

UPSCALE ACCUSATIONS INITIAL INTERVIEW INTERVIEW EXERCISE

Instructions for the Attorney

You are a fourth year associate at Spatz & Weller, a medium-sized firm in downtown Cincinnati. You work in the firm's labor and employment group and have generally been the associate "second chairing" a partner on large litigation cases. You were delighted to receive a call from one of the partners in the corporate transactions department, referring you this matter from his client, Upscale Exhibits.

Upscale Exhibits is a small business specializing in design for historical and artistic displays and exhibits found most often in museums, trade shows or large building lobbies. Upscale Exhibits worked with Spatz & Weller's corporate transaction department to create its original partnership documents twelve years ago. Recently, one of Upscale Exhibits' co-owners, JB Clark, called his Spatz & Weller corporate lawyer and said that the company has been sued for age discrimination by a former employee whom he terminated a year prior. The attorney referred the matter to you.

Your administrative assistant has set up your initial interview with JB Clark. Prepare for the interview. Remember, the point is NOT to give advice at this time, but rather to establish a relationship with Clark, learn whether you would work well together or not, and learn what you can about the matter at hand. Based upon your experience in labor and employment law, you know that with age discrimination cases the devil is in the details. You want to be able to give wise counsel in the future (though not in the interview).

Assume that just prior to the interview you had a chance to review the complaint and that the only claim against Upscale Exhibits is age discrimination. You know that a law suit alleging employment discrimination must have been preceded by an Equal Employment Opportunity Commission (EEOC) action. You make a note to ask Clark about the details of those proceedings.

Within the context of the initial interview, you should be prepared to explain confidentiality in the lawyer-client relationship and your fee. The law firm generally bills on an hourly basis. Your normal rate has been \$175 per hour, though it has been discounted at times when you were working with a partner. As associates become more senior, their rates are often raised. Within the last month or so, it has been suggested that your rate should be adjusted to \$200 per hour in appropriate matters. For an extended litigation, you have the discretion to request a retainer, against which your fees would be billed.