



Cultural Competency in the Practice of Law

A monolingual Spanish-speaking single mother. A young professional who recently emigrated from India. A victim of domestic violence seeking help at a pro bono clinic. These are just a few clients I have assisted over the last few months. In an increasingly diverse society, cultural competency is becoming imperative to the practice of law.

The legal industry is primarily a service-based industry, and the foundation of the practice of law is communication with clients. Understanding the needs of clients and the cultural differences that may arise during communications with clients can make delivering legal services more effective.

With the American Bar Association's mandate to improve access to lawyers and legal services for those of moderate incomes, cultural competency will continue to play an important role in the future of the legal profession, both for attorneys and for clients. With these guiding principles in mind, below are some practices and policies that every lawyer can learn and implement in an effort to become culturally competent.

“Cultural competency is achieved by identifying and understanding the needs and behaviors of individuals seeking help.”

Learn what “culture” means.

According to the [National Center for Cultural Competence](#) (NCCC), cultural competence “embraces the principles of equal access and nondiscriminatory practices in service delivery.” Cultural competency is achieved by identifying and understanding the needs and behaviors of individuals seeking help. More importantly, the practice of cultural competency is driven in service delivery systems by a client's preferred choices, not by culturally blind or culturally free interventions.

In order to be mindful of the cultural differences and similarities in clients, it is important to be cognizant of the characteristics that can

define different cultures. Culture is [often described](#) as the combination of a body of knowledge, a body of belief and a body of behavior. Culture not only refers to a person's superficial features, such as their appearance, but also to a person's identity, language, thoughts, communications, actions, customs, beliefs, values and institutions that are often specific to ethnic, racial, religious, geographic or social groups.

Although appearances and linguistic differences are clear indicators of the need to be culturally competent, other characteristics such as personal identification can be difficult to ascertain. One example of this is simply the way that we refer to people. If a client introduces herself in a specific way or using a certain name, keep that in mind. Be mindful of the way a client refers to himself or herself, and if you are unsure of how to refer to him or her, ask. Do not assume.

Recently, in a seminar that I attended about providing legal counsel to homeless youth, one of the speakers mentioned that in her nonprofit practice, she found that young homeless clients are more likely to feel comfortable if they are sitting closer to the exit than the attorney. Due to past experiences, she said, homeless youth are likely to distrust authority and are less likely to have open conversations in uncomfortable environments — environments that are too ostentatious or too restrictive.

In learning what “culture” means, it is best to learn what it means in the context of the community that you serve.



Value diversity.

Diversity is a catch-all word for the notable characteristics in a person. Diversity has many avatars and learning how to convey information to diverse clients can be a career-defining action. A little bit of research and understanding can go a long way. Conveying information to clients so that it is easily understood is an invaluable skill, whether talking to someone with limited English proficiency or literacy skills, an individual with disabilities or someone who has never before dealt with an attorney.

Similarly, valuing diversity within the legal profession is just as important. We can learn important lessons in cultural competency through each of our colleagues, whether they are disabled, ethnically diverse or bring a different perspective to the table. Making the effort to attend events for diverse bar associations can be the first step in learning cultural competency in the legal profession. LGBT bar associations, ethnic bar associations such as the [National Bar Association](#) and the [National Asian Pacific American Bar Association](#) and religious bar associations such as [J. Reuben Clark Law Society](#) are some of many safe places to ask questions about certain diverse groups in order to increase cultural competency.

Build and nurture relationships.

While speaking with colleagues about cultural competency recently, I found that one of my colleagues was in favor of learning about a client's culture or values beforehand and making it a topic of conversation in the first meeting to build a rapport.



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Another colleague disagreed and said that she would proceed the same way with any client and not make a client conscious of the differences in his or her background.

I believe the right answer is to set boundaries in conversation, along with a personable tone, and then assess each client's reaction and comfort level before asking questions that could be perceived as personal, such as country of origin, family background, education, etc. In certain situations, such as discovery during litigation, questions about background may be inevitable. In other legal services, such as contract review or negotiations, the same questions can be irrelevant and intrusive. This can lead to distrust, especially from clients who come from backgrounds where law enforcement and legal counsel are seen as more intimidating than helpful.

Engaging and staying attuned to each client's boundaries and comfort level can provide a solid foundation to build and nurture relationships based on trust and mutual respect.

Conclusion.

The field of medicine encourages and often requires professional training in cultural competency prior to communicating with patients because culturally competent communications foster effective and honest relationships and trust. Delivering legal services, whether litigation or transactional, requires the same level of respect and competence in an increasingly diverse world.

Once we acknowledge the importance of cultural competency, and the fact that cultural competence is a developmental process that evolves over an extended period, we can begin to learn and improve the way that we interact with clients.