take place either during one day or over two days, at the election of the host school, and must include a team orientation at which a representative from each team must be present to confirm competition procedures. 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. Host school administrators have been instructed to send these communications by January 15. **For additional information about possible competition schedules, please see the Regional Host School Instructions posted at the Client Counseling Competition Competitors Page.**

9. THE CLIENT COUNSELING CONSULTATION

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*," found at the end of these Rules, for more specific direction.)

- 1) Applicable Law. The law to be applied in the competition is the law of each team's respective state unless otherwise indicated in the consultation situation. The

teams, however, should not identify from which state or law school they originate. See Section 5 above.

- 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 must use the Fee Schedule found at the end of these Rules. The participants may discuss fees at any appropriate point in the consultation.
- 3) 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. During their post-consultation presentation students may wish to explain to the judges why they worked together in the way that they did.

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 failure to conduct a post-consultation discussion *shall* result in disqualification. 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.

Use of notes and props. During the consultation and post-consultation, the following items are permitted/prohibited in the competition room or on counsel table as part of their interview:

Permitted Items:

- Legal or letter sized writing pads
- Folder or binder with the lawyer's notes (materials or outlines must represent personal work product)
- Business cards
- Engagement letter
- Water bottles
- Tissues
- Smart Watches in Airplane Mode

Prohibited Items:

- Commercial outlines
- Treatises
- Nutshells
- Photos
- Plants
- Whiteboards (both portable and fixtures)
- Blackboards

- Candy dishes
- Mobile phones
- Smart phones
- Tablets
- Laptops
- Any other electronic communication devices

The team may only distribute the following items directly to the client:

Notes taken during the interview by the attorneys

Notes taken during the interview by the client (whether on their own paper or paper provided by the attorneys)

Business cards

Engagement letter

Water bottles

Tissue

The team may reference other materials or brochures but may not distribute anything else to the client including any marketing materials or firm brochures. If a team decides to use business cards, engagement letters or similar permitted business supplies, those supplies can in **NO WAY INDICATE ANY ACTUAL CITY, STATE, JURISDICTION, LAW SCHOOL, ETC.** (Ex. Use “Any town, Any state, USA, 12345” OR “(123) 456-7890,” NOT “New York, NY, 10001” OR “(212) 555-1212.”

Violation of these restrictions is subject to competition sanctions in Section 16.

Timekeeping. Timekeepers are not provided in the competition; competitors are responsible for keeping track of their time. The competitors are not allowed to use their cell phones to time the competition; smart watches in airplane mode are permitted for timekeeping purposes. Additionally, 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 45 minutes begin when the attorneys speak *to* the client or *about* the client or the case. 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 (see the Host School Instructions) 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 between the client interview and the mandatory post-interview consultation.

10. SCORING, ADVANCING, AND JUDGING STANDARDS

Scoring the Preliminary Round. Judges in the first three rounds score the rounds by awarding points. After the round has been completed, the judges, outside the presence of any observers, 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.

Then, based on the relative performance of each of the remaining teams, each judge should give two (2) points to the second-place team, and three (3) points to the third-place team. Judges may not award half points. There cannot be a tie for any place.

If a competition room only has two teams competing, then each judge must give one (1) point to the (1) team that, in his or her opinion, performed the best in light of the judging standards. Then, each just must give two (2) points to the other team competing in that room. Judges cannot award three (3) points in a competition room that only observes two teams.

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 fewer 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, which may result in a score of 1.5 or 2.5). The six teams with the lowest scores will compete in the semifinal round. Schools entering three teams will be limited to advancing two teams to the semi-final round; therefore, if all three teams from one school qualify to advance to the semi-final round, only the two top-seeded teams will be permitted to advance to the semi-final round and the team originally ranked as the seventh team will advance to the semi-final round instead of the lowest-seeded team from school entering three teams.

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. This may result in two teams from the same school competing against each other in the semifinal round.

Semifinal Round teams must check in with the host school administrator prior to the beginning of the Semifinal Round at the time and place designated by the host school administrator. Failure of a team to check in at the required time shall be a defense to any subsequent protest against any administrative decisions made by the host administrator at the beginning of the Semifinal Round.

If a school has two or more teams advancing to the semifinal round of the competition, the coach may observe each team but may not communicate with any team that has not yet competed in the semifinal round.

Tie-Breaking Protocols

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. 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 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 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. Use this same protocol for a three-way tie: e.g., assume A, B, and C are tied for sixth place. If head-to-head comparison between A and B eliminates B, but there is no head-to-head comparison to break the tie between A and C, then B is eliminated and A and C move onto the second tie-breaking protocol.

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 fifth 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 semifinal participant(s) by comparing each team’s scores on each profile. 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 semifinal round, 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.

Scoring the Semifinal Round. After seeing both of their assigned teams perform, the judges, outside the presence of any observers, should consult with the client and together discuss each team’s performance. Thereafter, the judges shall 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.

Order of Performance in the Final Round. The team with the lowest cumulative score from the preliminary round is allowed to choose when it performs in the final round. The team with the second lowest cumulative score from the preliminary round 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.

Final Round teams must check in with the host school administrator prior to the beginning of the Final Round at the time and place designated by the host school administrator. Failure of a team to check in at the required time shall be a defense to any subsequent protest against any administrative decisions made by the host administrator at the beginning of the Final Round.

Prior to the final round, all three teams will be sequestered in a location(s) determined by the host school administrator. The teams will remain in this room, other than to use the restroom facilities, until it is their turn to perform in the final round. The host school administrator will escort each team to the final round room when it is their turn to perform. Once a team competes in the final round, they may not return to the sequestration room pending the completion of the final round at which time the host school administrator will direct them for the final critiques. The sequestration room(s) are off limits to anyone other than the team members and their coaches. If a coach prefers to watch any part of the final round, they may do so, but relinquish the right to return to the waiting room. Further, they may not communicate with their team until the critique period has concluded once they have entered the final round room.

After a final round team has finished its interview in the final round, it may not observe any remaining final round teams conduct their interview(s) and must avoid contact with any teams who have yet to perform.

Judging 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, outside the presence of any observers, should consult with the client and together discuss each team's performance. Thereafter, the judges **shall** 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.

11. CRITIQUES

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 entire critique period should last no more than 15 minutes. Clients should **NOT** be present during the post-consultation period or the critique. For the Final Round, the critique shall occur only after the last team competes. At that time, critiques should be given to all three teams together. Each judge should take no more than 5 minutes to ensure each has a chance to speak.

Judges will be encouraged to provide constructive feedback to help promote an inclusive, educational, and positive experience for all competitors and coaches. See the Judging Standards in appendix to these Rules for the instructions provided to the judges.

12. ANNOUNCEMENT OF RESULTS

Advancing to Semifinal Round. A Tabulation Sheet to compute the scores from the preliminary round is provided in the Regional Host School Instructions. The regional host school administrator should make two independent tabulations of the Judges Score Sheet. The independent tabulations shall be made by two teams consisting of at least (i) one representative of the host school and (i) one team judge who is not affiliated with the host school. Any discrepancy between the two tabulation teams should be resolved before the tabulation sheet is distributed to the competitors and coaches. Based upon

the tabulation, the competition administrator must announce the teams that will advance to the semi-final round. Immediately after the announcement, the administrator must make available to the competitors a copy or copies of the Tabulation Sheet in such a manner that all coaches/teams may review the scores.

Students should receive copies of their evaluation forms on site. However, the originals that have been retained by the Regional Host Administrator must be returned to the Chicago office at the conclusion of the competition. The Chicago Office does not need the comment sheets.

- 1) Administrators are expected to make photocopies of the completed evaluation forms in between the rounds after the scores have been entered into the Score Sheet.
- 2) The photocopied evaluation forms, original comment sheets and a photocopy of the Score Sheet should be distributed following the conclusion of the Preliminary round. The photocopied evaluation forms, original comment sheets and photocopy of the Score Sheet from the semifinal and final rounds should be distributed following each round. The easiest way to distribute the forms is to insert them into individual envelopes, which have previously been labeled with each team's designation and school name.

13. SCORE SHEET REVIEW PERIOD

The Preliminary Round Tabulation Sheet may be reviewed for mathematical errors for five (5) minutes following the distribution of the Master Tabulation Sheet. If a mathematical error is identified during the Review Period, corrections shall be made before beginning the semifinal round. Corrective computations shall be an open process. Failure to raise any objection to the computations on the Tabulation Sheet within the Review Period shall be a defense to any subsequent protests following the preliminary rounds.

14. COMPETITION JUDGES

Preliminary and Semifinal Round. At the regional and national competitions, host school administrators are responsible for selecting judges for each competition room for each round. The host school should make every effort to have three judges on each panel. Ideally, two shall be attorneys who have had prior experience with, or who are familiar with, the ideals of the Client Counseling Competition and one person **SHOULD** have 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.

Final Round. At the final round of the regional and national competition, each panel will consist of three judges. The host school should make every effort to have three judges on each panel. Ideally, two shall be attorneys who have had prior experience with, or who are familiar with, the ideals of the Client Counseling Competition and one person **SHOULD** have 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.

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.

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 coaches and advisors of competing teams are prohibited from judging or assisting in the administration of competitions in which their teams are competing. Notwithstanding the previous sentence, 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.

No one who judged a team in a qualifying round should judge that team in a semifinal or final round, unless there are no other judges available. In which case, the faculty adviser / coaches for all participating teams must be informed in advance.

Judges' Role in Anonymity. Judges should be told not to ask the students the name of their law schools until the judges have finished scoring their round, including all three teams during the preliminary rounds, two teams during the semifinal round or three teams during the final round, and the team score sheets have all been turned in.

The judges should be instructed not to communicate with anyone associated with a team outside the interview room until the judges have finished judging and scoring all the interviews in the room.

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, including detail about the client's background and concerns, along with judge instructions, which are posted to the Client Counseling Competition Competitors Page. 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 wants to be informed about problems; however, the scoring decisions of the judges must be considered final.

15. COMPETITION CLIENTS

At both the regional and national competitions, host school administrators are responsible for selecting persons to play the role of the client for each of the sessions. Under no circumstances shall a student from the host school act as a client in a room in which a team from the host school is competing. If a 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.

Each client will be supplied a packet containing the instructions for clients, the consultation situation, and a detailed confidential memorandum concerning the client's background and concerns.

16. RESOLVING COMPLAINTS, VIOLATIONS, AND DISPUTES

A violation of these rules governing the Client Counseling Competition may subject a violator to a sanction as determined by the Client Counseling Competition Subcommittee. Sanctions may include a loss instead of a win, a lowering of the team score, disqualification from the competition, or any other appropriate sanction. Any sanction shall be commensurate with the violation, and the Client Counseling Competition Subcommittee will determine the degree of prejudice incurred by an opposing team or benefit gained by the violating team. The Client Counseling Competition Subcommittee may also determine that the violation was unintended and harmless error. A decision need not be made if the violation did not affect the result of a round or the outcome of the competition. The decision of the Client Counseling Competition Subcommittee is final.

A violation of a rule by anyone affiliated with a team (a coach, observer, or other member of a law school) may subject the team from the law school to a sanction depending on the severity of the violation. Anyone (competitor, coach or Competition Judge) may notify the Host School Administrator of a purported violation. A disqualification would occur *after* the scores have been tabulated in accordance with the rules herein.

If a team discovers that another team has violated the rules or has any other dispute at the competition with a rule interpretation by a Competition Judge or with anyone else, the team faculty adviser or coach must notify the Host School Administrator of the purported violation or dispute immediately following the round in which the alleged violation occurred. The failure to timely report a purported violation consist with these Rules may deem the protest waived.

If a regional host has entered a ghost team into the competition, the ghost team is held to all of the rules of the competition herein contained as if the ghost team was a registered team. In the event the ghost team violates the rules of the competition, the penalty can be imputed to the other competition teams from the host school resulting in disqualification of some or all of the competition teams from the school in the discretion of the Client Counseling Competition Subcommittee. In the event that an unforeseen event requires a change in the number of competition teams in a regional where a ghost team is scheduled to participate, a ghost team may be replaced by a competition team or eliminated entirely. The Subcommittee will make every effort to give the host team 72-hour notice before competition if such a replacement or elimination is required.

The Host School Administrator shall contact the Client Counseling Competition Subcommittee after gathering all relevant facts from the parties involved in the dispute. The Host School Administrator shall contact the Client Counseling Competition Subcommittee via the primary, secondary and tertiary Subcommittee Member on call. The Client Counseling Subcommittee shall resolve disclosed violations or disputes as indicated above.

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

The Host School Administrator is to advise the Law Student Division Chicago Office of any dispute and its resolution in a post-competition report.

No later than 5:00 pm Central Time on the Tuesday following a Regional Competition, a team may email a protest of an Arbiter's decision to the Law Student Division Chicago Office. The Client Counseling Competition Subcommittee will promptly review the protest and decide whether further action is required. The decision of the Client Counseling Competition Subcommittee is final and binding.

Complaints and protests should only be made for a significant violation of the rules and are not intended to and should not become part of the competition. The failure of a team or law school to timely report a violation or dispute in accord with these rules shall be a waiver of the provisions of these rules.

17. REGIONAL COMPETITION

Regional competitions generally occur in February and March. In November or early December, all participating schools are informed of the region to which they have been assigned and the host school for their region. Dates and locations of regional and national competitions are posted to the Client Counseling Competition home page at <http://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/client-counseling-competition/>.

The Dates and Locations document posted to the Client Counseling Competition home page identifies the regional host schools, the dates they have selected to host as well as the states of the law schools that generally compete in each region. Each school is required to complete the Regional Preference Form by the deadline listed on the Dates & Locations webpage. No travel arrangements should be made until the school has received written confirmation of its regional assignment from the Chicago Office, and final confirmation of the schedule from the host school. Once regional sites are assigned, a school requesting to change regions must show good cause, and the request must be submitted via email to the Chicago Office within three days of the notification of regional assignments.

The Law Student Division provides assistance and Regional Host School Instructions, Judge Instructions, Client Instructions, and other documents to the host school administrators through the Client Counseling Competition Competitors Page. Coaches and competitors are encouraged to read through them for more information about the organization of the regional competition. The host school is to designate a faculty or staff member to act as the Regional Host School Administrator, who cannot be a faculty adviser or coach and who can be assisted by faculty, staff, and students who are not competing. In addition, each Regional Host School Administrator is assigned a Client Counseling Competition Subcommittee member as a consultant and adviser.

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, and meal arrangements including the lunch that the host school is expected to provide to all competition participants. 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.

For onsite questions regarding team pairings, call the Client Counseling Competition Subcommittee.

18. NATIONAL FINALS COMPETITION and INTERNATIONAL COMPETITION

The top ranked team from each regional 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.

The national competition will take place over two days. Each team competing at the national competition will participate in four preliminary rounds: three interview rounds and a memo-writing round. The preliminary interview rounds, consisting of Profiles I, II, and III, will be performed in the morning or afternoon of the first day. The preliminary memo-writing round will be performed the week prior to the interview rounds. 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 four 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. The tabulation of the scores for National Competition will be handled by the Client Counseling Competition Subcommittee. The national competition will otherwise run like the regional competitions with the addition of the memo-writing round.

Memo-writing Round. One of the preliminary rounds will consist of the team's preparation of a "memo to the file" based on a recorded video client statement. The video statement will be provided to all teams at the same time by email. Each team must submit your written memorandum no later than 4 hours after the video becomes available. The memo will be submitted to the national host school designee in PDF format only. Teams should identify themselves on the written submission by team letter or number only. The decision of what to include in the team memo is in the discretion of the team but should be guided by the standards for judging that will be used for evaluating the written submission as well as any additional guidelines or instructions provided by the ABA in any competition year. All work, including writing, editing, and researching, must be solely the work of the two members of your team chosen to compete in the memo-writing round. Neither alternates, the third member of a competition team nor coaches are allowed to assist in any capacity. The memo-writing team may conduct any research deemed advisable but the written submission must not include any law or content that could identify the team's school or state you are from. The rules regarding anonymity are in full force with respect to the substance of the memorandum.

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.

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.

The top team from the national competition will advance to the International Client Consultation Competition. If the highest-placing team chooses not to participate, the next higher placed team will be invited to compete in the International Competition. If both the first and second highest placing teams choose not to participate in the International Competition, the third highest placing team shall be invited

to participate. Otherwise, the Client Counseling Competition Subcommittee, in its discretion will choose which team shall compete in the International Competition.

The ABA Law Student Division has a close liaison with the International Client Consultation Competition Committee, an independent body that sponsors the Louis M. Brown International Competition. The Louis M. Brown International Client Consultation 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. Teams from more than 20 countries, including Australia, Canada, England, Wales, Ireland, Scotland, Northern Ireland, India, New Zealand, South Africa, and Sri Lanka have competed in the past. (The rules are similar to those used in the ABA competition.)

Immediately after the national competition, the International Client Consultation 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 Consultation Competition.) Further information about the International Client Consultation 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 Consultation Competition is Forrest S. Mosten, Mosten and Wasserstrom, 10990 Wilshire Boulevard, Suite 940, Los Angeles, California 90024; 310.475.7611.

19. FACULTY COACHES / ADVISORS

Each team must have a coach. A coach may be a full or part-time faculty member or a lawyer approved by a law school to coach the students. A team may have more than one coach and one person may coach two teams from the same school.

A coach should accompany the team to the Regional and National Finals Competitions, and more than one coach may attend the competitions. The same or a different coach may attend the Regional and National Finals Competitions.

Faculty coaches and advisors of competing teams are prohibited from judging or assisting in the administration of competitions in which their teams are competing. Faculty coaches and advisors are also prohibited from attending the Competition Judge's briefing.

20. ASSISTANCE

Before the competition rounds, the coach can work with, assist, and direct the students, critique mock preparations, arrange for the students to consult with others for assistance, and provide any other educational assistance. Once the host school administrator distributes the confidential client profiles to regional competition judges, no contact may be made with any consultants or other coaching assistants who have been recruited to serve as judges in the regional competition. Coaches are responsible for ensuring that no one on their coaching staff (whether primary or ancillary coaches) has received any confidential client profiles.

During the competition, coaches may advise, communicate with, and observe their teams as provided

in these rules.

21. PROHIBITED COMMUNICATION, OBSERVATION OF ROUNDS

Communications between team members and third parties (including team coaches, supervisory personnel, alternate team members, friends, associates and observers) is prohibited once a client consultation has begun until the conclusion of the post-consultation and judge's critique period. Communication between consultations in the Preliminary Round is permitted.

Mobile phones, smart phones, personal digital assistants and other electronic communication devices are prohibited at counsel table.

Scouting is prohibited. No participant or other person associated with a participant may attend a competition round involving any other team, except for the final round or if all teams from the school have been eliminated.

Communications with Competition Judges and Clients are strictly limited. No team member or other person associated with a team should speak to a judge or client outside of the competition room during the period from commencement of the round until after the round scores have been collected.

No participant, team coach, or any other person connected with a participating school with more than one team may communicate with another of its school's teams until all of the school's teams have completed the round.

Teams that have been eliminated may attend subsequent rounds. If there is another team from the same school, contact between the eliminated team and a participating team is prohibited until the round is completed.

Observation of Rounds. Under no conditions may a team that is still alive in the competition observe others. A team is "alive" until it has been eliminated from the competition.

Preliminary and Semifinal Round: Faculty advisors, team coaches, and team alternates, and other observers permitted by these rules, 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. Teams that are eliminated may observe other teams compete in subsequent rounds, except in the case of two teams from one school. In that instance, an eliminated team may observe their school's team compete in the semifinal round, if space is available, but no other. A coach with multiple teams in competition may either 1) observe one team throughout an entire round and communicate with the team between interviews or 2) split his/her time between the multiple teams but will be prohibited from communicating with any of the teams between interviews.

Final Round: Anyone may observe the final round except any team member that has participated or will participate in the final round. Observers, including coaches and schoolmates of the final round teams, must comply with the following conditions: 1) observers must enter prior to the commencement of any interview and may not leave until a

break in between teams, 2) **observers may not communicate with any of the final round competitors until after the results are announced;** 3) cell phones and other electronic devices must be off and may not be used for any purpose.

At the discretion of the host school, and if space permits, family members and other observers may observe the round. All observers are subject to the rules listed in this section.

Communications and observations in violation of this rule can result in disqualification.

22. VIDEORECORDING

The Law Student Division may record the Regional and National Finals Competition round(s). A student's decision to enter and participate in the competition constitutes 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 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. This consent also grants the ABA the right to use the student's name, voice, and image in connection with the published competition materials.

23. 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. 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 NATIONAL FINALIST TEAM MEMBERS AND COACHES ATTEND THE NATIONAL COMPETITION AWARDS BANQUET TO RECEIVE THEIR AWARDS.) The first-place team in the national competition will receive 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.)

24. EXPENSES

Law schools or participants are responsible for their travel, lodging, food, and incidental costs incurred in the competitions. The ABA Law Student Division does not reimburse these expenses. Expense funds may be obtained from sources outside the law school, such as alumni groups, bar or other associations, or supportive individuals or organizations.

25. PROFESSIONAL CONDUCT

The ABA Model Rules of Professional Conduct govern the conduct of all participants including students, faculty advisers, team coaches, administrators, and observers. Everyone who participates is expected to act professionally at all competition-related events. In the event of violations of an egregious nature, the ABA Law Student Division in consultation with the Client Counseling Competition Subcommittee may notify the competitors' dean of the violations for further disciplinary action at the school's discretion.

26. RULES INTERPRETATION

The Client Counseling Competition Subcommittee, in its sole discretion, shall interpret these rules and may create additional rules to govern situations not covered by these rules or to ensure fairness in the competition. Its decisions are final.

27. CANCELLATION

If a law school that has entered the competition decides not to compete, that law school must notify the Law Student Division Chicago Office by email no later than the competition entry deadline. The entry fee less a \$50 administrative service charge will be refunded only if the withdrawal notice is timely received.

28. INFORMATION

Questions concerning schedules, facilities, and accommodations for the Regional Competitions should be directed to the Regional Host School Administrators. Questions about the Client Counseling Competition in general, rules interpretation, and the National Finals Competition may be directed to:

American Bar Association
Law Student Division
Attn: Client Counseling Competition
321 North Clark Street
Chicago, Illinois 60654
312-988-5621
competitions@americanbar.org.

Competition information is available on the competition's web site at www.ambar.org/lsccompetition.

29. Additional Terms and Conditions

This Competition is governed by United States law and all relevant federal, state and local laws and regulations apply. By entering, all participants agree that the Competition shall be governed by the laws of the State of Illinois, that the courts of Illinois shall have exclusive jurisdiction, and that Cook County,

Illinois shall be the venue for any dispute or litigation arising to or arising from the Competition. This Competition is void where prohibited by law.

By participating, each entrant agrees with these Competition Rules and the decisions of the ABA, and releases and discharges the ABA, subsidiary and affiliated entities, and each of their respective officers, directors, members, employees, independent contractors, agents, representatives, successors and assigns (collectively, "Sponsor") from any and all liability whatsoever in connection with this Competition, including without limitation, legal claims, costs, injuries, losses or damages, demands or actions of any kind (including without limitation personal injuries, death damage to, loss or destruction of property, rights of publicity or privacy, defamation, or portrayal in a false light) (collectively, "Claims"). Except where prohibited, acceptance of a prize constitutes a release by any winner of the Sponsor of any and all Claims in connection with the administration of this Competition and the use, misuse or possession of any prize. Sponsor is not responsible for errors or for lost, late, or misdirected mail or email, or telecommunication or hardware or software failures, including by reason of any bug or computer virus or other failure. Sponsor may cancel, modify or terminate the Competition if it is not capable of completion as planned, including by reason of infection by computer virus, tampering, unauthorized intervention, force majeure or technical difficulties of any kind.

APPENDICES

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 total. Further work will be billed at \$200 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 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. *Substantive Law:* Accurately articulated the applicable substantive law from their jurisdiction or identified legal issues that required more research before legal advice could be given.
6. *Moral and Ethical Issues:* Recognized, clarified, and responded to any moral or ethical issues that may have arisen, without being prejudicial or judgmental.
7. *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.
8. *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.
9. *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.
10. *Teamwork:* As collaborating counselors, worked together as a team, with flexibility and an appropriate balance of participation.
11. *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.
12. *Overall Rating:* Synthesizing the above criteria, including how effectively the team used its time, how do you rate the client counseling team?

Judges will use the following scale to assess the performance of the team on each of the standards above. At their option, judges may provide additional written feedback.

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

Oral feedback during the preliminary round should be limited to about 2 minutes/judge and should highlight one compliment and two areas of improvement.

Oral feedback to competitors should be confined to those areas that are properly the basis of the judging criteria indicated above. As further guidelines, we provide the following:

Types of Oral Feedback Encouraged	Types of Oral Feedback Prohibited
<ul style="list-style-type: none"> • How the competitors discussed the relevant substantive law (despite jurisdictional differences) 	<p>Types of Oral Feedback Prohibited</p> <ul style="list-style-type: none"> • Appearance (clothing, facial features, hair, makeup, grooming, suit fit) • Speech impediment and accents • Race and ethnicity – including names or surnames • Gender, gender identity or gender expression • Religious clothing or jewelry • Other things that a competitor cannot change for the next round • Jurisdictional differences in the substantive law

CLIENT COUNSELING COMPETITION STANDARDS FOR JUDGING

MEMO-WRITING PROFILE

1. **Description of the Problem:** Accurately and concisely described the client's problem and the client's goals as determined from the client statement.
2. **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.
3. **Substantive Law:** Accurately articulated the applicable substantive law from their jurisdiction or identified relevant and material legal issues. Conducted research as appropriate given the time constraints, providing clear analysis, and identified issues requiring more research before legal advice could be given.
4. **Moral and Ethical Issues:** Recognized, clarified, and responded to any moral or ethical issues that may have arisen, without being prejudicial or judgmental.
5. **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, and evaluated those alternatives to the extent possible, based on the attorneys' understanding of the client's goals.
6. **Plan Development:** Laid out a clear plan for how to proceed with the client, including steps the attorneys would take and expectations of the client.
7. **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.
8. **Overall Rating:** Synthesizing the above criteria, including how effectively the team handled the matter at this preliminary stage.