

Cross Cultural Lawyering

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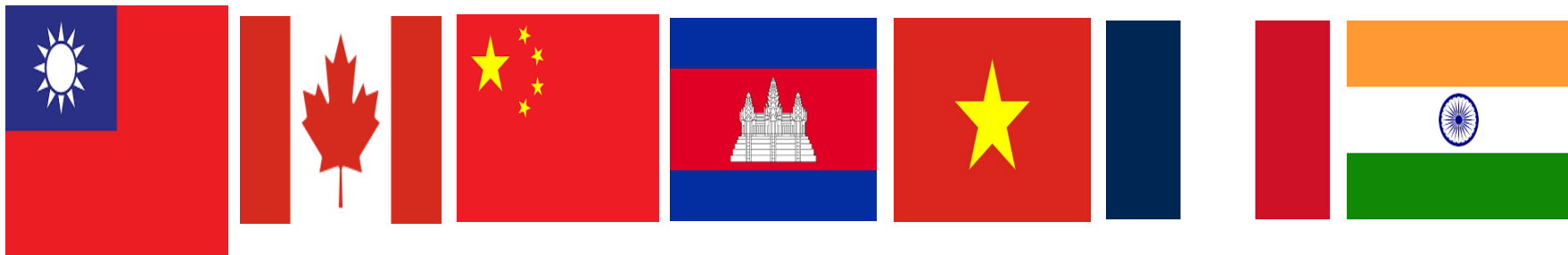
WHY?

- To provide competent representation to your clients
 - ABA Standards 303(c), provides:
 - A law school shall provide education to law students on bias, cross-cultural competency, and racism:
 1. at the start of the program of legal education, and
 2. at least once again before graduation.
- To serve your clients to the highest values

WHAT?

- Understand Cross-Cultural Competency
- Develop Cross-Cultural Competency mindset
- Practice Cross-Cultural Competency skills
- Implement evaluation mechanism

- What is Culture?
- What is Cross-Cultural Competency (“3C”)?
- Why is 3C important?
- What are the elements of 3C?
- How to apply 3C in lawyering?



What is Culture?

- “Cultura animi” - a living thing in its development process
- It is an umbrella term
- It is originated from or attributed to a specific region or location
- Humans acquire culture through learning processes
- A cultural norm codifies acceptable conduct in society

(Culture. In Wikipedia.)

Unlucky Number?



Black Cats

- **Japan:** symbols of good luck
- **Scotland:** prosperity befalls anyone who finds a stray black cat on their doorstep
- **Italy:** if you hear a black cat sneeze, unexpected wealth soon will come
- **India:** brings you bad luck

Cross-Cultural Competency (3C)

- The knowledge, skills, and affect/motivation that enable individuals to adapt **effectively** in cross-cultural environments.
- An individual capability that contributes to intercultural **effectiveness** regardless of the particular intersection of cultures.
- It's not an end in itself but is a set of variables that contribute to intercultural **effectiveness**.

Why is 3C Important?

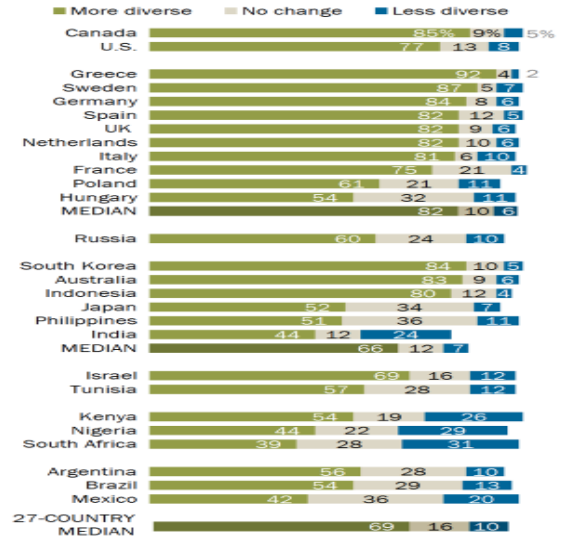
- Diverse world and Workforce
- 3C has been named among the most important skills for the future workforce
- Essential skill sets for effective global leaders

Diverse World

- A survey of more than 30,000 people in 27 countries found that nearly 70% of respondents said their countries have become more diverse over the past 20 years
- The [Census Bureau](#) estimated that in 2020, international migration added one person to the U.S. population every 34 seconds.

Most believe their country has become more diverse in the past two decades

% who say over the past 20 years, the ethnic, religious, and racial makeup of our country has become ...



Note: "Don't know/Refused" responses not shown.
Source: Spring 2018 Global Attitudes Survey. Q7.

PEW RESEARCH CENTER

Diverse Workforce

- Research shows that diversity:
 - Increase employee engagement
 - Knowledge-sharing through new perspectives
 - Greater innovation
 - Attracts and keeps top talent
 - Increased profits
- [Technavio](#) reports that the global market for cross-cultural training services is expected to expand by \$1.2 billion between the years 2020-2024
- A 2020 report by McKinsey & Co. found the most culturally diverse quartile of companies performed 36% better financially than the least diverse quartile
- A 2021 article in EHS Today quotes Jeff Sorensen, PwC industrial products leader: “When we look at companies that report above-average diversity in their management teams, their revenue is 20% higher than those below average.”
- A survey conducted by the Harvard Business Review reveals statistically important relationship between diversity and innovation and that diverse companies had 19% higher revenue.
- According to a ZipRecruiter survey, 86% of job candidates consider diversity in the workplace important when seeking a new job.

CEO Action for Diversity & Inclusion

- The initiative launched on June 12, 2017
- The largest CEO-driven business commitment to advance diversity and inclusion
- More than 2400 CEOs have signed on
- 21 million+ employees represented in the U.S.
- We will continue to make our workplaces trusting places to have complex, and sometimes difficult, conversations about diversity and inclusion
- We will implement and expand unconscious bias education
- We will share best-and-unsuccessful-practices
- We will create and share strategic inclusion and diversity plans with our board of directors

Elements of the 3C

- Understand your own culture
- Acknowledge cultural differences
- Engage in self-assessment
- Acquire cultural knowledge & skills
- View behavior within a cultural context

*by the Georgetown University National Center for Cultural Competence

Cultural Competency Self-assessment Checklist

*Designed by Central Vancouver Island Multicultural Society

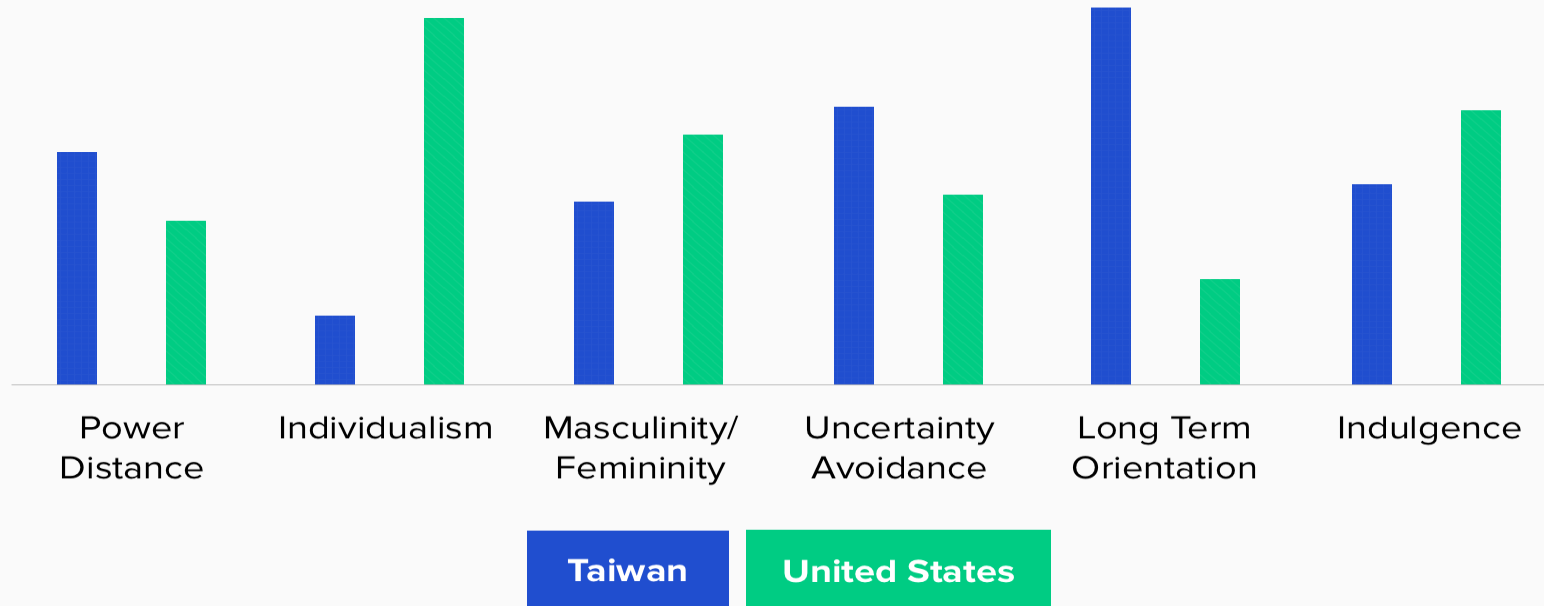
■ Scale

- Never-1pt
- Sometimes/occasionally-2pt
- Fairly Often/Pretty Well-3 pt
- Always/very well-4 pt

1. I view human difference as positive and a cause for celebration.
2. I have a clear sense of my own ethnic, cultural and racial identity.
3. I recognize that cultures change over time and can vary from person to person, as does attachment to culture.
4. I am aware that in order to learn more about others, I need to understand and be prepared to share my own culture.
5. I am aware of my discomfort when I encounter differences in race, color, religion, sexual orientation, language, and ethnicity.
6. I am aware of the assumptions that I hold about people of cultures different from my own.
7. I am aware of my stereotypes as they arise and have developed personal strategies for reducing the harm they cause.
8. I am aware of how my cultural perspective influences my judgment about what are “appropriate”, “normal”, or “superior” behaviors, values, and communication styles.
9. I accept that in cross cultural situations there can be uncertainty and that uncertainty can make me anxious. It can also mean that I do not respond quickly and take the time needed to get more information.
10. I take any opportunity to put myself in places where I can learn about difference and create relationships.

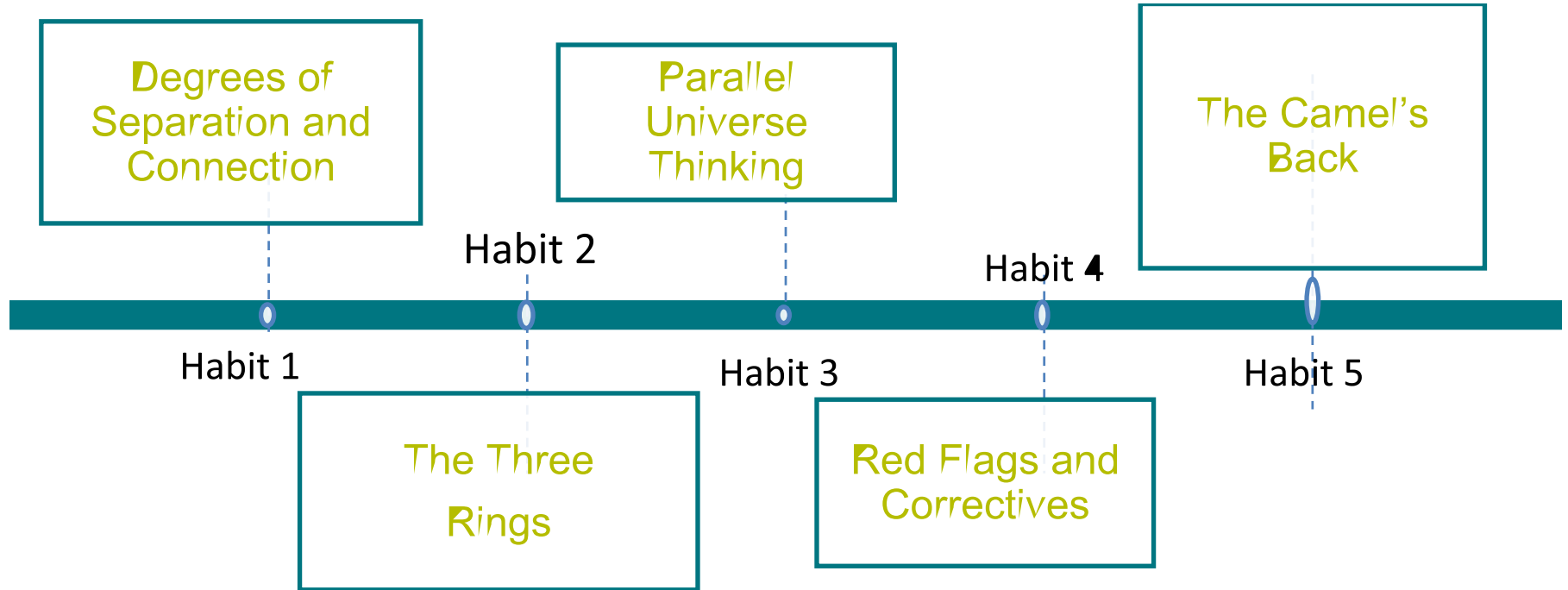
Hofstede Insights

*Founded in 1985, headquartered in Finland

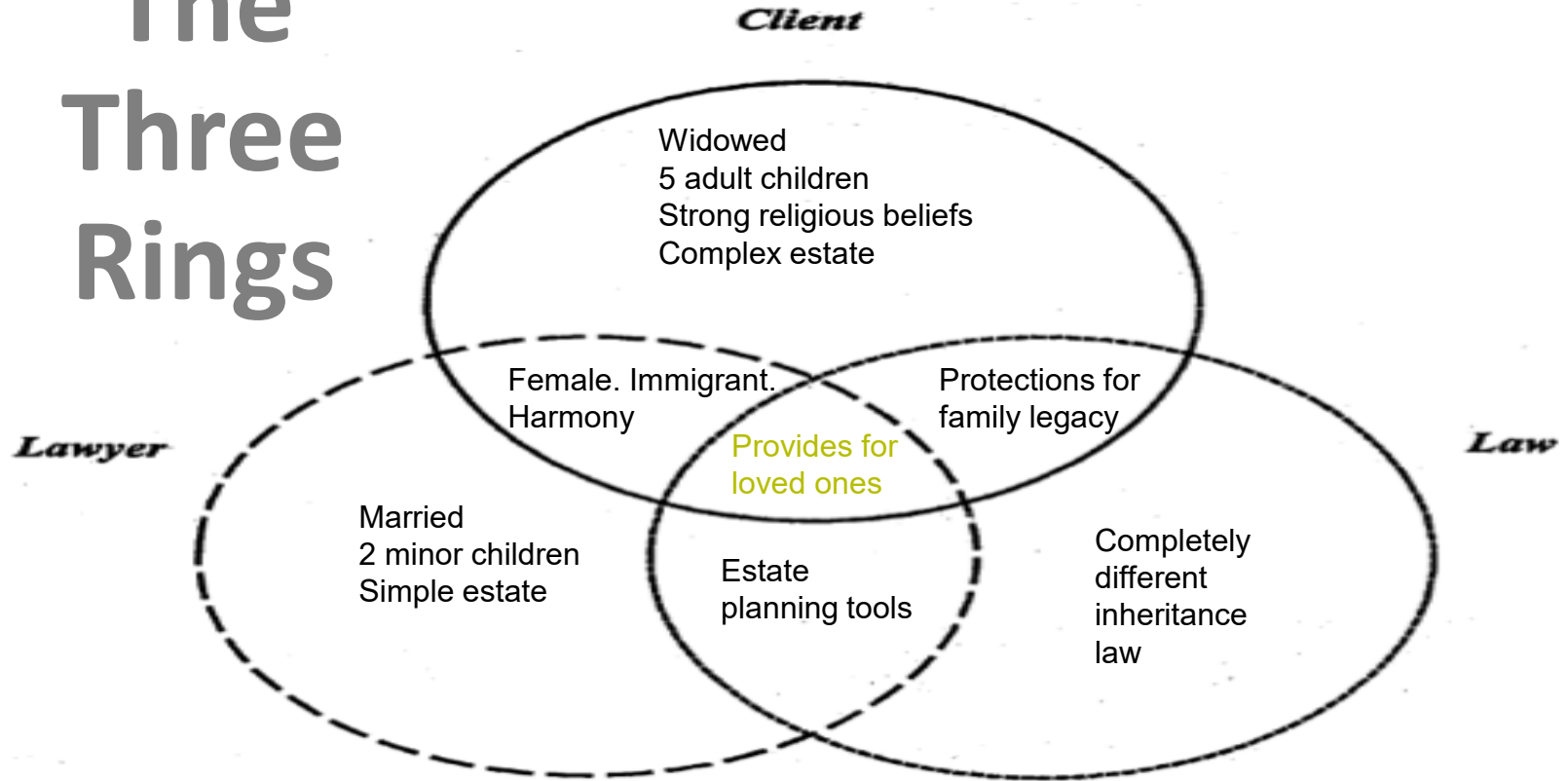


Cross-Cultural Lawyering

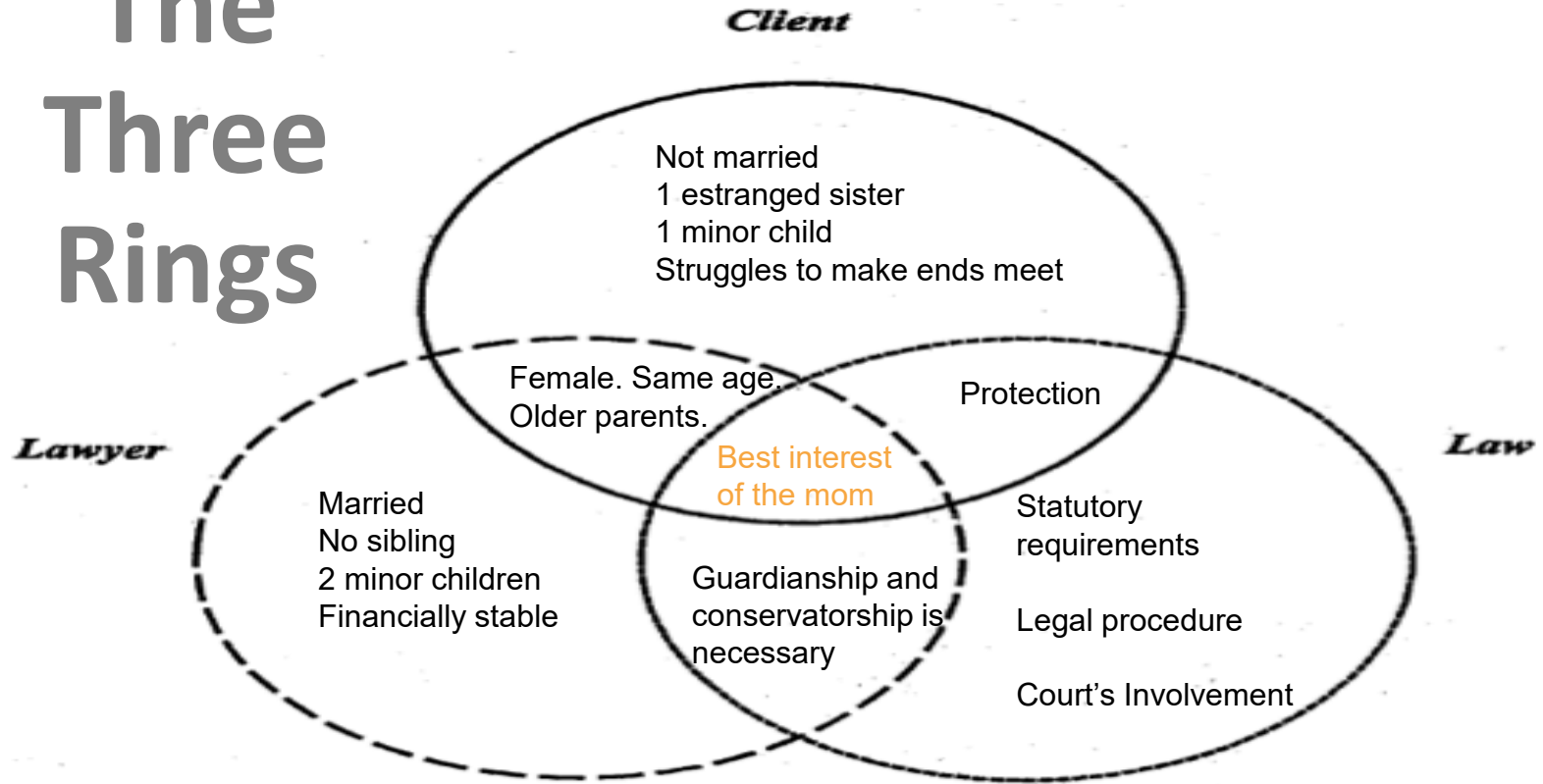
* Developed in 1999 by Sue Bryant and Jean Koh Peters



The Three Rings



The Three Rings



The Three Rings

2 minor children with special needs. Special school district. Wife stays home. No other family members in town.

Married. H&W both have a full-time job.

Protection

Best interest
of the children

2 minor children.
Regular school system.
Close family members
in town.

Estate
planning tools

Complicated
Trust Code and
Medicaid
planning

Enhance 3C Skills in Lawyering

- Listen and Learn
- Be open-minded
- Demonstrate humility
- Provide full advocacy
- Adventurous spirit

“Culture is the widening of the mind and of the spirit.”

– *Jawaharlal Nehru*

“We don’t see things as they are, we see things as we are.”

– *Anais Nin*

I don't See any Borders



Do you?

THANK YOU

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