

# Navigating Employment Law with Emotional Intelligence and Cultural Competency

**By prioritizing emotional intelligence and cultural competency, attorneys can make a meaningful impact in the lives of their clients and contribute to a more inclusive and understanding workplace environment.**

BY KARSTEN BAILEY

What would be your initial approach to a client facing harassment in the workplace? Are you sensitive to the client's background or past trauma? Are you aware that certain questions are triggering tears? Do your own experiences make you angry about the client's situation?

Employment lawyers are asked to guide individuals through difficult situations while also delivering effective legal counsel with a calm demeanor. After years of hearing a variety of repetitive legal issues, lawyers might neglect a client's feelings and immediately dive into legal issues and strategies.

It is imperative to establish open communication with clients to understand their needs, their backgrounds, and their perspectives. Lawyers should also pay attention to their own emotions and internally address situations that might trigger them. By conducting a self-assessment while identifying how a client's background affects the client's current situation, lawyers can begin to develop emotional intelligence and cultural competency.

Developing this competency allows lawyers to provide a space for individuals to paint a picture of who they are and their experiences and to steer away from a "one-size-fits-all" approach. This competency also helps lawyers address core emotions that affect them and to provide effective counsel while maintaining a calm demeanor during uncomfortable circumstances.

## Understanding Emotional Intelligence

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

To build emotional intelligence, one should conduct a self-assessment by addressing these four common attributes: self-management, self-awareness, social awareness, and relationship management.<sup>2</sup> As counsel, we are expected to remain calm in high-pressure situations. Self-management requires thought about whether you can make constructive decisions even when you feel overwhelmed or stressed.<sup>3</sup>

Remaining emotionally present when receiving upsetting information is part of emotional intelligence.<sup>4</sup> A lawyer cannot allow information to override thoughts and self-control.<sup>5</sup>

Self-awareness comes into effect when counsel addresses feelings and emotions that change his or her mood, facial expressions, or other physical experiences.<sup>6</sup> Pay particular attention to when emotions are triggered. Actively work on making rational decisions when those emotions arise.



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Further, it is crucial to understand a client and how the client communicates nonverbally. “Social awareness requires your presence in the moment.”<sup>7</sup> When a client is telling you about a potentially troublesome supervisor, observe the client’s body language.

Body tension, signs of anger or sadness, shaky hands, or a trembling voice can help lawyers recognize and understand what people are experiencing in the moment. Effectively developing a deep understanding for the individual can also help establish a firm attorney-client relationship.<sup>8</sup> Relationship management is a consistent observation of not only yourself but also the client’s nonverbal and verbal communication. When a lawyer actively uses the four common attributes of emotional intelligence, the client will feel more comfortable, allowing the lawyer to provide counsel effectively.

### Earning Trust Through Cultural Competency

In my view, what separates a good lawyer from a great lawyer is being an excellent communicator, as well as having a full understanding of the client’s needs. Trust is an important element of understanding an individual.

When a client gains trust in you as a lawyer, the client will offer more information because you took time to understand the client as an individual. This is where cultural competency is key. Cultural competency is the ability to understand, appreciate, and interact with people from cultures or beliefs that differ from your own.<sup>9</sup>

For employment attorneys, having

this skill allows you to adapt your approach for clients, stakeholders, or employees whom you encounter.

For instance, when seeking to provide a reasonable accommodation for a deaf employee, a lawyer who lacks cultural competency might assume that the employee can communicate by using a pen and paper. During the conversation, the attorney might realize that the employee has a difficult time understanding certain words and phrases.

By not asking for a client’s preferred method of communication, the attorney could be creating an additional barrier in the workplace to the employee. The attorney might assume that an American Sign Language (ASL) interpreter is necessary to assist in the interactive process discussion, but the employee might not be proficient in ASL. Both methods of communication are options; however, they might not be the best ways to communicate with a specific employee.

A culturally competent attorney will research the best available options and allow the employee to choose their preferred method of communication.<sup>10</sup> Moreover, if the employee selects an ASL interpreter, the attorney should be vigilant of what could be considered disrespectful to the person with a hearing impairment. For example, it is important to speak naturally with the employee, even when an interpreter is involved.<sup>11</sup> The attorney should also speak directly to the employee and maintain eye contact just as in any conversation.<sup>12</sup> It also helps to ask the employee directly if they are following the conversation.<sup>13</sup> By having cultural competency at the forefront of

the attorney’s decisions, the attorney will approach each individual with curiosity.

Questioning your own beliefs and valuing other people’s backgrounds allow attorneys to gain clients’ trust and fully understand their needs.

### Conclusion

From senior leadership to front-line workers, employment attorneys must be emotionally intelligent and culturally competent to deliver effective counsel to various parties. By developing these skills, attorneys can better navigate the complexities of workplace issues, build stronger client relationships, and guide clients toward successful results that align with the client’s needs.

Cultural differences extend further than race and religion. As previously mentioned, culture exists among various individuals with disabilities as well.

Recognizing and managing one’s own emotions while being attuned to the cultural and emotional needs of clients allows for a more empathetic and personalized approach.

This in turn enhances the attorney-client relationship and ensures that clients feel heard, respected, and supported throughout their legal journey. As the workplace continues to evolve, the ability to adapt and respond to diverse client needs will be a defining characteristic of successful employment attorneys. By prioritizing emotional intelligence and cultural competency, attorneys can make a meaningful impact in the lives of their clients and contribute to a more inclusive and understanding workplace environment. **WL**

### ENDNOTES

<sup>1</sup>Lauren Landry, *Why Emotional Intelligence is Important in Leadership*, Harvard Bus. Sch. (Feb. 23, 2025), <https://online.hbs.edu/blog/post/emotional-intelligence-in-leadership>.

<sup>2</sup>Marc Brackett, *Spotlight: What It Means to Be Emotionally Intelligent*, Yale Univ. (Feb. 23, 2025), <https://your.yale.edu/spotlight-what-it-means-be-emotionally-intelligent>.

<sup>3</sup>*Id.*

<sup>4</sup>*See id.*

<sup>5</sup>*See id.*

<sup>6</sup>*See id.*

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

<sup>8</sup>*See id.*

<sup>9</sup>Mai Der Mary Shaw, *Emotional Intelligence and Cultural Competency: Keys to Being Effective In-house Lawyers*, 96 Wis. Law. 20 (June 2023), <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=96&Issue=6&ArticleID=29836>.

<sup>10</sup>Wis. Dep’t of Workforce Dev., *Guide for Employers: Sign Language Interpreters* (Feb. 25, 2025), <https://dwd.wisconsin.gov/dwd/publications/dvr/pdf/dvr-19186-p.pdf>.

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

<sup>12</sup>*Id.*

<sup>13</sup>*Id.* **WL**