

Legal Interviewing Guide

During The Interview

- Never interrupt the candidate while he/she is talking. You just might miss something.
- Avoid agreement or disagreement; express only interest or understanding, not personal opinions.
- Avoid terminology that the candidate is unlikely to understand.
- You are in control of the interview; stay on task.
- Avoid reading the application or resume back to the candidates; let the candidates tell you about themselves.
- Be wary of the candidate who speaks negatively regarding former employers or has difficulty answering certain questions.
- Listen, Listen, Listen...
- Do not let your personal views or opinions interfere with active listening. Stay focused on the essential functions and qualifications of the job and evaluate if the candidate is able to meet them.

You may not ask at any time while you are with a candidate during the interview process ...

1. What kind of child-care arrangements do you have?
2. Does your spouse expect you to be home to cook dinner?
3. What will you do if your children get sick?
4. How do you get to work?
5. How many children do you have?
6. Does your spouse live with you or contribute to your support?
7. Do you own a home?
8. Do you own a car?
9. Do you have many debts?
10. Do you plan to get married? Do you plan to have children?
11. Are you likely to quit if you get married or have children?
12. Is your spouse likely to be transferred:
13. Would a white supervisor create any difficulties for you? (asked to a person of color)
14. How do you feel about working with members of a different race?
15. Are you a militant?
16. What language does your mother/father speak?
17. Were you born in this country?
18. That is an unusual name, what nationality are you?
19. How old are you?
20. What parish/church do you attend/belong to?

Topics to Avoid During the Interview Process

- Arrest records (you can ask for applicable conviction records)
- Less-than-honorable military discharges
- gender and marital status
- maiden name
- number of children
- ages of children
- number of preschool children
- spouse's name
- spouse's education
- spouses income
- form of birth control
- family plans
- child care arrangements
- car accidents
- lawsuits or legal complaints
- ownership of home or rental status
- length of residence
- ownership of car
- form of transportation to work
- loans/wage assignments or garnishments

Legal Interviewing Guidelines – Sample Questions

You May Ask...

Past work experience

1. Please describe your present responsibilities and duties.
2. Describe the most complex problem you had to solve in your last/current position.
3. Discuss some of the problems you have encountered in past positions and how did you handle them.
4. What do you consider to be your most important accomplishments in your last position?
5. What were some of the setbacks or disappointments you experienced in your last position?
6. Why did you leave your last employer?
7. What would you want in your next job that you are not getting now?
8. In previous positions, how much of your work was accomplished alone and how much as part of a team effort?
9. Describe the most difficult interpersonal challenge you have been faced with and what you did about it.
10. Have you had public speaking experience, if so, who was your audience, and what was the purpose?
11. Describe a time when you went “beyond the call of duty” to accomplish a task.
12. Describe the most difficult person you have ever worked with and how you handled him or her.
13. What kinds of work pressures do you find the most difficult to deal with?
14. What could your last employer have done to retain you?

Education and training

1. In what way do you believe your education and training has prepared you for this position?
2. What special training do you have that is relevant to this position?
3. What license or certifications do you have that are relevant to this position?
4. What professional affiliations do you have that are relevant to this position?

Vacant position

1. In what way does this position meet your career goals and objectives?
2. If you were hired for this position, in what areas could you contribute immediately, and in what areas would you need additional training?
3. What are your salary expectations if offered this position?
4. Can you perform all the essential functions of this job with or without reasonable accommodation?
5. The ability to travel is an essential function for this position. Are you able to travel as required by this position? (*Ask only if travel is an essential function of the position.*)

Attendance and punctuality

1. What do you consider to be good attendance?
2. Do you know of any reason why you would not be able to get to work on time on a regular basis?
3. Are you able to work overtime/evenings/weekends? (If working overtime/evenings/weekends is a regular requirement of the job)

Clerical/Secretarial work

1. What word processing systems have you worked with?
2. Describe the kinds of telephone and receptionist duties you have had?
3. Describe your past experiences with scheduling of appointments.
4. Give me an example of a task you performed that required attention to detail, and what you did to ensure accuracy.
5. What kinds of filing systems have you used and or created?
6. Which type of decisions could you make on your own, and which did you refer to your supervisor?
7. What kinds of reports did you develop, create, or produce? What computer program(s) have you used?

Management

1. What was the level of your decision-making authority in past positions?
2. Give me an example of a decision you made that backfired and what you did about it.
3. Have you experienced political pressure that interfered with your getting the job done?
4. Describe your experience with setting goals and objectives.
5. Describe your experience in developing and monitoring budgets.
6. What is your most innovative accomplishment?
7. What experience do you have with communicating effectively?
8. What experience have you had with public presentations?

Supervision

1. Describe the positions in which you have had supervisory responsibility. How many people have you supervised and in what kinds of positions.
2. Give an example of a time when you were disappointed by an employee's lack of accomplishment and what you did about it.
3. What do you feel are acceptable steps in progressive discipline?
4. In your opinion, what motivates employees?
5. Describe an innovative way you handled a conflict involving two or more of your subordinates.
6. What kinds of things can a supervisor do to create a positive working environment?
7. What recognition and reward systems for subordinates have you found most effective?
8. Describe the most serious complaint an employee brought to your attention and what you did about it.

Americans with Disabilities Act (ADA)

The ADA was signed into law in 1990. This law requires that employers do not discriminate against individuals with disabilities during the hiring process. Disability under this law is defined as the state of having a physical or mental impairment, which substantially limits one or more major life activities. The law also protects persons who have a record of such an impairment (such as cancer that is in full remission) or being perceived or rumored to have a disability even if they do not (such as untrue rumors that one is HIV positive).

If the disabled applicant or employee is "qualified" for a particular job with a reasonable accommodation, then the employer must treat this person the same as all others in hiring and terms of work. To be qualified, the disabled person must be able to perform the "essential functions" of the job, but not necessarily all the job functions if the others are not essential. **Applicants cannot be asked about any disability they may have until after an offer of employment has been made.** This is to make it clear that the applicant was otherwise qualified, and if after the discovery of a disability the employer withdraws the offer, the issue is reduced to the question of whether the essential functions of the job could be performed with a reasonable accommodation for this disability.

Do not ask

- The nature of a disability
- The severity of a disability
- The condition causing a disability
- Any prognosis or expectation regarding a disability
- Whether or not the person will need treatment or special leave because of a disability

Do ask every applicant ...

- Is there any reason that he/she cannot perform the essential functions of the job
- *Describe an essential job function* and ask the applicant whether or not they can perform the functions with or without reasonable accommodation.
- *After describing the required work hours/schedule*, for the job, ask the applicant if those work –attendance requirements can be met.

Closing The Interview

- Maintain good rapport throughout the interview.
- Make sure the candidate knows what will happen next.
- Follow through promptly as promised.

The material herein is not intended to be legal advice.