

## Client Communication: Getting to Know your Client

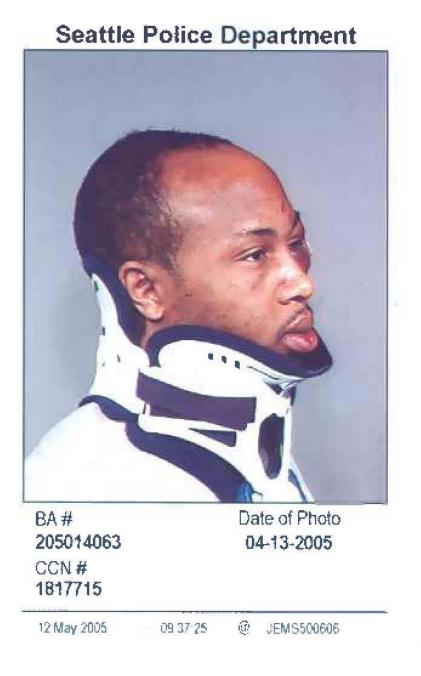
Colette Tvedt NACDL ctvedt@nacdl.org



## - killed by law enforcement

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Stop



### Seattle Police Department



12 May 2005

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### https://implicit.harvard.edu/implicit/demo/

## Prepare!



## Know the Law: DE Code

- Title 11: Crimes and Criminal Procedure: All Crimes: Property and Person
- Title 16: Drugs and Mental Health
- Title 21: Motor Vehicle (DUI), traffic infractions

## Delaware Code Online



## Where to conduct interview





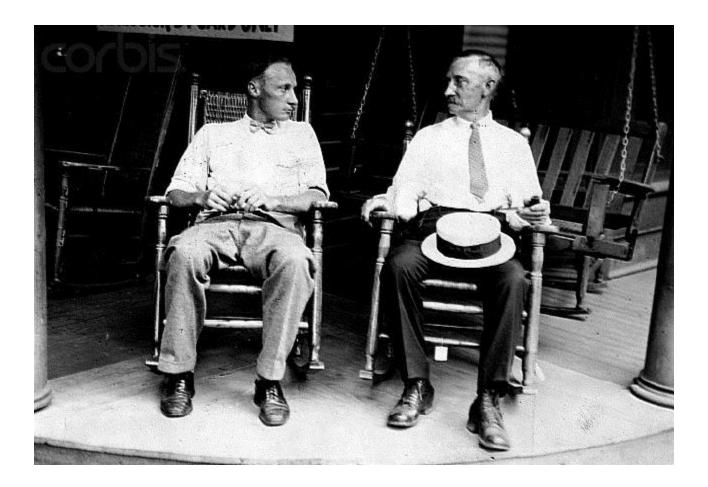




### **Exude Confidence and Professionalism**

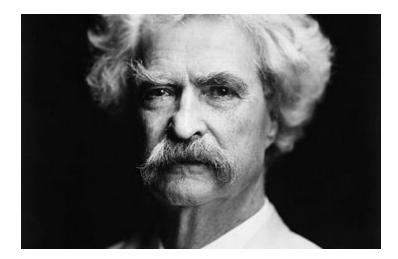


## **ROCK WITH YOUR CLIENT**



## Stop Talking

• "If we were supposed to talk more than we listen, we would have two tongues and one ear." Mark Twain.



# Listening is not the same thing as HEARING



"We are given two ears but only one mouth, because listening is twice as hard as talking"

## 85% of what we communicate is nonverbal







## Prepare yourself to Listen: Open Ended Questions





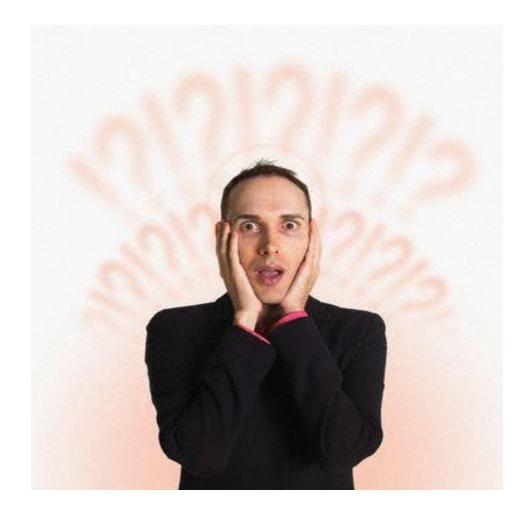
# Put the Speaker at Ease: Help the Speaker feel free to speak



What next? How does this work? What is going to happen to me? Will I lose everything? Am I going to jail?



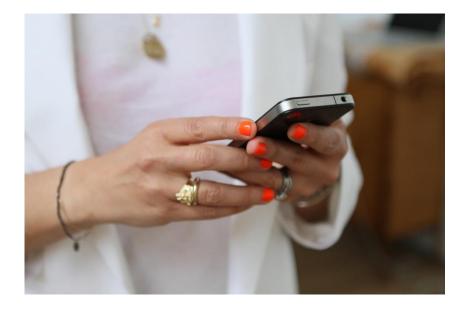




# Remove distractions...Focus on what is being said







# Empathize: Understand the other person's point of view



## Avoid Personal Prejudice; Avoid Arguing with your client



## O.A.R.S.





## Walk them through the process

- Preliminary Hearing
- Grand Jury Indictment
- Arraignment (bond hearing)
- Case Review
- 2<sup>nd</sup> Case Review (Pretrial Order)
- Investigation/Preparation
- Evidentiary hearing
- Trial



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### Detail of Event:

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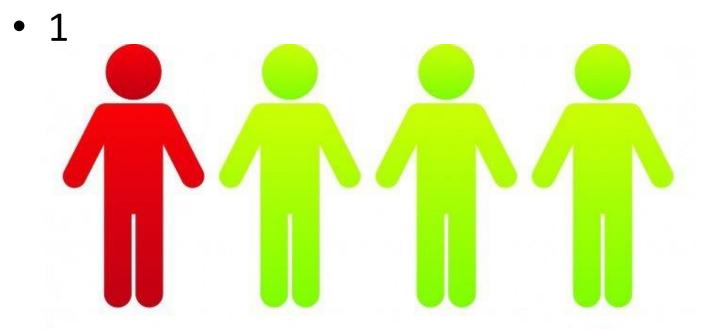


## Mentally III Clients





 In 2012, there were an estimated 356,268 inmates with severe mental illnesses in U.S. prisons and jails. There were only 35,000 mentally ill individuals in state psychiatric hospitals.



### One in four people has a mental illness.

## SANISM



## ANOSOGNOSIA: NO INSIGHT INTO ILLNESS





## DEPRESSED





## SUSPICIOUS



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## **DISORIENTED THINKING**



### **TANGENTIAL THINKING**





## **POOR SELF CARE**



## Racing thoughts....



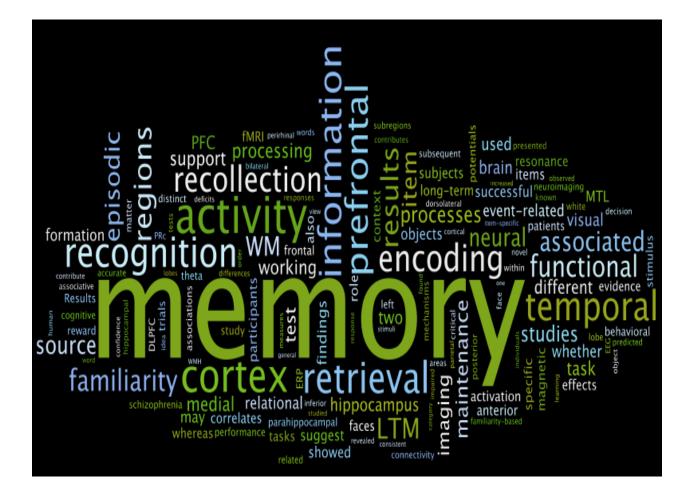
## Auditory hallucinations...



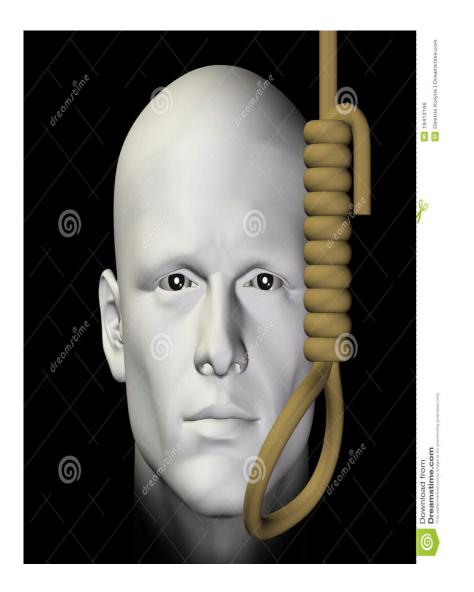
## CANNOT CONCENTRATE



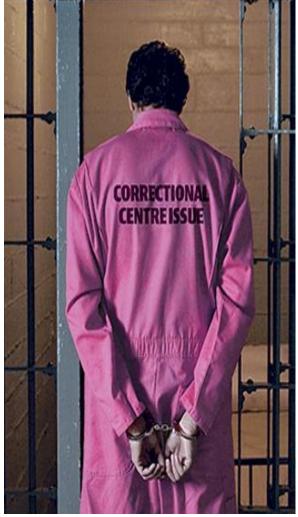
## Problems with short term memory



## SUICIDAL



# Current psychiatric symptoms:



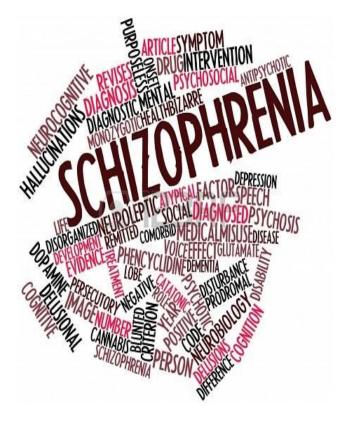
### Symptoms: Questions to Ask

- Have you ever been treated for a mental disorder/mental health issue?
- Are you taking medication? If so what? Dosage?
- Have you ever been hospitalized? Doctor? Who? When?
- Do you know why you are here?
- Is there someone who I can call to talk to about you?

## Silence....Be comfortable about being uncomfortable...

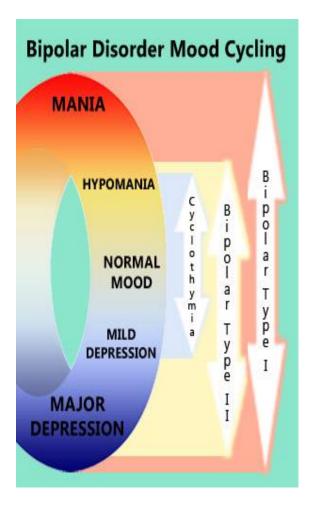
## What to look for...

## Psychotic Disorders: DSM-5 (B08) Schizophrenia Symptoms



- Hallucinations
- Paranoia
- Bizarre delusions
- Disorganized thinking
- "They are not schizophrenics; they are PEOPLE with schizophrenia."

## Bipolar Disorder: DSM-5 (COO)



 Sometimes called manic depression--extreme shifts in mood.



## Clinical Depression: DSM-5 (D02) Major Depressive Disorder

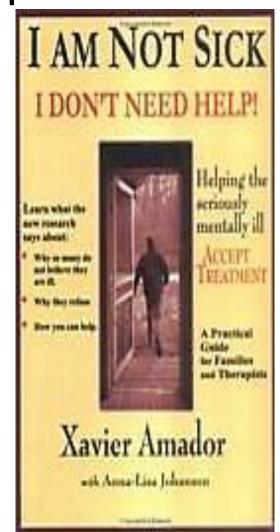


#### "How are you?"

Broken, Useless, Alone, Clueless, Confused. Betrayed. Fragile. On the verge of tears. peppessed. Anxious. About to break do Pathetic. us Annovi en. Distant. g. 1'm Bitter Je Lonely Dely. Rejected. Crushed. I feel like I'm going to just fall apart at any moment. Empty. Defeated. Never good enough.

## LEAP: Dr. Xavier Amador: I am not sick, I don't need help!

- LISTEN
- EMPATHIZE
- AGREE
- PARTNER



## Elyn Saks: The Center Cannot Hold



## Checklist

## Confidentiality



## **RELATIONSHIP -CONFIDENTIALITY**

- What's confidential & What's not?
  - RPC 1.6 All is confidential except
    - Informed consent
    - Disclosure impliedly to carry out obligations
  - Except (b):
    - Prevent reasonably certain death or substantial bodily harm
    - Prevent client from committing crime. . .
    - To establish a defense for the attorney. . .







## **Practice Tips**

- Keep a "To Do" List
- Never promise a result
- If you do make a commitment to do something, always follow through
- Tell them when they will hear from you next and keep your word!

## Until we meet again. Here is some homework...



## **Trust and Candor**



### How to Contact







