

INTERVIEWING

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Legal Services Practice Manual: Skills
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INTERVIEWING SKILLS: AN OVERVIEW

Knowing what good interviewing skills are differs from being a skilled interviewer. Reading this overview should help you acquire *knowledge* of interviewing skills. Training and sustained practice will help you *master* them.

In actual interviews skills do not come into play in a linear sequence. We've isolated, linked and described skills in a step-by-step procedure to speed up the learning process. In real-life, skilled interviewers integrate these skills in different patterns, using judgment, making choices, and improvising to meet unique situations, requirements, and conditions. Regardless of how they are sequenced and the relative weight they carry in different interviews, the behaviors described here are always present to some degree regardless of interviewee, interviewer, or interview conditions.

The skills and strategies described here take limited interview time into account. They are intended to help you obtain optimum results within severe time limits. Compensating for inadequate interviewing skills wastes time. Correcting inaccurate information, adjusting unrealistic expectations or explaining away confusion takes more time than incorporating these behaviors into your skills repertoire.

Learning these skills takes time, but once mastered, you will be able to interview more efficiently in a limited amount of time.

THE LEGAL INTERVIEW

The legal interview's purpose — like the medical interview or the social services interview — is to gather and exchange information. Although it seems simple, pursuing this purpose in a legal interview can become complex. Not only are different kinds of information exchanged, but client and interviewer needs can differ greatly.

Clients need to:

- Gain understanding about your organization and how it can help them
- Get answers to questions about their problems
- Present their situation and problem their own way.

As the interviewer, you need to:

- Secure information to determine eligibility
- Inform clients of the kind and extent of help that they can expect
- Get accurate, complete information about the presented problem
- Further the client's understanding of possible remedies
- Enlist the client's participation in resolving the problem.

The interviewer's role and responsibilities flow directly from what is required to meet these needs and the interview's purpose.

INTERVIEWER'S RESPONSIBILITIES

Your overall responsibility as an interviewer is to *create the conditions that promote an effective interview*. These conditions are experienced by clients as a climate of support, trust, and competence. The interviewer's knowledge and skill is the base from which these conditions must be built. The skills with which the interviewer creates these conditions are the subject of this overview.

Support and Trust

Conditions of support and trust are highly related to the purpose of exchanging clear, relevant information. In general, anything that contributes to clients' feelings of insecurity or threat reduces the interview's effectiveness by causing clients to protect and defend themselves.

Providing emotional support enhances feelings of importance and self-worth. Emotional support leads to trust and tends to reduce the general discomfort one may feel about talking to a legal worker and about specific problems such as those which arise from lapses of memory and inherent difficulties in communication. With a sense of support and trust the person interviewed is likely to become more cooperative, speak more freely and openly, and respond more positively to interviewer limits and to requests for assistance.

A climate of support and trust includes, but is not limited to, simple demonstrations of respect. Showing respect is sometimes equated with good manners, such as being courteous, being on time, being careful to keep commitments, etc. These "manners" are

important but peripheral to the interview itself. Your behavior in conducting the interview has a more profound impact on the clients' sense that they are respected than do common courtesies. The critical behaviors in creating conditions of support and trust are explored later in this narrative as specific skills.

Content and Process

Interviewer responsibilities are related to two aspects of the interview: *content* (what the interview is about, what is said, the information exchanged) and *process* (how the interview proceeds, how it is guided and managed to achieve specific objectives).

Your responsibility for interview content and process varies according to interview objectives. For example, in an initial interview, the client supplies most of the content. Unlike a therapist who may take no responsibility for content, as legal workers we are responsible for providing some content like information about eligibility requirements and explanations of the law. The client's story, however, is the primary interview content.

You are always responsible for the interview *process*. How you respond to the client, focus the interview, and question the client will affect its content. You must listen carefully to the client's statements, mark off areas of inquiry that are relevant, and elicit the information needed in those areas. The process — including the sequencing of questions, pacing, and tone of the interview — is mostly within your control. With specific objectives in mind, you are responsible for guiding the interview in ways designed to

promote an open exchange and to get the information needed. The responsibilities for content and process in an interview with a witness may vary. In an interview with an adverse witness, you may control the process in such a way that they get as much information from the witness as possible while giving little, if any. With friendly witnesses, you may initially let the witness control the content and later, especially in preparing the witness to testify, take more responsibility for content in an effort to teach the witness how to answer questions.

You as the legal worker maintain responsibility for an interview's process regardless of how much responsibility interviewees take for its content. Responsibility for the content and process of the interview — like responsibility for creating conditions of support and trust — is carried out through mastery of certain skills.

INTERVIEWING SKILLS

Creating the conditions that promote an effective interview is largely a matter of increased awareness and mastery of these five foundation skills:

1. *Attending the interviewee*
2. *Focusing the interview and questioning the interviewee*
3. *Reflecting the interviewee's statements and feelings*
4. *Expressing facts, opinions, and feelings*
5. *Interpreting the interviewee's situation*

These skills are woven in different patterns and take on more or less

importance in different interviews, but they are always present to some degree in good interviewing.

Attending the Interviewee

Attending the speaker is the most basic skill in interviewing. *Attending consists of all behaviors, verbal and non-verbal, which demonstrate that the worker is paying attention and cares about hearing the speaker's message.* The purpose of attending is to put interviewees at ease and encourage them to tell their story.

Good attending is important throughout the interview, but essential in the initial phases. People react immediately to an interviewer's behavior. Based on that reaction, they then decide how open they will be. Attending assumes great importance in the legal interview because the client always brings more to the interview than a factual account of their problem.

The behaviors involved in attending include:

Good eye contact

Looking directly at interviewees lets them know that you are interested in and following what they are saying. It also serves a monitoring function when you are speaking. By looking at clients you get nonverbal signals that tell you whether the client is listening and understanding what is being said.

Attentive body posture

Facing the client and leaning forward slightly in a relaxed, open posture connotes interest and involvement. Facing away from the interviewee or leaning away may connote distance or disinterest. Crossed arms and other closed body postures may connote defensiveness. Moving toward the

interviewee too much or too abruptly, however, can be felt as pressure or invasion.

Encouragements to talk

Direct verbal and nonverbal responses to something the interviewee has said can convey that you would like to know more. Verbal encouragements are “..tell me more about that....” or “....and after that?” Other invitations to talk include nodding one’s head, supportive voice tone and tentative voice inflections. Ending sentences in a higher inflection, as in a question, invites more talk while ending them in a lower inflection suggests that this is the last word, cutting off discussion.

Relevant note-taking

Jotting down information that is important to the case shows that you are not only listening but are also recording relevant information. Too much note-taking, on the other hand, can distract the client and reduce the information flow.

Intentional silence

Allowing people to proceed at their own pace with you listening silently is important because it gives them time to sort out feelings, to think, and to decide whether to continue. Silence on your part communicates that you’re listening and giving folks time to tell their story in their own way. Excessive talking by an interviewer is usually a sign of insecurity and affects the interview adversely.

Focusing the Interview and Questioning the Interviewee

Skilled interviewers actively guide and direct the interviewee to give needed information through focusing and questioning behaviors. These skills help you get and clarify information, make implicit

information explicit, and help stimulate the interviewee’s memory.

Responding to relevant statements and paying less attention to what is not relevant

allows you to guide the client to useful information *indirectly*. The events that have led up to the problem the client is describing are of equal importance in the client’s subjective experience of the problem. They are not all of equal importance to a legal resolution, however. The client must be directed to those areas that yield useful information and away from those areas that do not.

You can provide unobtrusive guidance by responding verbally and non-verbally to statements that are useful and by withholding responses to irrelevant information. This allows interviewees to direct and focus themselves in relation to your expressed interest. This kind of guidance tends to be indirect and permissive.

Some clients, however, require clearer, more explicit direction.

Tactful interrupting is called for when the client wanders from the subject, is inclined to describe events in too much detail, or begins to dwell on aspects of her situation which are not relevant to a legal resolution. In cases where self-direction, facilitated by the your responses, is not sufficient, you must firmly guide the client by interrupting and re-directing the interview. Interrupting directs the client’s attention away from something that is important to the client and toward something that is important to you. Because the information is important to the client, before interrupting, acknowledge what he is trying to

express and then move on to what you want to know.

For example, when a client is caught up in re-telling the personal hurts which led her to seek a divorce, “...and then he...and then he...and then he...,” you might tactfully interrupt by saying, “I know from what you say that your relationship with your husband has been very difficult, and I think you are justified in seeking a divorce. To file the papers, however, I need to know about...Can you tell me about that?”

Focusing and directing the interview is carried out by skillfully using questions. Questions are the most direct devices for getting and clarifying information, making implicit information explicit, and stimulating the client’s memory. Two kinds of questions, one strongly directive and the other client-directive are important in interviewing.

Asking open-ended questions

allows interviewees to direct their own response. They are appropriate when you are uncertain what specific information you need, when you want the client to elaborate a point, or when you want the client to talk freely. Open-ended questions impose no limits on the interviewee’s response: “How has it been since I saw you last?” or “What do you think about this idea for resolving your problem?” or “Could you tell me about....?”

Open-ended questions yield a great deal of varied information and can give you a better understanding of the client’s motivation, feelings, attitudes, and experiences. They also lay the groundwork for more directive and pointed questions.

Asking closed-ended questions limits the response. They can usually be answered with a “yes” or “no” or in a few words. The closed-ended question is most often used to get concrete facts. Examples are: “Do you receive SSI now?” or “Are you married?” or “How old are your children?”

Interviews are commonly thought of as nothing more than questioning someone, the hidden assumption being that if interviewers ask the right questions they will get the information needed.

If people were simple, rational creatures programmed like computers to give correct answers to appropriate questions, this view would be justified. Few interviews, however, proceed effectively on questions alone. When you rely heavily or exclusively on questions, clients may feel they are being interrogated, become defensive, and limit their responses to information needed to satisfy you. Many clients will withhold cooperation if you do nothing more than question them.

Questions, if they are to elicit information, must be accompanied by other behaviors that acknowledge the interviewee as a person. By doing so, you demonstrate that the client has thoughts and feelings that are important to understanding the problem and pursuing a resolution.

Reflecting the Interviewee’s Thoughts and Feelings

Reflecting thoughts and feelings involves demonstrating verbally and explicitly that the interviewee’s message, concerns, and feelings have been heard and understood. All speakers want assurance that the person to whom they are speaking is listening. If you do not

comment on what the client has said and simply move to another question, the client does not know whether his statements are heard or valued. With no acknowledgement, clients may be discouraged from giving more information or, conversely, repeat themselves unnecessarily to insure that they are heard.

You can assure clients that they are heard by reflecting — restating or summarizing — the client’s statements. In an effective interview two kinds of statements should be reflected: content and feelings.

Reflecting content is repeating the information the client has given by restating, paraphrasing, or summarizing the client’s message. The objective is to reflect the essence of what is said. Reflecting content reassures clients that they have been heard and reassures you that you are interpreting what has been said accurately. Reflecting content allows for correcting error and clarifying confusing aspects of the message. It may also highlight and emphasize information that is important to a legal remedy.

In reflecting by restating, the interviewer repeats the client’s ideas and words:

CL: They’ve stopped my checks. I don’t have any money except what I get from them. I don’t know what I’m going to do.

INT:..They’ve stopped your checks. You don’t have any money, and you don’t know what you’re going to do....
In reflecting by paraphrasing, the worker uses her own words to express the client’s idea:

CL:I don’t like to tell people about that.

INT: It’s hard for you to talk about it.

In reflecting the client’s message by summarizing, the interviewer expresses the client’s idea in fewer words.

CL: You have to understand. Billy isn’t like Mike. Mike’s got a temper, but Billy, he’ll kill me and the kids. And even if he didn’t, I’d be scared all the time he was going to.

INT: You’re not afraid of Mike, but you think Billy is really dangerous.

Reflecting content is most effective when stated tentatively or as a question and has the same objective and is expressed in the same ways the interviewer reflects content. *What* is reflected, however, is different. Here you are reflecting what you perceive to be the client’s *feelings* about what he is describing.

Reflecting the client’s feelings is important in an interview because it acknowledges the client as a whole person. Rather than a fact and information reporter, you are treating the client as personally involved in the problem with strong feelings about it.

Clients may express feelings verbally. More likely, they will reveal feelings non-verbally. Even with careful attention to what clients say and how they say it, you can only guess what other people are feeling. Strive to convey in words and manner that your thoughts are tentative guesses that the client must confirm or correct.

CL: It's all too much. It's been six months since he died, but when I try to think about what I am going to do or even try to sort out his things, I just start crying.

INT: I imagine that you're still grieving deeply over your husband's death and feel overwhelmed and in great distress when you try to make plans or go through his things.

Acknowledging a client's feelings is one way of conveying your concern for the person and can increase the client's trust and cooperation.

Reflecting a client's feelings may cause the client to explain them, revealing more useful information.

CL: My landlord keeps raising the rent. Those apartments aren't worth what we are paying now. He's trying to make it so expensive we can't stay there. Then he can change the building to condos or something.

INT: Your landlord is increasing your rent again, and you think he may be trying to get rid of you. I imagine that makes you very angry — and scared.

CL: Yeah, it makes me angry, but I'm scared that if I don't pay he'll evict me. I'm already a month behind, and he's threatening to kick me out. That's why I came here, because I was told that since he keeps the apartments in such bad shape, he can't kick me out and he can't raise the rent without making some repairs.

Reflecting the feelings suggested by nonverbal clues of "quiet" people can help them begin talking. For example, when clients move restlessly in their chairs and speak

only to answer questions in a few words, you may say, "I imagine that you find it uncomfortable being here and it is hard for you to talk about what's going on right now."

When reflecting *negative* statements, you should express the negative feelings which have been expressed explicitly and the implicit need or want which underlies the feelings.

CL: Will this thing ever be over? I can't stand it if it goes on much longer. You take so long. Doing what you are saying will take forever.

INT: I know from what you have said that this problem is very troubling to you and you don't want it to drag on. You want things to get settle quickly.

When reflecting *negative* statements, expressing the negative feelings along with the implicit need or want which underlies the feelings is a powerful strategy.

The other side is what clients need or want. Expressing what clients need or want shifts attention from a complaint about the way things are to a desire for how clients want things to be. It allows the possibility of a psychological shift from feelings of helplessness and powerlessness in the face of the conditions they are complaining about to feelings of personal power in pursuing what they want. If the dialogue above continues the worker can describe some of the constraints in the situation and some of the things the client can do to bring a speedier resolution.

Reflecting feelings can help clients see, acknowledge, and manage their feelings better. Its primary purpose however, is to affirm the

client. It's like saying, "I am with you. I can sense and I *think* I understand your feelings about this."

Expressing Facts and Feelings

In addition to being responsible for the interview *process*, you are also responsible for some of its *content*: giving information about the organization, eligibility for services, and how the law impacts on the client's problem.

Skills of expression come into play when you inform the client about the nature and extent of services provided, eligibility requirements and procedures. Skills of expression are also used when you explain the law, define legal terms, and describe alternatives for resolving a problem. You also must develop the ability to express your feelings and opinions.

Expressing facts Giving information involves making clear, simple statements which the client can easily understand and pacing the information flow in relation to how quickly or slowly the client grasps what has been said.

The legal interview is new and unfamiliar to many people. The information given may seem strange, even foreign. Sometimes the information is complex. All these conditions require that the interviewer use simple, clear, and careful language and reduce the interview's pace. Always take care to simplify legal jargon and make sure agency lingo is understood.

Sometimes you may not know whether you are being understood or not. Some clients will say they understand when they don't for fear of appearing stupid. Try to

reduce potential client embarrassment by asking clients to let you know whenever you aren't being clear or are talking too fast. This tells the client directly that it's all right to interrupt, to ask questions, to ask for a clearer explanation, or to ask for a slower pace.

Expressing feelings. Sometimes you need to express your feelings: "I am very happy to tell you..." or "I felt angry and frustrated when I couldn't get the information from your caseworker, but I don't intend to let my feelings jeopardize your relationship with her or stall your appeal." or "It saddens me to see what this has caused you."

Simple expressions of feeling enhance the climate of openness and trust and serve as a model for the client.

Expressing feelings increases trust and cooperation by reassuring the client that you are relating to this situation as a full human being, not as a robot devoid of feelings. Such expressions should be limited, however, to those that achieve this purpose. It is counterproductive for you to use clients to ventilate your negative feelings and frustrations.

Sometimes expressing feelings serves another purpose. Over time clients may learn how better to express and handle their own feelings. When you acknowledge your feelings simply, directly, and objectively, you're modeling how to handle feelings effectively. By showing that feelings will not adversely affect your performance, clients may begin imitating your behavior.

Interpreting the Client's Situation

Interpreting is a complex skill that

involves some of the skills described above, particularly attending,, reflecting, and expressing.

Interpreting consists of listening to and reflecting what interviewees are saying and expressing ideas or a frame of reference to help clients see their situation more clearly or see it differently. The function of interpreting client's situation is to increase their understanding of it and prepare them to deal with it more effectively.

Interpreting involves taking the essence of what the client has said, confirming what is useful to a resolution, correcting or recasting what is not, and adding new information and perspective. It may include describing options available to the client for resolving the problem. In some cases interpreting involves connecting events or ideas that lead to a conclusion or a path of action. For example,

INT: O.K. let me make sure I have this straight. You bought a 1998 Fairlane for \$2,000 from Mr. Flagg at Jason's Auto Body Shop on August 16, 2007. Mr. Flagg told you at the time that the car needed no repairs and was in excellent condition.

Three weeks later it wouldn't shift and bucked at speeds over 25 mph. Mr. Flagg refused to correct the problem. You had the car repaired for \$800 which you paid yourself. During that time you rented a car for \$180 to get to and from work and paid about \$100.00 in cab fares for your wife's and children's transportation. Is that right? Did I leave anything out?

CL: No.

INT: I would say offhand, unless

there is something I don't know about, that Mr. Flagg is in violation of the consumer law for not giving you your rights in writing and for misrepresenting the car he sold you.

I will consult with my managing attorney and if she thinks the case is strong enough, the first thing I will do will be to get in touch with Mr. Flagg to see what he says and give him another chance to settle on the money you've been out.

If that doesn't work, we'll have to send him a letter laying out what happened, what the violations of law are and give him another chance to compensate you for damages.

If the letter doesn't work, and we still think we have a strong case, we can sue him in small claims court. Do you have any questions about what we can do? Do you want to proceed with the three things I suggested? Do you have any problems with anything I've said?

CL: (response)

INT: Now, there is one thing you need to know. It's hard to collect from some dealers even after the court has told them to pay. But we have had some real success bargaining with dealers once they get the letter, because some of them really don't want to go to court. We just won't know how Jason's Auto Body will respond until we go through these steps.

DIFFICULT VS. EASY INTERVIEWS

When the conditions of the interview are "good," when the interviewer and the client are comfortable with each other and there are no obstacles blocking the flow of

information, the interview is likely to go smoothly. All the information needed may be obtained through the relatively uncomplicated use of the five basic interviewing skills:

1. Attending the Interviewee
2. Focusing the Interview and Questioning the Interviewee
3. Reflecting the Interviewee's Statements and Feelings
4. Expressing Facts, Opinions and Feelings
5. Interpreting the Client's Situation.

More often than not, however, "good" conditions do not exist. Legal workers frequently interview in uncomfortable places, with too little time, with people of limited knowledge of the law. They talk to "stuck" people who cannot make decisions, to "talkers" who cannot listen, to "silent types" who won't talk, and to people whose differences in race, ethnicity, sex, age, class, physical or mental abilities, sexual orientation or gender creates communication problems. They may also be expected to do things they cannot do. These conditions lead to problems between interviewer and client which complicate the interview and increase the demands on your interviewing skills.

When the conditions under which the interview is conducted become more difficult, your response patterns, the judgments you must make, and the process of guiding the interview become more complex. *Difficult conditions do not require new and different skills: they require a higher level of sensitivity and understanding, higher standards of performance and judgment in using the basic skills.* They also require

knowledge and facility in using strategies designed to deal with problems that threaten the interview.

COMMON COMMUNICATION BLOCKING EVENTS

Three events, occurring frequently in legal services interviews and representing increasing levels of difficulty and demand on interviewer skills are when:

1. *Clients have a problem such as fear, hesitancy, guilt, hostility which prevents their cooperation or blocks the flow of information.*
2. *You have a problem with something the client is doing or failing to do, and your reaction reduces your effectiveness.*
3. *The interviewer and the client are in conflict.*

Each of these events tend to block the information flow and threaten the effectiveness of the interview to some degree. Strategies built on the five basic interviewing skills can help interviewers deal with these situations and minimize their adverse consequences.

STRATEGIES STRATEGIES FOR DEALING WITH COMMUNICATION BLOCKING EVENTS

Block 1: The Client has a Problem. You may be gathering relevant information routinely when you notice that the client's emotional intensity has risen sharply. The cue could be a change in voice quality, facial expression, gestures, body movement or orientation. These cues signal that the client's feelings are coming into play. If the feelings are negative, the client's participa-

tion in information exchange may be distorted or diverted.

Strategy: This five-step strategy is designed to reduce any negative effects the client's problem may have on the interview.

Step 1: Listen to the Client's Words and Body Language.

Listen closely to *what* clients say and *how* they say it, observing facial expression, voice quality, gestures, body movements and posture. Concentrate on getting the client's total message. This kind of listening differs from what you would do in getting information routinely. When relevant information is coming easily, you concentrate on *what* the client is saying. But when you sense a problem, attention to non-verbal messages becomes conscious, deliberate, and takes priority over content.

Step 2: Determine the Client's Meaning and Feeling.

Decode the client's full message, mentally asking two questions: "What is the client feeling?" and "What is the feeling about?"

Examples of feelings associated with problems clients have are:

- Fear about loss of income or government benefits
- Shame about unemployment
- Disappointment about a child's behavior
- Resentment about a spouse's behavior.

After decoding, *label* what you tentatively understand the client's feelings to be, in a few, simple, concrete words.

Step 3: Reflect the Client's Meaning and Feeling.

Tell the client what you tentatively think the client's feelings and

situations are, avoiding long statements and expressing yourself in the fewest, simplest, and most concrete language. Demonstrate by voice tone and manner that you are imagining and guessing what the client is feeling, asking the client to confirm or correct their reflection.

Please avoid lecturing, advising, or expressing approval or disapproval.

Step 4: Listen Again to the Client's Total Response.

Despite your best efforts in imagining the client's meanings and feelings and expressing them, your reflection may miss the mark. Concentrate on the client's response to discover how close you are. You may have to continue listening, observing, and reflecting the client's meanings and feelings until the client accepts your feedback as accurate and complete and does not introduce additional concerns.

Step 5: Refocus and Redirect the Interview.

Evaluate the outcome of steps 1-4 and decide how to proceed with the interview. What you do and how you do it depends upon where the exchange has led. For example:

- *If*, by expressing the problem, the client seems more at ease and ready to get on with the interview, *then* simply resume the information exchange where you left off.
- *If* you find that the client is disturbed about a problem where you can assist or refer the client, *then* do so and continue the interview.

- *If* the client's response reveals a conflict between you and the client, go to a conflict resolution strategy (*Block 3*)
- *If* talking has not resolved the problem for client, and you can't assist or refer, and you and the client are not in conflict, *then* acknowledge the unresolved problem and continue the interview. Clients have probably gained something from the understanding they have been given, and the climate of acceptance and trust has been reinforced.

Block 2: You Have a Problem With Something the Client Is Doing or Failing to Do.

You may be gathering relevant information routinely when you become aware that something the client is doing annoys you. You begin to have trouble listening and concentrating on the interview. You may begin to feel dislike for the client or wonder why you ever took this job. The more your negative feelings grow, the less effective the interview is likely to be.

Strategy: This five-step strategy is intended to help you handle your problems with client behavior without offending clients or running rough-shod over them.

Step 1: Become Aware That You are Troubled By Some Client Behavior.

The first step in solving a problem is becoming aware of it. You may ignore or deny your negative feelings during an interview. Although it may seem to be the course of least resistance, it can be costly: it can deprive the client of your full attention, energy, and skills. An alternative is having you

recognize physical and mental signals that a client's behavior is a problem for you and using judgment in confronting the behavior. For example, fidgeting, tenseness, discomfort, and fatigue traction, day-dreaming and mental criticism or judging a client, are possible mental signs. These signs alert you to pay attention to your feelings and your needs in the interview.

Step 2: Focus On The Problem Behavior and Your Feeling About It.

Once you recognize a signal that something is wrong, you can observe more closely what is happening and how you are reacting. In this step focus on the client's behavior and your feelings about it. Mentally ask, "What is the client doing or failing to do?" and "How do I feel about such behavior?" Label the behavior and your feelings in simple, concrete terms, without judging or analyzing your reaction.

For example: The client is looking past you and out the window. Several times you've had to repeat questions. Following this strategy, you notice her growing tenseness. You label the client's behavior and your feelings about it:

Behavior: distraction and slow response to questions

Feeling: annoyance, frustration

This step allows you to begin to take conscious control of your reactions to the client's behavior.

Step 3: Decide If There Is A Direct and Tangible Effect.

If you can specify a *direct and tangible adverse effect* the client's behavior has on the interview, describe your problem to the client (step 4 below). If you

can't specify a direct and tangible adverse effect the client's behavior has on the interview, then the basis for your negative reaction should be questioned: probably your own prejudice is coming into play.

For example: The client has failed to keep two previous appointments and is 20 minutes late for his third. As a result, you have wasted time on three occasions. These adverse effects are direct and tangible and are independent of your emotional response to the behavior. Even if you had not been upset, time has been lost and no work on the case has been done.

On the other hand: The client chews tobacco during the interview, spitting into a small can he has brought along for the purpose. You are bothered to the point of revulsion. This behavior has no adverse effect, however, except on your emotions. You've had an adverse emotional reaction, but any adverse effect to the interview occurs *because of* your emotional response to the behavior. If you cannot specify a direct and tangible adverse effect to the interview you should mentally note the problem, decide to deal with it outside the interview, and proceed.



Step 4: Describe Your Problem to the Client.

The statement of the problem should include:

- What the problem situation or behavior is
- The direct and tangible effect of the problem behavior on you and the interview.
- Your feeling about the effect

of the problem behavior.

Remember that you are talking about a particular *behavior* and its *effect* on you. You are not talking about the *client* him or herself.

For Example:

“With your boom box playing, I can't concentrate on what you are telling me, and I feel frustrated and fear that I won't hear all I should.”

“In this little office, cigarette smoke causes my eyes to burn, and I cough. I am afraid I won't be as alert to what you are saying as I should be.”

“When I came to your home for an appointment and you weren't there, I was upset because I lost a lot of time that I would have spent on your case.”

In each of the examples above the adverse effect on the interview occurred regardless of your emotional response to it.

Describing your problem to the client gives you an effective way to communicate your problem. It also allows you to avoid a number of ineffective reactions like giving orders, threatening, warning, preaching, moralizing, or giving advice. All of these reactions convey the implicit message: “You don't know what to do, so I am telling you.” Other ineffective reactions include judging, blaming, calling names, ridiculing, psychoanalyzing, instructing or teaching. The implicit message in these reactions is “There is something wrong with you that I can help you correct.”

Step 5: Evaluate the Response.

Will clients hear your problem and change their behavior in a way that meets your needs? If you

follow the four steps above you have a better chance of getting a favorable behavior change, but it's not assured. You must listen to the client's full response and decide how to proceed. Here are four general possibilities and a suggested approach for each.

1. *If* the client seems not to recognize your problem (you're not getting through) *then* you repeat step 4, telling the client in clearer, stronger terms what adverse effects the behavior has and how you feel about it.

2. *If* the client becomes upset because you have confronted the problem behavior, *then* use the strategy for *Block 1: The Client Has a Problem*, presented earlier, to help the client with these feelings until she can return to her own problem.

3. *If* the client is unwilling to change the behavior despite recognizing it as a problem for the interview, *then* use the strategy for *Block 3: The Interviewer and the Client are in Conflict*, described below, to resolve the conflict.

4. *If* the client changes the problem behavior in a way that meets your needs, you and the client congratulate one another and get on with the interview.

Block 3: The Interviewer and the Client Are in Conflict.

What happens when the client's actions conflict with what you're trying to do or when your actions conflict with the client? Often these situations can be resolved as discussed previously: when you try to understand the client's concerns and feelings (Block 1 Strategy).

Or clients respond favorably when you tell them how their actions adversely affect the interview (Block 2 Strategy).

Even after these efforts, however, clients may not change their behavior in a way that you find acceptable. And you may be unwilling or unable to change actions clients don't like. How do you resolve such conflicts?

Strategy: This three-step strategy represents a way to resolve conflicts which avoids a win-lose contest decided by the greater power. You and the client decide what each of you needs and then solve the problem of how to meet those needs through actions acceptable to both.

Step 1: Distinguish Needs From Actions.

Seldom do your needs and the client's needs conflict directly. More often the conflict arises because the action taken by one person to meet her need prevents or interferes with an action taken by the other to meet his needs. In these instances conflict resolution hinges on you and the client finding alternative *actions* which do not conflict, yet allow both of you to meet your needs. In most conflict situations actions are negotiable; needs are not.

For example:

A client refuses to allow you to verify rent payments from her landlord. You refuse to proceed with the case without it. The client's need is to avoid letting the landlord know she is contemplating legal action.

Your need is to get reliable and acceptable verification of rent payments. The actions you each have taken

in pursuit of your needs are in conflict. Your needs are not.

The most frequent block to conflict resolution is to allow the focus of the conflict to become a specific action rather than focus on the more general needs involved.

Step 2: State Needs As A Mutual Problem.

In this step you and the client convert your conflict into a *mutual problem*, one step removed from the conflicting actions which blocked the interview.

Stating needs as a mutual problem is most effective when you:

- Use attending and reflecting skills to elicit the client's statement of his/her need and check your understanding of it.
- Express your problem and needs clearly, simply, and objectively, allowing the client to clarify his/her understanding of your needs.
- State the needs of both you and the client as a *mutual problem*.
- Offer to work with the client to solve the problem by meeting both sets of needs.

Step 3: Involving the Client in Mutual Problem Solving.

Arriving at a mutually acceptable solution involves you and the client:

1. Listing as many ideas as possible for getting both sets of needs met. Make sure to involve the client especially in the beginning. Don't judge or criticize any of the ideas yet.
2. Selecting the ideas that seem most likely to work. Eliminate any idea that is not acceptable to both

you and the client.

3. Choosing the most promising ideas and working out a plan based on them. The plan should state *who* will do *what*, *when*, and *how* often.

If the plan works for both of you, congratulate one another. If no plan is mutually acceptable, terminate the interview in a way that enhances the self-esteem of both parties: summarize the conflict objectively, describe the impasse non-judgmentally, and congratulate the client on his effort and good will in seeking a resolution. The interview should be terminated in such a way that both parties can say they gave the search their best efforts; they admire the integrity of the other; and they regret that a solution was not possible.

SUMMARY

This overview has emphasized the and strategies that make interviews effective. These skills and strategies, used according to the good judgment of the interviewer, help create a climate of support, trust, and competence in which the objectives of the interview can be met.

