



# **Taking on Your First Unlawful Detainer**

## **Part 1 – Cultural Humility**

### Training Video Transcript

#1, #2

Hello. My name is Ted Lee, and I'm a staff attorney at Inner City Law Center's Slum Housing Litigation team and Pro Bono team. Inner City Law Center is a nonprofit poverty law firm in Los Angeles, and is a part of Stay Housed LA, an LA County-wide partnership between local government, community-based organizations, and legal services providers to help keep people in their homes.

Today, we'll go over Cultural Humility. This is the first part of the series, "Taking on Your First Unlawful Detainer Case."

When working on pro bono projects through legal services organizations like Inner City Law Center, you may come across clients who may be, quote, *difficult to work with*, for reasons such as not responding to your phone calls or text messages, having excessively high expectations for the case, or refusing to exercise their rights. This training will *not* explain why such clients think or behave the way they do. What I hope this training will do is to help you take a step back, see your clients in a more holistic way, build your attorney-client relationship with them on a more solid ground, all so that you can help your clients achieve their goals more effectively.

With that in mind, let's begin.

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We have two learning objectives. First, we'll go over the basic concepts of cultural humility so that, by the end of the training, you'll be familiar with

them. Second, you'll know how to apply those concepts when meeting with clients.

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Aligned with today's objectives, today's agenda is to have an overview of cultural humility, and to see how we can apply its concepts.

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First, the overview. To give credit where it's due, I borrowed much from Mercedes Frierson's work on cultural humility.

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Cultural humility is defined as ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to that person. Colloquially, cultural humility means "putting ourselves in our clients' shoes" or "giving our Clients benefit of the doubt."

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But to get the specifics, it might be helpful to think about cultural humility and how it differs from cultural competence.

When we focus on cultural competence, we become fixated on the end result. In other words, we become vulnerable to telling ourselves that we already know everything there is to know about our clients and how their life experiences have shaped their expectations and goals. This is dangerous, because most of us, as attorneys, have vastly different backgrounds compared to the low-income clients who seek help from organizations like Inner City Law Center. I'd argue that very few of us attorneys had to look over our shoulders every now and then in fear of

immigration officers. Or that we had to give up reaching out to local code enforcement agencies because of language barriers. Or that we had to give up looking for help because we had to work the night shift at a second job because the other employer didn't pay proper wages. These are only a few examples of the problems that our clients experience on a daily basis.

On the other hand, cultural humility is a process. As the term "humility" indicates, we must accept that we don't know everything, and commit ourselves to stay curious and ask questions. Also, we are to critically reflect on how the various aspects of our clients' backgrounds, whether they are socioeconomic, cultural, etc., intersect and are manifested in their goals and behaviors.

But we should be careful that our focus on cultural humility does not morph into cultural competence. Remember: cultural humility is a process that should be repeated and re-visited as often as possible and needed.

At this time, we should ask ourselves, why is it important—perhaps even necessary—that we, as attorneys, become culturally humble? In other words, what is its purpose?

#8

We should be culturally humble so that we can achieve the best result for our clients. Thinking about the Model Rules of Professional Conduct, Rule 1.1, I would even say that we are required to be culturally humble to provide competent representation to our clients.

At the same time, a culturally humble attorney is able to create a positive experience for the client. For many low-income clients, their attorneys are the first people to whom they can share their legal problems, as well as the fear of being involved in a legal problem. Having a legal advocate is already an enormous relief; imagine how much more if that advocate makes the effort to work *with* that client rather than imposing their own views or solutions for reasons that do not consider other issues in that client's life that may or may not be more important than the legal problem at hand? I often come across clients who thank me not for suggesting a solution that

makes most legal sense, but a solution to which they can most realistically commit against their cultural identity.

With these purposes of cultural humility in mind, let's briefly revisit the "critical reflection" element of cultural humility.

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When working with a client, keep these questions in mind and re-visit them as possible and needed:

1. What are the client's goals and why?
2. What actions has the client taken and why?
3. How are different aspects of the client's cultural identity affecting the client in setting the goals and taking actions toward that goal?
4. Because many of the clients with whom you'll work on a pro bono project are low-income, how does poverty affect the client *in addition* to the client's cultural identity?

Note that the "what" questions may be asked and answered explicitly, but not so much the "why" and "how" questions. Sometimes, your client may not feel comfortable sharing the "why" and "how" with you, especially if the case is still at the beginning stages. Other times, your client may not know the answers to the "why" and "how" questions.

#10

Before we get to the *specific* applications, let's think about what we should do *generally*.

First, do not make any judgment, and restrain yourself from making assumptions. Remember that cultural humility calls us to acknowledge that we have limits and to remain curious. Ask follow-up questions to find out more about your client, and wait until you have more information.

Second, recognize that the legal problem you're helping the client with is only one of many problems that the client may be having at the moment.

The chances are, you are dealing with a low-income client who may be juggling multiple jobs or childcare issues *and* a legal problem. If they don't appear to have a clear goal or are acting in a way that seems contrary to what their goals are, it may be that they haven't had a chance to formulate a goal or a strategy because of their work or childcare needs. Again, critically reflect on what's important in your client's life right now, and see how those factors intersect. Perhaps that will give you a better understanding of how to assist your client.

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Third, empower your client with information. Often, low-income clients do not have the ability or the resources to gather information, let alone *relevant* information—in other words, some clients cannot *afford* making well-informed decision. Fill in the informational void by providing relevant information.

Fourth, treat your clients as experts. Although you, as the attorney, may be the legal expert, your client, as the one going through the problem now, is the factual expert. I usually tell my clients that my legal representation of them will be as effective as the facts they share with me. By so emphasizing that we are working as a team, my clients tend to develop more trust in me and share facts that I wouldn't have known otherwise. And with more facts at hand, I can identify and share other relevant information for my client, such that eventually my client and I are on the same page as to what we should achieve together and how. In connection with the previous point about empowering your client, working in tandem as a team can also help your client be a part of the solution to their legal problems.

#12

Lastly, being culturally humble means giving your client space and time to process emotions. Don't be surprised if your client expresses strong emotions, such as by crying. Your client may already be overwhelmed from juggling through jobs, childcare needs, and other issues in life. And now,

they're facing a legal problem. Being connected with you, an attorney, might feel like an enormous relief for them. Alternatively, they may have had an incredibly negative or traumatic experience, such as domestic violence or harassment from a hostile landlord. They may need some time to process their frustration until they are ready to take the next steps. Exercise caution and self-care, but, at the same time, let the client be heard. Listening to them can sometimes be all that your client needs to calm down.

### #13

Here are some examples of how staying cultural humble helped me. I came across a few clients who I thought were difficult to work with, but by taking a step back and remaining curious about them, I was able to find out a way to better understand them. Once I did, I felt that I was able to develop a stronger attorney-client relationship with each of them.

First, I had an elderly Korean client who refused to take any legal action to hold her landlords, who were also Korean, accountable for creating and perpetuating dangerous housing conditions. I learned that her cultural upbringing made her highly resistant to “harming” another Korean person in any way, even if it meant exercising her own rights as a tenant for being harmed herself. In the end, I ended my services after securing relocation assistance from the city, which I felt was lacking, but in retrospect, it was the best result for the client.

Second, you may come across unresponsive clients. I once had a client who had been unresponsive to my phone calls and text messages for weeks. I was frustrated and considered sending a termination letter. Finally, the client reached out to me and told me that he couldn't pay the phone bill because he had to pay parking tickets. Apparently, the client, who has a chronic gastrointestinal medical condition, could not move his car for street cleaning, which resulted in several tickets. Unable to borrow from others the several hundred dollars needed to pay the tickets, he chose to forgo his phone and food for a month. It was through this client that I learned how vulnerable a person in poverty could be to a communications gap (and hunger) because of parking tickets.

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Now, let's look at how a culturally humble attorney might prepare for and conduct a meeting with a low-income client.

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But before we get into the weeds, I'd like to make sure that we're clear on these two things.

First, the following are recommendations, not requirements. If you already have strategies that work, by all means, keep them.

Second, exercise self-care. You may feel frustrated or annoyed or even upset, especially when you first begin working with a client. Take a step back, give yourself some space and time, and take care of yourself.

#16

The very first thing you should do, even before meeting with a client, is to think about the logistics. Your client may have limited availability because of working multiple jobs, having childcare responsibilities, or not having reliable transportation. Ask your client about these factors.

A point about transportation: If you are inviting the client to your office, make sure to have parking instructions in your client's preferred language, as well as parking validation. Alternatively, there is a chance that your client doesn't drive. If so, be ready to start the meeting several minutes late. Public transit does not always adhere to the schedule.

On language barriers, make sure to have an interpreter, including court interpreter, and translated versions of important documents.

Also consider whether your client has any reasonable accommodation needs due to their disabilities, and check whether they are familiar with the technologies your office uses, such as DocuSign, Dropbox, and Zoom.

Especially for elderly clients, be prepared to exchange documents through mail instead of email. Once, I had a client who had a lot photos on a phone. It was a smartphone, but it was so old (or broken) that I could not transfer the photos to a computer. I tried to upload the photos to Google Drive, but the client forgot the password to his Google account.

Lastly, be mindful that some clients may have had negative experiences with law enforcement or even the immigration system, such that they react negatively to your office's security personnel. One way to avoid this is by informing the client beforehand, or meeting the client in the lobby and going through security together.

#17

The next few slides will focus on how to interact with clients. Before the meeting, contact the client and remind them about the upcoming meeting. You should also clarify the scope of your representation, as well as the purpose of the meeting. This is an implicit way to help the client focus on the issue you're helping with, so as to manage your client's expectations. For instance, if the meeting is to have the client sign the retainer meeting for an unlawful detainer action, explain that the meeting will be limited to establishing an attorney-client relationship for the eviction case.

As a refresher, make sure to coordinate parking. If the client drives, please have directions and validation ready. If the client should park on the street, check the parking hours. If the client doesn't drive but instead uses public transit, expect some delays.

#18

On the day of the meeting, consider having your "customer service" demeanor on. Greet the client, offer beverages or snacks, try to break the ice with small talk, such as by complaining about traffic—something or anything to build rapport and trust.



Once everyone is seated, it'll be a good idea to re-visit the purpose of the meeting and the scope of representation. This may seem unnecessarily repetitive, especially if you already explained them over the phone before the meeting. But you may need several reminders to effectively manage your client's expectations.

Additionally, help your client feel safe in the space. This can mean physical safety, such as by having the client sit by the door. It can also mean emotional safety, such as by explaining to the client that whatever they tell you is privileged. This will also be a good time to explain that the client shouldn't disclose the contents of the meeting to others.

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As meeting tips, I suggest the following.

Again, revisit scope of representation and purpose of the meeting. Make sure to manage your client's expectations. I cannot emphasize this enough.

When you feel that your client is deviating from the purpose of the meeting or the scope of your representation, redirect the client. Also, ask follow-up questions if you need clarification. Sometimes, follow-up questions are a good way to redirect your client back to the purpose of the meeting.

#20

When asking questions, as well as explaining legal concepts, use ordinary English. This will help the client understand you better, and the interpreter, if you're using one. While we're on the subject of interpreter, consider speaking in one to two sentences at a time. Anything longer might confuse the interpreter, which then can confuse the client.

Take breaks. Your client may have to recount some traumatic experiences, which can take a huge emotional toll. *You* may also need a break to process all the information you've received so far. Also, thinking back to the definition of cultural humility and its emphasis on critically reflecting on

intersectionality, you may need some time to strategize based on the aspects of your client's culture that seem more important than others.

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Perhaps most importantly, let your client be heard. I cannot emphasize this enough. But, as I said earlier, make sure your client doesn't deviate from the scope of your representation or the purpose of the meeting. If needed, schedule subsequent meetings.

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End client meetings with an emphasis on having an active communication with you. At the end of the day, you are their attorney; they should feel comfortable reaching out to you.

At the same time, remind them about the importance of attorney-client privilege.

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Lastly, a few words on virtual meetings. If your client is comfortable with virtual meetings, such as through Zoom or phone, make sure to send multiple reminders about the meeting. I typically send about two reminders. Such reminders not only remind the client, but they also provide an opportunity for the client to re-schedule the meeting, if needed, for reasons such as work schedule changes.

Also, if you have any documents that need to be signed physically, send them out a few days before the meeting, preferably through express mail or anything that you can track, with a return label and an envelope included.

I hope this training was and will be helpful. Thank you for considering or volunteering to help the most vulnerable members of the community.