**Comenius University / International Journal of Clinical Legal Education Conference**

**ENCLE - IJCLE 2019 Improving the Future: Using Clinical Legal Education to Educate Lawyers for a Just Society**

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| Title | Ms |
| Lead Presenter First Name | Alina |
| Lead Presenter Last Name | Starosta |
| Organisation of Lead Presenter | University of the Witwatersrand and Wits Law Clinic |
| Name/s and details of other presenters |  |
| Title of Proposal | Teaching effective legal counseling as the heart of legal problem-solving: diagnostic lessons from psychology for Clinical legal programs |
| Summary of Proposal | The premise of this article is that to be effective legal counsellors, law students need to be exposed to psychological antecedents (which may apply to their clients, their client’s opponents, the persons adjudicating their disputes or even themselves) so that they are better equipped to accurately diagnose and thereafter, treat legal problems, which invariably human problems. A legal opinion is not unlike a medical prognosis, often, the legal prognosis determines the ultimate course of action that the client is willing to take and the importance of skilled interviewing and counselling cannot be overstated. |
| Abstract Proposal | Presenter: Alina Starosta LLB (Wits) LLM (Wits) phd Candidate Lecturer, Supervising Clinical Attorney (Property and Evictions Unit) Alina Starosta completed her articles at the Wits Law Clinic where she now heads up the Property and Evictions Unit. Alina is presently reading for her phd in Clinical Legal Education. Her research interests include CLE, Property Law and Criminal Law.  Abstract of presentation: The Hippocratic oath is based on the idea that a physician must be able to tell the antecedents, know the present, and foretell the future. He must mediate these three things and have as his primary aim, the goal to ‘do no harm’. Based on this premise, a skilled diagnostician knows how the body works, by analogy; a skilled attorney must know how the mind works. Considering how much time lawyers spend interviewing and dispensing legal advice to clients, lawyers as ‘counselors’ is not an entirely new concept but traditional legal education, even in the clinical context, does very little to teach students how to be good with people or what skills are needed to effectively counsel clients. If the goal of a doctor is to diagnose symptoms with a view to treat or cure illness, then the ultimate goal of an attorney would be to diagnose and solve (treat) legal problems. A legal opinion is not unlike a medical prognosis, often, the legal prognosis determines the ultimate course of action that the client is willing to take. A well-informed prognosis is ultimately dependent on an accurate diagnosis of the legal problem - a task conducted by lawyers during the initial client interview. Thus, the lawyer’s prognosis is dependent on the accurate flow of information between the attorney and client during the interview.  During an interview, the attorney and client are both perceivers of information. A perceiver of information is not a passive bystander, he is an active interpreter, one who resolves ambiguities, makes educated guesses about events that cannot be observed directly and forms inferences about associations and causal relations. Psychological insights into concepts of perception, preconception, attention and inattention, formulation of schemas, inferential reasoning, confirmation and correspondence bias, illusory correlations, priming and reality-orienting amongst others are useful tools which inform accurate diagnostic and prognostic functions of attorneys who are ultimately, problem-solvers. The premise of this article is that students need to be exposed to psychological antecedents (which may apply to their clients, their client’s opponents, the persons adjudicating their disputes or even themselves) so that they are better equipped to accurately diagnose and thereafter, treat legal problems, which are also invariably human problems. |