



# Emotional Intelligence and Cultural Competency:

## Keys to Being Effective In-house Lawyers

Lawyers, especially in-house counsel, can take a page from the playbook of effective leaders: Say and do the right things, motivate and inspire colleagues and stakeholders, get along well with others, and artfully resolve conflicts.





BY MAI DER SHAW



In-house lawyers are often invited to business meetings by stakeholders seeking guidance on a particular project or issue but without receiving much background information or context prior to the meeting. These situations might require in-house lawyers to identify legal issues and provide practical solutions immediately and to communicate them effectively. To do so, it is important for in-house lawyers to possess two key skills: emotional intelligence and cultural competency. Lawyers with these skills can provide better counsel to businesses and stakeholders.

### Cultural Competency

Given today's diverse workforce, the global economy, and the international footprint of many companies, developing cultural competency is crucial to providing effective counsel. The ability to understand, appreciate, and interact with people from cultures or belief systems different from one's own gets to the core of understanding what a business and its stakeholders are seeking when they engage the legal department for assistance. The needs and wishes of a business and its stakeholders are informed by the business's culture and its stakeholders' culture. Understanding this allows in-house lawyers to adapt their approach depending on the participants and issues.

For example, a company in the U.S. with international operations likely has stakeholders from around the globe. These stakeholders often are involved in a myriad of business issues that require support from the legal department. A regulatory compliance issue

involving the company's legal entity in China that affects the parent company based in the U.S. will require a cross-cultural team to work together. The types of solutions identified and the speed with which they are identified directly depend on the cultural competency of the cross-cultural team.

The willingness to not comply with Chinese regulatory requirements may differ from the willingness to not comply in the U.S. Furthermore, regulatory requirements and governmental agency interactions in China and the U.S. differ. Appreciating the need for the local China team members to both understand and be aligned with the approach to handling the issue is extremely important because the China team members are likely the individuals who will execute the approach. An in-house lawyer who lacks cultural competency would not recognize these important factors and might offer solutions that are not practical or do not account for the business's needs and wishes. Cultural adaptation of legal solutions is a requirement if in-house lawyers want to identify legal solutions efficiently and effectively.

Cultural competency is also required in transactions that do not involve international operations or individuals located in another country. In an increasingly diverse society, the ability to recognize the needs of the business and its stakeholders is synonymous with cultural competency. To achieve cultural competency, in-house lawyers must be self-aware and aware of the individuals with whom the lawyer is working. However, awareness is only the

### SUMMARY

Because of the diverse workforce, the global economy, and the international footprint of many companies, developing cultural competency is crucial to providing effective counsel. The needs and wishes of specific businesses and their stakeholders are informed by the culture(s) of the business and the stakeholders.

To achieve cultural competency, in-house lawyers must be self-aware and aware of the individuals with whom the lawyer is working, skills that rely on emotional intelligence. Also necessary are awareness of the characteristics of different cultures and the ability to craft legal solutions with those characteristics in mind. This article suggests ways for lawyers to develop their cultural competency and emotional intelligence.



first step. Cultural competency requires also being aware of the characteristics of different cultures and crafting legal solutions with those in mind. In-house lawyers must be able to understand the different lenses from which people experience the world and be able to communicate in a way that relates to business stakeholders and partners. To do this effectively, differences should not be viewed as threats but instead embraced as leverage that will improve the overall strength of the legal solutions proposed. If business stakeholders and partners do not feel heard or understood, the legal solutions proposed will not be well received, no matter how legally sound they might be.

### Emotional Intelligence

Emotional intelligence is another key skill that enables in-house lawyers to provide effective counsel. Emotional

degree of emotional intelligence and that emotional intelligence is the strongest predictor of performance.<sup>2</sup> In fact, emotional intelligence accounts for 58% of performance in all types of jobs.<sup>3</sup>

People with high emotional intelligence make more money on average than those with lower emotional intelligence. According to one study, for every one-point increase in emotional intelligence, there is an increase of \$1,300 in average annual salary.<sup>4</sup>

Four emotional intelligence skills are paired up under two primary competencies: 1) personal competence, and 2) social competence.<sup>5</sup> “Personal competence is your ability to stay aware of your emotions and manage your behavior and tendencies.”<sup>6</sup> Self-awareness and self-management are elements of personal competence.<sup>7</sup> “Social competence is your ability to understand other people’s moods, behavior and motives in order

sets of skills, both involve the ability to be self-aware and to be aware of other people. Lawyers can provide legal advice and counsel without either of these types of skills. However, the practice of law involves continually dealing with people, and whether legal advice is effective hinges on how lawyers deal with people. Law practice is a client-based service: one of the primary aims is to advise clients on the legal options available to them in light of the client’s objectives.

To effectively counsel clients, lawyers must be able to understand what is important to each client, the drivers behind the client’s goals, the client’s risk tolerance, whether the client is willing to sacrifice any factors or outcomes to achieve others, whether the client is open to accepting a path other than the one they have in mind, and so on. The many dimensions to any legal matter involve understanding the client.

For in-house lawyers, the clients can range from the CEO to an entry-level analyst. Additionally, issues that arise can range from questions seeking clarification about legal requirements to advising on business strategies and their legal implications. Thus, to manage the range of clients and issues that can arise on any given day, in-house lawyers must efficiently provide legal advice. Arguably, this cannot be accomplished without interpersonal skills.

However, for the advice to be effective, cultural competency and emotional intelligence are key. Ultimately, it is the client who defines whether a successful outcome was achieved – and that cannot be attained if the client’s goals and motivations are not understood.

### Objective and Emotional: An Oxymoron?

Can critical thinking coexist with emotions? Critical thinking, the ability to objectively analyze information and draw a rational conclusion, is one of the most important skills to have as an effective lawyer. It is one of the “sink

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intelligence is “the ability to understand and manage your own emotions, as well as recognize and influence the emotions of those around you.”<sup>1</sup>

Think of the effective leaders you have encountered: Which skills did they possess? They likely were adept at saying and doing the right things, great at motivating and inspiring people, got along well with others, and artfully resolved conflicts. Studies have shown that effective leaders all have a high



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to improve the quality of your relationships.”<sup>8</sup> Social awareness and relationship management, which are about how you are with other people, are elements of social competence.<sup>9</sup> These four skills make up emotional intelligence.<sup>10</sup>

An emotionally intelligent lawyer is self-aware, able to identify social cues that might not be apparent, open to feedback and perspectives that might be different from their own, and able to adjust their approach to situations depending on the unique factors in each situation. Possessing these qualities allows the emotionally intelligent lawyer to be able to analyze information in a thoughtful manner instead of allowing their emotions to drive hasty actions.

### Cultural Competency and Emotional Intelligence: Similar but Different

While cultural competency and emotional intelligence are two different

or swim” skills that tends to set law students apart in their first year of law school and defines new lawyers’ trajectories in their careers.

Embedded within its definition are notions associated with the intentional removal of emotions: “objectively,” “analyze,” and “rational.” Given the importance of critical thinking for lawyers, one might wonder whether there is room for emotional intelligence. Is it possible to be objective and emotional?

The answer might appear to be “no, the two cannot effectively coexist.” However, science suggests otherwise. To reach the area of the brain where rational thinking takes place (the frontal lobe), the electric signals that are generated from what people see, hear, smell, taste and touch must travel first through the limbic system (where emotions are produced).<sup>11</sup>

Thus, contrary to the default position that law is above emotions, the practice

of law definitely involves emotions because humans have an emotional reaction to everything that happens. What most lawyers seem to struggle with is deciding what, if anything, to do with those emotions.

Emotions can be just as important as the legal knowledge that lawyers pos-

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sess. The ability to recognize emotional cues both within ourselves and in other people provides lawyers with vital information that makes it possible to fully understand complex situations.

For example, during discussions with a business stakeholder about possible approaches to an urgent issue, failure to

recognize the stakeholder’s nonverbal reaction (such as facial expression and posture) to certain proposals might cause emotions to escalate and derail discussions aimed at identifying a solution.

Being aware of the stakeholder’s nonverbal reactions allows the in-

house attorney to efficiently categorize the proposed solutions that are more likely to advance and focus energy on those instead of pressing the solutions that garnered the negative emotional response and are likely not viable. Similarly, a negative emotional reaction to a proposal might signal that the



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in-house lawyer should take a different approach in laying out the proposed solution if the proposed solution is, in the lawyer's opinion, the best option.

As Ronda Muir states in *Beyond Smart: Lawyering with Emotional Intelligence*, “making the best decisions in the most efficient manner involves being able to accurately assess the various emotional aspects involved, remediate or at least factor in the possible effects that unproductive emotions may have on the decision-making process and on the decision itself, promote emotions that are productive, and manage the emotional responses of the various parties to, and those affected by, the decision.”<sup>12</sup>

### Cultural Competency and Emotional Intelligence Can Be Learned

Both cultural competency and emotional intelligence are skills that can be learned and require intentional development to improve. Neither can be developed overnight. The following are some ways lawyers can build these skills.

To develop cultural competency, start doing the following:

- *Reflect on your own cultural values and beliefs.* Being aware of them will help you identify how your cultural

values and beliefs differ from those of people you are advising. This awareness will help you to identify ways in which to adapt the legal solutions you are formulating for the client.

- *Learn about different cultures.* If you know your clients (that is, business stakeholders) come from backgrounds that differ from yours, research their cultures, whether business or personal, to attain insights that will help you to better understand their perspectives.

The following behaviors are essential components of emotional intelligence:

- *Self-awareness.* Pay attention to your reactions to situations and people. Take time to reflect on the emotions you experience during those situations and figure out where they originate and why. Doing this will help you to understand what triggers your emotions.

- *Self-management.* The next time you find yourself experiencing an emotion, whether it be frustration or exhilaration, challenge yourself to count to 10 before reacting. Doing so helps to slow the flow of emotion and allow the rational part of your brain to catch up to the emotions you're feeling.

- *Social awareness.* Tune into other people's emotions as you are interacting

with them. By observing others, you will learn to identify different cues and to interpret them (for example, tone of voice, posture, and facial expression).

- *Relationship management.*

Incorporate expressions of appreciation into your daily interactions. In today's fast-paced work environments, common courtesies such as “please” and “thank you” seem to be getting lost in the daily grind. Make it a habit to use these phrases in your daily interactions.

### Conclusion

In-house lawyers support and work with a diverse workforce. The growing global economy puts in-house lawyers in transactions and situations that require working with diverse teams across a myriad of dimensions, including language, religion, race, gender identity, and culture. It is not enough to master the technical aspects of the law to be an effective in-house lawyer – emotional intelligence and cultural competency are also required to provide effective legal counsel in fast-paced business environments. **WL**

### ENDNOTES

<sup>1</sup>Lauren Landry, *Why Emotional Intelligence is Important in Leadership*, Harvard Business School (March 18, 2023), <https://online.hbs.edu/blog/post/emotional-intelligence-in-leadership#:~:text=Emotional%20intelligence%20is%20defined%20as,popularized%20by%20psychologist%20Daniel%20Goleman.>

<sup>2</sup>*Id.*

<sup>3</sup>Travis Bradberry & Jean Greaves, *Emotional Intelligence 2.0* at 21 (2009).

<sup>4</sup>*Id.*

<sup>5</sup>*Id.* at 23.

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>*Id.* at 24.

<sup>9</sup>*Id.* at 23.

<sup>10</sup>*Id.* at 24.

<sup>11</sup>*Id.* at 6.

<sup>12</sup>Ronda Muir, *Beyond Smart: Lawyering with Emotional Intelligence* 63 (2017). **WL**

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