

ABA/NLADA 2008 Equal Justice Conference
The Challenges of Children: Clients, Witnesses and
Interviewees

Presenters:

Gail Chang Bohr, Executive Director, Children's Law Center of Minnesota

Monica Mahan, Supervising Social Worker and Assistant Clinical Professor at the Bluhm Legal Clinic at Northwestern University School of Law.

Jenny Schulz, Executive Director, Kids First Law Center, Iowa

Angela Vigil, Director of Pro Bono and Community Service for the law firm of Baker & McKenzie

Tips for Interviewing the Child Client:

- Don't come across as an investigator. Limit the amount of information you gather about the case before your first meeting with the client. Let her know what you already know. Ask your client's permission before obtaining her records.
- Have eye contact with your client.
- When explaining your role, tell your client, "I'm not on your mom's side or your dad's side; I'm on your side." Explain that he is the boss, the decision maker. Promise that you will always be truthful with him. When you need to gather information from others in

the case (like parents, etc.), let the client know whom you will be meeting with, assure him that you will not give out confidential information, and promise him that you will still be on his side.

- Confirm to the child as often as appropriate that you are their advocate and are there for them.
- When explaining attorney/client privilege, make sure to let the client know that although you can't tell anyone what the two of you talk about, she can tell anyone she wants to about your conversations (though there may be other reasons for her to keep things to herself).
- Explain confidentiality without using the word "secret."
- Share some of your life story/history if you want the child to share some of hers.
- Give your client an accurate estimate of the case timeline from the start.
- Do not take notes during client meetings unless absolutely necessary. Ask permission before taking any notes. Focus on the

child more than you focus on your notes. Do record them immediately after the client meeting.

- Meet in neutral locations and do activities while meeting (eat, play Jenga, make origami, draw, shoot baskets, ride in the car).
- Show interest in all aspects of your client's life, not just the aspects related to the case.
- Avoid "Do you understand?" This question will usually lead kids to say yes, even if they don't understand. Ask questions that allow clients to *show* they understand instead.
- Ask "*What* questions do you have..." or "Do you have *some* questions" rather than "Do you have *any* questions."
- Use open ended questions like, "Tell me about your family (school, your sister, etc.)."
- Let the child dictate what she/he wants you to tell the judge. I write it down verbatim and give it back to the child to make sure I got it right. This helps to build trust.

- Listen actively - pay attention to what the child says but also observe the child's reactions and emotions.
- Prepare, execute, reflect with the child at every stage.
 - Prepare: "Here's what's going to happen in court."
 - Execute: "This is what the worker is asking for you."
 - Reflect: "This is what the school has done with you."
- Know the case, the issues, resources, the child's options.
- Build rapport every chance you get.
- Read Anne Graffam Walker's Handbook on Questioning Children
[available through ABA Publishing.]