

Plenary Session
Recognizing the Legal Implications of
Cultural Differences

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CULTURAL COMPETENCY IN LEGAL PRACTICE

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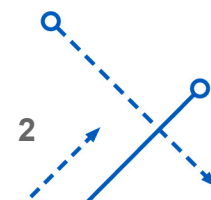
UB Center for Successful Aging

NYSBA Elder Law Section, July 13, 2018

Huh?

- Build effective working relationships
- Successfully accomplish clients' goals
- Provide excellent service
- Enjoy a busy and rewarding practice

All lawyering is cross-cultural



What is culture?

- What we do—and why
- The “shared software of our minds”



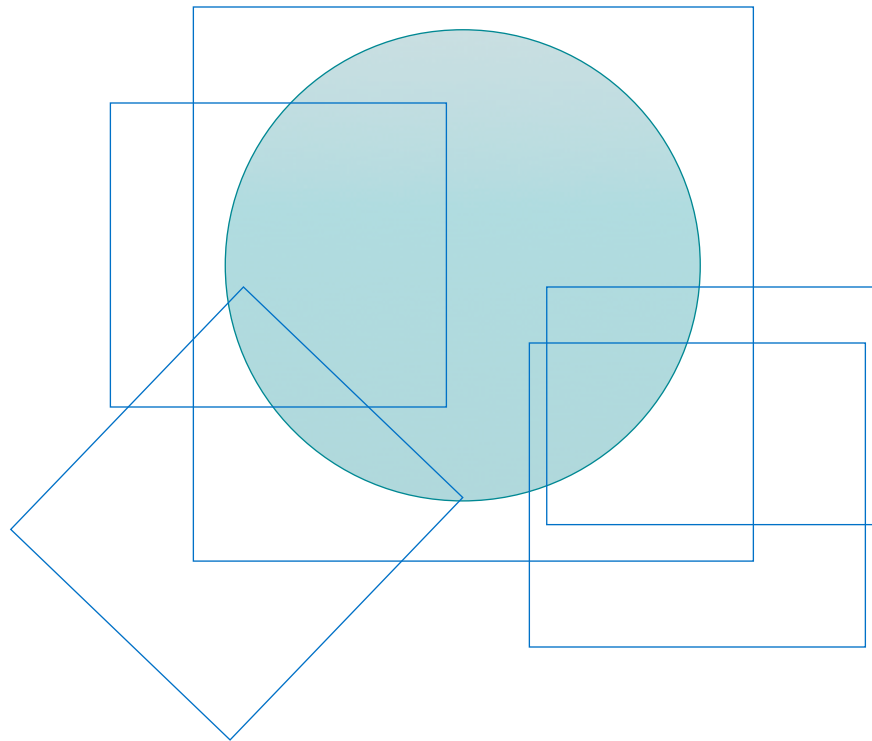
- **Above the surface**
 - Language, dress, food
 - Gender expression
 - Race/ethnicity (maybe!)
- **Below the surface**
 - Values, beliefs, ethics
 - Conception of self
 - Expectations of others
 - Unstated norms
 - Etc., etc., etc.



Adapted from G. Weaver (1986),

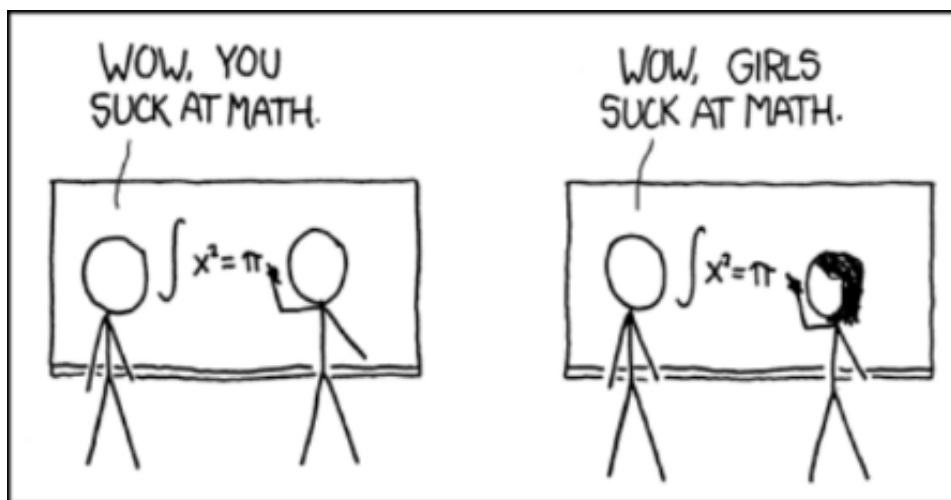


Identity, individuality and culture



Implicit social cognition (Implicit bias)

- Everybody uses schemas
- May coincide or conflict with conscious beliefs
- Often favor people most “like us”
- Malleable!



C. Gibson (2015)

Toward cross-cultural competency

- Outset: Don't know what you don't know
- Step 1: Know what you don't know
 - Listen, listen, listen—nonjudgmentally
 - Seek out information
- Step 2: Think through what you've learned
 - Make gentle use of knowledge
 - Plan ahead

Adapted from S. Hafiz & L.M. Moy (2009); S. Bryant & J. Koh Peters, *Five Habits for Cross-Cultural Lawyering* (2005); W. Howell (1983)



Toward cross-cultural competency

- Outset: Don't know what you don't know
- Step 1: Know what you don't know
- Step 2: Think through what you've learned
- Step 3: Practice & internalize what you learn
 - Listen and seek to understand intended meaning
 - Respect client and their values
- Step 4: Reflect and repeat
 - Debrief and adjust



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Toward cross-cultural competency

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- Step 3: Practice & internalize what you learn
- Step 4: Reflect—and repeat

Some tools & techniques to enhance cross-cultural lawyering

- Self-analysis (not self-judgment)
 - Implicit Association Test
 - <https://implicit.harvard.edu/implicit/index.jsp>
 - Reflect on your own experiences with stereotyping
 - “I am _____, but I am not _____”
 - Mirror exercise
 - What you notice, what others notice, what else is important about you

Some tools & techniques to enhance cross-cultural lawyering

- Degrees of separation and connection

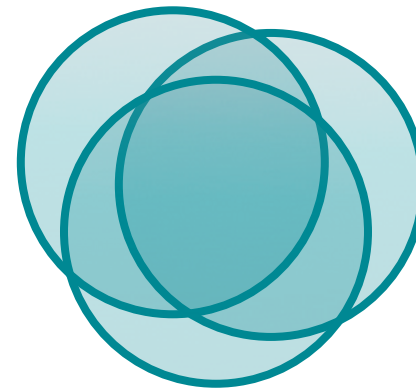
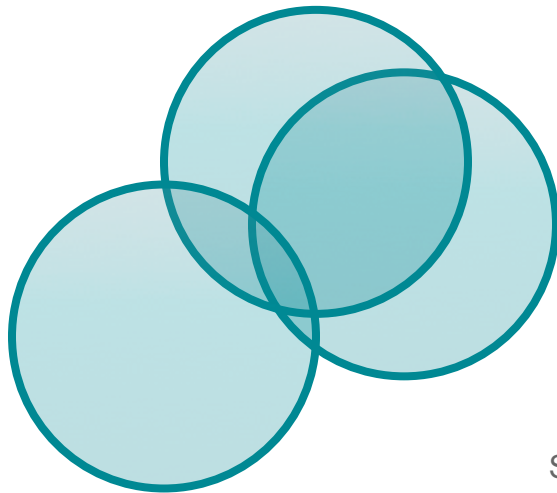
Similarities between me and my client	Differences	Unknowns	How could this similarity/difference/affect our working relationship?
Both college-educated			I can use some technical language but should be careful not to assume that he understands all legal terminology

Adapted from S. Bryant & J. Koh Peters, *Five Habits for Cross-Cultural Lawyering* (2005)



Some tools & techniques to enhance cross-cultural lawyering

- The “three rings”
 - Where are the gaps between the client, the lawyer, and the legal system/decisionmaker?



S. Bryant & J. Koh Peters, *Five Habits for Cross-Cultural Lawyering* (2005)



Some tools & techniques to enhance cross-cultural

- Para



Some tools & techniques to enhance cross-cultural lawyering

- Parallel universe thinking
 - What are all the possible explanations for what my client is doing/saying?

Adapted from S. Bryant & J. Koh Peters, *Five Habits for Cross-Cultural Lawyering* (2005)



Some tools & techniques to enhance cross-cultural lawyering

- Except when / especially when
 - Articulate generalization
 - Brainstorm circumstances where not true to test its accuracy and persuasiveness
 - Brainstorm circumstances when especially valid to refine and strengthen a weaker generalization

Adapted by S. Bryant & M. Ahmad (n.d.) from Binder & Bergman (1985)

Some tools & techniques to enhance cross-cultural lawyering

- Plan ahead for potential pitfalls—and remedies
 - Predict potential disconnects
 - Interpret verbal and non-verbal cues
 - Regularly check your understanding
 - Return discussion to client’s stated priorities

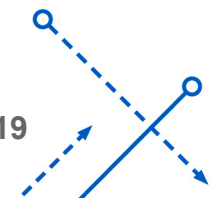
S. Bryant & J. Koh Peters, *Five Habits for Cross-Cultural Lawyering* (2005)

Some tools & techniques to enhance cross-cultural lawyering

- WRAP decision technique
 - Widen your lens
 - Reality-test your assumptions
 - Attain distance before deciding
 - Prepare to be wrong



C. Heath & D. Heath (2013)



Some further reading

- S. Bryant & J. Koh Peters, *Five Habits for Cross-Cultural Lawyering* (2005)
- C. Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness* (2005)
- P.H. Huang, *How Improving Decisionmaking & Mindfulness Can Improve Legal Ethics & Professionalism* (2015)
- N. Martin, *Lawyering from the Inside Out* (2018)

The Latino Elderly In New York, An Introduction for Elder Law Attorneys:
What you should know about the fastest growing group in the United States

by Veronica Escobar

This submission, written by a first-generation Latina attorney, gives an overview of the cultural and immigrant issues among Latinos which affect the delivery of services by elder law attorneys. ¹

LATINO DEMOGRAPHICS

What is a Latino? The term “Latino” refers to a person who was either born in or can claim descentance from Latin America: it is defined by geography. A Latino can be of any race, ancestry, ethnicity or religion, and can also speak a language other than Spanish (i.e Brazilians speak Portuguese and Haitians speak Creole). The term “Hispanic” refers to a person who was either born in or can claim descentance from a Spanish speaking country: it is defined by language.

For the purposes of this article we will use the term “Latino” to refer to a Spanish speaking person of Latin American descent.

Latinos, including the aging, are a growing population in the United States.

According to the most recently available statistics released in 2014 by the Administration on Aging (an agency within the U.S. Department of Health and Human Services), the over the age of 65 Hispanic/Latino population numbered

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approximately 3.6 million in 2014 ² and is projected to grow to approximately 21.5 million (to 22%) by 2060.³

Latinos comprised approximately 8% of the older population in the country in 2014.⁴ In 2013, approximately 70% of the nation's older Latino population lived in four states; New York ranked fourth with 290,030 residents.⁵

This same year, 2013, approximately 66.4% of the total *general* New York Latino population resided in the five boroughs of New York City⁶ while 13.1% resided on Long Island (Nassau and Suffolk Counties)⁷. Close to 81%, or 2,830,813 of the Latino population of the state resided in the five boroughs and Long Island. The remaining 19% of the Latino population resided in the upstate counties.⁸

² Administration for Community Living: A Statistical Profile of Older Hispanic Americans (2014)
<https://www.acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/Statistical-Profile-Older-Hispanic-Ameri.pdf>

(age 65 and over) These statistics originated from the U.S. Census Bureau and were made available the same year.

³ Id.

⁴ Id.

⁵ Id.

⁶Bronx County available at <http://www.pewhispanic.org/states/county/36005/>

Richmond County at <http://www.pewhispanic.org/states/county/36085/>

(Richmond)

Queens County available at <http://www.pewhispanic.org/states/county/36081/>

Kings County available at <http://www.pewhispanic.org/states/county/36047/>

New York County available at <http://www.pewhispanic.org/states/county/36061/>

⁷ Nassau County available at <http://www.pewhispanic.org/states/county/36059/>

(Nassau County)

Suffolk County available at <http://www.pewhispanic.org/states/county/36103/>

(Suffolk County)

⁸ The below is not an exhaustive list of all of the state's counties:

Westchester County available at

<http://www.pewhispanic.org/states/county/36119/>

214, 087 or 22% of county population

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Unfortunately, there are no available statistics offering further details about the numbers of Latino elderly living in the boroughs of New York City. But information released in New York City's 2010 census revealed that approximately 38.2% of New York State's *general* sixty and over population resided in New York City⁹ and represented 17.2% of the city's population.¹⁰

In 2014 statistics, 21% of New York State's Latino population spoke only English at home¹¹; while 79% spoke a language other than English.¹² Thirty nine percent of

Orange County *available at* <http://www.pewhispanic.org/states/county/36071/>
69,166 18% of county population

Monroe County *available at* <http://www.pewhispanic.org/states/county/36055/>
55,805 or 7% of county population

Rockland County *available at* <http://www.pewhispanic.org/states/county/36087/>
50,686 or 16% of county population

Erie County *available at* <http://www.pewhispanic.org/states/county/36029/>
43,364 or 5% of county population

Dutchess County *available at* <http://www.pewhispanic.org/states/county/36027/>
32,136 or 11% of county population

Ulster County *available at* <http://www.pewhispanic.org/states/county/36111/>
16,372 or 9% of the county population

⁹ Census 2010: Changes in the Elderly Population of New York City: 2000 to 2010
http://www.nyc.gov/html/dfta/downloads/pdf/demographic/elderly_population_070912.pdf

¹⁰ Census 2010: Changes in the Elderly Population of New York City: 2000 to 2010
http://www.nyc.gov/html/dfta/downloads/pdf/demographic/elderly_population_070912.pdf See also United States Census Bureau for state wide older population for New York
<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

¹¹ Demographic Profiles of Hispanics in New York, 2014
<http://www.pewhispanic.org/states/state/ny/> (717,000 people)

¹² Id. at Demographic Profiles of Hispanics in New York, 2014
<http://www.pewhispanic.org/states/state/ny/> (2,646,000 people)

the New York Latino population was foreign born and their median age forty two, ¹³ compared to the 61% U.S. born with a median age of 22. ¹⁴

Seventy four percent, the majority of Latinos in the United States, are citizens. ¹⁵ The New York statistics closely mirror those seen nationally as to citizenship. ¹⁶

In terms of the undocumented population, although precise numbers can't be calculated, March 2010 statistics place that number at approximately 3.7% of the total Latino *and* Non-Latino United States population and 28% of the total foreign-born population.¹⁷ In the year 2012, of the top fifteen states with the largest undocumented population, New York State ranked fourth. ¹⁸New York's share of the

¹³ Id. Demographic Profiles of Hispanics in New York, 2014 <http://www.pewhispanic.org/states/state/ny/>

¹⁴ Id. at Demographic Profiles of Hispanics in New York, 2014 <http://www.pewhispanic.org/states/state/ny/>

¹⁵ American Bar Association, Commission on Hispanic Rights and Responsibilities: *Latinos in the United States Overcoming Legal Obstacles, Engaging in Civic Life* at 9 http://www.americanbar.org/content/dam/aba/images/commission_on_hispanic_legal_rights_responsibilities/hispanicreportnew.pdf

¹⁶ American Bar Association, Commission on Hispanic Rights and Responsibilities: *Latinos in the United States Overcoming Legal Obstacles, Engaging in Civic Life* at 9 http://www.americanbar.org/content/dam/aba/images/commission_on_hispanic_legal_rights_responsibilities/hispanicreportnew.pdf 62.9% U.S. Born; 37.1% Foreign Born. Of the foreign born population, approximately 26.2% are non citizens.

¹⁷ American Bar Association, Commission on Hispanic Rights and Responsibilities: *Latinos in the United States Overcoming Legal Obstacles, Engaging in Civic Life* at 10 http://www.americanbar.org/content/dam/aba/images/commission_on_hispanic_legal_rights_responsibilities/hispanicreportnew.pdf

¹⁸ See Pew Research Center, Unauthorized Immigrant Totals Rise in 7 States, Fall in 14, Ch. 1: State Unauthorized Immigrant Populations
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undocumented population in 2012 was approximately 750,000 (or 8.2% of the total in those top fifteen states) .¹⁹ In 2012, approximately 79% of the national unauthorized immigrant population was Latino.²⁰

LATINO ATTORNEY DEMOGRAPHICS

When looking inward at our profession, statistics reflect that it is not racially or ethnically diverse. In fact, it is the least diverse profession in the United States.²¹

Approximately 85% of the legal profession is white non-Latino.²² Latinos comprise five percent of the legal profession nationwide.²³ In 2017, the total lawyer

<http://www.pewhispanic.org/2014/11/18/chapter-1-state-unauthorized-immigrant-populations/> at Table 11. (Nov. 18, 2014)

¹⁹ See Pew Research Center, *Unauthorized Immigrant Totals Rise in 7 States, Fall in 14*, Ch. 1: State Unauthorized Immigrant Populations

<http://www.pewhispanic.org/2014/11/18/chapter-1-state-unauthorized-immigrant-populations/> at Table 11. (Nov. 18, 2014)

²⁰ American Bar Association, *Commission on Hispanic Rights and Responsibilities: Latinos in the United States Overcoming Legal Obstacles, Engaging in Civic Life* at 10 http://www.americanbar.org/content/dam/aba/images/commission_on_hispanic_legal_rights_responsibilities/hispanicreportnew.pdf See also See Pew Research Center, *Unauthorized Immigrant Totals Rise in 7 States, Fall in 14*, Ch. 2: Birthplaces of U.S. Unauthorized Immigrants

<http://www.pewhispanic.org/2014/11/18/chapter-2-birthplaces-of-u-s-unauthorized-immigrants/>

See also *Unauthorized Immigrants: Length of Residency, Patterns of Parenthood* <http://www.pewhispanic.org/files/2011/12/Unauthorized-Characteristics.pdf>

²¹ The Washington Post, *Law is the Least Diverse Profession in the Nation. And lawyers aren't doing enough to change that.* (May 27, 2015) <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/>

²² The Washington Post, *Law is the Least Diverse Profession in the Nation. And lawyers aren't doing enough to change that.* (May 27, 2015) <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/> See generally ABA National Lawyer Population Survey

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population in New York was 177,035.²⁴ For comparison, the 2016 figure was 175,195.²⁵ The last publicly available statistic, from the year 2000, put the number of Latino attorneys in New York State at 3100; of that 2378 were located in New York City.²⁶ In a more recent NALP survey of New York City based law firms, approximately 5.14% or 626 Latinos (both male and female) were associates (out of a total associate pool of 12,172).²⁷ Latinas comprised approximately a little under half of that 5.14% (2.46%) of New York City based associates.²⁸ In that same year there were only 162 (2.48%) Latino partners (0.67% of that 2.48% were Latinas), out of a total of 586 (8.97%) minority partners, which was out of a total of

10-Year Trend in Lawyer Demographics (2017)

https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-10-year-demographics-revised.authcheckdam.pdf

²³ See generally ABA National Lawyer Population Survey
10-Year Trend in Lawyer Demographics

https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-10-year-demographics-revised.authcheckdam.pdf

²⁴ See ABA National Lawyer Population Survey
Lawyer Population by State, 2017

https://www.americanbar.org/content/dam/aba/administrative/market_research/National%20Lawyer%20Population%20by%20State%202017.authcheckdam.pdf

²⁵ Id.

²⁶ Report of the New York State Bar Association Committee on Minorities in the Profession: Miles to Go in New York: Measuring Racial and Ethnic Diversity Among New York Lawyers” at p. 6 Table 3.

²⁷ National Association of Law Placement, Inc. (NALP), 2017 Report on Diversity in U.S. Law Firms

<https://www.nalp.org/uploads/2017NALPReportonDiversityinUSLawFirms.pdf>

²⁸ Id. at Table 6. Associate Demographics at Law Firms — 2017

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6534 partners city wide.²⁹ New York City Law firm attorneys amounted to approximately 12.27% of attorneys statewide in 2017.³⁰

This is the backdrop for the provision of legal services to a predominantly Spanish speaking Latino population in New York.

BEST PRACTICE STUDIES

Studies in related professions can offer us insight into best practices. A 2014 financial study entitled “The Hispanic American Experience,” offers valuable feedback about the Latino community and their interaction with service providers who, like us, work on sensitive issues.³¹ One thousand and twenty-three households participated³², and it reported on the financial planning and readiness of Latinos.

Participants indicated that the primary barriers to accessing services were lack of trust of service providers and lack of understanding of the financial products and services.³³ Based on this study, Latinos are half as likely than the general

²⁹ Id. at Table 5. Partner Demographics at Law Firms — 2017

³⁰ ABA National Lawyer Survey 10-Year Trend in Lawyer Population by State https://www.americanbar.org/content/dam/aba/administrative/market_research/National%20Lawyer%20Population%20by%20State%202007-2017.authcheckdam.pdf

³¹ The Hispanic American Financial Experience (2014) *available at* http://www.prudential.com/media/managed/hispanic_en/prudential_hafe_researchstudy_2014_en.pdf?src=Newsroom&pg=HAFEen_PDF at 1

³² Id. at 1

³³ Id. at 2; see also page 15

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population to have a financial advisor and are “significantly” less likely to have been contacted by a financial advisor- regardless of their income level. ³⁴

In the author’s opinion the failure to be contacted is significant. Even more telling was that these same respondents stated they were likely to work with an advisor -if *contacted* (emphasis added).³⁵ The study also showed that the Latinos surveyed largely receive information or advice about finances from informal networks like family, friends, their local bank and the media (television, radio and social media).³⁶ This same study found that the language spoken at home strongly influenced preferred professional providers. ³⁷ Among those who spoke Spanish only or predominantly at home, half preferred a bilingual financial advisor ³⁸ and 49% percent also indicated that having information written materials in their native language was important. ³⁹ The latter is indicative of the need for more multilingual professionals and for accessible information in the areas of law as well.

EFFECTS OF DEMOGRAPHICS ON QUALITY OF LONG-TERM CARE

There are other studies specifically focusing on issues of aging, Latino elderly, and their long-term care. These reflect similar results as the financial study- with

³⁴ Id.

³⁵ Id. at 3

³⁶ Id. at 15, see Figure 12

³⁷ Id. at 16

³⁸ Id. at 16

³⁹ Id.

language, cultural competency as well as access to resources as the most important factors.

How many Latinos live in nursing homes in New York State? According to statistics from the Kaiser Family Foundation for 2014 (the latest year available), Latinos comprised 8.6%, or approximately 9313, of nursing home residents in the state.⁴⁰

The total number of nursing residents in the state at the time was approximately 108,291.⁴¹

According to a Center for Disease Control Study on long term care released in 2016 and looking at the years 2013-2014, it found Latinos were represented in adult day care programs at 20.3% nationally, while they only accounted for 7.7%, 5% and 5.5% of home health agency clients, nursing home and hospice residents, respectively.⁴² They accounted for a mere 2.2% of assisted living residents.⁴³ Why is this important? There is existing literature that discusses the lesser quality of care Latinos receive in nursing homes.

⁴⁰ Distribution of Nursing Home Residents by Race/Ethnicity (2015).
<https://www.kff.org/other/state-indicator/distribution-of-nursing-facility-residents-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

⁴¹ Id.

⁴² Long-Term Care Providers and Services Users in the United States: Data From the National Study of Long-Term Care Providers, 2013-2014,
http://www.cdc.gov/nchs/data/series/sr_03/sr03_038.pdf

⁴³ Id. See also Figure 24.

A 2010 study, which looked at the years 2000 to 2005, found that while Latinos use long term care services less frequently, they have a greater rate of disability than non-Latinos.⁴⁴ It also correctly stated that differences exist among the different Latino groups with regard to immigration patterns, education and income levels and these could account for disparities in long term care usage.⁴⁵ The results painted a picture of a group that is not homogeneous, but overall is receiving lower quality care in nursing homes compared to those where the majority of residents are white non-Latino. The study looked at disparities in nursing home performance, by assessing nursing home deficiencies, staffing levels, and financial viability.⁴⁶ There were three nursing home categories: 1) those with no Latino residents, 2) those with a maximum of 15% Latino residents; and 3) those with 15% or more Latino residents.⁴⁷ The study found that the percentage of white non-Latino residents declined, while the percentage of Latinos increased, from 5% in 2000 to 6.4% in 2005.⁴⁸ The study found that the percentage of Medicaid supported residents in nursing homes with more than 15% Latino residents was 30% higher than in those

⁴⁴ Elderly Hispanics More Likely To Reside in Poor Quality Nursing Homes- Heal Aff 2010 (29(1) pg. 2

⁴⁵ Id. at 2

⁴⁶ Id. at 2 (of note, financial viability looks at percentage of private pay residents; occupancy rate and percentage of Medicaid residents. The higher percentage of private pay means the facility is more financially viable).

⁴⁷ Id. at 5

⁴⁸ Id. at 4 (for white non Latinos, 82.7% in 2000 to 79.4% in 2005).

with fewer Latinos and more than 60% higher in all white homes. ⁴⁹ Perhaps not coincidentally, elderly Latinos are more likely to reside in poor performing nursing homes than white non-Latino elderly.⁵⁰

The authors of this study acknowledged that they could not account for differences in patterns among the different Latino groups. ⁵¹ There were also geographic differences, and this made it difficult to determine whether ethnicity or geography influenced the patterns. ⁵² Another factor is the varying migration patterns among the Latino groups; the time it occurred in history or their age at time of migration;⁵³ i.e. older Cuban Americans are more likely to be long-term US residents compared to their Mexican counterparts. This may be advantageous to the former in accessing higher quality nursing homes. ⁵⁴

The authors further noted that they did not address the confounding variable of nursing home care quality with access to resources. ⁵⁵ However, they did find that the more Medicaid dependent a nursing home is, the less likely it is to have access to

⁴⁹ Id. at 6

⁵⁰ Id. at 7 (and this is across the three categories: inspection deficiencies, staffing and financial viability).

⁵¹ Id.

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id.

resources to improve quality of care.⁵⁶ Under-resourced facilities care for a disproportionate number of patients both poor and from minority groups.⁵⁷ A similar study, published a year later in 2011, found that changing demographics across the country appeared to drive the racial and ethnic makeup of nursing home residents.⁵⁸ It also remarked that changes in long-term care may also be responsible for the shifts and that as a result minority older people may face hurdles in accessing home and community-based care.⁵⁹ Hence the need for more legal services and providers in their dominant language, if that is Spanish, and in their geographic area.

In terms of the ethnic/ racial minority elder nursing home population, the study found that between 1999 and 2008 it outpaced the same population as a whole in metropolitan areas with a high concentration of these populations.⁶⁰ Ultimately, the nursing home population should mirror the country's elder population.⁶¹ Will nursing homes be able to provide culturally competent and sensitive care?⁶² A closer analysis showed that the percentage of racial/ethnic minorities in nursing

⁵⁶ Id.

⁵⁷ Id.

⁵⁸ Zhanlian Feng, et al. *Growth of Racial and Ethnic Minorities in US Nursing Homes Driven by Demographics and Possible Disparities in Options*, HEAL. AFF. 20(7) (2011) 1362

⁵⁹ Id. at 1362

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

homes correlated to the overall percentage of elderly in the same minority group but that no such correlation existed for white non-Latinos.⁶³ The authors suggested that this meant the white non-Latino elderly had more options and more of an ability to pay for assisted living facilities.⁶⁴ In contrast, minority elders were more likely to have limited alternatives to nursing homes.⁶⁵ When they reside in nursing homes, the homes are usually of lower quality, with fewer resources, more reliance on Medicaid and less care than those in affluent communities.⁶⁶

According to the National Hospice and Palliative Care Organization (NHPCO), less than 10% of eligible Latinos use hospice care nationally.⁶⁷ Some of the reasons for this are lack of knowledge and religious or spiritual beliefs.⁶⁸ It was also found that Latinos are less likely to complete advance directives and some of the factors are poor communication with their physicians, religious or spiritual beliefs and language barriers.⁶⁹

⁶³ Id. at 1363

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Gerardo Fernandez, *Hispanics Overcoming Barriers to End of Life Care (Part 2)* Gerardo Fernandez (October 29, 2013) available at <http://newamericamedia.org/2013/10/hispanics-overcoming-barriers-to-elders-end-of-life-care.php>

⁶⁸ Id.

⁶⁹ Id.

The study highlighted that each ethnic group within the Latino ethnicity is different, and even more differences exist in each subculture within that group.⁷⁰ Families also have their own cultures.⁷¹ Therefore, the authors recommended that properly trained bilingual staff is essential in order to make the information available and understood and⁷² that workshops, seminars and courses should be provided to educate the community about the available options.⁷³

In our profession, a good first step would be to have fully bilingual support staff. Proficiency in a language is insufficient, especially when it comes to important decision making. A further step would be to have this staff attend legal trainings to gain a better understanding of the law, the work you do and the clientele you serve. They should attend CLEs, not every single one that you do, but those that will serve to enhance their work and your practice. An even better step is to go out into the community and educate the public.

Not surprisingly, the authors found that more assimilated and higher socioeconomic status Latinos were more likely to use hospice.⁷⁴

As attorneys, we can take away a few lessons from this. You must meet the client where they are and ensure that you have people working with you who are sensitive

⁷⁰ Gerardo Fernandez, *Why are Latinos Not Using Palliative Care and Hospice?* (Oct. 2, 2013) available at <http://newamericamedia.org/2013/10/why-are-latinos-not-using-palliative-and-hospice-care.php>

⁷¹ Id.

⁷² Id.

⁷³ Id.

⁷⁴ Id.

to and knowledgeable about the communities they intend to serve. I am fully bilingual; however when I assist clients *who are Spanish speaking only* in executing their advance directives, wills or other documents I ensure there is an official interpreter in the room.

While I read the English version of the document, the interpreter translates my words into Spanish. Even though I could read the document to them in Spanish, I personally feel I am better able to focus on my role as attorney by doing this.

Obviously, if they have a question I counsel them in Spanish as I am an Attorney and *Counselor* at Law. This is the role I am best suited for.

Another study examined older Latinos' attitudes toward End of Life Planning⁷⁵; and although the sampling was small,⁷⁶ the methodology used to assess the best way to provide guidance was insightful - and unsurprising. The subjects were divided among three groups: The control group received standard information; i.e. the New York State Health Proxy Form and instructional booklet in English and Spanish. The second group - "Conversación A" (Conversation A) received a one hour protocol in their homes, and there was a dialogue in Spanish that addressed Advance Directives, role of the agent, the importance of advance planning; medical, legal and value issues; and how to begin a conversation with loved ones and the standard information in the control group. The third group - "Conversación B" (Conversation B) was the "intensive" in that, in addition to being conducted in Spanish and

⁷⁵ Jenna C. Heyman & Irene A. Gutheil, *Older Latinos' Attitude toward Comfort with End-of-Life Planning*, National Assn of Social Workers 2010 at 17

⁷⁶ Id.

offering the same dialogue as in Conversation A, it also covered other themes developed in a focus group: burden of decision making, control (for decision making), communication, family relationships, religion and spirituality.⁷⁷ Of note is that the authors chose to work with majority Spanish speaking individuals who, on average, had only completed up to a sixth-grade education.⁷⁸ The authors admitted that findings could be different among Latinos with more education.⁷⁹

Their study concluded that Conversation A made a significant difference in both attitudes toward and comfort with end-of-life planning, while Conversation B only made a significant difference in attitude.⁸⁰ The authors surmised that Conversation B was too much for a person to think about in one session; considering end-of-life is a difficult subject, the authors felt the topic was a powerful one that it deserved additional time – in a separate meeting.⁸¹

Additionally, the authors underscored the impact of a single session in the participants' native language as significant.⁸² The study showed that, with respect to the control group that printed materials in Spanish were insufficient, especially if dealing with individuals with limited educations.⁸³

⁷⁷ Id. at 19

⁷⁸ Id. at 21

⁷⁹ Id. at 23

⁸⁰ Id. at 24

⁸¹ Id.

⁸² Id at. 19

⁸³ Id. at 24

From this author's experience working within the Latino community, it is often the adult children, sometimes U.S. born, of Latino elderly clients who make the first contact with attorneys and other professionals. Typically, when I speak to the parent(s), they are often unprepared for aging and sometimes resistant to doing any kind of planning. This can be the result of factors such as lack of language sophistication, education, socio economic status, overall fear of the process and, sometimes fear of family discord.

Many of the older Latinos who consult with me know what a Last Will and Testament ("A will") is, however there are times when they have failed to know and/ or recognize the value of Advance Directives. In other words, they are more familiar with the concept of death and the role a will plays upon death than they are with incapacity and why legal protection is necessary should they have a stroke, for example. Simply, they do not understand the breadth of the law available to protect them.

My experience has also shown me that Spanish speaking clients whose adult children are more knowledgeable with respect to planning seem to be better prepared when they meet with me. The issues I mentioned are not foreign to elder law attorneys generally, but when language and culture are factors the attorney may not be equipped to address them.

Another interesting study was caregiving from the perspective of paid and family (unpaid) caregivers.⁸⁴ There were two essential criteria for the study: 1) that the caregiver identify as Latino/a and 2) for the ill individual to have a terminal illness.⁸⁵ The sample was twenty caregivers and all were interviewed in their homes.⁸⁶ Half of them were caring for a person utilizing hospice services; while the other half was caring for a person not utilizing those services.⁸⁷ Thirteen caregivers were family and unpaid; while the remaining seven were paid caregivers.⁸⁸ Four of the unpaid family caregivers had no help; another four received help from other family members, while the remaining received help from a combination of family, friends and community.⁸⁹

Twelve of the family caregivers preferred speaking Spanish.⁹⁰ The study related individual caregivers' stories in their own words and found that, in addition to the ill family member, many Latino caregivers have to deal with intergenerational issues, limited financial resources, and families fragmented due to geographic distance and

⁸⁴ Iraida V. Carrion & Frances R. Nedjat-Haiem, *Caregiving for Older Latinos at End of Life: Perspective From Paid and Family (Unpaid)Caregivers*. AMER. JOURNAL OF HOSPICE & PALLIATIVE MED. 30 (2) 2012.

⁸⁵ Heyman & Guthiel, *supra* at 184

⁸⁶ *Id.* at 185

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.* at 186

⁹⁰ *Id.*

immigration laws.⁹¹ The authors stressed that the provision of respite and additional support for the caregiver are critical.⁹²

Based on this author's own knowledge, the likely reason for caregiver respite is obvious: when you are dealing with stressors, on top of caregiving for a loved one, there is not only strain on the caregiver and patient relationship, but negative impact on the caregiver themselves. A caregiver must provide self-care before they can care for another. Self-care is obligatory for any caregiver, irrespective of race or ethnicity.

Lastly, but not less important, the study also emphasized how essential Spanish language written materials and bilingual medical and health and other professionals were, especially those trained to provide services understanding cultural idiosyncrasies.⁹³ The statistics and anecdotes underscore the importance of meaningful and personal outreach, education and cultural sensitivity, which may also include language competency, and knowing that one size does not fit all—especially with such a heterogeneous group like Latinos. If these things were put into place, we would likely find a population more proactive in preparing for their old age and securing not only their financial futures but also that of their families. The public is there...you just need to know where and how to meet them.

⁹¹ Id. at 189

⁹² Id.

⁹³ Id.

CULTURAL DIFFERENCES IN THE PRACTICE OF ELDER LAW

By Pauline Yeung-Ha

The practice of elder law is practically non-existent in the New York City Chinese community. A Chinese consumer can easily come to this conclusion by leafing through the Chinese newspapers. Lawyer advertisements in these newspapers are predominantly on real estate, immigration, personal injury, commercial litigation, criminal, business incorporations, and contract law. I know about a dozen of Chinese attorneys practicing in wills and estates, but only a handful in elder law.

The lack of Chinese lawyers in the wills and estates or disability-related fields is not surprising to me. It is a “taboo” to speak about death and life-threatening illnesses in the Chinese culture. Logically, lawyers in the Chinese community assume that practicing in a field revolving around death and disability issues would be setting themselves up for failure. Even many Chinese attorneys have asked me why I have chosen to practice in the elder law field and how it would be possible for me to expand the practice in the Chinese community when the chances of success would be slim?

In the early 2000s, Judith D. Grimaldi, Esq. first offered me the opportunity to speak before a Chinese audience at a senior center. I was excited, yet hesitant. To present the sensitive topics of death and disability before fifty seniors was a daunting task. I knew I must tread lightly and broach the topics in a very round about fashion. Any words or expressions that would resemble death or disability would be considered offensive.

Another difficulty associated with this presentation was the translation of legal terms into Chinese. Terms used in the English dictionary such as elder law, health care proxy, living will, pre-paid funeral plans, Medicaid, Medicare, supplemental insurance, administrator/administration proceeding, revocable/irrevocable trust, supplemental needs trust are not provided in “English to Chinese” dictionaries, but would need to be translated into the best possible meaning. My preparation included hours of reviewing Chinese newspapers, researching on the internet, and consulting my parents to help me translate the English materials to Chinese.

To my surprise, the presentation was incredibly successful. The topics covered sparked tremendous interest from the seniors. Judie and I were amazed by the attentiveness and enthusiasm of the audience. There was a constant stream of questions throughout, and the two hours allotted for the presentation was not enough to cover all the material. This experience made me realized that the Chinese community is more receptive to the field of elder law than what I had originally anticipated and that the wealth of information that was provided to the Chinese elderly population was not rejected but widely accepted and valued.

Cultural Education to Facilitate the Elder Law Practice

As an American-born Chinese (or more commonly known as an “ABC”), my exposure and understanding to both the Chinese and American cultures were instrumental to the practice of elder law. I learned that the differences between the Chinese and American cultures are so significant that they are sometimes very difficult to reconcile. To provide culturally competent services to the Chinese elders, it is important for the elder law attorney to be aware of cross-cultural and diversity issues. This article is written from my personal experience as an elder law

attorney practicing in a Chinese setting and will focus on the important concepts of the Chinese culture that will be useful for those who have Chinese clients. I would caution the elder law attorneys to avoid developing stereotypes or biases based on the material but rather to be sensitive to the cultural differences.

Confucianism – Family as Source of Support

The teachings of Confucianism, which was established over 2000 years ago, are deeply rooted in the Chinese society. As a child, I was taught in Chinese school that each person has a special role in the hierarchy of social relationships. They are sovereign and subject, father and son, husband and wife, elder and younger brother, and friend and friend. The elder is considered a person of honor. They are deemed wise and educated and so the young must defer to the elder. The husband is the head of the family and thus, the wife must defer to the husband.

Confucius emphasized the need to achieve social harmony. He believed that in every relationship there exists a “collective responsibility” that includes duty, loyalty, honor, filial piety, respect for age and seniority, and sincerity. Individual rights or “I” is a foreign concept to the Chinese. The family is the “center” and comes before the individual, “I”.

“Filial piety” is the core to family harmony. The Chinese elders are placed at the highest social level in the family and are well-respected. The family, especially the oldest son, is expected to dedicate their lives to support the elder’s care and well-being. Due to the “collective” nature embedded in their culture, Chinese families are reluctant to seek outside assistance and prefer to remain private about family problems. Often times, if the elder becomes ill, the family will by all means work together to provide care themselves and would

quit their jobs rather than hire a home attendant or place the elder in an institution for long-term care. It is not until there is no way for the family to provide care for the elder that outside assistance would finally be sought.

Today, the very traditional Chinese families continue to strictly adhere to “filial piety” concept where the son is highly valued. This is because the son can carry on the family name (or surname). The daughter on the other hand is considered an “outsider” after marriage. During the estate planning phase, these clients have expressed that their entire estate be devised to the sons and nothing for the daughters, despite the care was provided by the daughters. It might seem odd to the Western eyes that sons have special treatment over daughters, but these are old Chinese traditions that have been practiced for many centuries. The newer generations, those who are educated and assimilated into the Western culture, are not as traditional and tend to treat the daughter on a closer level, if not equal, with the son.

Face (Mianzi)

I was raised in a community where all my relationships revolved around “face”. Face is an abstract concept that cannot be easily defined in simple terms. It may take years for a non-Chinese to understand the true meaning of face. It is important to keep in mind that the Chinese takes face very seriously and are extremely sensitive to this issue. Personal or business relationships can break apart because of face and may never be reconciled even after many years.

Generally, face is a measure of one’s public dignity and reputation. Education, wealth, knowledge, and success play a significant role in determining face. As can be expected, doctors

and lawyers will have more face than a secretary or a physical laborer. Having attained higher levels of education and receiving higher salaries, doctors and lawyers are considered successful people, who automatically earn higher social standing and more respect. As a result, Chinese clients will generally defer to the attorney's advice without questioning his or her intelligence. This show of respect is also known as preserving humbleness.

The intangible part of face can include any actions that cause insult or humility. For example, if another person openly disagrees with your statements, you will lose face (or "be embarrassed") as a result. You can also lose face if you create an outburst in public or commit a morally wrong action. Very often in my consultations, the elderly client will prefer to maintain his or her composure and keep silent rather than to outright dispute on issues. These actions do not necessarily signal their understanding but rather were committed to give face. Face can also be given as well by complimenting someone, preserving humbleness and enhancing another's reputation.

In dealing with the Chinese clients, criticisms must be crafted carefully. Even a subtle comment of disapproval that may not be considered offensive by Western standards can cause unnecessary awkwardness. Fortunately, attorneys in the elder law field develop expertise in dealing with all types of delicate issues and have an advantage in handling sensitive issues.

Because of face, Chinese clients may sometimes refuse to accept Medicaid planning. We have come across clients who would choose to private pay the nursing home for years rather than accept government benefits. When funds were finally exhausted, they would seek other means (i.e. children's funds, credit cards, home equity loans or mortgages) to pay the nursing home. It is not until the debts amounted to the point where the clients are in desperate financial

need, the family would finally agree to outside help, having no choice but to seek an elder law attorney. All their life-long savings were depleted because they did not want to lose face. The Chinese elders perceive the receipt of government benefits as an embarrassment and the last thing that they would want is for their families or friends to know about it.

Disability planning is difficult within the Chinese community as well. Families may not acknowledge that a family member has either physical or mental disability as he or she brings shame upon the family. The family would prefer to remain silent, keep things private, and carry out their daily lives as if the disability did not exist. Children with special needs, such as autism or mental retardation, are an extremely underserved population. Many parents are reluctant to address their children's condition and believe that the condition is temporary and will eventually resolve itself in the future.

The situations mentioned above are frequent in the Chinese community. My hope is to continue to educate and build a solid relationship ("guanxi") in the community so that these unfortunate circumstances can be prevented. The use of the intermediary "guanxi" is discussed below.

Connection (Guanxi)

The specialized nature of the elder law practice makes referral sources extremely valuable. Generally, my practice relies on former clients as primary referrals, while accountants, hospitals, social workers, and community organizations are secondary to them.

In the Chinese community, there is more to a referral than its Western version. If you promise legal service to the elderly client and deliver exceptional results, the elderly client will

likely become your “guanxi”. “Guanxi” means the client will become your referral source and will personally vouch for you. When this source refers you to his or her peers, it is customary for him or her to stand wholeheartedly behind you and praise your work. Referring back to the concept of Confucian loyalty in relationships, he or she has, in effect, become your advertising agent. You will not need to market yourself to your source’s peers because the source will already have established your credentials and given you his or her seal of approval. When you build up your “guanxi”, you will extend connections into the community with a reputation that is worthy of trust, respect and competence.

Since potential Chinese clients often like to rely on word of mouth when choosing a lawyer, it is important for you to build your “guanxi”. It is equally important to keep a permanent relationship with your Chinese clients to maintain your “guanxi”. They often invite you to dim sum and introduce you to their families and friends.

The Office Practice

Initial Telephone Call – “OK”

When making the telephone call to the law office to initiate contact, elderly clients generally prefer the warmth of a human voice to the impersonal nature of an automated message. This applies even more so for Chinese clientele. The personal feeling provided by a receptionist gives assurance to the Chinese elderly client that the service will be friendly. Many times, if the initial call was transferred directly to voicemail, the call would likely be dropped. In the more traditional Chinese families, many elders’ homes do not have answering

machines as the idea of leaving a message on a machine is foreign to them. The elderly client would rather attempt several calls until they reach a person.

Our office's receptionist was instructed not to put calls to voicemail unless it was absolutely necessary. However, during the earlier stages of expanding the Chinese clientele, we often encountered one dilemma, the language barrier. Around 2012, our office consisted of eight non-Chinese speaking staff and one part-time Chinese law intern. When a Chinese client heard a voice speaking English on the phone, he or she would become intimidated and drop the call. In order to mitigate this situation, our staff was trained to use the word "OK" or "Deng Deng" (meaning "wait" in Chinese) before transferring the call to my intern or me. Fortunately, the word "OK" was an universal adopted word which most elderly Chinese understood and "Deng Deng" was not a difficult word for my receptionist to say. When the elderly Chinese heard the word "OK" or "Deng Deng", he or she received the reassurance that the person on the other end could assist him/her. The client is then placed on hold with music playing in the background. This method had worked very well with our elderly Chinese clientele. Voicemail was only used as a last resort.

As my practice grew, there were instances when I was not available to answer phone calls. Therefore, during the initial consultation, it was important for me to stress and encourage my clients to use voicemail to facilitate future communications. Our office voicemail system is set up in both English and Chinese languages. The use of voicemail has proven to be a very effective method to maintain subsequent contacts during busy periods. Communication with the younger Chinese generation is entirely different. Our office rarely experienced

communication barriers because the younger generation speaks proficient English and almost all have email access.

Concept of “Service” versus “Product”

In general, legal fees in the elder law practice are a huge concern for our clients. A major factor as to whether the client decides to retain the services of an elder law attorney is often dictated by the fees. Unequivocally, legal fees are one of the first issues to be discussed at the outset prior to meeting with the Chinese client. While the non-Chinese client usually accepts the firm’s established fees, Chinese clients will try to negotiate the amount. Bargaining for the lowest fee is common in the Chinese community. For example, many of my clients will attempt to lower the fee with statements such as:

“My friend had a trust done for \$ x amount at another law firm, why I am being charged a lot more?”

“You don’t need to collect so much from me. I will refer my friends to you so you’ll get their future business.”

“We are from the same home town, can’t you lower the fee for a fellow Chinese?”

The need to educate the Chinese client on fees is important. Since most Chinese clients has never heard of or worked with an elder law attorney before, they are basing and applying their knowledge to the services of other attorneys, such as real estate and immigration. In these instances, it is crucial to explain to the clients and their family members that the fees paid for the knowledge and experience of an elder law firm will likely always exceed the fees for the service of a general practice firm. A simple analogy I frequently use was: if you have a heart problem, you go to a heart doctor; if you have an eye issue, you go to an eye doctor. If you

need surgery, would you have a general practice doctor to operate on your heart or eye? Furthermore, the client should be reminded that each case has its set of unique facts, and the fees charged for one case cannot be compared with that for another case.

In my interactions with the Chinese clients, I have learned that legal fees should be charged based on a package of services rather than individually for each item. For example, instead of establishing a fee of \$ x for drafting a trust, \$ y for drafting a will, and \$ z for preparing advanced directives, the fee should be for the all three services combined without the need to itemize each service. Chinese clients prefer to know the bottom line quote.

When supplying quotes, I do not use the term “initial consultation fee” but rather the term “estate planning session fee” and request that the clients complete our firm’s questionnaire and compile all the required documents in order to have a productive meeting. “Initial consultation fee” is a hard concept for the Chinese clients to grasp because they do not believe in paying for “talk”. They consider consultations to be part of the sales pitch. Despite the fact that I was providing valuable legal advice, the advice was not a concrete product. Many of my clients believe in being charged for only the delivery of paperwork, such as a will or trust.

Further, follow-up telephone calls should not be attempted immediately with the potential Chinese clients after the initial meeting until two months later because they do not respond well to a pressured sales pitch. When the elderly client or the client’s family members are in fact ready to retain my services, they will certainly call to schedule the appointment and return the retainer.

Before the elderly client is ready to commit to any services, he or she typically calls several times with additional questions. Thus, the typical timeframe from the initial call to the scheduling of an appointment is three to six weeks. In essence, the time and effort spent with the client and his or her families in these initial phone calls forge a relationship of trust that can culminate with the scheduling of an initial consultation.

The Meeting – Enhancing the Trust Relationship

The meeting is a collaborative effort of the family. The children voluntarily attend and contribute to the planning process. Although the children may offer their opinions, it is the elderly client who will ultimately make the decision.

The meeting often begins with a handshake with the elderly client. After he or she is seated, it is wise to offer the elderly client tea or water. Since the Chinese elders are not comfortable with physical affection, it is not advised to make physical contact with the elderly Chinese client.

It is important to have the elderly client feel as comfortable as possible. After all, I am a stranger whom the elderly client is about to reveal all his or her personal information to. The conversation will generally begin by sharing each other's background information and finding commonalities between us. Typical questions asked by my Chinese clients include:

“Where are you and your family from and how long have they been in the United States?”

“Where do you live now?”

“Do you have any brothers and sisters?”

“Are you married?”

Undoubtedly, these questions are personal in nature and the elder law attorney may not know whether it is appropriate to discuss his or her personal life with the client. However, the conversations build the “guanxi”. The elder law attorney should not appear visibly surprised by these questions; otherwise it may cause unnecessary embarrassment to the elderly client, which may in turn, cause the loss of “face”, dissolving the trust relationship.

The Chinese appreciate reciprocity and enjoy being asked questions in return. Ice breakers help the attorney and client gain familiarity with each other and allow the two parties to develop a closer bond. We as elder law attorneys are experienced in asking personal questions to our clients. Typical questions include:

“How many children do you have and what do they do?”

“Do you have any grandchildren and how old are they?”

“What did you do before you retired?”

“When did you get married?”

The entire planning process with the elderly client and their family typically requires 1½ to 2 hours to complete. The bulk of the time is spent explaining how to achieve their planning goals and making sure that they understand the new concepts. I am fluent in both the Cantonese and Mandarin Chinese dialects. Many ABCs speak simple Chinese and have trouble communicating difficult or technical terms in Chinese with their parents. I conduct my meetings in Chinese with the parents and translate in English for the children.

Given that the Chinese clients are very careful people and do not like risk, they tend to ask many questions about the details of the planning. The attorney should not be surprised if they conjure up endless “what if” scenarios for discussion. Chinese clients do not feel comfortable executing the planning unless they feel that they fully comprehend the material and are able to verify the benefits of the planning. Once the elderly client entrusts me with the work, he or she will consider me as almost part of the family and retain full confidence in my work.

Printed Materials in Chinese

The Chinese community in New York City is very diverse. Many Chinese have immigrated from Taiwan, Hong Kong (formerly a British colony which became part of China in 1997), and various parts of China. Although the Chinese follow the basic customs and traditions of Confucianism, their spoken language is not simple. The Chinese language has many dialects, each of which can be quite different. Understanding one dialect does not guarantee understanding another. For example, often Cantonese speakers can understand Mandarin, but not vice versa. Mandarin is the official dialect of the Chinese language. Today, the predominant dialects in New York City are Cantonese, Mandarin, and Fujianese.

Fortunately, the universal form of communication for the Chinese is the written language and the Chinese characters are the same regardless of dialect. When I conduct seminars in the community, I distribute written materials to reinforce some of the issues presented and more importantly to allow the Chinese elders who do not understand my Cantonese dialect to read the information discussed. Sometimes, for issues that are of sensitive nature (such as the living will), I would prefer to distribute written material instead of

presenting them in detail. Chinese clients like to review written material, which gives them time to absorb the issues and formulate questions. Once the elders are familiar with these issues, they will openly discuss them with me.

Often I am invited to speak in the Chinese community. However, one organization invited me to speak at a time which coincided with the celebration of the Chinese New Year. The organization's coordinator was not aware that during Chinese New Year only good health, wealth, and fortune can be discussed. She was unfamiliar with the Chinese culture and requested that I speak on topics relating to wills, trusts, and advanced directives. With good intent, she believed that it was an ideal opportunity to give this talk because all their Chinese seniors would be attending the New Year celebration activities. Unfortunately, the timing was absolutely inappropriate and such a talk would have offended many seniors. The Chinese elders believe that bringing up topics of bad luck at this time would actually cause the events of bad luck to happen to them. Facing this challenge, I changed my presentation to avoid all issues relating to disabilities, long-term care, illnesses, and death. The presentation had to be tactfully delivered with the focus on protecting and control of oneself to minimize long-term care and disability issues. I could only briefly mention that the power of attorney and health care proxy serve to preserve future control, and that a living will serves as a backup document for the health care proxy. As such, the written documents that day proved extremely useful. I avoided the taboo topics. After the presentation, I had a discussion with the coordinator to be mindful when planning their next event.

The written materials I distributed were very valuable to the Chinese community as they were unique and difficult to find. The elders rarely throw them out and tend to keep them

handy in the homes. We had one case where the Chinese elder and his family who had inquired with our firm kept these written materials and finally responded after five years.

As the Chinese clientele expanded, business cards were also printed in two languages, one side in English and the other side in Chinese. Since elder law practice is such a specialized area of law that many Chinese families are not familiar with, I also listed the types of services that our firm provided such as elder law, long-term care, Medicaid, disability issues, advanced directives, and wills and trusts.

Conclusion

As you can see, recognizing cultural differences may certainly enhance a law firm's practice. All throughout these years, our firm has thrived on having a diverse clientele which has become a pertinent aspect of our practice. We believe that cultural competency and awareness can be attained through education and communication between lawyer and staff as well as lawyer/staff and client. We further believe that the ability of the law firm to provide a comfortable environment and understand the needs of the diverse client will eventually bring everlasting and trusting relationships between the diverse client and the elder law firm.