

Motivational Interviewing: A Basic Guide for Attorneys

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*I. What is Motivational
Interviewing?*

Philosophy

“People are generally better persuaded by the reasons which they have themselves discovered than by those which have come into the mind of others.”

~ Blaise Pascal, French mathematician, physicist and religious philosopher

Definition of Motivational Interviewing



A person-centered, goal-oriented approach for facilitating change through exploring and resolving ambivalence.



Miller, W.R. (2006) Motivational factors in Addictive Behaviors.

Spirit of Motivational Interviewing

Autonomy (vs. Authority) - Client is responsible for the change



Collaboration (vs. Confrontation) -
Work in partnership



Evocation (vs. Education) - learn
from the client

The Goal

To Facilitate

Fully Informed,

Deeply thought out,

Internally motivated choices.

Why is this Important?

Lawyers are trained to propose a solution and advocate for that solution. For clients with preexisting trauma, this often means that we are missing half the picture for what we need to advocate on their behalf.

Worse, it means we may be advocating for an outcome that the client doesn't even want.

How can MI be effective in a legal setting?

01

Being client-centered does not mean that the topic of conversation is random

02

The topic is determined by the reason (e.g., civil lawsuit against the BOP) the client is there

03

Being client centered means that the conversational focus is on the client's concerns, fears, and lack of knowledge about how to make the change

04

Helps to ensure that clients feel Heard & Empowered - which also helps make them more cooperative if you have to deliver bad news



II. The Basics of Motivational Interviewing

The Core MI Communication Skills to Elicit Positive Change Talk



OPEN
QUESTIONS



REFLECTIVE
LISTENING

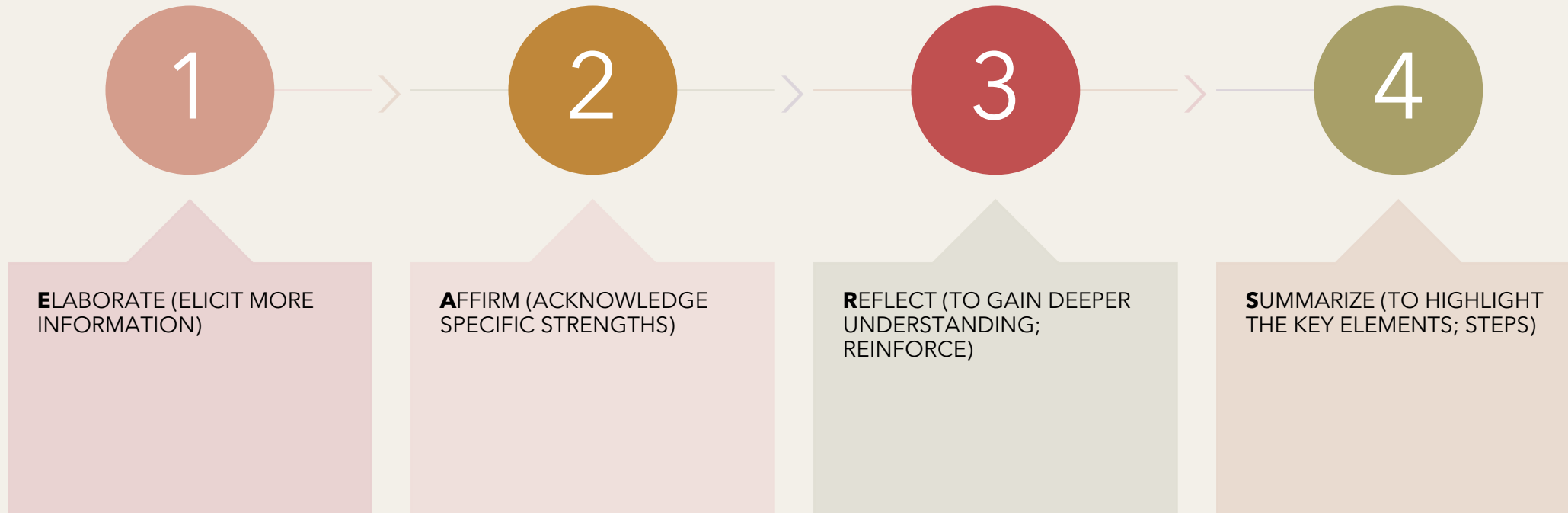


BUILDING
MOTIVATION



SUMMARIZING

Skills to Use when Hearing Change Talk



Open Questions to Promote Change


- Problem Recognition (e.g., how do you feel about what has happened so far in your case?)
- Expression of Concern (e.g., what worries you about this lawsuit?)
- Intention to Change (e.g., what would you like to see happen?)
- Optimism (e.g., what made you feel that now was the time to get this lawsuit filed/started?)



Reflective Listening


Checks out and conveys your understanding of what the client is trying to communicate

- Hearing what the speaker is saying
- Making a “guess” at what he/she means
- Verbalizing this “guess” in the form of a statement



***Transforming
Concerns into
Motivation by
letting People
talk about their
values***

Letting people talk about their values (such as family, patriotism, health, accountability, etc.) allows people to see possible connections between their values and making a behavior change





*III. Motivational Interviewing in
Practice*

MI can be used to build rapport, right away.

Example

Imagine you pick up a pro bono case involving a client who is suing the Bureau of Prisons for an assault that occurred during a routine dental exam.

Generally, what are you asking that client as part of your intake assessment now?

Example

Imagine you pick up a pro bono case involving a client who is suing the Bureau of Prisons for an assault that occurred during a routine dental exam.

How would you change your approach using a motivational interviewing technique?

Example

Imagine you pick up a pro bono case involving a client who is suing the Bureau of Prisons for an assault that occurred during a routine dental exam.

As soon as you call, the client launches into a tangential side story about witnessing an assault in the cafeteria. How do you handle this?

Example

Imagine you pick up a pro bono case involving a client who is suing the Bureau of Prisons for an assault that occurred during a routine dental exam.

Halfway into the intake process, the client's story seems to not add up to the story that is in the complaint. How can you use motivational interviewing to help you clear this up?

Example

Imagine you pick up a pro bono case involving a client who is suing the Bureau of Prisons for an assault that occurred during a routine dental exam.

As soon as you call, you immediately have the impression that the client is undergoing an active hallucination or is in an active psychotic state. What can you do to handle this?



Questions?

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