

*How to Avoid a Cultural Minefield in Your Law Practice When Working With International Clients or Colleagues*

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EXAMPLE

## ***How to Avoid a Cultural Minefield in Your Law Practice When Working With International Clients or Colleagues<sup>1</sup>***

This article explores professionalism and cross-cultural understanding so that potential minefields in our legal practices may be avoided. In the hope that introspection and dialogue about these issues will be encouraged, let us first consider some situations where a cultural minefield might come into play:

- Should you give your business client in China full eye contact and get right to the point? What should you infer if your client refuses to meet your gaze?
- Upon meeting your female client from Pakistan who wears a hijab, should you, as a male, immediately reach out for a handshake?
- How should you react when your potential client offers you a sizeable bribe, which is standard operating practice in his country?

Who among us needs to consider the topic of professionalism in the context of cross-cultural understanding? Since we now live in a global environment and practice in a state with numerous foreign-born residents, arguably, we *all* need to educate ourselves about how to interact successfully with diverse population groups.<sup>2</sup>

Those of us who handle international transactional cases, who prosecute or defend foreign-born defendants in criminal matters, who represent foreign-born litigants in civil matters, or who represent government agencies dealing with intimate family matters such as child abuse and neglect cases - all deal with these issues.

### **I. PROFESSIONALISM**

The first part of the answer to the question posed in the title of this article is professionalism. What is professionalism? Justice Benham summarized the values of professionalism thusly: “In [1989], this court established a Commission on Professionalism to improve the image of the bench and bar by emphasizing a sense of *honesty, trustworthiness, truthfulness, integrity, fairness and civility.*” *King v. State*, 421 S.E.2d 708, 709, 262 Ga. 477 (1992) (emphasis added). Exposition of these values is found in *A Lawyer’s Creed and the Aspirational Statement on Professionalism* (hereinafter “*Creed and Aspiration*”), which includes several aspirational ideals that are implicated in this article, including, but not limited to the following excerpts:

(b) To model for others, and particularly for our clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.

(c) To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me.

- (d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.
- (e) To make the law, the legal system, and other dispute resolution processes available to all.
- (h) To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.
- (i) To practice law not as a business, but as a calling in the spirit of public service.<sup>3</sup>

Attorneys in Georgia are encouraged by the Supreme Court of Georgia to demonstrate professionalism, although a lawyer cannot be disciplined for failing to do so. Other countries may not necessarily ascribe to the same aspirational ideals of conduct, which may make working internationally challenging. At present, professional responsibility standards are not necessarily compatible across national borders and different legal cultures, and as a result, international practice can present complex professionalism issues, ones that the International Bar Association is attempting to guide.<sup>4</sup> These differences may complicate our practice of professionalism, as our stringent aspirations for professional behavior should not work to the detriment of our clients. But professionalism underlies every aspect of the remainder of this article and it is fair to say that if we, as attorneys, consistently exhibit professionalism, cultural minefields can be avoided.

What would professionalism look like in this context?

- Treating all individuals with respect and dignity (*See Creed and Aspiration* at Lines 51-53)
- Ensuring fairness and equality for all (*See Creed and Aspiration* at Lines 54-57)
- Preventing and confronting discrimination, fostering diversity (*See Creed and Aspiration* at Lines 54-57)
- Making extra efforts to eliminate communication barriers (*See Creed and Aspiration* at Lines 49-50, 51-53, 60-61, 67-70)
- Working towards the common good (*See Creed and Aspiration* at Lines 58-59)<sup>iii</sup>

*A Lawyer's Creed* states, "To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients." (*See Creed and Aspiration* at Lines 19-23)

## II. CROSS-CULTURAL UNDERSTANDING

Good communication is essential to avoiding cultural minefields.<sup>5</sup> Cross-cultural understanding starts with an *awareness* of culture.<sup>6</sup> "Culture" is a term that goes beyond just race or ethnicity and can be viewed as social reality. It can also refer to such characteristics as age, gender, sexual orientation, disability, religion, income level, education, geographical location, or profession. In other words, culture consists of collectively-held values, beliefs, and practices of a group.<sup>7</sup>

Culture is the “learned and shared knowledge that specific groups use to generate their behavior and interpret their experience of the world. *Id.* It comprises beliefs about reality, how people should interact with each other, what they “know” about the world, and how they should respond to the social and material environments in which they find themselves. It is reflected in their religions, morals, customs, technologies, and survival strategies. It affects how they work, parent, love, marry, and understand health, mental health, wellness, illness, disability, and death.”<sup>8</sup>

Whether we are conscious of them or not, we have norms for our country, for our region, and even for our metro area. Culture affects how individuals cope with problems, interact with each other, and see the world. Culture implies the integrated pattern of human behavior that includes thoughts, communications, actions, customs, beliefs, values, and institutions of a racial, ethnic, religious, or social group. What may be ordinary and accepted behavior in our culture may be insulting and outrageous in another.<sup>9</sup> “Culture is perceived as a peculiar impediment in conducting negotiations and concluding international transactions.”<sup>10</sup> Assuming that ‘our’ way is the only way, or that ‘our’ way is the ‘better’ way may not allow us to function adequately in our global world. Further, if we minimize the differences between cultures, unfortunate misinterpretations of the motives or honesty of others may result. In their 2001 article, *The Five Habits of Building Cross Cultural Competence in Lawyers*, Jean Koh Peters and Sue Bryant asserted that the capacity to form trusting relationships, to evaluate credibility, to develop client-centered case strategies and solutions, to gather information and to attribute the intended meaning from behavior and expressions are all affected by cultural experiences.<sup>11</sup>

Cultural differences may also include differences in the ability to explain and reference legal concepts. For instance, not every language has a single word for a legal term (e.g. jurisdiction).<sup>12</sup> Particular legal concepts may not exist in other legal frameworks, cultures, or languages. These differences might take time to explain. Another potential major pitfall for practitioners is confusing cultural practices with religious beliefs.<sup>13</sup> The cultural mores and rules between different countries and ethnic groups within those countries may differ widely. For example, in some Islamic cultures, the legal concepts of marriage, divorce, polygamy, and dowry may require special consideration as they may be in conflict with U.S. laws.<sup>14</sup> Depending upon relevant state law, for instance, religious agreements such as ante-nuptial agreements may or may not be considered legally binding.<sup>15</sup>

As individuals, we bring our own set of cultural experiences, some of which, if unacknowledged, may be detrimental to the representation of someone with a different cultural background. The term “cultural humility” has been introduced in the medical context to underscore its importance in culturally competent practice.<sup>16</sup> Cultural humility refers to the attitude and practice of working with clients with the presence of humility while learning, communicating, offering help, and making decisions through being aware of potential power imbalances. As attorneys, this term may be more appealing if we keep in mind that we all share a commitment to promote social justice and human rights. (*See Creed and Aspiration* at Lines 167-168) In order for us to serve all clients in accordance with our solemn oath, regardless of cultural differences, we may need to reorient our perspective.

Cultural humility seems particularly desirable for us as attorneys to consider, as we may be relatively unaware of the dynamics of power and privilege, which we, as a group, tend to enjoy.<sup>17</sup>

Cultural humility involves *not* assuming that our culture is automatically superior to others.<sup>18</sup> Being aware of our own privilege and power as lawyers is important, as is acknowledging the impact of this privilege and power in our work.<sup>19</sup> We can also try to identify our own cultural biases to help us recognize the values about which we may be less aware.<sup>20</sup> For instance, in some countries, judges may be trusted, while in others, they may be mistrusted.<sup>21</sup>

In today's global economy, the legal system cannot be accessed without considering the cultural context due to varying laws. Cross-border discovery and data privacy rules can present unique challenges. The Hague Convention may not control, since several countries, such as The Netherlands and Germany, have added provisos that essentially negate complying with American pretrial discovery.<sup>22</sup> On May 25, 2018, the European Union's General Data Protection Regulation ("GDPR"), a new data privacy regulation, went into effect.<sup>23</sup> Now, U.S. companies that store the personal data of EU citizens may be subject to contradictory obligations under U.S. and EU law.<sup>24</sup> This new law will affect companies subject to both U.S. discovery obligations and the requirements of the GDPR.<sup>25</sup> Litigation issues can arise in applying the guidelines country by country. For example, while "consent" looks to be grounds for processing and producing electronically stored information (ESI) for litigation purposes in the U.S., consent in Spain does not mean the same thing as it does in Germany, where consent obtained by an employer from an employee is presumptively invalid.<sup>26</sup>

Cultural *competence* means "to be respectful and responsive to the beliefs and practices - and cultural and linguistic needs - of diverse population groups."<sup>27</sup> Cultural competency has been defined as "the ability to accurately understand and adapt behavior to cultural difference and commonality."<sup>28</sup> Cultures have varying communication styles and business norms, and to be successful, we must become familiar with them. Consider that using the word 'normal' may be fraught with danger to the degree that it demeans another's culture. It may benefit both our clients and ourselves if we take a moment to consider another person's cultural context, as "all lawyering is cross cultural."<sup>29</sup>

There are numerous examples from around the world of varying communication styles and business norms. For instance:

- "No" as an answer may be considered rude in India. Try to use words like, "we will see" or "possibly" instead of saying, "no" and never, ever order steak during a business meal.<sup>30 31</sup>
- Using humor during meetings may be favorably viewed in the U.K, but not elsewhere, like Germany.<sup>32</sup>
- It is recommended to avoid physical contact and prolonged eye contact during discussions with your Chinese counterparts.<sup>33</sup>
- Do not leave before a meeting in Brazil has officially ended because it would be considered rude and never make the 'okay' hand signal.<sup>34 35</sup>
- In Germany, always allow the oldest person to enter first into the meeting room, and never be late.<sup>36</sup>

- In Japan, bowing is a typical way of greeting each other, and while handshakes sometimes occur, you should always allow the Japanese person to initiate them, and when you present your business card (a must), offer it with both hands.<sup>37</sup>
- In Egypt, if tea or coffee is offered, accept them even if you are not a fan. The same goes for alcohol in Russia, but wait until the host has taken the first sip.<sup>38 39</sup>
- In the United Arab Emirates, do not pass anyone documents with your left hand, even if you are left-handed.<sup>40</sup>

To add to the equation, there are internal variations within countries, and fundamental values between nations may differ widely.<sup>41</sup> Scrupulousness, for instance, may not mean the same thing everywhere - it might be perfectly normal in some locations to demand bribes or shade the truth.<sup>42</sup> Confidentiality is also viewed very differently in other parts of the world. Boundaries, both literal and figurative, may also differ – Brazilians, for instance, may invade your physical space by standing closely and making unwelcome physical contact.<sup>43</sup> In the Netherlands, mentioning your personal life during a business meeting may work against you.<sup>44</sup> Understanding the relative formality and customs of different cultures can be vital to fulfilling our professionalism ideals.

### III. HOW WILL WE HANDLE THESE CHALLENGES WHEN THEY OCCUR IN OUR PRACTICE?

Now that we have established that it is incumbent on each of us to develop cultural sensitivity as a means of demonstrating our professionalism, how can we implement this?<sup>45</sup> Effective client communications are essential to give value to our client and foster understanding of their expectations. (*See Creed and Aspiration* at Line 81) So, how do we become culturally competent in a way that will help us avoid cultural minefields?

We should educate ourselves in advance when possible – research, research, research. Now that we all have the equivalent of the Library of Congress at our fingertips 24/7, we can easily find the information that we need. Reach out to colleagues and experts as well, observe people closely, and learn that when your counterpart in Finland invites you to a sauna, it is best to *not* decline. Likewise, you may discover that some Brits tap their noses to identify when they are imparting confidential information.<sup>46</sup> You may also learn that in some countries, such as Italy or Russia, your counterparts may not have the same attachment to punctuality that you do.<sup>47</sup> Unless you know that in advance, you may ascribe negative intentions to their lateness, while education may help you not take someone's lateness personally.

Prior to a meeting, evaluate whether making eye contact is effective or adverse to you and your client's interests. Find out whether it is best to use first names, formal address, or even formal addresses with full job titles. Investigate whether smiling is considered suspicious (as in Russia), or merely polite (as in Ireland).<sup>48 49</sup> Identify whether pre-business chit-chat is a necessary predicate to a business meeting (as in Taiwan) or frowned upon (as in Norway).<sup>50 51</sup>

#### 1) Work on developing our interpersonal skills

All of us, regardless of our practice area, can benefit by improving our interpersonal skills. We have a duty to communicate clearly with our clients and to cooperate with opposing counsel.

(See *Creed and Aspiration* at Lines 81, 97) As we acknowledge that a critical role of attorneys is that of being counselors, some of the skills mental health professionals learn are readily transferrable to the practice of law. As attorneys, we deal with conflict, and conflict can be exacerbated by careless communication. Insensitive statements, misplaced sarcasm, and reliance on stereotypes contribute to poor communication. Even when we deal with people who are a complete match culturally, communication can go sideways.

Speech patterns and dialects vary widely, leading to linguistic miscommunication.<sup>52</sup> Many of us have had the experience of watching TV shows where the actors are purportedly speaking English but turning on the closed captions is necessary because we cannot decipher what is being said. In real life, unfortunately, we don't have that option. Here are three suggestions to improve our interpersonal skills:

a. Active Listening

Common criticisms of lawyers include dominating the conversation and being aggressive rather than accommodating.<sup>53</sup> These qualities are not conducive to successful communication. The concept of 'active listening' is used in many professions, and is particularly relevant to the legal profession.

One definition of active listening is as follows:

Active listening is a structured form of listening and responding that focuses the attention on the speaker. The listener must take care to attend to the speaker fully, and then repeat, in the listener's own words, what he or she thinks the speaker has said. *The listener does not have to agree with the speaker* -- he or she must simply state what s/he thinks the speaker said. This enables the speaker to find out whether the listener really understood. If the listener did not, the speaker can explain some more.<sup>54</sup>

In accordance with our duty to communicate effectively, active listening slows the conversation down and allows the speakers to remain calmer. (See *Creed and Aspiration* at Line 81) It also may help identify the emotions behind the words if the listener reflects back to the speaker, e.g. "it sounds as though you are frustrated." Asking open-ended questions to clarify what the speaker means is good practice.<sup>55</sup> Use phrases like, 'tell me more about X, why is this important to you, what else should I know about X?' Being patient and temperate goes without saying.

It may help to explore what the opposite of active listening consists of, which would encompass non-verbal communication and techniques to gain the upper hand. It might look like:

- Interrupting,
- Looking at our phones while others are speaking,
- Discounting (as silly or illogical, for instance) what the speaker says,
- Trying to change the subject,
- Turning one's body sideways,
- Sighing and tapping our pens.<sup>56 57 58</sup>

b. Employing empathy as well as sympathetic detachment



Scholars have identified empathy as an essential skill in practicing law.<sup>59</sup> Empathy can be defined as a person's ability to recognize and share the emotions of another person, fictional character, or sentient being.<sup>60</sup> Empathy is not specifically mentioned in *A Lawyer's Creed and the Aspirational Statement on Professionalism*, but numerous references within connote empathy – we strive to represent our clients in the same way we would want to be represented and we offer them respect. (*See Creed and; Aspiration* at Lines 3-5, 11) We strive to be courteous and civil in all our communications with opposing counsel. (*See Creed and Aspiration* at Lines 103-108) How does this concept interact with our apparently conflicting ideal of 'sympathetic detachment?' (*See Creed and Aspiration* at Lines 79-80) Sympathetic detachment is not readily defined. Legal ethicist Anthony Kronman first posited that our ability to be at once sympathetic and detached toward our own conflicting concerns is just another way of describing the experience of integrity itself.<sup>61</sup> His description of sympathy as 'compassionate understanding' appears to parallel Burton's definition of empathy.<sup>62</sup>

Kronman proposes that lawyers develop the character trait of Aristotelian "practical wisdom:"

a capacity to exercise sound judgment by moving back and forth between sympathetic engagement with their clients' interests and a detached perspective on the common good that also encompasses the perspectives of others. A combination of compassion and detachment is needed, alternating sympathetic engagement with the way the world looks and feels from a particular perspective with a non-judgmental attitude that avoids commitment to any one perspective and takes all points of view into account.<sup>63</sup>

Put another way, entertaining a value or concern is an attitude midway between adopting it and merely acknowledging its existence.<sup>64</sup>

The exercise of empathy in communication can improve mutual understanding and trust even in the legal profession, where we may have learned exactly the opposite – to feel nothing but distance from emotion.<sup>65</sup> To empathize, to share in someone else's perspective, requires us to gain knowledge of that person in a non-detached manner.<sup>66</sup> Empathic listening involves not only gaining an understanding of the facts of the speaker's position, but also the emotion of the speaker.<sup>67</sup> It does *not* mean that we are required to agree with their position, but rather that we hear what they are saying and that we remain willing to help resolve the issue.<sup>68</sup>

Empathy might lead us to allow the other speaker to speak without interruption, even when we don't think that the speaker has anything useful to add.<sup>69</sup> We also might let the other speaker dominate the conversation until the speaker runs out of things to say, even though we may be certain that our planned comments are pithy and on point. The speaker's catharsis may contribute to a successful resolution. It's entirely possible that our levels of tension and stress will be reduced if we practice this disciplined way of communicating.<sup>70 71</sup>

When we apply empathic listening, we listen to the speaker without expressing judgment.<sup>72</sup> Making accommodations where possible may lead to a sense of greater fairness and better communication for all involved, thus fulfilling our commitment to professionalism through 'civility.' (*See Creed and Aspiration* at Lines 6-7)

c. Prepare in advance for language diversity

Considering Georgia's *Creed and Aspiration*, we can reasonably view our preparation for language diversity as an aspect of our 'faithfulness, competence, and diligence' and making extra efforts to eliminate communication barriers (*See Creed and Aspiration* at Lines 2-3, 49-50, 51-53, 60-61, 67-70). Equal access in the delivery of services in Georgia is now expected and is consistent with the ideal of making the law, the legal system, and other dispute resolution processes available to all. (*See Creed and Aspiration* at Lines 19-23)

The United States Department of Justice mandates that individuals with Limited English Proficiency (LEP) must have "meaningful access" to contact points in the judicial system whether that be inside or outside of the court room.<sup>73 74</sup> According to the American Bar Association (ABA), "There is ample experience and anecdotal evidence to substantiate that many [people with LEP] regularly come before the courts and are unable, without language access services, to protect or enforce their legal rights, with devastating consequences to life, liberty, family, and property interests."<sup>75</sup>

In 2012, the Georgia Supreme Court promulgated rules to establish a statewide plan for the use of interpreters by the Courts of Georgia.<sup>76</sup> The rules note that the fact that a person for whom English is a second language knows *some* English should not prohibit that individual from being allowed to have an interpreter.<sup>77</sup> Further, an attorney's failure to timely notify the court that an interpreter is needed, in addition to lacking professionalism<sup>78</sup>, may result in costs being assessed.<sup>79</sup>

It is important to use a certified interpreter whenever possible. Uncertified lay people who are interpreting may not only miss the point, but may also improperly try to give advice, when that should only be left up to a lawyer. Bad interpreters can mean justice denied.<sup>80</sup> In 2010, a new trial was granted to a criminal defendant with LEP in Georgia because an acquaintance had acted as interpreter. The interpreter caused the defendant to not understand the charges against her, the risks of those charges, or testimony against her at trial.<sup>81</sup> The majority found that "one who cannot communicate effectively in English may be effectively incompetent to proceed in a criminal matter and rendered effectively absent at trial if no interpreter is provided. We also now hold that trial courts must state and explain their findings when an issue concerning the need for an interpreter that implicates foundational due process rights is raised. . . ."<sup>82</sup>

In contrast, in *Cisneros v. State*, 299 Ga. 841, 792 S.E.2d 326 (2016), a linguistics expert concluded that significant errors in translation occurred during trial, but a new trial was *not* ordered. The Court held:

"that a criminal defendant is [not] constitutionally entitled to a perfect, word for word interpretation, something we would consider quite rare due to cultural differences, changes in dialect, and differences in interpreter proficiency. Rather, errors in interpretation must be considered in their full context and with respect to the entirety of the trial to determine how they may have affected a defendant's right to a fair trial. *See United States v. Long*, 301 F.3d 1095, 1105 (9th Cir. 2002) ("occasional lapses in [word for word interpretation] will not necessarily contravene a defendant's constitutional rights"); *United States v. Gomez*, 908 F.2d 809, 811 (11th Cir. 1990) (recognizing that "defendants have no constitutional 'right' to flawless, word for word translations") ... *See*

*also State v. Mitjans*, 408 N.W.2d 824, 832 (Minn. 1987) ("Translation is an art more than a science, and there is no such thing as a perfect translation.... Indeed, in every case there will be room for disagreement among expert translators over some aspects of the translation."). Obviously, a defendant is denied a fair trial if interpretation errors significantly hinder his or her presentation of a defense or alter in a meaningful way the evidence submitted to the jury."

In Georgia, information about certified interpreters is available through the Georgia Commission on Interpreters.<sup>83</sup> However, note that there are different certifications for federal and state court interpreters in some languages.<sup>84 85</sup> In addition, there may be differences between the rules relating to translation and interpretation.<sup>86 87</sup> From the outset, we must also have an understanding of how the use of interpreters may affect our obligation of confidentiality and avoidance of conflicting loyalties. (*See Creed and Aspiration* at Lines 93-95)

The following suggestions regarding the use of interpreters are available from the Chicago Bar Foundation.<sup>88</sup>

- Information is being relayed twice—from you to the interpreter and from the interpreter to your client. Allocate additional time for meetings and hearings.
- Confirm the interpreter before going to court.
- Plan for breaks every half hour, as interpreters need these breaks to maintain focus.
- Establish clear roles for the process.
- Just like you would explain the process and purpose of a deposition to any client, do the same by explaining interpretation to a client and interpreter.
- Identify and try to eliminate conflicts of interest.
- Try to avoid interpreters with a financial, personal, familial, or other relationship to the parties or facts of the case.
- To the extent possible, choose a neutral, objective interpreter, even though this might be challenging in language groups with a small number of people.
- Avoid using family members as interpreters because there may be issues with bias and confidentiality.
- Never use children.
- Don't interrupt the interpreter—it interferes with communication

## SUMMARY

As attorneys, we are in the communication business, and cultural differences impact our interpersonal communication. Thus, if we wish to avoid cultural minefields, our responsibility to use effective oral and written communication skills is unavoidable. Cultural competence, the ability to interact *effectively* with people of different cultures, is now essential in our global economy and with our diverse population.

As an expression of our professionalism, we can help make access to the law available to all and help under-served populations (*See Creed and Aspiration* at Lines 19-23, 54-57, 58-50), demonstrate our commitment to public service (*See Creed and Aspiration* at Lines 16-18, 51-53, 71), demonstrate our fidelity to our clients (*See Creed and Aspiration* at Lines 49-50), and

improve our own personal and interpersonal skills and our cultural competence as an element of diligence. (See *Creed and Aspiration* at Lines 2-5, 60-61, 67-70). After all, we are officers of the court and we share responsibility for ensuring that the public’s perception of the law as a force for good is reinforced. If we are concerned about avoiding cultural minefields in our practice, it behooves us to recognize our potential cultural biases, to respect differing cultural traditions, and to learn how to communicate more effectively. “As members of an honorable profession, we must be willing to conduct our business in a manner consistent with the higher standards embodied in the Ethical Considerations and aspirational goals embodied in the professionalism movement.” *Evanoff v. Evanoff*, 262 Ga. 303, 304-305, 418 S.E.2d 62 (1992) (Benham, J., concurring).

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#### IV. FURTHER READING

- 1) To see how your communication skills stack up, take the test at:  
[https://www.americanbar.org/publications/law\\_practice\\_magazine/2011/september\\_october/cultivating\\_the\\_art\\_of\\_effective\\_client\\_communications/](https://www.americanbar.org/publications/law_practice_magazine/2011/september_october/cultivating_the_art_of_effective_client_communications/)
- 2) IBA (International Bar Association) Principles for the Legal Profession (2011)  
<https://www.ibanet.org/Document/Default.aspx?DocumentUid=e067863f-8f42-41d8-9f48-d813f25f793c>
- 3) Edward T. Kang, *Diversity and Its Impact on the Legal Profession* (2016)  
<https://www.lawpracticetoday.org/article/diversity-impact-legal-profession/>
- 4) Jean Gilbert, Tawara D. Goode, Clare Dunne, *Curricula Enhancement Module*, National Center for Cultural Competence, 2007,  
<https://nccc.georgetown.edu/curricula/documents/awareness.pdf>
- 5) Jan L. Jacobowitz, *Lawyers Beware: You Are What You Post - The Case for Integrating Cultural Competence*, Legal Ethics, and Social Media (2014)  
[https://repository.law.miami.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1241&context=fac\\_articles](https://repository.law.miami.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1241&context=fac_articles)
- 6) John L. Barkai, Virginia O. Fine, *Empathy Training For Lawyers And Law Students*, University of Hawaii, Southwestern University Law Review (1983)  
[https://scholarspace.manoa.hawaii.edu/bitstream/10125/35148/1/Barkai\\_13SwULRev505.pdf](https://scholarspace.manoa.hawaii.edu/bitstream/10125/35148/1/Barkai_13SwULRev505.pdf)
- 7) Kathy Morris, *Law Students Need Professional Development, Too* (2015)  
<http://www.abalcc.org/2015/11/30/law-students-need-professional-development-too/>
- 8) Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the "Heart" of Lawyering*, Nebraska Law Review (2008)  
<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1013&context=nlr>

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<sup>1</sup> The Chief Justice's Commission on Professionalism wishes to thank Suzanne E. Deliscar for her professionalism and for graciously granting the Commission permission to use the title to one of her presentations and to springboard from her *Cultural Minefield* materials to create a Georgia-specific professionalism presentation with a similar name. See <https://suzannedeliscar.ca/2014/12/06/how-to-avoid-a-cultural-minefield-in-a-legal-practice/>

<sup>2</sup> Gregory E. Mize, *Law Practice Regulation in the United States & Issues Raised by Cross Border Legal Practice*, National Center for State Courts 1, (Jan. 2018),  
<https://ccj.ncsc.org/~media/Microsites/Files/CCJ/Web%20Documents/Law-Practice-Regulation-in-the-USA.pdf>  
(last visited Nov. 27, 2018)

<sup>3</sup> Excerpted from: <http://cjcpga.org/wp-content/uploads/2018/08/2-Lawyers-CreedAspStatement-v-2013-Line-Number-v6-5-18.pdf> (Entered by Order of Supreme Court of Georgia, October 9, 1992, *nunc pro tunc* July 3, 1990; Part IX of the Rules and Regulations of the State Bar of Georgia, as amended September 10, 2003 and April 26, 2013) (last visited Nov. 27, 2018)

<sup>4</sup> The International Bar Association website, [https://www.ibanet.org/About\\_the\\_IBA/About\\_the\\_IBA.aspx](https://www.ibanet.org/About_the_IBA/About_the_IBA.aspx) (last visited Nov. 27, 2018)  
[https://www.ibanet.org/Publications/publications\\_IBA\\_guides\\_and\\_free\\_materials.aspx](https://www.ibanet.org/Publications/publications_IBA_guides_and_free_materials.aspx) (last visited Nov. 27, 2018)

<sup>5</sup> Nelson P. Miller, *Beyond Bias—Cultural Competence as a Lawyer Skill*, Mich. Bar J. 38, 39 (2008)  
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