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## **Facing Discrimination & Harassment—Applications**

### **Documents To Show Your Attorney: Discrimination & Harassment**

If you believe you have been discriminated against or harassed, you will likely find it necessary to seek an attorney to represent your interests. During the first few meetings with your new attorney, you will be asked a multitude of questions. In addition to talking to your attorney about your claim, you will also need to show your attorney documents relating to your claim. The following checklist may give you an idea of the sort of documents your attorney will be interested in reviewing.

\_\_\_\_\_ **Your personnel file.** If you claim that you have been harassed or discriminated against at work, your attorney will need to develop an idea of your employment record. For example, he or she will want to know if you have had a number of disciplinary warnings or if you have received poor performance evaluations. This information will be contained in your personnel file. If you do not have a copy of your personnel file, your attorney will be able to obtain it from your employer on your behalf.

\_\_\_\_\_ **Your employee handbook or company policies.** Again, if you have experienced discrimination or harassment while at work you may be able to provide your attorney with ammunition to fight your claim. A number of employers have employee handbooks that they distribute to their employees. Many times, these handbooks contain an anti-discrimination or anti-harassment policy. Other employers may post anti-discrimination and anti-harassment policies in common areas of the workplace, such as the locker room or lunchroom. If that is the case with your employer, bring a copy of any posted policy to your attorney's office. If your employer has a written policy, it should have been followed. If your employer didn't, your case may be strengthened.

\_\_\_\_\_ **Diary or journal entries.** Many people may find it helpful to keep a written log of any repeated incidents of discrimination or harassment they experience. The diary entry could include information such as the date, time, and location of the discrimination or harassment, in addition to a brief description of the offensive or illegal act and the names of any witnesses present.

\_\_\_\_\_ **Your pay records.** If you have experienced lost time from work as a result of harassment or discrimination (whether or not that improper behavior is taking place in your workplace) you should provide your attorney with copies of your pay records. If you are successful in proving your claim your attorney may be

able to recover your lost wages as damages. To prove your loss of income, you will need to show proof of the difference between your earnings before the discrimination or harassment started, and your earnings afterward. If you do not have copies of these records, do not panic. Your attorney will be able to obtain them from your employer.

\_\_\_\_\_ **Physical evidence of the discrimination or harassment.** It is absolutely essential that you provide your attorney with any physical evidence you have of the discrimination or harassment. For example, if an inappropriate or vulgar picture was left on your desk at work, keep the picture and provide it to your attorney. As another example, if you were denied housing because you are a member of a protected class, keep any written documents or information you have about the property that was for sale or rent, such as print advertisements or listing brochures. No matter how upsetting you may find a piece of evidence of discrimination or harassment, it is important that you keep it. It may be one of the best ways to prove your case.

\_\_\_\_\_ **Mental health records.** If being the victim of discrimination or harassment has caused you to seek mental health treatment or counseling, your attorney will need to know that information; it may also affect your entitlement to a recovery of damages. If you do not have these records, at least be able to provide your attorney with the names, telephone numbers, and addresses of your counselors or doctors.

\_\_\_\_\_ **Medical records.** If being the victim of discrimination or harassment has caused you to develop a medical condition, such as high blood pressure, your attorney will also need to know this information for the same reasons that she needs to know about your mental health condition. Again, as with your mental health records, if you do not have a copy of your medical records you should at least provide the names and contact information to your attorney.

\_\_\_\_\_ **Witness information.** If there were witnesses to any of the alleged incidences of discrimination or harassment, your attorney will find it beneficial to have a list of their names and contact information, if known. This will save your attorney leg-work in trying to track down witnesses who may support, or disagree with, your allegations.