This workshop was held at the 2017 Equal Justice Conference in Pittsburgh, Pennsylvania

Title:
Scarcity Psychology: A New Perspective for Cultural Competency Trainings

Presenters:
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Laura Jo Busian, Volunteer Lawyers Network, Minneapolis, MN
Samantha Howell, Esq., Prisoners’ Legal Services of New York, Albany, NY

Busy attorneys and their pro bono clients have a lot more in common than the attorneys might think. This session will discuss how recent social science research can assist attorneys in developing empathy for their pro bono clients’ actions, and will also provide specific strategies for effectively representing these clients.
SCARCITY PSYCHOLOGY

Sarah Babcock, Pro Bono Director, Lawyers for Equal Justice

Laura Busian, Housing Resource Attorney and Program Manager, Volunteer Lawyers Network

Samantha Howell, Esq., Director of Pro Bono & Outreach, Prisoners’ Legal Services of New York
Today’s Learning Objectives

At the end of this session, you will be able to:

(1) Articulate why cultural competency training is so important for attorneys representing low-income clients;
(2) Demonstrate that a busy attorney and a low-income client in chronic crisis have a lot more in common that they might think; and
(3) Provide concrete tools to help pro bono and legal aid attorneys enhance their representation of low-income clients.
What is Cultural Competency?

To be free is not merely to cast off one’s chains, but to live in a way that respects and enhances the freedom of others.

- Nelson Mandela -
EXPLICIT CULTURE
Behaviors, Attitudes and Beliefs

Implicit Culture
Values

Creative Commons License, The Iceberg Model of Culture, interculturalism.blogs pot.ca/2011/03/iceberg-model-of-culture.html, 3/6/11.
Areas of Cultural Competency

- Age
- Mental Health/Illness
- Sex
- Gender
- Ethnicity
- Religion
- Economic
- Geographic Differences
- Language
- Life Experiences
- LGBTQIA
- Race
- Disabilities
Why Is This Important?
ABA Standards for Civil Pro Bono Programs

- Standard 2.1 – Infrastructure – Program Personnel
- Standard 2.2 – Attorney Supervision of Non-Attorney Staff
- Standard 2.6 – Program Effectiveness – Relations with Others
- Standard 2.8 – Program Effectiveness – Identification of Client’s Needs
- Standard 2.9 – Service Delivery Systems – Program Priorities
- Standard 2.11 – Service Delivery Design – Client Community Access
- Standard 3.1 – The Initial Contact – Establishment of an Effective Relationship
- Standard 3.2 – The Initial Contact – Communication with Clients
- Standard 3.5 – Establishing the Relationship – Non-Discrimination and Diversity
- Standard 4.2 – The Initial Interaction – Non-Discrimination and Diversity
- Standard 4.4 – Building a Strong Relationship with Volunteers
Working with Diverse Client Populations

- Requires ...
  - The Utilization of Different Approaches Based on Type of Communication in Use
  - Active Listening Skills
  - Redirection
Four Stages of Cultural Competence

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<tr>
<th>Stage 1: Unconscious Incompetence</th>
<th>Stage 2: Conscious Incompetence</th>
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<tr>
<td>Stage 3: Conscious Competence</td>
<td>Stage 4: Unconscious Competence</td>
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What is Scarcity and How Does It Relate to My Work?

“having less than you feel you need”
Focusing and Tunneling

- Important & Urgent
- Important & Not Urgent
- Urgent & Not Important
- Not Urgent & Not Important
Focusing and Tunneling

Examples of tunneling among low-income clients?

- Missing a meeting
- Not returning phone calls
- Not gathering/locating necessary documents
- Failing to follow up
Understanding the Bandwidth Tax

- Bandwidth is the computational capacity of our ability to pay attention, make good decisions, stick to plans, and resist temptations (p. 41-42).

If I lose my job, I'll have to move. But I hate it!

What did Matt mean when he said he was "fine"? It was one of our worst fights.

How will I pay for school this semester? I need the Internet at home, but my rates went up again?

What if my test results come back and something is really wrong?

My cat was vomiting but I can't afford the vet!

Could I survive without my car? That would save on transportation costs, but it would take longer to get everywhere.

Those tires cost me $1000! How will I buy food?

I just bought 20 books! That I don't have time to read! Why did I do that?!

HELP!!!
Expertise

• Expertise informs how we approach and respond to situations, and ultimately, how we behave.
• Who’s the expert in the room?
• Effect of Scarcity
  • Perception
  • Construal (i.e., interpretation)
• Cost Analysis
Take-Aways

Importance of Understanding Personal Biases/Perspectives

Appreciation for Your Client's Story

Role of Cultural Competency in the Law

Learn how to best represent your clients with compassion and empathy
ADDITIONAL RESOURCES

• Breaking Poverty Barriers to Equal Justice, Donna Beegle
• Effective Communication with the Legal Services Client, Practising Law Institute
• The Art & Science of Interviewing Pro Bono Clients, Practising Law Institute.
• TED Talk: The Story We Tell About Poverty Isn’t True, Mia Birdsong.
• VLN On-Demand CLE Library: http://wpbc.wikispaces.com/Introduction
Scarcity Psychology – Additional Resources

Equal Justice Conference – May 2017

Sarah Babcock, Lawyers for Equal Justice, Atlanta, GA
Laura Jo Busian, Volunteer Lawyers Network, Minneapolis, MN
Samantha Howell, Esq., Prisoners’ Legal Services of New York, Albany, NY

• Belardo, Kate, and Darla K. Deaddorff, Eds. **Building Cultural Competence: Innovative Activities and Models.**

• Breaking Poverty Barriers to Equal Justice, Donna Beegle


• Effective Communication with the Legal Services Client, Practising Law Institute


• The Art & Science of Interviewing Pro Bono Clients, Practising Law Institute.

• TED Talk: The Story We Tell About Poverty Isn’t True, Mia Birdsong.


• Thaler, Richard, H. **Misbehaving: The Making of Behavioral Economics, 2016.**


• VLN On-Demand CLE Library: [http://wpbe.wikispaces.com/Introduction](http://wpbe.wikispaces.com/Introduction)