

Interviewing clients

(A resource for community advice offices and community-based paralegals brought to you by NADCAO, from the Paralegal Manual published by the Education and Training Unit and the Black Sash.)

The process of interviewing a client is as follows:

- Introduce yourself to the client and (if it is the first time) ask for his or her name and address. Write this down.
- Ask the person why he or she has come for help.
- Work out how willing or able the person is to discuss their problem. Sometimes people find it very difficult to talk about their problems to strangers.
- Listen to the client and don't rush to conclusions about what you think the problem is.
- Ask the client what steps he or she has already taken to try and solve the problem before coming to see you.
- Discuss with your client what steps you think are necessary to try and sort out the problem. Explain these steps in detail. The client may only need some advice or counseling or can be referred to a specialist agency that can help him or her.
- If you have to do some work on the case, your next step is to take a full statement.

When you interview someone who comes to you for help it is important to think about the language you use while talking to the person. This refers to the actual language used, as well as the level of language.

What language should you use?

It is always better to interview a person in his or her own language. People find it much easier to tell you about their problems in their own language. It makes them feel more at ease and they will be able to explain themselves better. Confusion and misunderstandings often happen when a person has to explain a problem in a language which is not his or her home language. If you cannot speak the language of the person you are interviewing, then you should have someone with you who can translate. If you need to have a translator this person should have a good understanding of both languages and it helps for them to have some basic knowledge of the law.

If you write to your client, you should also try to write the letter in your client's language.

Using the right level of language

It is important that the person or people you are trying to help can understand your words and sentences properly. If you do not explain things plainly and in a way that is easy to understand, you will not be helping your client. Your client will not learn anything from you and will not be able to help you try and sort out the problem.

These are some examples of language problems:

- Using difficult legal words, for example substantive, prescription or discretionary.
- Using a difficult explanation to explain a difficult word, for example, explaining that an interdict is 'a civil remedy calling on the offending party to refrain from harming the applicant' is not as easy to understand as saying that an interdict is 'a special kind of court order which you can get to protect you from some harm or danger'.
- Using foreign or Latin words, for example quid pro quo, rule nisi, inter alia or vis-à-vis.
- Using jargon (words that are usually only clear to a certain group of people), for example workerist, dynamics or concretise.