

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Counselling Skills for Law Professionals (CLNL1022)

Programme: B.A. LL.B. (CL) / (EL)

Course Code : CLNL1022

Semester: II

Time: 03 hrs.

Max. Marks: 100

Instructions:

- Section A-Objective type / Short Answer type -10 marks
- Section B-Short answer type -20 marks
- Section C-Analytical questions -20 marks
- Section D-Application based Case study -50 marks

SECTION A

SNo	Questions /Statements	Marks	COs
Ques	Statement of question (Attempt all)	10	
Q1.	Define the term counselling?	02	CO1
Q2.	What is the fundamental goal of interviewing a client before counselling?	02	CO4
Q3.	Selective listening or Active Listening, which one is important for a counsellor and why?	02	CO1
Q4.	How a counsellor should act when the client chooses to hide the facts?	02	CO4
Q5.	Write a note on “What all does a lawyer needs to know while counselling a client”?	02	CO4

SECTION B


Ques	Statement of question (Attempt any four)	20	
Q6.	Write a note on “Counselling is an inevitable skill for a Law Professional”.	05	CO3
Q7.	Write down the difference between Ethics and Law, which minimum standard has more applicability while leading a professional life and why?	05	CO1
Q8.	Differentiate between Service Oriented View and Client Centeredness View.	05	CO2
Q9.	What are the skills required to be a successful counsellor in the profession of law?	05	CO1
Q10.	Write a detailed note on “Code of professional ethics in legal practices”.	05	CO3

SECTION-C

Ques	Statement of question (Attempt any Two)		
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Q11.	What are the various steps in counselling process, discuss each step-in detail?	10	CO2
Q12.	Discuss types and techniques of counselling.	10	CO3
Q13.	Why it is difficult to leave decision making to our clients? Give rational reasons.	10	CO3
SECTION-D			
Ques	Statement of question: Case Study	50	CO3
	<p>Abstracts from a case on Potential Divorce (Author: Grahame Smith)</p> <p>Essential Case Information: Richard is a 41-year-old plant operator in a heavy machinery company. He works long hours and must start very early each day. Twelve months ago he accepted a transfer from a country location to a capital city 250 kilometres away from his family. Due to financial obligations this was seen as a necessity. He travelled back to see his family on weekends. He has a wife and 4 children to support. His wife Amy is 38 yrs old, has 4 young children and works 2 days per week as a shop assistant. She now regrets the decision they both made for Richard to work so far away. The weekends he comes back to her and the children are getting fewer and when he does return, all they seem to do is argue. Amy is frightened that her marriage will fail and is also concerned Richard has found another women (Richard had an affair 15 years earlier soon after they had married). They both decided to come and see me for marriage and pre-divorce legal counselling. A Personality Need Type Profile was prepared for both Richard and Amy. Richard was identified as a Type A (possessing a stronger need for recognition) and Amy Type C (possessing a stronger need for security). Both Richard and Amy were helped to understand what their emotional need types were and from where need gratification would come. Over time poor communication between them had resulted in them both not understanding their emotional wants, desires and overall needs. Richard was a risk taker, while Amy required higher levels of security. This counselling relationship has been in place for six months. One of the key areas identified by both of them was the lack of trust in their marriage.</p> <p>During a number of counselling, sessions Richard denied that he was having an affair and said that his issues with Amy centred on her unwillingness to trust him and her failure to include him in family decision-making. Amy felt neglected by Richard, that he had abandoned her, she was concerned he had become very angry, his behaviour had become erratic and she was fearful he was seeing another woman. Soon after this session, Amy contacted me in a distressed state. She had found out Richard was having an affair and that he had become very ill. She needed to see me urgently. A counselling appointment was organised that afternoon. This was only a very short discussion. Situation - Amy has discovered that Richard is having an affair. He has experienced an emotional breakdown and is in hospital. Amy was clearly very upset. However, she was able to indicate that she had come to see me so she could decide what she would do about her marriage, however she accepted the fact the fact that she still loves her husband.</p> <p>Questions:</p>		

Q14: Plan and frame your initial conversation/dialogue with Amy as a legal counsellor whom she approached for guidance.	15	CO3
Q15. Help Amy to reach to a decision by identifying the client's central goal.	10	CO3
Q16. While Counselling what are the ethical constraints you must keep in mind as a legal counselor, name them by identifying the areas/factors in the case.	10	CO3
Q17. The client must be given accurate feedback, specific information about their situation, some instructions and some clearly articulated options should be opened to her, what options will you give to her, what instructions and feedback will you give to your client?	15	CO3

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SECTION A (ATTEMPT ANY FIVE)

Ten Marks

		Marks	CO
Q1.	Define personality.	2	CO1
Q2.	Discuss relationship between ethics and law.	2	CO4
Q3.	What are the various types of legal counselling ?	2	CO2
Q4.	Counsellor should have access to the client's history. Elaborate	2	CO1
Q5.	Give two examples of ethical behavior in legal counselling.	2	CO1
Q6.	Give examples of close ended questions.	2	CO1

SECTION B (ATTEMPT ANY FOUR)

Twenty Marks

Q7.	What contexts may be useful in understanding a client's problems to guide him better?	5	CO3
Q8.	With what qualities can the relationship between counsellor and client be strengthened ?	5	CO2
Q9.	Discuss the distinct features of legal counseling?	5	CO1

Q10.	What are the dimensions of a well formed interview?	5	CO1
Q11.	Describe the contents of an effective counseling plan.?	5	CO1
SECTION-C (ATTEMPT ANY TWO)		Twenty Marks	
Q12.	What can be done if the client insists that the lawyer must make the decision for him? And what if he trusts him blindly ?	10	CO1
Q13.	Sometimes a lawyer may have to share a negative result/news with the client, what crucial aspects he should consider? How deal with such a situation?	10	CO3
Q14.	Discuss the basic etiquettes and structure of a formal Interview.	10	CO2
SECTION-D		Fifty Marks	
Q15.	With three examples, highlight the main ethical dilemmas a lawyer may face while dealing with clients.	15	CO4
Q16.	A female employee had filed a harassment complaint against her supervisor. Three months after her case was settled, she was given the termination notice effective immediately without any explanation provided. She has approached you for consultation, what remedies will you suggest her? Show how good counseling skills would help you in dealing with this case better?	15	CO3
	The following is part of a conversation between a lawyer and his client, Mr. Sameer, whose payment of wages had been stopped for three months because he had exposed to the social media, his company's problems in administration and violation of few laws and wrong doings. Lawyer: Do you think that we can first have a talk with the management of your company? Sameer: Yes. I don't want to go to court. I cannot afford the long time. Lawyer: In your case, you cannot file a suit directly. You have to apply for labor arbitration first, and then go to court if you are dissatisfied with the arbitration verdict. The court won't accept your case if you file the suit directly. Sameer: Really? That means an even longer delay. I can't afford it. My daughter is about to start college, and we are in need of money. Lawyer: But showing this in front of the management that we are eager to negotiate		

	<p>will put us at a disadvantage, hence you will have to manage this somehow?</p> <p>Sameer: The company’s management will also agree to a quicker resolution. So if I agree to settle this out of court, I can get the money right away.</p> <p>Lawyer: It might be convenient but we can get a better victory through taking on the company in the court. We will both get a lot of publicity and a bigger settlement.</p> <p>Sameer: To be honest, I don’t want to fall out with the management, I am in need of this job.</p> <p>Lawyer: You mentioned “fall out”. Which solutions do you think may lead to the situation that you fall out with your management?</p> <p>Sameer: Except for the private talk with them, all others will.</p> <p>Lawyer: I see that you are only interested in negotiating, so let us discuss it: In what manner should it be to talk with your management? On one hand it helps to ease the intense relations with them, and on the other it prevents them from making things difficult for you in the future. What’s more, have you ever thought that what if the negotiation fails?</p> <p>With reference to the above conversation answer Q 17 & 18</p>		
Q 17.	Critically analyze the positives and shortcomings of the legal counsellor in above scenario.	10	CO3
Q 18.	Discuss the steps of an effective counselling plan.	10	CO3