Mock Hearing Sample Questions

[Intro to Claimant]

Today, we’ll be going through a practice hearing so you can get a sense of what it’s like to be asked several questions in a row and the type of questions you’ll be asked. This isn’t an exact replica of the hearing, rather, a practice run for both of us. I will not advise you how to testify, but can provide you with general feedback.

For purposes of this exercise, if you don’t know how to answer one of the questions, just say “pass” for now. You will have to answer all questions in the real hearing. After we are done practicing, we can discuss any questions you “passed” on. Remember that you are trying to answer the question you are being asked and to keep your answers to the scope of the question – the judge can always ask for more information if they need it.

I will act like the judge and put my “judge’s hat on” when we’re ready to start practicing. This means I’ll pause to take notes, interrupt you the way the judge might, and generally react the way the judge would if this were the real hearing. Remember – it is not me. In the real hearing, you cannot sidebar with me – you have to answer all questions yourself. Once I “take the judge’s hat off” I’m back to me and we can talk about how this went.

Are you ready?

Let’s get started. Alright, Mr./Ms./Mx. [Client’s last name],

* 1. Who was your former employer?
  2. What was your job title?
  3. What were your job duties?
  4. What was your schedule?
  5. What was your rate of pay?
  6. When was your last day of work?
  7. I’m sure you’ll tell me more in just a moment, but for now - how did your job end – were you terminated, laid off, quit, something else?
  8. If terminated:
     1. Who told you that you were being terminated?
     2. Did you actually work on that last day?
     3. How did they tell you that you were being terminated?
     4. Did they say anything else / provide you with reason for the termination?
     5. Were you aware that your actions could lead to the end of your job?
     6. Did you ever receive a verbal or written warning?
        1. When?
        2. About what?
        3. What were you told about the consequences?
     7. What action did you take after you were informed of your termination?
     8. Are you a member of a union?
        1. If yes – did you speak to the union about the termination?
  9. If quit:
     1. What was the final incident that led you to quit? *(ask normal follow up questions based upon their recounting of the incident)*
     2. When did that final incident occur?
     3. Had that incident not occurred, would you have continued working?
     4. Did you speak to your supervisor/manager about the incident?
     5. Did you speak to your supervisor/manager about leaving?
     6. What if anything did they say?
     7. Was there any other solution to this problem aside from quitting – requesting a transfer, or something different?
     8. Did you provide notice?
        1. If yes – did the notice detail why you were quitting?
  10. When did you apply for unemployment insurance?
  11. How did you apply – online or over the phone?
  12. Did you actually receive any unemployment insurance benefits?
  13. Is there anything else about this situation that you think is important for me to know, or anything else you’d like to testify to?

[End mock hearing]

Okay, I’m going to take off my judge’s hat now and I’m back to [YOUR NAME]. How did that feel for you?

Points of feedback you may want to give to the claimant:

1. Whether or not they spoke over the “judge” or let the judge finish questions before answering – *it’s important that the claimant not speak at the same time as anyone in the hearing, but especially the judge, who would be annoyed by this.*
2. Whether they actually answered the questions the judge asked *– of course the claimant wants to make sure they are heard, but they must answer the question they are being asked.*
3. Whether they inserted irrelevant information into their answers – *if the claimant is going on a tangent, the judge will almost certainly cut them off. This usually makes the claimant more nervous. Try to point out where they got off track.*
4. Their ability to answer basic questions correctly (like their last day of work or their supervisor’s name) – *it’s a credibility issue if the claimant cannot answer basic questions about their work history. Claimant should be able to answer the first few questions without issue – if they can’t, they should look for the answers before the real hearing.*
5. Whether they grew defensive reacting to the judge’s questions *– sometimes claimants feel like they’re getting “grilled” – and they kind of are! However, reacting defensively becomes a credibility issue. The judge is asking questions to understand the situation – they are unbiased and the questions are not supposed to be tricky.*