

## **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 case 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. If you interview lawyers or other professionals, they 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. (See the document with more information about confidentiality of interview reports.)

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. If you schedule the interview for a time more than a week or two in the future, send a reminder email or text a few days 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 an hour and ask if that still works for the subject. Sometimes things come up and subjects don't have a full hour. If so, you should adjust your interview accordingly, reschedule, or plan to finish at a later time. It is a good idea to start with some "small talk" about safe topics such as traffic, weather, sports, school, mutual acquaintances etc.

After a few minutes, shift the conversation 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. Even if the subject states someone's name, do not record it in your notes.

Then ask if the subject has any questions and, if so, answer the questions.

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. If you think it really would help to use some of this terminology, define it clearly and make sure that the subject accurately understands what you mean.

Generally avoid expressing judgments about what the subject says. You should 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 may be tempted to simply "find" that a case fits the concepts in your course. Theoretical concepts can help us to understand things more clearly. But they also can be blinders focusing attention only on what we expect to see and causing us to ignore things that don't fit the theory. Comparing theory with actual practice is a major purpose of the assignment. So look for anything that seems to deviate from theory – as well as to analyze things that seem to fit. In other words, **you should try to be truly open-minded about whether the subjects' accounts fit the theory or not.**

You should adopt the mindset of a tactful investigator to get as thorough and accurate understanding of a case and the process as possible, especially an understanding of the sequence of events. Ask questions probing for other possible explanations of the events rather than simply accepting statements at face value. 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.

When you ask about the case, start at the beginning, and after each event, ask what happened next. You may make notes of questions you want to ask after asking all the questions about the basic chronology. You may 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 appropriate, you may ask the subject if there are any documents that he or she would be willing to provide relevant to your case. If the subject is willing to provide any documents and they include any identifying information, you should redact it so that it is cannot be retrieved. In that situation, substitute codes for any individuals or entities identified in the document and keep a separate document with the codes. If you get any documents from the subject, you may refer to them in your paper, being careful to avoid including information that could identify any party. If you get any documents from the subject, destroy them after you no longer need them for this assignment.

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. Similarly, do not press a subject to provide any documents that he or she does not want to provide.

After you finish asking about the chronology of events, review the list of questions in the assignment and ask any questions you don't already have the answers to.

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.

You may record the interview with the subject's permission, though I encourage you not to record it. Part of the purpose of this exercise is to give you practice in conducting interviews and you generally won't record interviews in your work. Sometimes the quality of the recording is poor and you may have a hard time understanding the conversation. In addition, listening to and transcribing interviews takes much more time than most people realize. Although you are unlikely to be subpoenaed in connection with the interview, having a recording may make it more likely that you would be subpoenaed, so not recording and transcribing the interview would reduce your risk. On the other hand, recording interviews can free you to focus on the interview. If you record your interview, to protect confidentiality, do not transmit the recording electronically. In any case,

destroy your notes and any recording or verbatim transcript of it as soon as you no longer need them for this assignment. [Note to faculty: you may want to instruct students not to record interviews at all unless students need to do so because of disability.]

**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.

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