

RULES OF THE GEORGIA 2021 CLIENT COUNSELING COMPETITION

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RULE 1. NATURE, HISTORY, AND PURPOSE OF THE COMPETITION

(a) Purpose. The Georgia Client Counseling Competition promotes greater knowledge and interest among law students in the preventative law and counseling functions of law practice. It also encourages students to develop interviewing, planning, and analytical skills in the lawyer-client relationship in the law office. Interviewing and advising are a significant part of most lawyers' work. Too often, it is assumed that lawyers have the listening and questioning skills needed to conduct an effective interview. Regrettably, not all lawyers possess these skills. The Competition provides an opportunity for a valuable educational and cultural interchange between students, law teachers, and legal practitioners.

(b) Nature of the Competition. The Competition simulates a law office consultation in which two law students, acting as lawyers (attorneys/solicitors/legal practitioners), are presented with a client matter. The students are given a brief written memorandum that identifies the general nature of the subject-matter of the client's problem (*e.g.*, that a client wants advice about a problem arising from the construction of a house, that the client is facing a shoplifting charge, etc.) before the interviews are held.

The students conduct an interview with a person playing the role of the client. Students are expected to elicit the relevant information from the client, explore with the client his or her preferred outcome, outline the nature of the problem, and present the client with a means (or range of alternatives, if appropriate) for resolving the problem. The interview with the client is then followed by a post-consultation period during which the students, in the absence of the client, analyze the interview and discuss the legal and other work to be undertaken. The interview and post-consultation period last a total of 45 minutes.

The students are evaluated by a panel of two to three judges, usually composed of lawyers from both Georgia and other countries. If the evaluation is carried out by three judges, the 3rd judge may be a psychologist with a strong background in counseling. The students are evaluated against specific criteria that emphasize the use of listening, questioning, planning, and analytical skills in a lawyer/client interview. The judges complete their evaluation of the interview and provide a brief critique of the team's handling of the consultation and post-consultation periods.

(c) Brief History. The Louis M. Brown International Client Counseling Competition was founded in 1985. It was modeled on the American Bar Association's Client Counseling Competition. The ABA Client Counseling Competition was conceived and developed as a legal teaching technique by the late Professor Louis M. Brown of the University of Southern California Law Centre. Originally called the Mock Law Office Competition, it began on an interscholastic level in 1969 with two schools competing. It has been held each year since then. The American Bar Association's Law Student Division has administered the competition in the United States since 1973. Each year, over 100 United States and Canadian schools participate in that competition. That competition has now spread to many other countries around the world. In 2011, the Louis M. Brown International Client Counseling Competition was changed into the Brown Mosten International Client Consultation Competition. The competition remains affiliated with the International Bar Association and collaborates closely with law societies and bar associations throughout the world.

RULE 2. ADMINISTRATION OF THE COMPETITION AND HOSTING

(a) The Organizer. The Competition is organized by Free University of Tbilisi and sponsored, by the USAID funded "Promoting Rule of Law in Georgia" program (USAID/PROLoG), which is administered by the East West Management Institute.

(b) Hosting. **Due to the COVID-19 pandemic in Georgia, the 2021 Competition will be held ONLINE on February 27-28, 2021.**

RULE 3. ENTRY INTO THE COMPETITION

(a) Composition of the Team and Eligible Students. Participating law schools are eligible to enter up to two teams, each composed of two law students. One reserve member to the team can also be registered who will only participate in the competition if the main member fails to participate in the competition for any objective reason. The team member must be replaced before the competition, no change will be allowed during the competition. Students conduct the simulated

interviews in teams of two in order to provide mutual assistance and support in researching, planning and conducting the interview. There is the added benefit of encouraging students to work cooperatively.

If University has adopted internal regulations regarding the selection of its own students, eligible to participate in the competition, the team must be composed in compliance with the internal regulations. Each University's administration holds the responsibility to ensure that a student who is involved as legal professional in advocacy will not be admitted as member of its team.

At the time of their selection to represent their school, the law students should be enrolled in a program accredited as leading to an undergraduate and/or graduate law degree. These students should be enrolled full time in this program. Students enrolled in post-graduate study such as a master's degree are eligible so long as they do not have a bar license (suspended members of Georgian Bar Association included), are not participating in the adaptation program of Georgian Bar Association or have not practiced law (other than in temporary jobs or apprenticeships; non-lawyer work such as research or drafting at a law firm or legal organization is acceptable) between their initial and post-graduate studies. Violation of these rules may be the reason for dismissing a team from the competition.

(b) Observers. Students and professors from participating law schools may observe only their teams' performances on Day One of the competition. On Day Two, teams that have already performed are allowed to observe any subsequent performances of other teams.

RULE 4. THE CONSULTATION SITUATIONS

(a) Distribution of the Consultation Situations. Before the first day of the Competition, the Competition organizer will send to each team the memoranda briefly describing the consultation situations for the Competition. These memoranda will contain information similar to that which a law office secretary might record when informing lawyers of a forthcoming appointment.

(b) Competition Topic. A Competition topic (*e.g.*, contracts, intentional torts, etc.) will be designated by the International Committee prior to the Competition. All consultation situations will be based on this topic. Each consultation situation, however, will involve a different client and a different situation. The 2021 competition subject has been designated as "Human Rights".

(c) Applicable Law. The law to be applied in the Competition is the law of each team's respective country (Georgia) unless otherwise indicated in the consultation situation.

(d) Fees. The discussion of fees is an integral part of any first consultation between a lawyer and a client. Students should be judged on how they approach this problem, but not on the monetary amount used. The participants may discuss fees at any appropriate point in the consultation. Fees may be waived or suitably reduced only in cases of financial hardship, either for persons of low income or for persons of ordinary income faced with very large fees.

(e) Assignment of Team Letters. All teams will have pre-assigned number designation (1, 2, etc.). That designation will be determined by lot before the preliminary round.

(f) Rounds. There will be a preliminary round on Day One of the Competition. In that first round, all participating teams will perform in either Group A or B. All teams in the same group will perform in front of the same panel of judges with the same client and a case. Based on the skills demonstrated in light of the Assessment Criteria, the judges then rank the teams. The top-ranking two teams from each group will be invited to participate in a final round on Day Two of the Competition. In the final round, the four participating teams will perform in front of a new panel of judges involving a new case and a client. Each team will perform in front of the same final panel and the same final case.

(g) Team Coaches and Preparation. The primary purpose of the Competition is education. Each team may have a coach who cannot be the coach of another team at the same time. Team coaches should emphasize the educational value of the Competition to their students. Questions are often raised concerning the extent to which faculty advisors or coaches may be of assistance to students prior to the day of the Competition. Louis M. Brown, the originator of the concept of a client

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

(h) Dress. Students should generally wear business attire during the rounds.

RULE 5. THE CONSULTATION AND POST-CONSULTATION

(a) Maximum Time Limit for the Session. Each team shall have a maximum of forty-five (45) minutes to complete the session. This session must include both a consultation session with the client and a post-consultation.

(b) The Consultation with the Client. Each team must conduct a consultation with the client during which the students are expected to elicit the relevant information, outline the problem, and propose options for resolving the problem.

Team members are entirely free to decide how they will divide their work, but both students must consult with the client as a team and their plan is subject to judging. The students may wish during their post-consultation presentation to explain why they worked together in the way that they did.

(c) The Post-Consultation. Each team must also conduct a meaningful post-consultation discussion between the attorneys after the client has left the room. During this post-consultation, the students should talk to each other loudly enough to be overheard by the judges. 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.

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 compose a letter to opposing counsel or to the party with whom the client is having legal problems. Such a document may be discussed at this time.

(d) Division of Time between the Consultation and Post-Consultation; Timekeeping. The student competitors are responsible for keeping track of their time. One of the judges on each panel may be selected to keep track of the time for the judges. Or, in the alternative, the organizer may supply a timekeeper for the judges. Under no circumstance will a team be allowed more than forty-five (45) minutes to complete the session, including both the consultation and the post-consultation. The timekeeper (whether a judge or a separate individual) 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 as to when the round should end is final. The timekeeper should use the Timekeeping Sheet to record the time each session begins and ends to assure that the timekeeping was accurate. In determining a team's score, the judges shall consider the way the team allocated its time and, if applicable, the team's failure to include a meaningful post-consultation session.

(e) Use of Materials and Props. During the consultation and post-consultation, the team may use books, notes, and other materials. The team may also use office props (computers, files, desktop furnishings, etc.).

RULE 6. JUDGES' CRITIQUE AND RANKING OF TEAMS OBSERVED

(a) Content and Timing of the Critique. Except in 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 periods. This critique should focus on the official judge Assessment Criteria. The critique should last no more than ten (10) minutes.

(b) Client Not to Be Present. Clients should not be present during the post-consultation period or the critique.

(c) Judges' Discussion of Each Team's Performance; Consulting with the Client Prior to Ranking; and the Awarding of Points to the Teams Observed by Judges at the End of the Round. After the judges have observed all teams, the judges should discuss each team's performance among themselves. Judges are encouraged to consult with the client. Although the judges may discuss the performance of the teams, the judges should individually rank the teams. The judges will keep their score sheets until the end of the final team's performance. At that point, the judges will give their score sheets to the organizers for tabulation.

RULE 7. ADVANCING TO THE FINAL (CHAMPIONSHIP) ROUND

(a) Point Qualification Format. The Competition uses a "point qualification" format in which the teams accumulating the highest number of total points in each group in the Preliminary Rounds (Day One) will qualify for the Final Round (Day Two). Each team will receive a score from each of the judges on the panel. The scores will be added together to form a total score tally for that team. The total team scores from the Preliminary Rounds will be publicly posted shortly after the last Preliminary Round performances at the end of Day One.

(b) Sequence of Rounds. The host of the Competition is organizing Preliminary Rounds where each team will have the same opportunity to perform a client counseling session. The Preliminary Rounds will all take place on the same day. The following day, the top four teams will participate in the Final Round on the same day, in front of the same panel of judges (but a different judge panel from Day One).

(c) Ties after the Preliminary Rounds. If there is no tie, the first and second place teams from each group will advance to the Final Round. In case of a tie for first and/or second place in a group, the panel of judges that scored both teams will vote (one person-one vote) on which of the tied teams performed better. Each judge will briefly explain his or her vote. The winner of that vote will receive one bonus point and will be declared the winner of the tie and will advance to the Final Round. If there are only two judges, the two judges will make a group decision on which team should advance.

(d) Order of Appearance of Teams in the Preliminary Round and Final Rounds. The Competition Organizer shall determine the order of appearance of the teams in the Preliminary and Final Rounds by random draw.

(e) Decision of the Judges in the Preliminary Round; Advancing to the Final (Championship) Round. The judges' decisions are final. The total panel scores for each team will be posted. Each team will receive their Individual judge scores upon request.

RULE 8. THE FINAL (CHAMPIONSHIP) ROUND

(a) Format of the Final Round; Decision by the Judges; Ties; Announcement of the Winner; and Critique. All teams will start the Final Round with a score of 0. The scores from the Preliminary Round will not be counted in the Final Round. The scoring for the Final Round will be under the same rules, process and criteria as for the Preliminary Round. The final results will be announced publicly shortly after the last performance in the Final Round. Before the announcement of the winner, the judges will briefly comment on the consultations.

In the event of a tie on total points for any place (1st, 2nd or 3rd), the panel will take a private vote to determine which of the two teams was superior. The winner of that vote will receive one bonus point and will be declared the winner of the tie. If there are only two judges, the two judges will make a group decision on which team is the winner.

RULE 9. AWARDS

Each participant in the Competition (team member and coach) is strongly urged to attend the Final Round and Award Ceremony, even if his or her team is not competing in the Final Round. At the Award Ceremony the top three teams will receive a trophy. The winning team will also receive an invitation to represent Georgia in the 2021 International Client

Consultation Competition, that will be held remotely on April 6-11, 2021 (hosted by Hillary Rodham Clinton School of Law at Swansea University, Wales).

Each participant in the Competition will receive a certificate.

RULE 10. COUNSELING SESSIONS: ATTENDANCE AND COMMUNICATION

(a) Observing Rounds. Team coaches may only observe their own teams' performance. Schools are encouraged to send an audience of students and professors to watch their schools' performance. The schools must send to the organizers an Audience List prior to the Competition (date to be determined in separate mail). Only those individuals on the audience list will be allowed entrance to watch their schools' performances. In addition, the team and its coach and audience may not observe other teams' performances in the Preliminary Round of the Competition. On the second day of the competition, the Final Round, teams that have already performed are allowed to observe any subsequent performances of other teams.

(b) Prohibited Communications. Regarding Day One, no observer or coach may communicate in any way with any team members during the course of their performance, or with any judge or client prior to scoring. In addition, the observers must agree to keep the contents of the performance confidential from other teams and other schools until the Preliminary Round is completed. In other words, the observers must not disclose any details of the performance in the Preliminary Rounds to any other teams or schools until after the last performance on that day.

RULE 11. DISPUTES AND BREACHES OF THE RULES

(a) Disputes Subject to Review. Disputes relating to violations of the rules of the Competition by a team, persons associated with a team, or judges, and disputes relating to alleged misinterpretations of the rules by judges, will be subject to the provisions of paragraphs (b) to (d), below. All decisions of the judges relating to the quality of a team's performance are final; disputes regarding such decisions are not subject to hearing or appeal.

(b) Prior to Decision of a Round. Disputes concerning the conduct of a team (or persons associated with a team) or other complaints arising during a round of the Competition but prior to the decision of the judges, will be directed to the Committee members. When a timely complaint has been raised, the Committee members investigate and resolve the dispute in a way that they deem best to avoid nullification of the round. If the Committee members determine that the team has engaged in a serious violation of the rules, the Committee members may: (1) discuss the dispute with the judges and allow them to take the matter into account in making their decision; or (2) impose a sanction, including a deduction of points or disqualification of a team from the Competition. If the Committee members determine that the team winning the disputed round should be sanctioned by a lower ranking or disqualification from the Competition, the Committee members will allow the next-lowest ranked team to be regarded as the winner.

(c) After the Decision of the Round but Before the Final Round Begins. When a dispute has been raised after a round has been decided but before the final round begins, the Committee members will investigate the dispute. The Committee members may hear representatives from the parties involved and will resolve the dispute in a way that they deem best, consistent with the purposes of the Competition. If the Committee members determine that the team winning the disputed round should be sanctioned by loss of that round or disqualification from the Competition, the Committee members will allow the next-lowest-ranked team to be regarded as the winner.

RULE 12. CLIENTS

(a) Selection of Clients. The Competition host is responsible for selecting persons to play the role of the client for each of the sessions. If a team from the host law school is taking part in the Competition, a law student from the host school should not act as a client in any session in which the host law school team will conduct the interview. If use of such a law student is unavoidable, the host law school team must forfeit.

(b) Orientation for Clients. Each client will be supplied with a packet containing the consultation situation and a detailed confidential memorandum concerning the client's background and concerns.

(c) Availability after the Round to Talk with Judges. Clients should plan to be available at the conclusion of a round to discuss the consultations with the judges.

RULE 13. JUDGES

(a) Selection of the Judges. The Competition organizer is responsible for selecting judges for the Competition. The judges will be experienced lawyers and in case of involving a psychologist, person with a strong background in counseling. No one who judged an earlier round can act as a judge in the final round if he or she would be judging a team he or she had seen in a previous round. Team coaches may not act as judges as long as their teams have not been eliminated from the Competition.

(b) Judges' Briefing. The Organizer will provide a Judges' Briefing prior to the Rounds.

(c) Assessment Criteria and Feedback Form. All judges, as well as students, shall receive a copy of the "Assessment Criteria" form. All judges will also be supplied with a copy of the consultation situation for the round they will be judging, a copy or summary of the Rules, and a detailed confidential memorandum about the client's background and concerns. Judges are instructed that the Assessment Criteria Form is to be used for scoring the Competition.

(d) Taking Notes during the Round. Judges should take notes as they observe each team's performance and base their critiques on specific observations from their notes in light of the Assessment Criteria.

RULE 14. VIDEOTAPING; PARTICIPANT EXPENSES; ACCEPTANCE OF RISK; ENTRY FEE; AND GRANTS

(a) Videotaping of the Competition. The Competition performances may be videotaped. A student's decision to enter and participate in the Competition constitutes the student's consent to videotaping. As a condition of publication and for no monetary compensation, this consent grants the Organizers the nonexclusive worldwide rights to reproduce and/or distribute 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 by the Organizers and to license these rights to others. Consent also grants the Organizers' the right to use the student's name, voice, and image in connection with published Competition materials.

(b) Participant Expenses and Acceptance of Risk. Travel, accommodation, and incidental costs incurred by participants in conjunction with the Competition will not be reimbursed by the Organizers and will be the responsibility of the participants or their schools.

(c) Entry Fee. There is no entry fee for the Georgia Client Counseling Competition.