

# East Meets West

Understanding the Religious and Cultural Differences  
in the Context of Personal Injury Litigation

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- Understanding the Migration History
- Critical Regional Nuances
- Religion, Culture and your client

# Cultural Competency & Cultural Humility

# Cultural Competency

“includes a set of consistent behaviours, attitudes, and policies as they come together in a system, agency, or among professionals to enable that system, agency or those professionals to work effectively in cross- cultural and diverse situations.

– **Example:** An organization makes a commitment to providing education and opportunities for its care providers to increase their awareness, skills, and knowledge of cultural considerations.”

(Planning Mental Health Services: A Health Equity Approach

Dr. Cordell Neudorf, 2017)

# Cultural Humility

“Is not about achieving *awareness* or *knowledge*, but rather **self-humility**.

- It is a **process**, and cannot be achieved.
- It is a lifelong process of self-reflection and self-critique (rather than only learning about the culture of the other/cultural competency)”

(Dr. Melanie Tervalon and Jann Murray-Garcia, Planning Mental Health Services: A Health Equity Approach, Dr. Cordell Neudorf, 2017)

# Practicing Cultural Humility

**“To practice cultural humility is to maintain a willingness to suspend what you know, or what you think you know, about a person based on generalizations about their culture. Rather, what you learn about your clients’ culture stems from being open to what they themselves have determined is their personal expression of their heritage and culture.”** (Moncho, 2013, Planning Mental Health Services: A Health Equity Approach, Dr. Cordell Neudorf, 2017)

# Understanding the Migration History



# Which generation of migration does your client represent?

- Time in the U.S./Canada?
- Household Optics(stereotypical or expanded)
- Comprehension of Family Structure is Key




# Critical Regional Nuances



- Avoiding Regional Generalizations
- Understanding the varying degrees in modernization between countries and regions

# Religion, Culture and your client



## Religious & Cultural practices: Identification and application

- General Damages
- Loss of Housekeeping and Valuable Services
- Cost of Future Care(family support)
- Potential for a *Quantum Meruit* Claim
- Impact in a Fatal Injuries Action

**Always Keep In Mind**



- Explaining the No-Fault Benefits to your client
- Scheduling meetings, depositions, settlement conferences etc.
- Consent
- Advising your expert when preparing reports such as, Life Care Plan or Housekeeping Replacement etc.