1. INTRODUCTION

Like any hiring process, hiring for municipal law offices is as varied as hiring for private practices. Each office has different procedures for hiring attorneys. This paper provides a general overview of the hiring process for the Sacramento City Attorney’s Office, a process that can be adapted to any moderately sized City Attorney’s Office.

Many governmental agencies, whether it is federal, state or local, fill their attorney positions through the civil service process which is guided by the rules and regulations of the applicable civil service law. This process commonly involves an examination, such as a written, oral, and/or qualification test, to measure a potential candidate’s merit. After each exam, an Eligible list is established which consists of all candidates who pass the exam. The candidates are ranked according to their examination scores and the positions are filled from among the top ranks of the list. Cause is required to release a civil servant from public employment.

In contrast, attorneys hired by municipal law offices are generally not in the civil service system and are not hired under such rules. Instead, they are appointees who serve as at-will employees, meaning they do not have a contract of employment for a specific duration and the employment relationship may be terminated by either party for non-discriminatory reasons, with or without cause. The City Attorney, whether elected or appointed, generally has the authority to appoint members of the City Attorney’s Office free from requirements generally imposed by Human Resource Departments. A few City Attorney’s Offices with in-house staff hire on a contract basis. Such contracts are usually of four to five years duration.

The following is an illustration of the hiring procedure for a Deputy City Attorney position in the Sacramento City Attorney’s Office.

2. PRE-ADVERTISEMENT PREPARATIONS

When a vacancy occurs due to staff turnover or creation of a new position, the City Attorney assesses the need for recruitment and how the need will be filled. The City Attorney evaluates whether or not the vacancy can be filled internally by rotating a current staff member into a specialized position and hiring a new attorney to back fill the position vacated by the staff member who rotated.

Prior to sending out an advertisement, the budget is verified for the highest possible hiring level. A comparison is made with the salary and benefits offered by competitors to ensure that the salary and benefits offered by the City Attorney’s Office are competitive.
Time limits for filling the vacancy are also set, taking into consideration the required advertisement time period and how long the entire hiring process will take.

An e-mail address is established solely for the purpose of receiving letters of interests and resumes from potential candidates. The e-mail address provides an expeditious manner of receiving candidate resumes, reduces the amount of initial paperwork, and enhances the initial screening of the responses.

3. ADVERTISING CONSIDERATIONS

After the decision is made to commence the recruitment, the next step is to determine where to place the advertisement. Ads are placed to reach the best candidate pool. Generally, ads are placed in the local newspapers, legal journals, local law school placement offices, with local bar associations and other law-related organizations, and the Internet via the City Attorney=s web page and/or Human Resources= website. Another way of maximizing exposure is through informal advertisements or Aword of mouth. Current employees are encouraged to share information regarding vacancies with qualified individuals.

The content of the advertisement is also designed to attract the most qualified individuals. The qualifications and job description are stated as general as possible unless a specific area of expertise is being sought. Where such expertise is desired, the ad may include a statement similar to Amunicipal law experience preferred. This will increase viable applicant pool while decreasing the total number of candidates. Applicants are requested to forward a cover letter and resume to the City Attorney=s Office by the specified deadline. If there is limited budget authorization, the salary range may be stated. However, where there is more budget flexibility, the salary may be stated as depending on qualifications or experience (DOQ/DOE). See Example A.

4. PROCESSING RESPONSES

To ensure accuracy, timeliness, fairness and efficiency in processing responses an applicant progress tracking system is established. See Example B. The initial applicant papers are screened for completeness and verification of admission to the California Bar by a confidential support staff prior to review by the Screening Panel. Problems are indicated by notation on the application package.

Next, a Screening Panel is established to review the letters of interest and resumes (the commencement of the application package) on a continuous basis until the deadline has expired. The Screening Panel generally consists of the City Attorney and the Assistant City Attorney. The Panel selects candidates who will advance to the next phase of the process (the formal application phase). This screening process eliminates most of the unqualified applicants prior to an investment of significant time scrutinizing a large volume
of applications. Factors considered in selecting interviewees include: date of admission and number of times candidate sat for the bar examination, experience gleaned from the resume, relevance of experience, brief evaluations of intellect and writing skills based on the cover letter and the resume, indications of employment stability, and other general qualifications and suitability for the office. Candidates selected to advance to the formal applications phase will receive direct solicitation letter in which they are asked to complete and return an employment application and a supplemental questionnaire. See Example C1-C3. This constitutes the commencement of applicant hiring process in earnest.

Upon receipt of the employment application materials, they are reviewed by the Screening Panel to ensure completeness and merit to advance to the next phase of the process. Candidates who fail to answer any of the questions are eliminated from the selection process. We view this as lacking the ability to pay attention to detail, lack of care in performing certain tasks, disorganization, and unwillingness to disclose certain information. On rare occasions, candidates who appear to be exceptional will be given the opportunity to complete unanswered questions.

The candidate pool is then reduced to a manageable number for interviewing. Generally, no more than ten candidates are selected to advance to the interview for one available position. That number will be reduced as the number of vacancies increase. For example, only twenty candidates may be advanced to the interview phase where two or three vacancies exist. Candidates who are not granted interviews are notified by letter. See Example D.

5. INTERVIEWS

An Interview Panel is established, consisting of the members of the Screening Panel and one or two supervisory deputy city attorneys. Candidates selected to continue in the process are contacted by telephone to schedule an interview. Multiple interviews are scheduled for the same day to maximize the opportunity for candidate comparison and to accommodate the calendars of the Panel members. The Interview Panel creates a set of interview questions. Some of the questions are tailored to address the qualifications for the specific vacancy, some are generated by the application package and others are a set of standard questions asked of all candidates. See Example E for Sample Standard Questions.

Interviews are scheduled so as to allow at least 15 minutes between candidates to afford the Panel the opportunity to discuss and evaluate the candidates and compare them to other candidates prior to their departure from the office. Candidates are asked to wait outside and a short distance from the interview room during this evaluation discussion. During this discussion, the Panel decides whether that candidate will advance to the final phase of the selection process (the background and reference check phase). To expedite the process, those candidates who are selected to advance to the final phase of the process are given the background forms prior to leaving the office.
6. BACK GROUND AND REFERENCE CHECK

This is the final phase of the selection process. It consists of a comprehensive background and reference check, further comparison and ranking of candidates, and determining suitability for various assignments within the office. Not more than three finalists for one position are selected to advance to this final phase because this is a very labor intensive process to the background investigators. A number of background packages are preassembled by support staff and are available (in a self address return envelop) for presentation to finalists with directions to complete and return them immediately.

The background package includes a form for documenting background and reference check information as well as forms for the authorization of release of information. See Example F1-F3. Applicants who are not selected to advance to the final phase of the appraisal process are notified in writing. See Example G.

VII. CONFIDENTIALITY

To ensure confidentiality and to protect the candidate=s right to privacy, employment application materials submitted by the candidates are reviewed only by those who have a need to evaluate the information for hiring. Background checks are conducted by the City through its police department. If third-parties are used for any or all of the background check, notice to that effect must be given to the applicant. Civil Code 1786.16.

The finalists are advised that their immediate past employer and/or present employer will be contacted during reference checks. If a finalist is presently employed, the employer will not be contacted without first giving notice to the finalist and obtaining his or her consent. Failure on the part of the applicant to consent to contacting the current employer may result in the elimination of the candidate from further consideration.

8. HIRING DECISION

Upon completion of the background and reference checks, the top candidate(s) is/are selected for hiring. An offer is extended verbally to allow for discussion of the offer, salary, benefits, other conditions of employment such as a specific assignment and a start date. When the offer is accepted, an appointment letter is sent to the new hire confirming appointment, the title, salary and other benefits and processing-in information. See Example H. The paperwork for processing-in the new hire is submitted to the Human Resources Department. Generally, the new hire completes and submits the required paperwork prior to employment. As soon as the hiring is complete, regret letters are sent to all unsuccessful finalists. See Example I.
9. RETENTION/DESTRUCTION OF APPLICATIONS

The application packages including the background and reference check forms are retained for a period of 60 days, at which time they are destroyed. Destruction of the application packages are carried out in a secured manner to avoid the possibility of identification theft or other problems. Occasionally, an applicant pool will produce excellent candidates who are of interest to the office but are not reachable during the current recruitment. Those applicants are notified that we would like to retain their package for six months in the event of vacancies in the not-too-distant future. The application packages will be destroyed if the applicants do not wish to have them retained. Finally, comments regarding the candidates are gathered and assembled on a tracking sheet to serve as a reminder of the candidates’ strengths and weaknesses. See Example J. Since many candidates will reapply several times, these comments will save a lot of time during subsequent screening processes.

HIRING PROCESS DOs AND DON'Ts

DO
- Establish and maintain a fair, open and objective process.
- Solicit the views of seasoned staff when the process affords the opportunity.
- Follow your good instincts during interviews and reference checks.
- Check law school graduation and the bar membership status.
- After initial communication with candidates, continue to communicate with them until the process has concluded.
- Make the hiring decision based upon office need and your opinion of the candidates’ abilities to fill that need.
- Look for a self-motivated candidate who is willing to take a few risks, exudes a very positive attitude, and shows a bit of humor.
- Be conscious of potential for bias in your decision-making and make every effort to eliminate improper bias.
- Know the areas of proper and improper interviewing techniques.
- Anticipate questions which may be asked of you regarding your office, i.e. What is your turnover rate or longevity? How long have you been with the office? What do you find to be the most rewarding aspect of your job? What is your vision for the office? How well does the staff work together?
- Consider whether to conduct interviews in your office or elsewhere.
- Keep up to date reading materials in the reception areas. This leaves a good impression on candidates. Remember that candidates interview you as you interview them.
- Ensure that the receptionist staff is at their best, helpful, friendly, and have a neat work area. This is your first contact with the prospective employee. A cluttered and disorganized office will send the wrong message.

DO NOT
Conduct interviews in your office if the environment is not as neat as it should be.
- Make hiring decision based on emotion.
- Make hiring decision without some documentation from candidates and documentation of the process.
- If you must agonize over the decision do not go through with it.