

## **USD School of Law**

### **Implementation Plan for ABA Revised Standards 303(b) and 303(c)**

This implementation plan is the product of discussions on ABA revised standards 303(b) and (c) and broad efforts on diversity, equity and inclusion within the University of San Diego School of Law. The School of Law's Diversity, Equity, and Inclusion Task Force engaged in extensive stakeholder consultation with faculty, administrators, students, and alumni, and developed recommendations that incorporated revised standards 303(b) and (c). Additional consultation with faculty and administrators identified what the School of Law is already doing to support professional identity formation and to incorporate instruction on racism, bias, and cross-cultural competency into the program of legal education, as well as how to deepen offerings in these areas.

#### **A. Revised 303(b)(3)—“provide substantial opportunities to students for . . . the development of a professional identity.”**

*Interpretation 303-5 Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.*

- 1. Orientation:** Administration of the “Oath of Professionalism” by a California Judge and an alum of the University of San Diego School of Law. The Oath of Professionalism is a long-standing tradition that inducts matriculants into the study of law, introduces them to the duties and responsibilities of the legal profession, and asks them to pledge to comport themselves with the highest standards of professionalism. The Oath of Professionalism will be updated to speak to community norms that cultivate a diverse and inclusive learning environment. Students undertake the Oath of Professionalism at orientation, and going forward, will sign their pledge as part of their matriculation packet. Orientation also includes a mandatory session on well-being in the law, that connects students to campus counseling and wellness resources, and encourages students to develop their own “wellness plan” for law school.
- 2. Fall Semester, 1L year:** All 1Ls enroll in Experiential Advocacy Practicum I, which surveys litigation as a major area of legal work. Through the course, students learn how to investigate facts, communicate findings with colleagues, conduct interviews and depositions, develop case themes, present a closing argument, and more. As part of this exposure to practice, students are taught by an array of diverse local practitioners, listen

to practitioner panels, are guided to reflect on different career paths, and to develop an understanding of their own preferences and advocacy style. The Office of Career and Professional Development joins the course and works through a Career Roadmap exercise with the students, including a “Know Thyself” self-evaluation that helps students to articulate their personal values, principles, and professional goals. After this exercise, students meet with career counselors for one-on-one advising sessions to further develop their career goals and a plan to reach those. One of the important themes that practitioner panels speak to is wellness in the legal profession, and how they promote their own well-being while practicing law.

3. **Spring Semester, 1L year:** All 1Ls enroll in Experiential Advocacy Practicum II, which is a continuation of the fall course, and surveys transactional law as a second major area of practice. Students learn how to practice transactional law by drafting professional internal communications, negotiating terms of an agreement, and drafting and red-lining term sheets. Local transactional lawyers from an array of fields help to teach this course and speak on practitioner panels. Students continue to be guided to reflect on potential career paths, and their personal values and preferences. The Office of Career and Professional Development continues to implement its Career Roadmap exercises with the students in this Spring semester.
4. **All years:** The Office of Career and Professional Development runs the Alumni Mock Interview Program, through which students are paired with an alum in their field of interest to discuss professionalism in an interview. Alumni coach students and deepen their understanding on how to conduct themselves in the workplace.
5. **Upper Division years:** All students take Professional Responsibility, which in addition to teaching the core subject matter of ethics, responsibilities and disciplinary standards and procedures, also incorporates significant opportunities for discussion and reflection on professional identity.
6. **Experiential Electives:** Students can enroll in a wide array of experiential courses, clinics, and externships, which allow them to explore different professional paths. In clinics and externships, students engage in guided reflections and group discussions about professional identity. ABA standards require every law student to take a minimum of six experiential units.
7. **Annually:** Co-curricular programming is offered throughout the year by Law Student Affairs and the Office of Career and Professional Development. A new leadership development program is being designed to impart leadership skills to students, and which will include opportunities for self-assessment, and to identify and develop students’ own leadership styles. Career workshops help students to explore how to match values and principles with different career pathways. At an annual Student Leader Breakfast, the board members of the Student Bar Association and the many student organizations at the law school celebrate their achievements, and are addressed by the Dean, faculty, and a

local judge. Community Impact awards are given to students who best exemplify professionalism and positive contribution to the law school community.

**B. New 303(c)—“provide education to law students on bias, cross-cultural competency, and racism ... at the start of the program ... and at least once again before graduation.” “For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.”**

*Standard 303(c)’s requirement that law schools provide education on bias, cross-cultural competency, and racism may be satisfied by, among other things, the following: (1) Orientation sessions for incoming students; (2) Lectures on these topics; (3) Courses incorporating these topics; or (4) Other educational experiences incorporating these topics. While law schools need not add a required upper-division course to satisfy this requirement, law schools must demonstrate that all law students are required to participate in a substantial activity designed to reinforce the skill of cultural competency and their obligation as future lawyers to work to eliminate racism in the legal profession.*

- 1. Orientation:** Each year, the students are led through a dedicated session focused on diversity, equity and inclusion in the legal profession, and that explores how implicit bias manifests in the practice of law. This session includes discussions and reflections by members of the faculty, alumni, and administration.
- 2. Experiential Advocacy Practicum 1L year:** The required Experiential Advocacy Practicum I course includes teaching on juries, implicit biases in jury selection, how to engage in self-reflection about students’ own biases and how to mitigate these biases. The required Experiential Advocacy Practicum II course includes teaching on navigating cultural differences in the transactional negotiation process. Diverse adjunct professors are brought in to teach these courses, and panelists touch on issues of race and gender in the law during panel discussions.
- 3. Upper Division years:** The required Professional Responsibility course includes instruction in the ABA and California rules pertaining to bias and discrimination. In particular, the course covers ABA Model Rule 8.4(g) and the more extensive prohibitions and requirements of [California Rule of Professional Conduct 8.4.1](#). Because California's rule differs substantially from the ABA Model Rule, coverage of California's rule entails more extensive discussion of the elimination of bias. In addition, faculty have developed materials discussing ethical issues relating to internment of persons of Japanese descent in World War II. These materials cover relevant background dating to California's first legislature, including racial classifications for schools, witnesses in court, and marriage. The materials discuss extensively California's Alien Land laws, and the efforts of

California officials to seize land using those laws. The materials link extensively to original source material, and the page hosting the materials also hosts trial transcripts from proceedings to vacate the conviction of Gordon Hirabayashi.

4. **Clinics and Externships:** All new clinic students are required to attend an orientation, which will include substantial examination of racism, bias, and cross-cultural competency in the legal profession. In addition, professors in the clinic incorporate discussion on these topics in case rounds, as relevant issues arise. The instructional components of externships will include dedicated sessions on cultural differences, cross-cultural competencies, and racism and bias in the legal profession. These sessions will include substantial reading, journal, and discussion assignments.
5. **Elective Courses:** Currently, USD offers a number of electives that significantly address bias, cross-cultural competency, and racism. Examples include: “Civil Rights Theories,” “Discrimination Law & Diversity,” “Constitutional Law II,” “Employment Discrimination,” “Reparations,” “Death Penalty,” “Education Law,” “Jurisprudence,” “Native American Law,” and “Poverty Law.”
6. **Cross-Curricular Efforts:** Through the benefit of faculty learning circles on how to best bring DEI into the classroom, faculty are being supported in their efforts to incorporate discussions of racism, bias, and cross-cultural competency into their courses, regardless of subject matter. A roster of alumni guest speakers with expertise and practice experience that speaks to racism, bias, and cross-cultural competency is being developed for faculty to draw upon in their courses, and for administrative offices to draw upon for co-curricular programming.
7. **Co-Curricular Programming:** Law Student Affairs co-curricular programming explores the themes of racism, bias, and cross-cultural competency with student panel discussions, and speaker series with diverse experts on these topics. A new leadership development program will support students to develop a deeper understanding of their own identities, experiences, and biases, and how to be effective allies in the pursuit of a legal profession that reflects and is inclusive of practitioners from a greater diversity of backgrounds.