

Legal Empowerment in Practice: A strategy for fostering client engagement, agency, and self-advocacy skills in legal representation and consultations

Please introduce yourselves in the chat!

**A Webinar for the NWLC Legal Network for Gender Equity
The Right Question Institute**

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In this session we will:

- Experience a method to help **clients** ask their own questions and participate effectively in decisions.
- Explore how the method can be integrated into your work.

Agenda

- Background
- An experience in the method
- Unpack the method and explore its applications to work with clients
- Review guidelines for using the method and introduce specific tools you can integrate into your work
- Next steps and Q&A

After the session

- **Evaluation**
- Look for an email with:
 - A **recording** of the session and the powerpoint slides
 - Download link for the **resources** introduced today
 - Opportunities for **personalized support**

An interactive session



Individual work with pen &
paper or computer
document



Sharing with other
participants in the chat box

Before we get started...

- **Pre-session poll:**
 - Do you currently have a specific strategy for client empowerment?
 - If so, what does that strategy entail?



Background on the Right Question Institute

The Right Question Strategy

An educational strategy that fosters the development of two skills essential for agency and effective action:

- Asking better questions
- Participating more effectively in decisions

Why questions? Why decisions?

Asking questions is a foundational skill for thinking, learning, and taking action.

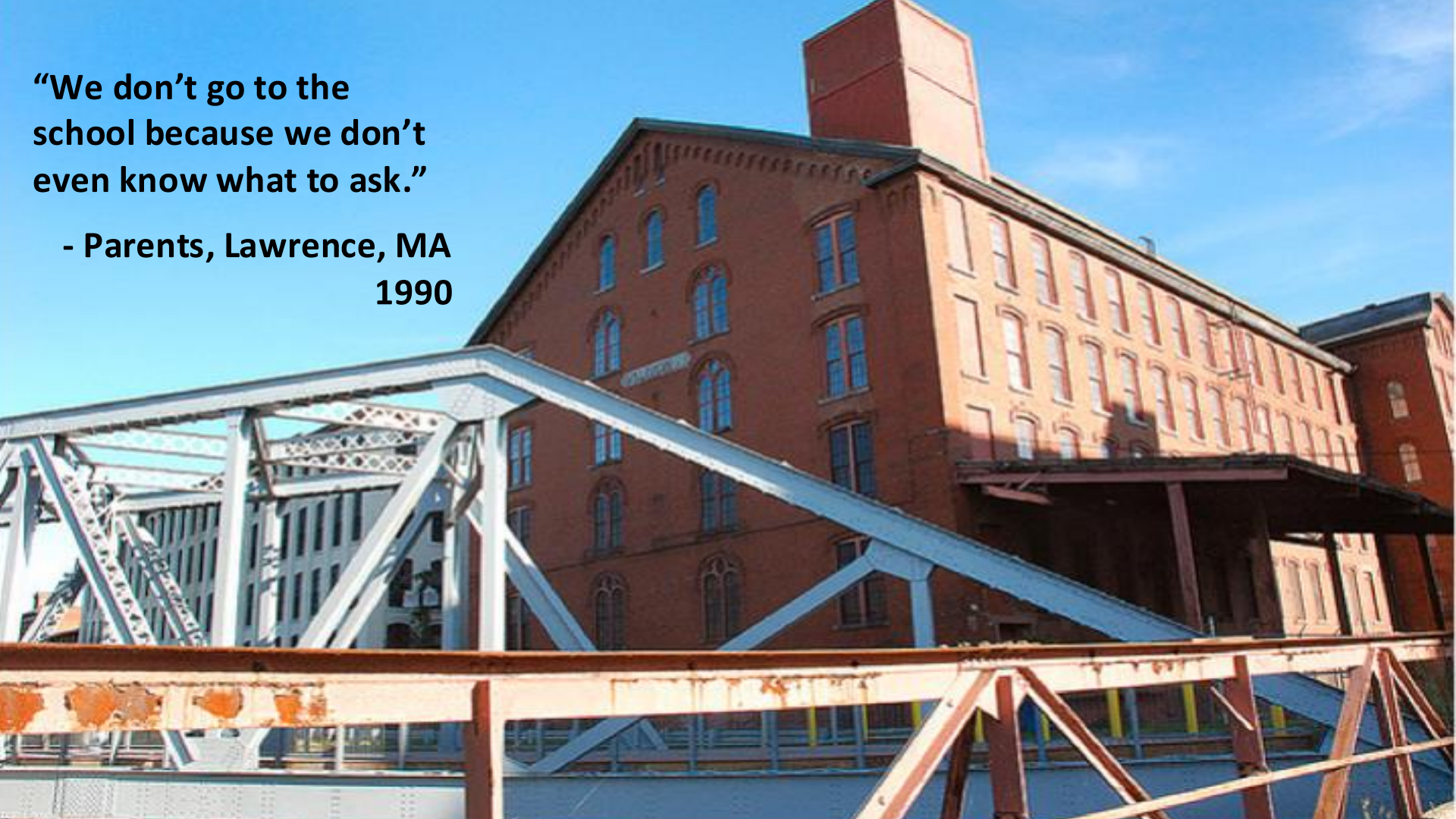
The ability to **focus on decisions** helps people become more effective and strategic.

People become more engaged, understand more, and discover their own power.

These two skills are rarely taught.

**“We don’t go to the
school because we don’t
even know what to ask.”**

**- Parents, Lawrence, MA
1990**



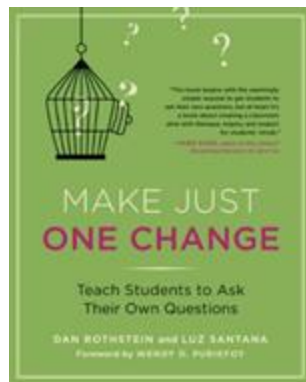


Right Question
Institute

A Catalyst for Microdemocracy



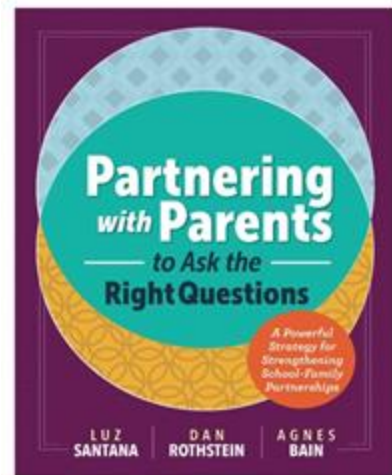
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Journal



An experience in the Right Question Strategy



Rules for Producing Questions

1. ASK AS **MANY** QUESTIONS AS YOU CAN
2. DO **NOT STOP** TO ANSWER, JUDGE OR DISCUSS
3. WRITE DOWN EVERY QUESTION **EXACTLY** AS IT IS STATED OR COMES TO MIND
4. **CHANGE** ANY STATEMENTS INTO QUESTIONS

What might be difficult about following these rules?

Today's Question Focus

Choose one of these statements for your Question Focus:

Your child might be held back in the same grade
for one more year.

The doctor might be changing your medication.

Your child might be held back in the same grade for one more year.

OR

The doctor might be changing your medication.

- Ask as many questions as you can.
- Do not stop to answer, judge, or discuss.
- Write down every question exactly as it comes to mind.
- Change any statements into questions.



Categorizing Questions: Closed/Open

- **Closed-ended** questions can be answered with a “yes” or “no” or with a **one-word** answer.
- **Open-ended** questions require more **explanation**.

Identify your questions as closed-ended or open-ended by **marking them** with a “**C**” or an “**O**.”



Closed- and Open-Ended Questions

Closed-ended questions	
Advantages	

Closed- and Open-Ended Questions

Closed-ended questions	
	Disadvantages

Closed- and Open-Ended Questions

Open-ended questions	
Advantages	

Closed- and Open-Ended Questions

Open-ended questions	
	Disadvantages

Improving Questions

Change one **closed-ended question** so it becomes **open-ended**.



Change one **open-ended question** so it becomes **closed-ended**.



Prioritizing Questions

Review your list of questions.

Choose three questions you consider *most important* from your list.

While prioritizing, think about the Question Focus you chose:

Your child might be held back in the same grade for one more year.

The doctor might be changing your medication.



Focusing on decisions

A simple definition:

A **decision** is the selection of one option from among two or more options.

When decisions are made it is important to focus on:

- The **OPTIONS**
- **REASONS** - the basis or explanation for a decision.
- **PROCESS** - the steps and actions taken, people involved, and information used in making the decision.
- **ROLE** - the part you play/ the part the people affected by the decision play in the decision-making process. For example, you make the decision, someone else makes the decision and you give your opinion, you give information, you accept or challenge the decision.

Identify one question that will help you learn about:

- The **REASON** for the decision.
- The **PROCESS** for making the decision.
- Your **ROLE/the ROLE** of the people affected by the decision.

Add a new
question to your
list if you
don't have one

Share



Please share in the chat box:

- One of your three priority questions
- One of your questions related to reason, process, or role

Reflect



What did you learn?

How do you think your clients could benefit from using a similar process for formulating questions?

CLE Code

Unpacking the method & applications in the field

The Question Formulation Technique

1. Question Focus

2. Producing questions

1. Ask as many questions as you can
2. Do not stop to discuss, judge or answer
3. Record *exactly* as stated
4. Change statements into questions

3. Improving questions

- Categorize questions as closed or open ended
- Change questions from one type to another

4. Strategizing

- Prioritize your questions
- Action plan or discuss next steps
- Share

5. Reflecting

The Question Formulation Technique

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- Share

5. Reflecting



Divergent thinking





Convergent thinking



Metacognitive thinking

The Voice in Decisions Technique

1. Question Focus
2. Producing questions 
3. Improving questions
 - Categorize questions as closed or open ended
 - Change questions from one type to another
4. Strategizing on how to use questions
 - Prioritize questions
 - Define “decision” and elements in decision making 
 - Reason(s): the basis for a decision
 - Process: the steps and actions taken, people and information involved
 - Role: the part people affected by the decision play in the process
 - Identifying questions about reason, process, and role
 - Optional: develop an action plan or discuss next steps
7. Reflecting

1. Ask as many questions as you can
2. Do not stop to discuss, judge or answer
3. Record *exactly* as stated
4. Change statements into questions

Decision: Choosing one option from among two or more

The Voice in Decisions Technique

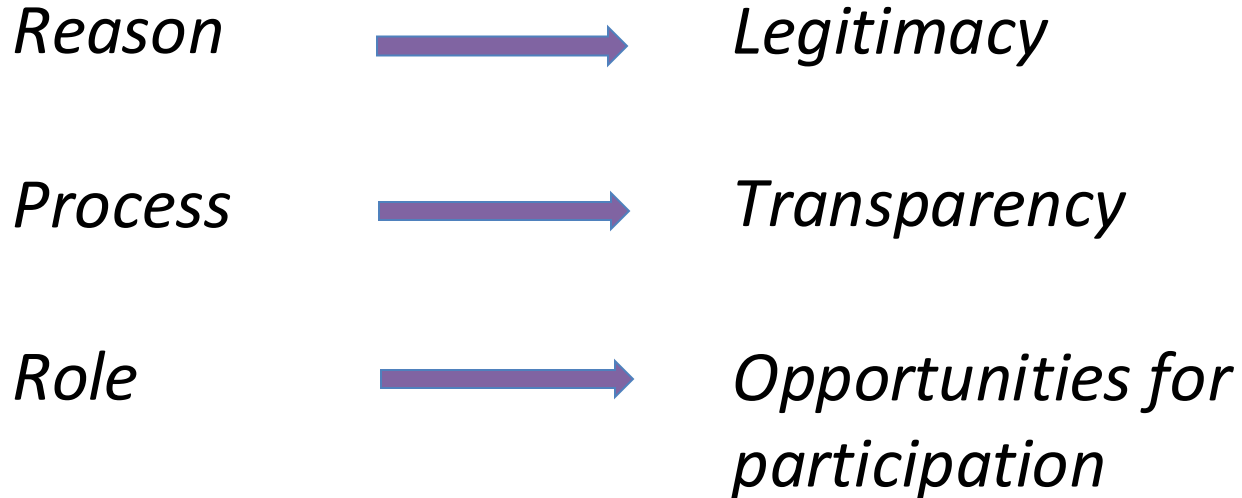
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Decision: Choosing one option from among two or more

Three criteria for accountable decision-making that correspond to key democratic principles



Using the process

One small shift in practice:
the client is the one asking their own questions

How does this connect to empowerment?

When people formulate their own questions . . .

- People feel a stronger sense of **agency** as they navigate systems
- People are better able to **advocate and make their voice heard**
- Attorneys and their clients **build trust and partner** more effectively together to achieve better outcomes

How does this connect to lawyering?

- Supporting client decision-making
- Communication and counseling for clients
- Serving diverse populations

Three changes as outcomes



COGNITIVE



AFFECTIVE



BEHAVIORAL

“Estás más preparado. sabes lo que quieres. Cuando sabes lo que quieres, buscas la forma de obtenerlo. **[You are better prepared. You know what you want. And when you know what you want, you can look for a way to get it.]**” - Nelida Herrera, Sacramento, CA



“It helps you advocate for yourself, **without feeling overwhelmed or inferior** to what someone might have. I wasn’t intimidated any more... **it makes you feel like, ‘I can do this.’**” - Alicia, Boston, MA



“I didn’t know I could ask questions at the school. But, **by doing that, I was able to get my son the services he needs.**” - Session participant who learned to advocate for her son with a hearing impairment, Massachusetts



“At the end of using the VIDT, [my clients] have developed questions that are going to make their experience, and their appointment with their attorney, far more productive. It has empowered them to be able to **even formulate what their goal is in the process.**



Utilizing this is definitely putting into practice a **trauma-informed approach.** I’m not making up the questions for them. **I’m not labeling what is of the utmost importance for them. You’re really putting them in the driver’s seat** and allowing them to be able to determine what’s best for their situation.



Young people come out of this with **an actual list of things that they want to get answers to, and accomplish during their time with an attorney.** It makes them feel capable, and shifts their identity going into this appointment with an attorney, which is intimidating. Once again, the young person has become the driver. Instead of just being talked at by the attorney, they’ve got this list of questions because they know what their agenda is and why they’re there. Working with people at difficult times in their lives, there’s a real vulnerability there, and this structure **helps for people to feel safe and to build relationships.** When you can go through something with someone where they are coming upon their own discoveries, it’s pretty powerful.”



Examples of applications

- Preparing families for IEP meetings
- Preparing unhoused youth for court appearances and meetings with attorneys
- Supporting people navigating housing court
- Using a popular education curriculum for organizing workers in a digital economy

Making the strategy work for your needs

- How am I supposed to make time for something additional?
 - Spending 10 minutes can help make meetings and relationships with clients more efficient and productive.
- Is this appropriate for situations where a client is facing an urgent problem, or there is an immediate safety risk?
 - This is not appropriate for all situations! You will know if it is a good time to use a tool for partnering more effectively with clients.
- Some clients are already asking questions, how is this going to help?
 - Having a client prioritize and be strategic can get them better results, when they're working with you or when they're preparing for a different situation.

Integration

What are some specific situations in which you could use a method for helping clients ask their own questions, in initial legal consultations or over the course of their representation?



**Integrating the methods
into your work:**

**The Question Focus and
Facilitation Principles**

The Question Focus

The Question Focus is a stimulus for jumpstarting questions. It is the focus of question formulation.

**Only one requirement for the Question Focus:
*It should NOT be a question.***

Today we used:

Your child might be held back in the same grade for one more year.

The doctor might be changing your medication.

Finding a Question Focus

One key tip for an effective Question Focus:
The simpler, the better.

- The Question Focus is usually presented as a statement or phrase:
 - Your doctor says you might need surgery.
 - Your application for services has been denied.
 - The judge might deny you custody of your child.
 - Your hearing tomorrow.

For finding questions about reason, process, and role:
The Question Focus must include a decision

Examples of applications

- Preparing families for IEP meetings
Example Question Focus: “The school recommends an IEP to help your child”
- Social worker preparing unhoused youth for court appearances and meetings with attorneys
Example Question Focus: “The emancipation process”
- Supporting people navigating housing court
Example Question Focus: “You have been denied benefits”
- Using a popular education curriculum for organizing workers in a digital economy
A Question Focus related to the expertise of the person they will be interviewing

Developing a Question Focus

- Think about some common issues or situations that you help clients deal with.
- Try turning that issue or situation into a statement to give to the client to produce their questions.




Facilitation

5 Steps for Asking Better Questions

Asking your own questions can help you get more information and advocate for what you need.

Topic:

1. Ask as many questions as you can about the topic.
 - Do not stop to try to answer or judge the questions
 - Write each question exactly as it comes to mind
 - Change any thoughts or statements into questions
2. Find different types of questions on your list:
 - Closed-ended questions: Can be answered with "yes" or "no" or one word. Mark them with a "C."
 - Open-ended questions: Require an explanation. Mark them with an "O."
3. Practice changing your questions to get different information. Change one of each:
Closed → Open Open → Closed
4. Choose the three most important questions for you. Mark them with an "X"
5. Reflection: Why did you choose those three questions? What did you learn? How can you use it?


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USING THE QUESTION FORMULATION TECHNIQUE (QFT): A FACILITATION GUIDE

The Question Formulation Technique (QFT) is a simple process that can help people produce their own questions, improve them, and strategize on how to use them. This guide helps you, the facilitator, lead a participant through the process to help them feel more agency, build confidence, and advocate for themselves, in their work with you and beyond.

The QFT includes five basic components:

1. Question Focus: this is the prompt or topic that participants will use to ask questions. This guide will show you how to come up with a Question Focus for the participant or help a participant come up with their own.
2. Producing Questions: participants produce their own questions using a set of four rules.
3. Improving Questions: participants look at the difference between closed and open ended questions, categorize their questions, and practice changing questions from one type to another.
4. Strategizing: participants prioritize their questions. Depending on your goals and the amount of time you have, they can also create an action plan and determine next steps.
5. Reflecting: participants reflect on what they have learned through the process.

During the process, your role is **just to prompt the participant to do the thinking and ask their own questions**. Be sure not to give examples of questions, not to answer the questions as they are being produced, and not to judge the questions. By allowing them to come up with their own questions, you're helping them gain confidence. You can answer questions later or help them get the information they need to answer their questions.

This might feel strange at first. The participant may want you to explain what you want them to ask or say. You may want to be helpful by giving examples or commenting on their questions. But you are helping them develop important skills by giving them a structure they can always use to ask questions on their own.

Facilitation

- What did you notice about how we facilitated the process today?



Facilitation tips

- Introduce the process as quickly as possible
- Do not explain the topic or question focus or give examples of questions
- Do not stop to answer the questions as they are being produced – that is not your role
- Make sure to leave time for reflection – what did you learn?
How can you use it?

Next steps


Next steps

- Look for an email with:
 - A **recording** of the session and powerpoint slides
 - **Resources**
 - Teaching templates in English and Spanish
 - Videos of one-on-one facilitation
 - Opportunities for **personalized support** and **further training**

5 Steps for Asking Better Questions
Asking your own questions can help you get more information and advocate for what you need.

Topic:

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Some final thoughts

Free Resources

The Right Question Institute offers many of our resources and methodology through a Creative Commons License and we encourage you to make use of and/or share this resource. **Please reference the Right Question Institute** as the source when using our resources or methods.



Source: www.rightquestion.org

CLE Code

Thank you!

Now, some time for your questions.

We are eager to hear from you:

naomi.campbell@rightquestion.org

Register to access free resources at: www.rightquestion.org

In the medical literature

Alegría, M., Polo, A., Gao, S., Santana, L., Rothstein, D., Jimenez, A., Hunter, M.L., Mendieta, F., Oddo, V., Normand, S.L. (2008). **Evaluation of a patient activation and empowerment intervention in mental health care.** *Med Care*, 46(3), 247-56.

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Deen, D., Lu, W.H., Rothstein, D., Santana, L., Gold, M.R.(2011). **Asking questions: the effect of a brief intervention in community health centers on patient activation.** *Patient Education and Counseling*, 84(2), 257-60.

Lu, W.H., Deen, D., Rothstein, D., Santana, L., Gold, M.R. (2011). **Activating community health center patients in developing question-formulation skills: a qualitative study.** *Health Education & Behavior*, 38(6), 637-45.

Deen, D., Lu, W.H., Weintraub, M.R., Maranda, M.J., Elshafey, S., Gold, M.R. (2012). **The impact of different modalities for activating patients in a community health setting.** *Patient Education and Counseling*, 89(1), 178-83.