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## Building Trust: Getting Diverse Global Clients

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On a rainy day in Georgia, Sheriff's officers served eviction orders on a foreclosed home. As the neighbors watched, the authorities entered, removed the house's contents, and placed everything on the front lawn. *Unfortunately, they had the wrong house.*

The owner, an elderly African-American woman who was at work at the time of the incident, was bereft that her property had been destroyed. She filed a lawsuit against the mortgage company and its attorneys.

Douglas K. Burrell, an associate with Drew, Eckl & Farnham at the time, now a partner, was asked to participate on the team to help resolve the case pre-suit. A senior partner at the firm felt that Douglas' African-American ethnicity might be an asset in this case. He would be sensitive to the ethos of the situation, and might be able to establish rapport with the plaintiff. His goal was to hopefully reach an agreement that would set the stage to avoid trial.

He visited the plaintiff and immediately saw how gravely she had been harmed by the whole ordeal. She looked small and damaged, sitting on a sofa surrounded by her daughters. After the introductions, Douglas expressed his sorrow and condolences for the tragic error, and asked if they could talk about how his client could begin the process of compensating her for the terrible loss.

Before any discussion began, the widow asked him several questions:

Plaintiff: Where are you from?

Douglas: I grew up in Cedar Rapids, Iowa, Ma'am.

Plaintiff: A black person from Iowa? Are you married?

Douglas: Yes, Ma'am

Plaintiff: Is she black?

This, Douglas knew, was a litmus test. Just because he was an African-American man didn't mean an elderly African-American woman was going to trust him or his client. But he was well aware that being married to his African-American wife might help this sorrowing widow trust a black man who grew up in a white island like Cedar Rapids, Iowa. He answered truthfully:

Douglas: Yes, Ma'am.

It was enough for a start. Douglas Burrell passed muster with the plaintiff, and helped settle the lawsuit without the strain and expense of a time-consuming trial.

People are attracted to those who share their experiences, their languages, and their ethnicity. They want counsel from people they trust to have their best interests at heart.

But people are not alike. There are different customs, priorities, religious sensibilities, and ways of thinking and negotiating even within the USA. This can make communications difficult with our own friends and family, let alone with strangers from different cultures.

If a firm wants to succeed globally or prosper in the increasingly multi-ethnic USA, its future may depend upon how well it attracts and retains attorneys with varied ethnic and linguistic backgrounds—and on how well it educates its workforce in intercultural communications.

And as a firm invests in building a diverse legal team, it is vital to listen carefully to those team members' perspectives. For example, Brazilian attorneys have a very specific knowledge base and communication style that make Lusophone (Portuguese-speaking) counsels particularly valuable. They are hyper aware that business in Brazil revolves around relationships, and they accept nepotism as normal. Executives in Rio are considered obligated to help family and friends obtain employment—and those family and friends can literally number in the hundreds. Being related to important Brazilian officials does not guarantee contracts to Brazilian attorneys working in the USA, but it gives law firms who employ Brazilian attorneys an advantage over those who have neither networks in, nor knowledge of Brazilian culture. Although nepotism may be a controversial or unethical business practice in the USA, it is routine throughout Latin America, Asia, Africa, and the Middle East. Employing family members has historically been the primary means of staffing small businesses worldwide. And as companies expand, so do their employee bases of extended family and close friends.

If you are fortunate, your legal practice already actively recruits diverse attorneys. You know that their global networks can become yours as well, and you understand how important those connections can be.

In Asia, contacts are absolutely vital, and family is at the hub of the network. It is no coincidence that Japan has quite a few of the world's

oldest firms, many of which have been family-owned (like Nishiyama Onsen Keiunkan, the hot-spring hotel founded in 705 CE in Yamanashi). Primogeniture has ensured that one child carries on the family business. The interesting point is that the “child” is a conscious, careful choice. According to Slate.com, “more than 90 percent of the 81,000 individuals adopted in Japan in 2011 were adults.”<sup>1</sup> In other words, the business owner (generally a patriarch) legally adopts the selected CEO in order to keep the business in the family.<sup>2</sup> Toyota, Suzuki, and Kikkoman are examples of family firms managed by adopted sons.

Japan is not the only Asian country that considers family to be of paramount importance. South Korea has extremely powerful industrial groups called *chaebols* that evolved from smaller family businesses. These government-supported conglomerates are primarily run by extended family members who report to one or more patriarchs.

Understanding and obtaining traditional networks in certain cultures can be an enriching and valuable experience—but it can take years. A quicker, logical alternative is to hire multilingual employees who already have international networks and intercultural skills. Additional arguments for increasing the diversity of your workforce include the following:

- It is good PR.
- It is morally correct.
- It is a significant asset during depositions.
- It is valuable for meeting governmental regulations.
- It is advantageous when marketing to diverse clients domestically and abroad.
- It is exceedingly useful when selecting diverse juries, and addressing them during trial.
- Balanced gender and multiethnic teams evince substantial creativity and adaptability, which are valuable assets when doing business internationally.

<sup>1</sup> [http://www.slate.com/articles/business/continuously\\_operating/2014/10/world\\_s\\_oldest\\_companies\\_why\\_are\\_so\\_many\\_of\\_them\\_in\\_japan.html?wpsrc=sh\\_all\\_dt\\_tw\\_bot](http://www.slate.com/articles/business/continuously_operating/2014/10/world_s_oldest_companies_why_are_so_many_of_them_in_japan.html?wpsrc=sh_all_dt_tw_bot).

<sup>2</sup> What happens to the CEO’s natural parents and heirs when he or she is adopted by the new company’s owners? Further information can be found here: [https://bpace.berkeley.edu/access/content/group/e675b947-6067-425e-adbf-10e8922547b9/06.%20Feb.%2027\\_%20Randall%20Morck,%20University%20of%20Alberta,%20Canada/2011%2007%2020%20Adoptive%20Expectations.NBER%20SI%20version-1.pdf](https://bpace.berkeley.edu/access/content/group/e675b947-6067-425e-adbf-10e8922547b9/06.%20Feb.%2027_%20Randall%20Morck,%20University%20of%20Alberta,%20Canada/2011%2007%2020%20Adoptive%20Expectations.NBER%20SI%20version-1.pdf).

A diverse attorney base gives a firm immediate knowledge about a variety of cultural issues, languages, and business practices. But good candidates can be difficult to find.

## Recruiting Diverse Legal Professionals

While there are significant advantages to having a diverse law practice, recruiting and retaining multi-ethnic employees can be a challenge. Finding candidates, arranging international interviews, and getting those selected to accept offers of employment can be complicated by intercultural business and social variables. In order to attract diverse employees, you must know what motivates them.

If you ask a group of recently graduated lawyers in the USA to make a list of their top priorities in life, the #1 motivating factor will generally be *money*.

However, different cultures have different priorities. Family and friends—not money or work—are the top priorities in most of Asia and Latin America. And for various reasons, money may not even make the top three for attorneys from Argentina, Denmark, or France. (Danes, Finns, Swedes, and Norwegians pay exceptionally high income taxes, so money is lower on the list.)

Marcelo Bombau, former chair of the American Bar Association's Section of International Law, is very aware of the differences between Argentinean and US motivating factors. He provided the following list of top priorities for Latin American new hires:

1. Family
2. Friends
3. A relationship with the leadership or management of the firm
4. Respect (for example, having work that will be respected—by peers, by family, etc.)
5. Money and power
6. The prestige of being part of an important group
7. A balance between professional assignments and personal time
8. Long-term opportunities to work on important global assignments
9. Financial perks like club memberships, stock, private school tuition, apartments, and tax equalization.
10. Patriotism—pride and success for their country
11. Religious beliefs
12. Health