

Becoming a Diverse Law Firm

By Dr. William A. Guillory



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Why it is Important, and the Skills Necessary to be Effective in an Increasingly Diverse Environment

The most compelling question about diversity a law firm must consider is whether the firm as whole believes diversity is crucial to its short- and long-term business success. Diversity permeates every aspect of the firm's operation, from lawyers and staff to clients. So the question is not whether diversity is important, the question is, "Is there a sense of urgency regarding its aggressive implementation?"

Even though leadership may be committed to diversity, each of us will have to make a similar individual commitment. This commitment means that when our day-to-day way of functioning involves a business, ethical, or values-based decision regarding diversity, we will take the action necessary for diversity to become a reality. It is important to realize that creating diversity is crucial to an organization's long-term success and correspondingly, job security—particularly in a competitive business environment.

Leadership also provides support through resources, communication, and the achievement of personally established goals. Their commitment is ultimately measured by the results they and the firm produce.

Change

The United States, and in fact the entire planet, is in the midst of the most accelerated change in the history of civilization. The world is shrinking, technology is escalating, business is unrestricted, and e-commerce is creating a seamless world. These changes have forced us to deal with issues that we have previously had the luxury to ignore—or at best explore at our convenience. These issues include differences in people; widely varying attitudes, ethics, and values; and even how we conduct business locally and globally. Major themes that have dominated the thinking of small and large firms are:

- rapidly changing expectations of lawyers, staff and clients;
- continual adaptation to the changing business environment; and
- leadership's role in creating this environment.

Each of these themes will be discussed below.

Employees

Given the uncertainties and requirements in today's workplace regarding job security, increased workloads, and the balancing of work and personal life, lawyers

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and staff are asking fundamental questions about what is important to them. The answers to such questions are based upon their widely different value sets. For example, some cultures view weekends and holidays as sacrosanct family time. Their attitude might be “I work to live,” not “I live to work.” Other value sets might view working after hours or weekends as an expression of their passion for what they do. The point is, both value sets can be accommodated in a work force where advancement, reward, and inclusion are based upon productivity and performance. Lawyers and staff seek and positively respond to a workplace where they feel valued, included, and experience quality of life, in spite of workplace pressures.

Clients

Correspondingly, the expectations of clients have changed dramatically during the 1980s and 1990s, and will continue to change in the 21st century. With an unlimited number of sources to fit their needs, both locally and globally, clients demand exceptional service beyond the product or commodity they purchase. This requires interpersonal relationship and communication skills, and an understanding of second languages. Most of all, it requires an understanding and acceptance of other cultures.

These are also the skills necessary to acquire and retain customers for the long-term. For example, a well-known pharmaceutical company noticed that their sales of an anticoagulant drug were poor in the Hispanic market. Subsequently, a Hispanic manager pointed out that the drug was labeled only in English. The manager had additional labels translated into Spanish and sales took off. Since then, educational materials for the drug have been translated into 15 languages, resulting in millions of dollars of new business. The point is, without diversity, it is highly probable that this oversight would not have been noticed and addressed. Although this is not specific to law firms, there are plenty of analogies that you can think of that would be similar for a global firm.

A Leadership Support System

Although highly competent lawyers and staff are the essential element for quality client service and profitability, establishing a support system that allows their competency to be expressed is also necessary. Most firms established in the U.S. are based on a Eurocentric value system and is a reflection of those who originate the firm. Therefore, it is not unusual that such values are dominant. However, as the percentage of minorities, women, and immigrants entering the workplace over the last 10 to 15 years has increased, we have attempted to make them fit, whether it was natural or not. The result has been a systematic filtering and

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exclusion process. Not because of a conscious plot to exclude them, but because firm cultures are like human organisms. Their major instinct is to evolve, fundamentally unchanged, over the longest period of time. The result is the same as natural selection in biological systems. A dominant culture naturally includes those who are culturally compatible and excludes those who are naturally incompatible. Hence, in most U.S. firms, the number of women and ethnic minorities become diminishingly small or nonexistent at the upper levels of leadership. This is why we stated earlier that transformation to an inclusive culture is the “crux of commitment.” The major barriers to commitment are overcoming the perception of loss of power, domination, and control by creating a culture where the playing field is truly level.

Skills for the Lawyer Working with Diverse Groups—Domestically or Globally
When an lawyer begins to work more extensively with diverse lawyers and clients inside and outside of the United States, a new skill set is required. All too often, lawyers will focus exclusively on technical competence—however, particularly when working internationally or with diverse groups, personal relationships play a much more significant role in achieving a successful resolution of issues for clients.

Instead of discussing particular skills for each individual group, country or region of the world, we tend to work with people to develop a mindset that will ensure success across cultures. It is impossible to predict every situation that one will encounter while working internationally—our objective here is to help readers develop an overall mindset and approach that can apply anywhere, anytime.

Three key skills that an lawyer should develop to be successful in the global marketplace are (1) adaptability in new situations, (2) sensitivity to different cultures, and (3) international negotiation skills.

Adaptability in New Situations

The key element of adaptability is being comfortable with not being in control of how situations naturally evolve; particularly where chaos appears to be occurring. The skill is to let go and trust the process. Important elements of adaptability are:
1. Education is understanding the explicit dimensions of diversity as well as the implicit aspects of a different culture (e.g. verbal/non-verbal communications).

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2. Psychological openness is the willingness to alter one's beliefs, attitudes, tastes, relationships, values and worldviews in adapting to a different culture. For example, Asian cultures tend to value integrity, trust and relationship as a basis for business.
3. Cultural Immersion involves the willingness to become a part of a host culture to the extent that you feel a natural part of it (e.g. carnivals, professional organizations, etc.).
4. Time adaptation is the realization and acceptance of the pace and meeting customs of a different culture. For example, in Mexico or certain countries in South America, time is relative, not absolute. Meetings may not start "on time," people may come "late," and the agenda may be general, etc. On the other hand, Germans tend to be very precise with respect to time.
5. Work practices—for many cultures, family and family relationships are primary. In such cultures, people "work to live" rather than "live to work." Even in the U.S., the cultural values of workers under the age of 35 are transforming to give up the "fast track" in favor of family.
6. Cultural context—Western cultures tend to be logical in thinking, whereas Asian, Middle Eastern and South American cultures tend to adjust their thinking to a given situation. The former are called low-context cultures and the latter are called high-context cultures.

Sensitivity to Different Cultures

The vital keys to cultural sensitivity involve resolving two fundamental issues of human relationship: human equality and ethnocentrism. Below we have included several other tips that you will find helpful.

1. Human equality is the fundamental realization that human beings are inherently equal. There are no superior or inferior human beings based upon race, ethnicity, sex or national origin.
2. Ethnocentrism is the belief in the superiority of one's own group and culture. Resolving this issue requires experientially realizing its falsity.
3. Patience, understanding and acceptance—In international situations, one must be tolerant and flexible. We must give ourselves time to understand why and how things are as they are. For example, the roles of women in different cultures may be very dramatically different based upon the situation and context.
4. Interpersonal sensitivity—to operate effectively across cultures, one must also develop an awareness and understanding of both verbal and non-verbal behavior. Western European and North American countries tend to attach more value to verbal communication (low context), while Asian cultures tend to value non –

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verbal communication (high context). In high context countries, one has to be extremely sensitive to nonverbal cues in order to know what is occurring.

5. Interpersonal relationships—for many cultures, relationship is everything, and is the foundation upon which business is based and required for long-term business interaction.

6. Religious Beliefs—most cultures of the world are not Christian. Some have strong beliefs about the supernatural, mystical and metaphysical that are different from the various Western-oriented Christian belief systems, and can influence how individuals conduct business on a day-to-day basis.

Negotiation

The essential competency in negotiation is to find a solution or agreement that is of mutual benefit to everyone involved. A successful negotiation is a win/win for everyone. In addition to the competencies that we have described above, international negotiators need four key skills:

1. Empathy—one must be able to see the world (or situation) through the eyes of others as a basis for understanding their behavior. Surprisingly, no matter how unreasonable they may be or behave, from their reality, they are perfectly justified.
2. Persuasion—one must be able to demonstrate the mutual value of one's proposal as an impetus to initiate change in their position.
3. Personally centered—one must be poised and in control when dealing with stressful situations and unreasonable demands. This requires an understanding of protocol, appropriate social behavior, patience and most importantly introspective personal growth.
4. Sensitivity and Awareness—it is also vital to understand the cultural backgrounds of others and how they influence their expectations. Knowing that relationship, trust and tolerance for ambiguity are all crucial factors in engaging in a successful negotiation.

If you are willing to engage in the personal work necessary to develop the skills identified above, you will have a mindset that will aid you across cultures and situations—and have a foundation upon which you can become a successful lawyer in diverse environments both domestically and globally.