

**QUESTIONING**

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# You are what you eat!

Most of us pay scant attention to the types of questions used in everyday conversation. But the moment's reflection will demonstrate that you probably react differently according to the kind of question you are asked.

For many reasons, not everybody would answer our questions in the same way. **Why?**

What is true in everyday life is true in lawyer-client conversations. The information you get from client are all influenced to some degree by the kinds of questions that lawyer ask.

# Forms of Questions

- **Open Questions/ Semi- Open Questions**
- **Closed Questions**
- **Yes-No Questions**
- **Leading Questions**

# Open Questions

- Allow clients freedom to speak at some length and on a wide choice topics.
- Indicate lawyer's expectation that client respond at some length and allow a client to respond in subject matter and his or her own words.

# Semi-Open Questions

- This type of question combines the control of the closed and semi-closed questions with the fruitfulness of the open question.

Open-Questions	Semi-Open Questions
Tell me what brought you in here? [Wide length of information]	Tell me about your family? Subject matter limitation
What was your relationship with your wife like?	What happened after the meeting? Chronological limitation
How do you account for the financial problems that you were both facing following the birth of your second child?	How will your employees react if you move the business to a new location? Possible consequences of a proposed decision on a group of employees
Why do you blame yourself for the breakdown in communication?	What did you tell your wife in that telephone conversation?
	What did she say to you when you returned home?

# Open Questions/Semi-Open Questions

## Advantage

- Allow clients to decide what information is significant
- Provide “recognition”
- Avoid potential inhibitors; Ego threat, case threat, etiquette barrier.
- Gaining complete data
  - Client’s problems and experiences are unique.
  - Preserving client’s trains of thought.
  - Promote accuracy of information

## Disadvantage

- Put much burden for recalling and describing information on a client.
- Not suitable for “greater need” type too much.
- Not sufficient for gaining complete [too wide length of information]

# Closed Questions

- Closed questions select the subject matter of a client's response and also limit the scope of reply. [seek specific data]
- A phrase or a single word will often suffice.



## Closed-Questions

What is your name, please?

When did you leave your wife?

In which hand was she holding the gun?

How fast was the blue car going?

You then moved in with your mother and following that you lived with which brother, David or Geraint?

How many employees are likely to quit if you move the business to a new location?

# Closed Questions

## Advantage

- Confirm some specific facts
- Elicit Details
- Sometimes motivate clients  
**[not too wide length of answer, specific area of answer]**

## Disadvantage

- Too many closed questions may **HARM RAPPORT**
- Often prevent you from learning important information
- Can create inaccurate response [client may only provide details which fulfill lawyer's expectations]
- May distort responses. Does he good? [more details]

# Yes-No Questions

- Yes-No questions are a commonly employed form of closed question. Client only to confirm or deny it.
- Was she holding the gun in her left hand?
- Was the blue car exceeding the speed limit?
- Will some employees quit if you move the business to a new location?

# Leading Questions

- **Not only provide all the information that you seek but also suggest the desired answer.**
- **There are normally two forms of questions.**
  - First : encouraging client either to agree or disagree with the statement made by the questioner
  - Second: leading one answer if it offers a choice of answers. [answer again is being suggested in the question]

## Leading Questions

She was holding the gun in her left hand?

The blue car was going over 65 correct?

I take it you'll lose some employees if you move the business to new location?

# Leading Questions

## Note

- Overcome potential inhibitors
- Prevent you from learning important data
- May be ethically improper