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Introduction to Behavioral Interviewing

by

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INTRODUCTION TO BEHAVIORAL INTERVIEWING

Consistent application of the behavioral interviewing technique in every office will be crucial to its successful use as a tool to improve overall quality. Requirements such as high GPA, law review and fluency/writing/speaking ability will continue to be used as screening tools for associates - to assess their technical skills. But the questions asked during interviews of all associate candidates must also require that the candidates give concrete examples of things that they have done that demonstrate the behaviors that the firm's practice groups have identified as the characteristics of "superstar" associates. This will provide a higher quality hiring process and, in turn, bring higher quality candidates to the firm who are more likely to succeed.

Traditional Interviewing vs. Behavioral Interviewing

Traditional interviewing typically focuses on the candidate's achievements, recognitions and work history. It is a "tell us about yourself" format: what is your personal background, what are your strengths and weaknesses, what kind of work did you do in law school or at your previous firm. The traditional method will yield a candidate who fits the general requirements for the job, but does very little to assess whether the candidate possesses the performance skills to succeed in the job.

Moreover, traditional interviewing tends to revolve around what is reflected on a candidate's resume. As a result, the questions are easily predicted and candidates can more readily control the flow of information. Traditional interviews also tend to use hypothetical questions, e.g. "tell me how you would handle a situation where ... " Such hypothetical questions permit a candidate to give purely hypothetical answers that may exaggerate their capabilities.

Traditional interviewing also has a tendency to be very subjective. Interviewers are often drawn to candidates who remind them of themselves, or with whom they share a common background or upbringing. That is not to say common background is irrelevant, but from a performance/skills perspective, it is a rather shallow basis for hiring decisions. It may also run counter to the firm's diversity initiatives in some respects.

Finally, traditional interviews tend to focus on the technical skills needed, whereas behavioral interviews are more weighted towards performance skills. Examples of performance skills include problem solving, communication, analytical thinking, results-orientation.

Behavioral interviewing is an objective measure. It works off the premise that future behavior is best predicted by past behavior. To be sure that a candidate has the capabilities needed to perform the job, there must be some degree of proof that they have demonstrated these behavioral traits in the past.

A behavioral interview is a series of open-ended questions that help obtain a picture of a person's capabilities in previous positions. Such performance-focused questions also force the interviewer to stay on track to make a more objective assessment of the candidate.

When a candidate is asked to provide a specific, detailed picture of his or her performance in a past situation, it provides much greater insight into a candidate's capabilities than does a traditional interview. This process also makes it more difficult for the candidate to exaggerate or create hypothetical situations.

How Behavioral Interviewing is Conducted

The initial step in conducting a behavioral interview is identification of the key behaviors/traits needed in the position. Once all the skills required for the position are gathered, a list of behavioral-based interview questions is prepared for the interviewers to use. This lends itself to more consistent interviews, regardless of the interviewer. The questions require the interviewer to critique the candidate's responses around the identified behaviors. Most behavior-based interview questions ask the candidate to provide detailed information regarding:

- A past situation where they demonstrated the desired behavior;
- the behavior that the candidate performed; and
- the outcome of that behavior.

When a behavioral interview is conducted, each interviewer will choose questions from the various categories listed below and then score the candidate's answers to determine how many aspects of each behavior were shown by the candidate's answers. The specific behaviors we are interviewing for and examples of behavioral interview questions based on the Hinshaw & Culbertson core behaviors are:

Works Hard: This may not seem particularly ingenious, but the associates who tend to succeed here often share the mentality that they can win anything (or advance within the firm) by just outworking the next person. They don't put in long hours for "face time" - they do it because it is necessary to do a first rate job. These are the associates who are proactive and volunteer for the work they want to do and are legitimately busy doing it. When opportunity knocks, they take it, even at the most inconvenient times, like weekends and holidays.

Takes Ownership/Resourceful: The associates who win the confidence of partners "think like partners." From the outset of their careers, these associates give themselves assignments in addition to those the partners give them. They figure out what else should be done on the case so that they can participate in the strategy - they spend time on their own looking into issues and make unsolicited suggestions. These are the associates who worry about all aspects of the case and signal to the partner that they can relax a little, knowing that they are not the only one up at night thinking about how to win the case. They appreciate that an important part of their reputation is whether their work habits cause anxiety or relieve anxiety in partners. They are not "task-oriented" in the sense that they wait for an assignment, complete it and then wait for another; they are not the people who partners feel they need to manage, check on all the time and think about how to keep them busy. They are the associates who carve out areas of a case and take over it, who work up and know the facts of a case better than anyone else. Partners have more confidence in the associate who has dug into the facts and has a command over their part of the file. That is the person who gets the best opportunities - the depositions, the major deals and the key client meetings.

Good judgment: Associates with good judgment watch, listen and learn. This includes figuring out what to say- or not to say- in a client meeting, what to do when something bad happens in a file, when and how to ask for help and how much work to take on. Associates with good judgment recognize that they will make mistakes and deal with them appropriately - they address them quickly, fully and without defensiveness or finger-pointing. When they make a mistake, they figure out who to talk to and come up with a plan to fix it, then they suggest it to the responsible partner.

Motivated/Enthusiastic: Our most successful associates treat their professional development like a case on their docket, with themselves as the client. They set goals, examine big-picture and small-picture items to achieve those goals, and take the initiative. They jump on opportunities for assignments that advance their professional development goals instead of waiting for assignments to come to them. They genuinely have "fun" practicing law. They find it interesting. They recognize that they are not students in school vying for grades anymore, but are part of a collaborative team effort to accomplish something together for the client. These are people who convey a sense of enthusiasm when they are given a project. They do not meet assignments with a sigh or other off-putting body language. They try to communicate to partners that they are a pleasure to work with and can be taken seriously as someone who could have a position of leadership.

Civility/Professionalism: Our best associates view everyone as a client. They anticipate the partner's expectations and deliver on them. They provide this type of client service to everyone with whom they deal - not just clients and partners, but also fellow associates, staff, judges and even opposing counsel. They listen to other people's problems and then make the effort to understand and present solutions. Associates who possess these traits are respectful of others, appreciate urgency, treat their secretaries and legal assistants impeccably, promptly return phone calls and email, arrive on time to meetings and make good on promises. They accept constructive feedback, are dedicated to improving others' experiences and promoting others, share the glory, understand the importance of diversity and cultivate good mentors.

Integrity: Our most sought after associates are honest and display exemplary ethical behavior. When we hire someone with integrity, their colleagues quickly see them as dependable, reliable, trustworthy and accountable for their actions. This assists in building trust among colleagues which is critical for the development of our internal teams and also for establishing strong ties with our clients. Integrity in an associate helps ensure our lawyers act ethically as required by our professional standards and rules.

GOALS

We have implemented a behavioral interviewing process and provided detailed instructions on how to conduct such an interview, including suggested questions and an evaluation form that the members of the Associate Interview Committee will use consistently and teach others to use. We have also developed and implemented a system for conducting interviews that ensures at least one member of the Associate Interview Committee participates in every associate interview the firm conducts, regardless of office or practice group, until such time as the behavioral interviewing process has been internalized at the firm.

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SAMPLE QUESTIONS ON CORE BEHAVIORS

Works Hard:

- What is the worst job you ever were asked to do and what made it so bad?
- Describe a situation where you were required to record data and prepare written reports documenting work you performed to satisfy a protocol.
- Tell me about a time when you were not very busy at a job and what you did to address your lack of work.
- Tell me about jobs or even activities you've done where you worked harder than others.
- Tell me about a time when you had conflicting deadlines or demands from partners and what you did to accommodate them.
- Can you describe a project or case in which you achieved a result that pleased your client or supervisor, and what you did to achieve that result?
- Tell us about a situation where you needed to succeed at something even though it was beyond your current capabilities.

Takes Ownership:

- Have you ever had to be part of a team effort with someone who gave only minimal effort? How did you handle it?
- What do you typically do when faced with a short deadline?
- Tell me about a time when:
    - you were given little direction and had a good outcome
    - you received a project and were in over your head
    - you were given a project without close supervision
    - you were given negative feedback
    - you were part of a group project and someone did not pull their weight
    - you were on a project and numerous obstacles got in the way of the goal
    - you had to answer to multiple people for one deliverable
    - you missed an obvious solution to a problem
    - you thought you had something really important to tell someone, but they either didn't want to hear or didn't want to listen. What did you do?
- Tell me about a time you suggested that a different approach be taken on a file orassignment, how your suggestion was received, and what the outcome was.
- Describe a situation where you noticed more work was needed on a file, (or on a job, or in school), and what action you took to get it accomplished.
- Tell me about the most difficult case or assignment you had and what you did to influence the outcome?
- Describe a time when you were working on an assignment and identified an additional problem or issue which was not previously identified by the partner, including how you handled the new problem or issue.

Resourceful

- Can you think of a time:
    - when the scope of project changed on your suggestion?
    - when you were not in charge but changed the outcome of the project?

  - you encountered a situation you had no control over?
  - where you felt overwhelmed?
  - a team approach didn't work?
  - when you were given a project with little direction?
  - when you were outside your comfort zone?
- Have you ever had to be part of a team effort with someone who gave only minimal effort? How did you handle it?
- Describe a situation where you were asked to sell a product. Did you ever have a customer say "no" to your sales presentation?
- Were you ever asked to fundraise? How successful were you?
- How do you prioritize your time during the day between legal work, business development and administrative issues?
- Describe a situation where you used technology to solve a problem or increase efficiency on a case or project.
- Describe a time when you were working on an assignment and identified an additional problem or issue which was not previously identified by the partner, including how you handled the new problem or issue.
- Your resume sets out a number of accomplishments and successes. Provide us with an example in your practice when things did not go as you had planned or hoped and what you did in response.

Good Judgment:

- Give me an example of:
  - when you had to make a split second decision
  - a challenging problem you solved
  - a creative solution you came up with
  - a situation when you challenged status quo
  - a situation you effectively read another person
  - when you "cut a corner" on an assignment or class

- Tell me about a time you impressed a client during a meeting and how you think you were able to make that good impression.
- Tell me about a time when a client complained to you or to a partner about a service you provided. How did you respond?
- Provide an example of a mistake you made and what you did to have it rectified.
- Have you ever made a mistake? How did you handle it?
- Describe a time when there was a serious miscommunication between you and a client or partner, including how the miscommunication occurred and how you resolved it.
- Describe a time when you witnessed behavior which may have been unethical and what you did about it, if anything.

Motivated/Enthusiastic:

- Give me an example of:
  - when you ran something
  - the last time you had to lead
  - something you are proud of
  - something you wanted to do and then did it

  - the most complex project you worked on
  - a time when you motivated others
  - a time you went above and beyond the call of duty
  - what gets you out of bed in the morning
- Give me an example of a situation where you had to make a sacrifice for the purpose of your career. What were you willing to sacrifice and not sacrifice for your career?
- How do you feel about recording data and preparing reports?
- Tell me about a project you were given that you were really excited about.
- Describe an instance where someone commented on your attitude or enthusiasm on a job or project.
- Give me an example of a time when you showed initiative.
- What was your most significant/memorable personal failure or disappointment and whatdid you learn from it?
- Describe an example of how you significantly improved a client relationship with a firm client.
- Describe a significant contribution that you made to a practice group, including why you believe the contribution was significant.

Civility/Professionalism:

- Tell me about a time when:
  - you had to convince someone of something
  - too many people were competing for your time
  - you were in competition for a position or an award
  - you challenged authority
  - you were faced with a stressful situation that demonstrated your coping skills
  - you had to conform to a policy with which you did not agree
  - you were forced to make an unpopular decision
  - you had to make a difficult decision in the past year
  - you were working in a group that was not functioning well and the burden of work was on you as opposed to a team
  - you did not get the assignment you wanted
  - you "cut a corner" on an assignment or class
- How have you handled a situation when you don't receive recognition for your work or ideas and credit instead goes to someone undeserving or less deserving?
- Tell me about a time you dealt with another attorney who was very difficult and how you handled it
- Tell me about a time when a client complained to you or to a partner about a service you provided. How did you respond?
- Tell me about a time when you were able to successfully deal with a client/colleague who did not seem to be cooperative/helpful/pleasant
- Tell me about your biggest victory or best result
- Can you describe a circumstance where opposing counsel challenged your abilities, berated you, or claimed you had acted improperly, and how you responded to or resolved the challenge, verbal barrage, or accusation?
- Describe a time when there was a serious miscommunication between you and a client or partner, including how the miscommunication occurred and how you resolved it.
- Describe a time when you witnessed behavior which may have been unethical and what you did about it, if anything.
- Tell us about one of the more difficult decisions you have had to make in your practice thus far

and what made it difficult

- Tell us about an occasion where you needed to explain a complex issue to an unreceptive audience, be it a judge or client, and the outcome

Integrity:

- What does the word integrity mean to you?
- Have you ever had consequences for doing the right thing?
- Tell me about a time when a situation tested your integrity
- Tell me about a time where you proved your trustworthiness
- How have you earned the trust of your colleagues?
- Tell me about a time you had to admit a mistake to your coworker(s) or your supervisor
- What was the hardest challenge you faced in your career, and what action did you take to solve it?
- Can you describe a work incident where you were totally honest, despite a potential risk or downside for your honesty?
- Tell me about a time you went above and beyond to help a client or colleague

*Descriptions of the "Core Behaviors" derived in part from Hertoff, T., "The Secrets of Superstar Associates," Journal of the Section of Litigation, American Bar Association, Vol. 32, No. 3, (Spring 2006).

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