INTERVIEW TIPS CHEAT SHEET

Interview Challenges: Developmental Differences

- Adolescents are different from adults in the following ways:
  - Psychosocial immaturity in decision-making
  - Lack future-oriented thinking and engage in more risky behavior
  - Vulnerability to stress and bad decision-making
  - Susceptibility to adult pressure and peer influences
  - General lack of knowledge and experience introduce more challenges leading to poor recognition of short- and long-term consequences.
- Mental illness may further complicate communication with youth.

Strategies to Overcome Developmental Differences

- Acquire information about the youth
  - Gather records (e.g., school, medical, mental health); interview collateral contacts (e.g., family, school); learn their strengths and weaknesses; identify the youth's cognitive capacity to the best of your ability.
- Overcome the youth's lack of trust by building a rapport
  - Defenders should start interviews with non-threatening topics to decrease any anxieties. Allowing the youth to take the lead and tell his or her story without any interruptions is important. Try to understand what is important to the youth and identify any worries he or she may have. Remember to always inquire without judgment. Showing genuine concern for the youth's well-being helps build trust between the attorney and client.
- Try to be as non-threatening as possible
  - Avoid "why" or "how could you" questions.
  - Carefully explain the role of a defense attorney and the attorney-client privilege.
  - Never make promises you cannot keep.
  - Conduct interviews outside the parent's/guardian's presence to build trust and avoid suggestibility by the parent/guardian.
  - Be aware of your body language and how the client is responding to you.

- Accommodate cognitive and psychosocial differences
    - Attempt to ask questions that focus on the youth's *immediate* concerns.
    - Avoid legalese and long questions with a lot of information and options.
    - Use visual aids/charts to describe concepts.
    - Ask clarifying questions to make sure the youth understands and use analogies that are useful and relevant to the youth.
- Enhance the youth's ability to recall information
    - Ask open-ended questions, followed by narrow questions to draw out details.
    - Avoid suggesting answers to clients.
- Avoid misreading the youth's body language as hostile or uncooperative – there may be other possible sources for this behavior.
- Reduce stress and try to control the interview environment.

Types of Interviews

- Custodial Interview
    - The goals of a custodial interview (e.g., in the cellblock) should be to introduce yourself and the role of a defender, explain the attorney-client privilege, establish a rapport, explain what is going to happen in court, gather information to argue for release and gather cursory information on the facts of the case.
- Other Contexts
    - Skills needed in the initial custodial interview can be transferred to the following other interview contexts:
        a. Stationhouse Consultation
        b. Follow-Up Fact-Based Interview
        c. Disposition Preparation
        d. Preparing Client to Testify
        e. Post-Disposition Interviews

Dealing with Parents/Guardians and Interviewing the Youth Client

- With the parent/guardian present, the defender should explain the nature of the charges and potential consequences; the chronology of future legal proceedings; the attorney-client privilege and the importance of attorney-client confidentiality; and the role of defense counsel in a delinquency case.

- While *Cabello v. State*, 471 So.2d 332 (MS 1995), affirms that a Parent-Child Privilege in Mississippi, it does not appear to provide the kinds of protection needed to include parents in an attorney-client conversation. The parent-child privilege is only applicable if "mutually asserted" and if it is a "confidences a son or daughter might reveal to a parent in expectation of guidance through counseling or moral support." It is unclear how the presence of an attorney may affect the parent-child privilege. Moreover, the presence of the parent risks negating the attorney-client privilege.