Implementing a Practical Model for Teaching Cross-Cultural Lawyering to Clinic Students

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Objectives in Developing the Training

- To prepare students to work professionally and effectively with a diversity of clients, colleagues, other professionals, etc. in their clinics/field placements.
- To develop some common vocabulary among students and to lay the groundwork for future discussions about cross-cultural lawyering in our respective clinics.
- To coordinate this training with similar efforts in the law school to engage dialogue on diversity.
Training in Context

- Current events – national and local
- Climate on campus
- Climate within the law school
Resources

- Law school faculty collaboration
- University resources – Office of Multicultural Affairs
- American Bar Association Implicit Bias Initiative
- Literature review
Resources – Lit Review


- Derald Wing Sue, *Race Talk and the Conspiracy of Silence* (John Wiley & Sons, Inc. 2015).

Framing

“Professionalism in Practice”

- Ethics rules
  - Rule 8.4, Model Rules of Professional Conducts: It is professional misconduct for a lawyer to...
    - (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.

- Competency
- Effective advocacy
Training Content

- Introductory lecture
  - Awareness of one’s own cultural identity
  - Terms: implicit bias, culture, cross-cultural lawyering
- Video on implicit bias of judges
- Faculty-led, small group discussion of hypotheticals
- Large group discussion for final thoughts
- Individual reflection/evaluation form
ABA Video: Hidden Injustice

- https://player.vimeo.com/video/165006635

Three step process for counteracting implicit bias:
- Be humble – we don’t know what we don’t know.
- Slow it down.
- Be internally motivated to be fair and to avoid discriminatory behavior.
Students’ Feedback

O State one thing you learned today:
  O “I may have more implicit bias than I thought.”
  O “‘Slowing down’ a situation is a tactic that I have not consciously thought of using before to combat implicit biases. I plan to employ it moving forward.”
  O “Our gut is wrong a lot of the time.”
Students’ Feedback

- Most helpful aspect of the training:
  - Small group discussion led by faculty members

- What to improve:
  - Less lecture, less large group discussion, and more small group discussion
  - More concrete, take-away skills for responding to overtly offensive comments and microaggressions