

## **Guidance for Students in Conducting and Summarizing Interviews**

Stone Soup Dispute Resolution Knowledge Project

hosted by the University of Missouri Center for the Study of Dispute Resolution

### **In General**

In your interview, you will try to get the best possible understanding of a negotiation that you can. To do this, you will need to enlist the cooperation of your interview subject to discuss important matters. This is similar to the process when lawyers and other professionals conduct initial interviews of clients who may be reluctant to fully or accurately describe the facts. Lawyers or other professionals are required to protect their clients' confidentiality, though they generally can do so as long as they do not disclose information that could identify people in the case.

So your first order of business is to gain your subject's confidence that you will protect the confidentiality of the information provided and that you will treat him or her with understanding and respect.

This process begins with your first contact to invite the person to be interviewed, and you should assure him or her that you will be very careful in protecting confidentiality. The model letter inviting people to be interviewed illustrates how to do this.

Respecting the subject's time is an important way to help gain his or her confidence. You should accommodate his or her preferences as much as possible in scheduling the time and manner of the interview. Send a reminder email or text the day before the interview to confirm that the subject is still available at the time you scheduled.

Be on time for your interview. Being late is an immediate sign of not respecting the subject's time. If you will be late or need to reschedule, let the subject know as soon as possible.

### **Conducting the Interview**

Develop rapport from the outset of your conversation. Begin by thanking the subject for taking the time to talk with you. Then mention that you scheduled the interview to last a half hour and ask if that still works for the subject. Sometimes things come up and subjects don't have a full 30 minutes. If so, you should adjust your interview accordingly, reschedule, or plan to finish at a later time.

To begin the interview, **remind the subject that you will not disclose his or her name or anyone mentioned in the interview. To further protect confidentiality, tell the subject not to mention anyone else's name and, instead, use generic descriptions such as the person's client or lawyer, the other lawyer, a manufacturing business, etc.** Tell the subject not to provide any information that might be relevant in future litigation. If the subject states someone's name, do not record it in your notes.

Conduct the interview in a conversational manner rather than simply asking a list of standard questions. Feel free to use your own language if you think that will be more effective than using the wording of the questions in the assignment. Whenever appropriate, ask follow-up questions.

During the interview, use plain English as much as possible and avoid using dispute resolution terminology because the subject may not be familiar with it. Generally avoid expressing judgments about what the subject says. Certainly avoid criticizing the subject or his or her client or lawyer etc. You should also generally avoid agreeing with the subject's perspective. Instead, using verbal and non-verbal communication, you should convey that you understand. As appropriate, you may summarize your understanding of what the subject said and check if you understand it correctly.

You should adopt the mindset of a tactful investigator to get as thorough and accurate understanding of a negotiation process as possible. Pay particular attention to anything that seems unusual or surprising and ask follow-up questions. Whenever appropriate, ask the subject about others' perceptions of particular issues. For example, if you interview a lawyer, you might ask how the other side or his or her client viewed an issue.

You may choose to hold off asking some follow-up questions until after you finish learning the chronology because the follow-up questions may distract from the chronology and cause you to miss important events. This is also a good time to review the questions in the assignment and ask any questions that you haven't already covered.

If your subject is uncomfortable answering a question, do not press him or her to do so. Instead, try rewording the question so that the subject would be comfortable answering or just move on to the next question.

Finally, ask if there is anything important that you didn't discuss about the case. Then thank the subject for his or her time and cooperation.

### **Taking Notes of the Interview**

Take notes of key points, recognizing that you probably won't be able to take verbatim notes. If the subject uses vivid and distinctive language to make an important point, make a note of that language and put it in quotation marks in your notes.

In general, use single letters to refer to particular individuals or entities, which will help you take notes faster.

If you conduct the interview in person, periodically look up to maintain eye contact. If you conduct the interview by phone, you can use a speakerphone feature and type your notes into your computer.

In any interview, you may need to pause a number of times to keep up with taking notes of the conversation. Feel free to tell the subject you need to stop for a moment to write your notes before resuming the conversation.

**As soon as possible after the interview, review your notes and fill in any important points that you may have omitted in your notes.** It is important to do this promptly because your memory will fade quickly.