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Client Communication: Measuring Your Cross-Cultural Competence

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In today's age of globalization, cross-cultural communication has become a vital skill for lawyers to master. When we interact with clients and colleagues on a daily basis, we are interacting with issues related to culture. Behavior, communication, relationships, parenting, decision-making, expectations and so on, all have cultural significance.

Effective cross-cultural communication is the ability to communicate with individuals from other cultures in a way that minimizes conflict, promotes greater understanding and maximizes your ability to establish trust and rapport. It requires lawyers to learn how to properly interpret non-verbal and verbal cues.

For lawyers, gaining an awareness of cultural differences can improve business development, staff retention, client service and most importantly, lawyer-client relationships.

CROSS-CULTURAL COMMUNICATION AND CULTURAL COMPETENCE

We all interpret the world through their individual cultural lens or worldview. These interpretations ultimately become positive, negative and sometimes erroneous judgments about the behavior, decisions and choices made by clients and others.

The ability to communicate cross-culturally is tied to your level of cultural competence. As your level of cultural competence increases, so too will your cross-cultural communication skills.

So what is cultural competence? For individuals, cultural competence is the ability to function effectively in the context of cultural difference and the capacity to effectively adapt, accept and interpret culturally relevant behavior.

Think of cultural competence as a "lens" that can accurately interpret culturally relevant behavior and values.

HOW TO MEASURE YOUR CULTURAL COMPETENCE

The most effective way to determine your level of cultural competence is to take an assessment. Dr. Milton Bennett, developer of the *Developmental Model of Intercultural Sensitivity*, provides a good

starting point to review current perspectives around culture and difference.

His model outlines 6 stages that provide insight into an individual's level of intercultural sensitivity and cultural competence:

STAGE ONE: DENIAL

In this stage, lawyers are *unaware* of cultural difference.

The prevailing attitude is likely to be: "Business is business the world over" or "Everyone would respond this way". Lawyers in this stage of development might be so intent on the tasks at hand that they fail to notice the cultural aspects of business relationships with clients and colleagues. In this stage, there is a general lack of awareness about difference.

However, awareness is a key element in cross-cultural communication. Effective cross-cultural communication requires that individuals have some awareness and appreciation of difference. A lawyer in denial would be completely insensitive to their client's cultural taboos, expectations, family norms, communication and conflict styles.

While in the denial stage, lawyers will be ineffective in establishing trust and good client relations with clients from a different culture. The failure to understand the significance of cultural differences may lead lawyers to implement ineffective case strategies due to the misinterpretation of client behavior.

For lawyers in this stage, unnecessary conflicts and misunderstandings, along with an overall lack of understanding of the importance of cross-cultural communication, are common.

STAGE TWO: DEFENSE

Lawyers in this stage will recognize some cultural differences and view such differences negatively.

Instead of striving to understand or interpret the patterns of conduct or communication that differ from their own culture, lawyers in defense are likely to mislabel such conduct as "wrong", "unintelligent", "dishonest", etc. In this stage, the greater the difference, the more negatively it is perceived.

A criminal defense lawyer in the denial stage will most likely be frustrated by a female murder defendant from China, who is more committed to preserving family honor than asserting a claim of self defense in the murder of her husband. (For many in China, issues of honor, shame and commitment to family take precedence over individual goals and objectives.) How effectively could a lawyer in the denial stage represent this client? How might the difference in cultural worldviews and behaviors affect the lawyer's relationship with her client?

Clearly, lawyers in this stage will struggle to communicate and work effectively with clients they perceive as different. This perception may cause otherwise well-meaning lawyers to misjudge or stereotype a client. Negative attitudes and perceptions held about people from other cultures serve to diminish cross-cultural understanding and communication, ultimately undermining a lawyer's

ability to establish a healthy and respectful relationship with his or her client.

STAGE THREE: MINIMIZATION OF DIFFERENCE

It is common for lawyers in this stage to avoid stereotypes and appreciate differences in language and culture. However, many will still view their own values as universal and superior, rather than viewing them simply as part of their own ethnicity and culture.

As a result, it is common for lawyers in minimization to believe that everyone else shares their ideals, goals and values with regard to family, work, professionalism, humor, communication, etc. In dealing with clients, the lawyer is likely to misinterpret the client's behavior, opinions and reactions because the lawyer will misperceive that the client shares his or her cultural values.

For example, in American culture when assessing credibility, lawyers may read a client's or a witnesses' failure to maintain eye contact as a sign of dishonesty. However, in many cultures, averting the eyes is a sign of respect to someone in authority. How will an inaccurate read on behavior impact the lawyer's ability to make an accurate assessment of the credibility of a client or witness?

Lawyers in this stage focus on minimizing difference and in so doing they misread relevant behavioral and communication cues that are based on culture. Assuming similarity when none exists serves as a barrier to successful cross-cultural communication.

STAGE FOUR: ACCEPTANCE OF DIFFERENCE

Lawyers in this stage acknowledge that identifying significant cultural differences is crucial to understanding and improving their interactions with individuals from other cultures.

There is an awareness of your own culture and an understanding that although individuals from other cultures communicate differently and have different ideas and customs, they are neither superior nor inferior. Lawyers in this stage are beginning to interpret culture through a culturally unbiased lens.

Lawyers who are able to accept cultural differences have the ability to shift perspectives to understand that behavior typically defined as "ordinary" in your own culture can have different meanings in different cultures.

Flexibility, adaptability and open-mindedness are the route to successful cross-cultural lawyering and communication. Understanding, embracing and addressing cultural differences leads to the breaking down of cultural barriers, and the decrease of "culture clashes". These skills lead to better lines of communication, stronger interpersonal relationships, mutual trust and enhanced client service.

It is important for lawyers to have the ability to properly analyze and respond to clients as a basis for establishing effective lawyer-client relations.

The following is a real situation described by an immigration lawyer. It provides a great example of

effective cross-cultural communication and lawyering:

“ The lawyer was representing a client eager to obtain his permanent residence status, so he could take a long-awaited trip home to visit family and friends.

During a discussion about timeframes for the permanent resident process, the lawyer gently explained to the client that his expectations regarding processing timelines were unreasonable and simply impossible to meet. In an attempt to “expedite” the process, the client responded by offering the lawyer a bribe.

In this situation, the lawyer was aware of his client’s cultural background, and as such, was aware that in his client’s culture, it is customary to pay officials bribes in order to expedite certain processes; in fact, such bribes were often expected.

The immigration lawyer’s awareness of his client’s background allowed him to respond in an appropriately sensitive and informative manner. Additionally, since the lawyer approached the situation with understanding instead of judgment, the lawyer-client relationship was preserved. ”

This example speaks to the heart of the significance of cultural awareness and competence required to develop and sustain successful attorney-client relationships.

STAGE FIVE: ADAPTATION TO DIFFERENCE

In this stage of development, lawyers are able to take the perspective of another culture and operate successfully within that culture.

Lawyers in this stage are likely to have developed solid skills in cross-cultural communication. Their increased awareness, acceptance and ability to adapt to other cultures makes such communication possible. They are more likely to independently strive to understand the nuances of other cultures, which leads to openness and ability to connect with others.

STAGE SIX: INTEGRATION OF DIFFERENCE

In this stage, lawyers have the ability to evaluate another individual’s behavior in the frame of reference of their client, opponent, colleague or staff member. They will be able to establish rapport

and read the verbal and non-verbal cues of an individual from another culture.

This skill is useful in learning how to “read” people in relevant ways that are accurate as opposed to stereotypical.

Lawyers in the integration stage become adept at evaluating any situation from multiple cultural frames of reference. Additionally, lawyers in leadership roles within organizations will define their roles by demanding intercultural competence and encouraging educational training in those skills. They strive to ensure that there is respect for cultural diversity that leads to a highly diverse workforce and client base. Organizations that have successfully embraced diversity and inclusion possess a significant advantage over other organizations when dealing with diverse clientele.

The further along a lawyer is on the continuum of cultural competence, the more effectively he or she will be able to communicate with clients and others cross-culturally.

Cultural competence is a developmental process that evolves over an extended period through the proper use of competency assessments, training and coaching.

Effective cultural competence training programs should take a multi-dimensional approach and focus on helping individuals gain skills, knowledge and attitudes that encompass five elements:

1. Awareness, acceptance and appreciation of difference;
2. Awareness of your own cultural values;
3. Understanding of the dynamics of difference;
4. Development of cultural knowledge;

Ability to adapt and practice skills to fit the cultural context of co-workers, managers, clients and/or customers.

Most importantly, programs should be sensitive to the needs of all participants and structured in way to create a safe learning environment where each participant’s opinion is respected and valued regardless of where the individual’s skill level may lie on the cultural competence continuum.

TIPS FOR IMPROVING CROSS-CULTURAL COMMUNICATION

Although training and coaching interventions are the most effective methods of improving cross-cultural communication skills and cultural competence, the following are some things that lawyers can begin doing to improve cross-cultural communication skills:

1. **Gain awareness.** Become aware that although a gesture, word or response may mean something in your culture; it may mean something totally different to someone from another culture.
2. **Take a look at your own culture.** Understanding how your worldview and culture impacts your perception of others will help you identify instances where you may tend to use biases or

stereotypes when interacting with those whom you may perceive as different.

3. **Try a little understanding.** In trying to better understand your clients and their motivations, understand the impact that culture plays on their values, perspectives and behavior.
4. **Listen closely and pay attention.** Try to focus on verbal as well as non-verbal cues and the behavior of your client. If the client seems distracted, confused, or ill at ease, ask questions.
5. **Suspend judgment as much as possible.** Approaching people from other cultures in a judgmental manner will hinder your ability to gain a clear understanding of the situation.
6. **Be flexible.** Flexibility, adaptability and open-mindedness are critical to effective cross-cultural communication. Understanding, embracing and addressing cultural differences will lead to better lines of communication, client-service and lawyering.

Lawyers who are willing to address cultural issues when dealing with clients and colleagues will enhance client relationships and improve their ability to solve problems and negotiate. Keep in mind that improving cross-cultural communication and cultural competence is a process and a journey, so be patient with yourself. Your commitment and desire to improve will go a long way towards enhancing the service you provide your clients as well as the overall quality of your lawyering skills.

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