

Ineffective	Effective	Rating
<b>NON-VERBAL BEHAVIOR</b>		
Listener looks bored, uninterested, or judgmental; avoids eye contact; displays distracting mannerisms (doodles, etc.).	Listener maintains positive posture; avoids distracting mannerisms; keeps attention focused on speaker; maintains eye contact; nods and smiles appropriately.	
<b>FOCUS OF ATTENTION</b>		
Listener shifts focus of attention to self: “When something like that happened to me, I...” (Attention focused internally, thinking how you would feel, respond, etc.)	Listener keeps focus on speaker: “When that happened, what did you do?”	
<b>ACCEPTANCE</b>		
Listener fails to accept speaker’s ideas and feelings: “I think it would have been better to...”	Listener accepts ideas and feelings: “That’s an interesting idea, can you say more about it?”	
<b>EMPATHY</b>		
Listener fails to empathize: Ignores emotions or concerns; assumes rather than exploring; expresses judgment (“I don’t see why you felt that...”)	Listener empathizes: “So when that happened, you felt angry.”	
<b>QUESTIONING TECHNIQUE</b>		
Attorney interrogates clients or uses question forms in haphazard fashion. Attorney closes information gathering prematurely and uses primarily closed-ended and leading questions.	Attorney uses questions most appropriate for purpose and client, asking about one topic at a time. Attorney prefers open-ended questions to gather information and direct or closed questions to facilitate disclosures, explore gaps or inconsistencies, or check understanding.	
<b>PROBING</b>		
Listener fails to look for gaps or inconsistencies, fills in with assumptions, or fails to follow up and probe for details.	Listener probes in a helpful way (without cross examining client): “Could you tell me more about that? Why did you feel that way?” “A few minutes ago you said...”	

PARAPHRASING		
Listener fails to check the accuracy of communication by restating in his own words important statements.	Listener paraphrases at the appropriate time.	
SUMMARIZING		
Listener fails to summarize.	Listener summarizes the progress of the conversation at key transitions and asks for confirmation.	
STRUCTURE AND SIGNPOSTING		
Attorney fails to structure questions in a logical fashion or communicate that structure to the client.	Attorney organizes fact gathering in a way that effectively gathers critical details and communicates to the client when moving from one topic to another.	