Class Objectives and Design:

This course is designed to introduce you to the legal skills of interviewing, counseling and negotiation. It is a 3-credit course, meeting for one hour on Monday and two hours on Wednesday.

Generally, the Monday class meets with all students together, and consists of lecture and discussion based on assigned readings. The Wednesday class is a workshop of twelve students each, taught by adjunct faculty members. These workshops will involve many role play exercises. To give you the best feedback possible on your performances, you will video record several of them on your laptop.

Office Hours:

Because the professors manage caseloads in the civil clinics, office hours vary. Please call or email for an appointment and you will be scheduled quickly.

Materials:

- Herman and Cary, *A Practical Approach to Client Interviewing, Counseling, and Decision-Making* (LexisNexis 2009). This is available on Amazon, in both print and Kindle versions. The LexisNexis store also has it (more expensive). Perhaps the UFLaw bookstore could get you a copy as well.

An alternative is Herman and Cary, *Legal Counseling, Negotiating, and Mediating: A Practical Approach* (LexisNexis 2d Edition 2009). This text has been used in ICN before, so you might be able to find it used.

**Do not buy both Herman and Cary books. Just pick one.**

There is no need to distinguish between the Herman and Cary books in reading assignments, as the interviewing and counseling portions are essentially the same in both books,


- Readings will be supplemented by materials on the ICN canvas site.

- Each student is required to bring to every workshop class: a laptop computer and a web camera (either built into the laptop, or stand-alone), with software that allows you to record video to your laptop using the webcam.

Before classes start, please make sure your equipment works. We will give you instruction on how to record and upload your videos so your professors can view them.

Evaluation:

The class will be letter-graded, according to the small section grade policy; the mean grade for each workshop section cannot exceed 3.6. The mean grade for students in a workshop section can be
higher if the mean GPA (determined as of the beginning of the semester) for students in that section is above 3.55, but the mean grade may not exceed the mean GPA by plus .05. For further information, see current UF Law grading policies.

Your grade will be based on class exercises, written critiques, workshop performance, and a final paper. Class attendance will also be considered, as explained below.

There is no final exam. Instead, you will be graded through four assignments, totaling 100 Points. If students in a particular workshop have the same number of points, and the grade policy does not allow each to receive the same grade, those students will be ranked based on class attendance and participation in both the lecture class and workshops. Note also that excessive absences may lower your grade, even if there is not a “tie” in the number of points.

Points are allocated as follows:

**Interviewing.** You will do two out-of-class interviews. With the first, you will submit video clips for review, and these will be critiqued in class but not graded. The second will be critiqued privately and graded, worth 25 points. These points are awarded based on the effort and execution throughout the interviewing module including the quality of your self-critique and your performance itself. “Quality of your self-critique” means that it honestly, completely, and professionally answers all questions on the Interviewing Self-Critique Form. You will want to includes specific thoughtful comments, with suggestions on how you can improve. Just doing the minimum will obviously affect your evaluation. “Performance” means the effort you made to practice various skills and techniques from the readings and class discussions, and improvement from one interview to the next.

**Counseling.** You will do two out-of-class counseling sessions. With the first, you will submit video clips for review, and these will be critiqued in class but not graded. The second will be critiqued privately and graded, worth 25 points. These points are awarded based on the effort and execution throughout the counseling module including completeness and organization of your counseling the completeness and organization of the quality of your self-critique, and your performance itself. “Quality of your self-critique” means that it honestly, completely, and professionally answers all questions on the Counseling Self-Critique Form. You will want to includes specific thoughtful comments, with suggestions on how you can improve. Just doing the minimum will obviously affect your evaluation. “Performance” means the effort you made to practice various skills and techniques from the readings and class discussions, and improvement from one counseling conference to the next.

**Negotiation.** You will do two out-of-class negotiations. With the first, you will submit video clips for review, and these will be critiqued in class but not graded. The second will be critiqued privately and graded, worth 25 points. These points are awarded based on the effort and execution throughout the negotiation module including thoroughness and thoughtfulness of your negotiation plans, the quality of your self-critique, and your performance itself. “Thoroughness and thoughtfulness of your negotiation plans” means just that. “Quality of your self-critique” means that it honestly, completely, and professionally answers all questions on the Negotiation Self-Critique Form. You will want to includes specific thoughtful comments, with suggestions on how you can improve. Just doing the minimum will obviously affect your evaluation. “Performance” means the
effort you made to practice various skills and techniques from the readings and class discussions, and improvement from one negotiation to the next.

Final Paper. This assignment is worth 25 points, and should be seven to ten double-spaced pages in length. Please submit your completed paper in the manner and on the date set forth in the assignments and calendar sections of canvas. For this assignment, you will write a final paper in which you will analyze a specific interview / counseling session(s) or negotiation which you observed, read about, or in which you were personally involved. You are encouraged to reflect on the impact of the theories and skills learned in this course on your perspective of the event. Your analysis should incorporate specific theories from interviewing, counseling, and/or negotiation. You will be graded on the quality of your analysis as well as the quality of your writing.

Among the elements to include, please:

- Describe the situation or event with specificity
- Describe the participants and your personal involvement and perspective
- Analyze the event including how the persons involved understood and dealt with it
- Discuss how you might use what you have learned in this course to approach the situation
- Indicate what you have learned in analyzing and writing this study about interviewing / counseling or negotiation and, if relevant, yourself.

Mid-to-late semester, please be prepared to explore ideas for your paper with your workshop professor in order to receive guidance.

Class Attendance Policy:

Attendance is mandatory; you are allowed two absences, no questions asked. If you have a medical reason for missing a lecture class, you must contact Prof. Johnsen ASAP before or soon after class, and provide documentation for your absence to be excused. If you are missing a workshop, you must also contact your workshop professor at the same time.

Students who miss class for allowable religious holidays must contact Prof. Johnsen beforehand by canvas message to be excused from class. Please do your best to avoid missing workshops, as every student is needed for skills simulations to work as intended.

Other absences will be considered in your evaluation, as discussed above.

If you must miss a complete interview, counseling conference, or negotiation role play or similar assignment due to documented illness, religious holiday, and the like, you (and your partner as needed) will be allowed to reschedule within a reasonable time. It is very important that you advise your workshop instructor before the missed assignment is due.

Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

Accommodations for Students with Disabilities:
Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, https://www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

A Brief Note on Computer Use in Class

How computers and other gadgets are used in class is a continuing topic for debate. While they can be a great help, often they are misused and become a distraction. During class, you may use computers and tablets, but only to take notes, access ICN materials on the ICN canvas site, and to review materials directly relevant to ICN class. Through your enrollment in ICN, you agree to abide by this policy, and you are on your honor to do so. If I see that this privilege is being abused, I reserve the right to suspend or rescind gadget use in class. Want to learn more effectively? You may wish to take notes in the old-school way. See A Learning Secret: Don’t Take Notes with a Laptop.

Online Course Evaluation Process

The University of Florida expects students to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/.

Course Ethics

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code (http://www.dso.ufl.edu/sccr/process/student-conduct-honorcode/) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with your ICN course faculty and workshop professors.

Specific to ICN, because we use so many role play exercises, there are many opportunities to game the system. For example, we know of instances in which students have traded role play instructions to make the exercise "easier" and the students appear better prepared. If you read any confidential instructions than your own, or access any other information regarding ICN exercises during this or earlier semesters, we consider this to be an honor code violation.

If you obtain the wrong instructions for a role play, notify your workshop instructor immediately so the problem can be corrected.

Health and Wellness
• U Matter, We Care: If you or a friend is in distress, please contact umatter@ufl.edu or 352 392-1575 so that a team member can reach out to the student.
• Counseling and Wellness Center (Links to an external site.), 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.
• Sexual Assault Recovery Services (SARS): Student Health Care Center, 392-1161.
• University Police Department, 392-1111 (or 9-1-1 for emergencies). http://www.police.ufl.edu/ (Links to an external site.)

You get what you Give

Learning to skillfully practice law, just as with any other difficult skill, takes consistent hard work, discipline, and dedication. Those students who hold back or try to coast get just what they put into ICN: not that much. Students who throw themselves into the learning, who walk beyond their zones of comfort, also get what they give: a path towards mastery. We hope you chose to go for it.

Classes: Date, Description

Monday, January 9, 2017, Introduction

Tuesday, January 10, 2017, Create and Upload Test Video

Wednesday, January 11, 2017, Workshop Orientation, Introductions, baseline, interview and testing technology

Monday, January 16, MLK Day, No Classes

Wednesday, January 18, Teresa Drake: Working with victims of Intimate Partner Violence

Monday, January 23, Interviewing I

Wednesday, January 25, Workshop, Interviewing I

Monday, January 30, Interviewing II

Wednesday, February 1, Workshop Interviewing II

Friday, February 3, 7:00 pm Complete Interview I

Monday, February 6, Interviewing Children

Wednesday, February 8, Workshop, Interview Clip Reviews

Friday, February 10, 7:00 pm Complete Interview II Deadline

Monday, February 13, Negotiation 1, Introduction and Negotiation Style

Wednesday, February 15, Workshop Negotiation 1: Rug and Colon Role Plays

Monday, February 20, Negotiation 2, Understanding the Elements of Interest Based Negotiation
Wednesday, February 22, Workshop Negotiation 2: Drug Company/Cosmetics Company and Bloch and McDonald

Monday, February 27, Negotiation 3: The Stages of Negotiation: Preparation and the Preliminaries

Tuesday, February 28, 7:00 pm Gator Growl, Negotiation Plan Deadline

Wednesday, March 1, Workshop Negotiation 3 Gator Growl: Preparation for Front Page News

Monday, March 6-10 Spring Break

Monday, March 13, Negotiation 4: The Stages of Negotiation: Opening and Value Claiming

Tuesday, March 14, 7:00 pm Front Page News Negotiation Plan/Preparation Deadline

Wednesday, March 15, Negotiation Workshop 4 Front Page News

Monday, March 20, Negotiation 5: The Closing Stage

Tuesday, March 21, 7:00 pm Sally Soprano Negotiation Plan/Preparation Deadline

Wednesday, March 22, Negotiation Workshop 5: Sally Soprano

Thursday, March 23, 7:00, Complete Negotiation I plan deadline

Friday, March 24, 7:00, Complete Negotiation I deadline

Monday, March 27, Negotiation Workshop 6 Ethics and Persuasion

Wednesday, March 29, Negotiation Workshop 6, Clip Reviews

Thursday, March 30, 7:00, Complete Negotiation II plan deadline

Friday, March 31, 7:00, Complete Negotiation II deadline

Monday, April 3, Counseling 1 (Negotiating with Your Client)

Wednesday, April 5, Workshop Counseling 1

Monday, April 10, Counseling (and Interviewing) Children

Wednesday, April 12, Workshop, Counseling II

Thursday, April 13, 7:00, Complete Counseling Chart Deadline

Friday, April 14, 7:00 pm, Complete Counseling I Deadline

Monday, April 17, Ethics

Wednesday, April 19, Workshop Counseling Clip Reviews
Thursday, April 20, 7:00 pm Complete Counseling II Chart Deadline

Friday, April 21, 7:00 pm Complete Counseling II

Monday, April 24, Final Class: Review