

 Send to Printer

The Complete Lawyer

INTERNATIONAL PRACTICE



Janet H. Moore provides training and executive coaching to help law firms and individual law successful international practices. Before founding [International Lawyer Coach, Inc.](#), she practiced international business law at Baker Botts LLP, a multi-national corporation and, as a foreign attorney, Santamarina y Steta, S.C. in Mexico City. Janet has written frequently for publications in *International Law*; she also writes the [International Lawyer Coach Newsletter](#) and the [Int. Lawyer Coach Blog](#). Janet is a professionally trained coach and certified by the International Federation. She graduated with honors from both Georgetown University's School of Foreign and the University of Texas School of Law, attended the London School of Economics, and studied in Austria, France and Italy. Contact: [Janet Moore](#)

Avoid Cross-Cultural Communication Snafus

Being sensitive to cultural differences in communication will impact your success in the global arena

By Janet H. Moore

Messages often get “lost in translation”—literally and figuratively—during cross-cultural communication. When talking or writing to clients, colleagues and competitors from different cultural backgrounds, we often find ourselves in communication snafus. Sometimes the receiver of the message fails to understand the message or, worse, assumes a contrary meaning. In other words, client communication techniques that work in Shanghai don't necessarily work in Sydney or Salzburg.

Communication is key to the success of the attorney-client relationship. How can law firms and individual lawyers ensure that their messages accurately cross the cultural divide? How can they trust that their meaning is understood as intended? Here are some strategies to maximize the effectiveness of your cross-cultural client communication.

Make Every Client Communication Count

Every kind of communication—from legal bills to cocktail party conversation—is an important client cultivation opportunity. Before sending out a bill, letter or memo, or before speaking to a client at a meeting or social event, a lawyer should ponder, “How can I communicate with this particular client in a culturally sensitive way?”

Not long ago in London, I led a panel discussion about cross-cultural client

development for the American Bar Association's Section of International Law. During the panel discussion we shared our client communication strategies in different cultural contexts. One panel member was Cyndee Todgham Cherniak, a lawyer with Lang Mitchner's Toronto office who works in China so often that she has even secured a local cell phone number comprised of "lucky numbers." Before each trip abroad, she reviews a little tip sheet she has prepared, reminding her of things to bring (lots of extra business cards) and appropriate ways to greet and interact with Chinese clients.

One clear theme emerged from this conference: being sensitive to and mindful of cultural differences in communication decidedly impacts a lawyer's success in the global arena. But what if a lawyer gets it wrong? Simply apologize. All the panel members agreed that clients will generally understand cultural gaffes, especially if attorneys recognize their mistakes and apologize.

Look For And Understand Differences In Communication Style

Cultural differences impact not only our words, but also our vocal pitch, body language (including how close parties stand when conversing), and eye contact. For example, intense eye contact is often considered rude in Vietnam whereas many Arabs and Latin Americans often use direct eye contact when delivering important messages. Customary gestures or behaviors can also have radically different meanings depending on the cultural context; for example, noisily slurping soup is customary in China but considered rude in many other cultures.

As you interact with your clients or prospective clients from other cultures, adapt your vocal pitch and pace to theirs. Pay particular attention to how loudly you are speaking; many Americans inadvertently speak English too loudly in an attempt to be understood. Match your body language as well. This technique is called mirroring and matching, and it helps to create rapport between two people—even across cultures.

Lawyers may want to learn more about other cultures and their customs by reading Gwyneth Olofsson's *When in Rome or Rio or Riyadh* or Roger Axtell's two books, *Gestures* and *Do's and Taboos Around the World*. Other books, like those in the *Culture Shock* series, focus on the cultural nuances of one particular culture.

Thanks to globalization and increased mobility, lawyers have ample opportunities to spend time with people from different cultures and practice their communication skills. To heighten your sensitivity, look for opportunities to interact with educated people from a variety of cultures—whether through business or social circles. Then pay attention to differences in communication

style through verbal and non-verbal cues, and practice matching the other person's body language, pitch, tone and gestures.

Forge Strong Relationships

Lawyers who want to build relationships with foreign clients should respect and anticipate cultural differences, taking the time necessary to build rapport in a manner comfortable for the client.

In their recent book, *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond*, Harvard Business School professors Deepak Malhotra and Max H. Bazerman explore the importance of relationships as a precursor to trust: "Learning about the other side's family and their life, spending time with them in informal settings, sharing common friends, and living or working in the same community will facilitate trust."¹

Entertaining and gift giving also impact the attorney-client relationship. Lawyers intent on socializing with their clients (which is indeed important to the rainmaking process) should study their client's cultural expectations in social situations. Lawyers should also learn any dietary restrictions that their client has—including those arising from religious beliefs—and memorize a few basic greetings, toasts and pleasantries in the client's native dialect.

Culturally savvy attorneys learn to anticipate differences arising from gender, hierarchy and the treatment of time. One of my lawyer clients, frustrated by his meetings with his Arab counterparts, complained, "They showed up late, and then all they wanted to do was chit chat!" Eventually, the punctual American lawyer learned that his Arab counterparts viewed time differently.

The same lawyer also learned that his Arab counterparts prioritized developing a relationship with him through "small talk"; this relationship-building discussion lasted for most of the meeting and covered a wide range of topics before business could begin. Similarly, rituals that may have less importance in the United States may carry great significance abroad, such as the famed Japanese ritual of scrutinizing and appreciating the other person's business card.

Incorporating a client's cultural rituals into the attorney-client relationship may take time, but it builds ties that bind.

Consult The Experts

The market is flooded with information about the business customs of various cultures. Along with many insightful books, a few of which are mentioned above, there are several helpful websites like [Dialogin](#).

Speaking to experienced international lawyers also provides invaluable data. Many belong to the international section of local bar associations or the American Bar Association, or one of the global lawyer organizations like the International Bar Association headquartered in London.

Networking with business people through groups like the *Alliance Française* and speaking to business people steeped in a particular culture, including foreign embassy personnel, are other good ways to learn about business customs of other cultures.

Client communication today requires cross-cultural sensitivity. Lawyers who respect and appreciate a client's unique cultural perspective, and know how to communicate in a culturally appropriate way, will be well positioned for success.

FOOTNOTES

1. Deepak Malhotra and Max H. Bazerman, *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond*, Bantam Dell 2007, p. 97.