

THE BUFFALO MODEL: AN APPROACH TO ABA STANDARD 303(C)'S  
EXPLORATION OF BIAS, CROSS-CULTURAL COMPETENCY, AND  
ANTIRACISM IN CLINICAL & EXPERIENTIAL LAW

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*Clinical courses expose students not only to lawyering skills but also the essential values of the legal profession: provision of competent representation; promotion of justice, fairness, and morality; continuing improvement of the profession; and professional self-development.<sup>1</sup>*

ABSTRACT

This Article offers an early analysis of ABA Standard 303(c) following its recent adoption in 2022. ABA Standard 303(c) requires that law schools “shall provide education law students on bias, cross-cultural competency, and racism.” The Author suggests that 303(c) formalizes what many clinical

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1. Margaret Martin Barry, Jon C. Dubin, & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, 13 (2000) (citing AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT - AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 207-21 (1992)) [hereinafter MACCRATE REPORT] (typically referred to as the “MacCrate Report” in recognition of Robert MacCrate, Chair of the authoring Task Force)).

educators have already been teaching: inclusion, justice, and belonging. Following the 2020 shootings of George Floyd and Breonna Taylor, many law schools have revisited their diversity, equity, and inclusion programming and implemented various new initiatives and training. Despite current efforts, the Author notes that planning and resources will need to be allocated toward compliance efforts in order to fully meet the commands of 303(c). The Article highlights the “Buffalo Model”, a Clinical Legal Education Program at the University of Buffalo School of Law for its approach to teaching Antiracism, Cultural Humility, and Belonging. The Buffalo Model requires the completion of an asynchronous course component for all clinic students which focuses on cultural awareness and reflection on injustices impacting the practice of law. The Author advocates for legal educators to fully embrace 303(c) and explore new opportunities for deploying the intent of 303(c) through clinical and experiential legal education.

## INTRODUCTION

This essay offers initial contemplations shortly after the inception of a new opportunity for clinical and experiential legal education in the United States: the addition of 303(c) to the ABA standards, requiring that law schools “shall provide education to law students on bias, cross-cultural competency, and racism.”<sup>2</sup> This new law school accreditation obligation concretizes what many clinicians, externship directors, and other experiential teachers have been doing for decades: teaching inclusion, justice, and belonging. Clinical Legal Education programs historically have centered teaching student attorneys about cultural competency, anti-bias, diversity, difference, and related issues.<sup>3</sup>

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2. AM. BAR ASS’N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, REVISIONS TO THE 2021-2022 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2 (2022), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2021-2022/21-22-standards-book-revisions-since-printed.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2021-2022/21-22-standards-book-revisions-since-printed.pdf) [https://perma.cc/PQ4V-DZK7] [hereinafter 2022 ABA REVISIONS TO STANDARDS AND RULES].

3. See, e.g., J.P. “Sandy” Ogilvy, *Clinical Legal Education: An Annotated Bibliography* (3d edition), 11 CLINICAL L. REV. (SPECIAL ISSUE NO.2) 1, 85 (2005).

Diversity, equity, inclusion, and belonging (“DEIB”)<sup>4</sup> is certainly not a new concept. The social upheaval following the 2020 killings of George Floyd, Breonna Taylor, and many others brought racial, gender, LGBTQ+, disability, and other inequities to the forefront.<sup>5</sup> Recognizing that DEIB is critical to the legal profession, law schools have recently re-energized DEIB efforts, implementing new initiatives and trainings for faculty, staff, and students. In some cases, schools have formed DEIB committees and/or appointed a DEIB leader, or commenced plans to do so.<sup>6</sup>

As a community, clinical and externship teachers and scholars have dedicated large sections of national annual conferences across all types of clinics and field placements to these issues, long before the topic was as generally prevalent elsewhere in legal education.<sup>7</sup> In recent years, an even deeper commitment to engaging student attorneys in reflections on antiracism and DEIB has emerged.<sup>8</sup> Following the murder of George Floyd, many clinical programs issued commitments or re-commitments to deploy antiracist clinical teaching.<sup>9</sup> These were followed by a national statement from the Clinical Legal Education Association in Spring 2021.<sup>10</sup>

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4. Sometimes also called DEIJB for Diversity, Equity, Inclusion, Justice, and Belonging. *See, e.g.*, Harvard University Career & Professional Development Navigator, [*Peer Mentoring Training*] *DEIJB Approaches and Discussions in Peer Mentoring*, HARVARD UNIVERSITY (Sept. 8, 2020), <https://careernavigator.gradeducation.hms.harvard.edu/event/peer-mentor-training-deijb-approaches-and-discussions-peer-mentoring> [<https://perma.cc/8EDK-NK6Y>].

5. Paolo Gaudiano, *Two Years After George Floyd's Murder, Is Your DEI Strategy Performative Or Sustainable?*, FORBES (June 27, 2022), <https://www.forbes.com/sites/paologaudiano/2022/06/27/two-years-after-george-floyd-is-your-dei-strategy-performative-or-sustainable/?sh=4f950c536aaa> [<https://perma.cc/5RTB-XSIX>].

6. ABA Diversity Equity & Inclusion Ctr., *Diversity, Equity & Inclusion in Action: A Conversation with DEI Law School Leaders*, AM. BAR ASS'N (Nov. 15, 2021), <https://www.americanbar.org/groups/diversity/resources/dei-webinar-a-conversation-with-dei-law-school-leaders/> [<https://perma.cc/836B-HVSS>].

7. Ass'n of Am. L. Schs., *Past Conferences*, <https://clinical.aals.org/past/> [<https://perma.cc/8TK7-E3T3>].

8. *See, e.g.*, Norrinda Brown Hayat, *Freedom Pedagogy: Toward Teaching Antiracist Clinics*, 28 CLINICAL L. REV. 149 (2021-2022), <https://www.law.nyu.edu/sites/default/files/Hayat%20-%20Freedom%20Pedagogy.pdf> [<https://perma.cc/UU79-8FNR>].

9. *See, e.g.*, Univ. of Ark. William H. Bowen Sch. of L., *Legal Clinic Antiracism Statement*, <https://ualr.edu/law/clinical-programs/legal-clinic-antiracism-statement/> [<https://perma.cc/3CSR-9RYN>]; Brooklyn L. Sch., *Anti-Racism Statement of the BLS Clinical Programs*, <https://www.brooklaw.edu/-/media/Brooklaw/About-Us/Files/Brooklyn-Law-School-Clinic-Anti-Racism.pdf> [<https://perma.cc/9ED8-WR3E>].

10. CLEA Faculty Equity & Inclusion Committee, *Statement on Anti-Racist Legal Education*, CLEA NEWSLETTER (Clinical L. Educ. Ass'n), Apr. 27, 2021, at 1–2,

Though clinical and experiential teachers are poised to serve, both planning and resources will be needed to fully address Standard 303(c) as promulgated. Clinical and experiential programs have been under-resourced for years;<sup>11</sup> providing them with the support they require to help prepare future lawyers for inclusive and accountable legal practice is an investment law schools should be eager to make.

This essay opens with a brief overview and history of Standard 303(c). It continues by sharing the “Buffalo Model”—a way that the Clinical Legal Education Program at the University at Buffalo School of Law-State University of New York (“#UBLawResponds”)<sup>12</sup> has been teaching Antiracism, Cultural Humility, and Belonging. For several years, #UBLawResponds has been implementing a required program-wide, asynchronous course component for all clinical students designed to cause student attorneys to reflect on the culture in which they find themselves, consider how injustices including racism have impacted many areas of law, and make active choices about their role in addressing them. This essay then provides additional issues to consider when designing a course for a specific school, and other related information such as analogous accreditation requirements for other professional schools and related state CLE requirements. It concludes with a call to action. Several appendices provide further resources for leaders and instructors to contemplate as they design and refine their program and law schools’ approaches to the new Standard 303(c).

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<https://www.cleaweb.org/resources/Documents/FINAL%20CLEA%20Newsletter%20Spring%202021%204.27.21%202.pdf> [https://perma.cc/DCG7-YEEM].

11. See *infra* Section IV. See also MACCRATE REPORT, *supra* note 1, at 21–22. See, e.g., Peter A. Joy, *The Cost of Clinical Legal Education*, 32 B.C.J.L. & Soc. Just. 309, 327 (2012), <https://lira.bc.edu/work/ns/751411df-4416-432a-89f3-6aefbe521e9c/reader/533704ce-aeac-45bb-aba9-95df3f13260d> [https://perma.cc/28HX-7DNH]. For the full 2019-20 *Survey of Applied Legal Education* report, see Robert R. Keuhn et. al, *Center for the Study of Applied Legal Education (CSALE) 2019-20 Survey of Applied Legal Education*, UNIV. OF MICH. L. SCH., (2020), [https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/628457f6d9c25cc6c1457af4\\_Report%20on%202019-20%20CSALE%20Survey.Rev.5.2022.pdf](https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/628457f6d9c25cc6c1457af4_Report%20on%202019-20%20CSALE%20Survey.Rev.5.2022.pdf) [https://perma.cc/KX7C-S4AK].

12. See *infra* Section III. A movement/tagline that defines who we are as a program; University at Buffalo School of Law student attorneys, supervised by expert attorney faculty members across many clinics, *respond* by advocating fiercely and vigorously for justice and equity.

## I. ABA STANDARD 303(C) – OVERVIEW AND ORIGINS

In 2022, the American Bar Association (ABA) revised Standard 303<sup>13</sup> to add a requirement that law schools provide education on bias, cross-cultural competency, and racism at the start of law school and at least once before graduation. This section of the essay provides brief background information on the almost-two-year-process leading to the new rule. This overview is designed to provide key information to help those charged with implementing the standard in their own schools.

The revisions to the ABA Standard 303(c) were catalyzed by a letter sent from 150 law school deans in July 2020.<sup>14</sup> The letter requested that the ABA Council Members adjust existing ABA standards for law schools to “require, or at least consider requiring, that every law school provide training and education around bias, cultural competence, and anti-racism.”<sup>15</sup> It specifically suggested that the standard not delineate particularities on implementation, but rather that the ABA let each law school design their own approach.<sup>16</sup> Shortly thereafter, the August 14, 2020 ABA Council received the Standards Review Subcommittee Report and learned that roundtables were planned for a public meeting on October 2, 2020, with one specifically to focus on “equity/diversity/bias.”<sup>17</sup>

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13. 2022 ABA REVISIONS TO STANDARDS AND RULES, *supra* note 2, at 2.

14. BILL ADAMS, MANAGING DIR. OF ABA ACCREDITATION & LEGAL EDUC., STATEMENT ON MISLEADING MEDIA REPS. OF PROPOSED CHANGES TO L. SCH. STANDARDS ASS’N (Oct. 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/2021/legal-ed-statement-re-media-reports-on-206-and-303.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/2021/legal-ed-statement-re-media-reports-on-206-and-303.pdf) [https://perma.cc/7GVV-BYNB].

15. Letter from Alicia Ouellette, President & Dean Albany L. Sch., et al., to Members of the Council of the ABA Section of Legal Educ. & Admissions to the Bar, AM. BAR ASS’N (2020), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/aug20/20-aug-council-aba-bias-cultural-awareness-anti-racist-practices-edu-training-letter.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/aug20/20-aug-council-aba-bias-cultural-awareness-anti-racist-practices-edu-training-letter.pdf) [https://perma.cc/HLZ7-F9VZ]. (“The American Bar Association mandates the minimum requirements that every law school must meet, though often it is left to individual law schools to decide how to implement these obligations. We believe that the ABA should require, or at least consider requiring, that every law school provide training and education around bias, cultural competence, and anti-racism. That said, we do not believe that the specific content of such training and education should be mandated by the American Bar Association; instead, we believe such work should be left to each law school to decide for its students.”).

16. *Id.*

17. *Council Meeting, Open Session*, AM. BAR ASS’N, 2 (Aug. 14, 2020) [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/nov20/20-aug-council-open-session-minutes.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/nov20/20-aug-council-open-session-minutes.pdf) [https://perma.cc/D99L-MD5C].

Based on public input from those roundtables and a March 1, 2021 notice entitled “ABA Standards and Rules of Procedure – Matters for Notice and Comment – Standards 303 and 508 and Rules 2 and 13,”<sup>18</sup> the Standards Review Committee sent the first draft of Standard 303(c) to the ABA Council on May 7, 2021.<sup>19</sup> Adding Section 303(c) was largely supported in the October roundtables, and several commentators championed the new section during the Notice & Comment period following the Feb 2021 Council Meeting.<sup>20</sup> The Clinical Legal Education Association suggested that Interpretation 303-5 on professional identity include, but not be limited to, the guiding principles of “antiracism, cultural competence, a commitment to access to justice, leadership, self-directedness, and well-being.”<sup>21</sup> Mitchell Hamline School of Law commented that “[t]oday, lawyers, must have skills in collaboration, cross-cultural communication, cultural humility and culture competence. . . .”<sup>22</sup> In feedback on the entire package of proposed accreditation changes, the majority of public commentary focused on 303(a), 303(b), and Interpretation 303-5.<sup>23</sup> The

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18. COUNCIL OF THE SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, AM. BAR ASS’N, MEMORANDUM: ABA STANDARDS AND RULES OF PROCEDURE – MATTERS FOR NOTICE AND COMMENT – STANDARDS 303 AND 508 AND RULES 2 AND 13 (Mar. 1, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/20210301-notice-and-comment-standards-303-and-508-rules-2-and-13.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/20210301-notice-and-comment-standards-303-and-508-rules-2-and-13.pdf). Interestingly, the March 1, 2021 notice and comment on 303(c) did not reference bias, cultural competence and racism, or even clinics and externship, which was first formally referenced in the May 7, 2021 Standards Committee report. *See infra* note 19.

19. STANDARDS COMM., AM. BAR ASS’N, MEMORANDUM: PROPOSED CHANGES TO STANDARDS 205 AND 206, 303 AND 508, AND 507, at 1 (May 7, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/may21/21-may-standards-committee-memo-proposed-changes-with-appendix.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/may21/21-may-standards-committee-memo-proposed-changes-with-appendix.pdf) [<https://perma.cc/U7MG-R8PC>] [hereinafter PROPOSED CHANGES].

20. *Id.*; *Council Meeting, open session, supra* note 17.

21. Letter from Lauren Barlett & Anjum Gupta, Clinical Legal Educ. Ass’n Co-Presidents, *Letter to the Council of the Section of Legal Educ. & Admissions to the Bar* (2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/2021/3-21-comment-std303-508-clea.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/2021/3-21-comment-std303-508-clea.pdf) [<https://perma.cc/SX6C-M6TM>].

22. Letter from Anthony Niedwiecki, Leanne Futih, Lynn LeMoine, & Natalie Netzel to Scott Bales, Chair, Council of the Section of Legal Educ. & Admissions to the Bar, AM. BAR ASS’N (Mar. 31, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/2021/3-21-comment-std303-508-mitchell-hamline.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/2021/3-21-comment-std303-508-mitchell-hamline.pdf) [<https://perma.cc/TR7S-8SDV>].

23. PROPOSED CHANGES, *supra* note 19, at 7.

committee did note that they had received other letters from “deans, faculty, and affiliates” about adding 303(c).<sup>24</sup>

The initial draft of standard 303(c) was similar to the final draft.<sup>25</sup> The ABA Council subsequently held a meeting on May 13-15, 2021, to discuss the proposed changes and additions to Standard 303, and in lieu of a public hearing due to the COVID-19 pandemic (“the pandemic”), separately invited written comments on the changes.<sup>26</sup> The Council released the same version of 303(c) that was submitted by the Standards Committee.<sup>27</sup> The Standards Committee addressed all comments received in a memo to the Council on August 16, 2021.<sup>28</sup> In the coming months, the Standards

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24. *Id.*

25. *Id.* The full text of the original draft of standard 303(c) was as follows:

“(c) a law school shall provide training and education to law students on bias, cross-cultural competency, and racism:

At the start of the program of legal education, and

At least once again before graduation

For students engaged in law clinics or field placements, the second occasion for training and education will take place before or concurrent with their enrollment in clinical or field placement course.

Interpretation 303-7:

Standard 303(c) may be satisfied by:

Orientation sessions for incoming students on bias, cross-cultural competency, and racism;

Guest lectures or trainings by experts in the areas of bias, cross cultural competency, and racism;

Courses on racism and bias in the law; or

Other education experiences that train students in cross-cultural competency.

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.”

*Id.* at 8.

26. SCOTT BALES & WILLIAM ADAMS, MEMORANDUM: ABA STANDARD – MATTERS FOR NOTICE AND COMMENT – STANDARDS 205, 206, 303, 507, AND 508, at 1 (May 25, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/2021/21-may-notice-and-comment-standards-205-206-303-507-508.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/2021/21-may-notice-and-comment-standards-205-206-303-507-508.pdf) [<https://perma.cc/C9DX-KP2Y>].

27. *Id.*

28. THE STANDARDS COMM., AM. BAR ASS’N, MEMORANDUM: FINAL RECOMMENDATIONS: STANDARDS 205, 303, 507, AND 508, at 2 (Aug. 16, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/2021/21-aug-16-2021-final-recommendations-standards-205-303-507-508.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/2021/21-aug-16-2021-final-recommendations-standards-205-303-507-508.pdf).

Committee provided final recommendations for Standard 303(c), and recommended that the Council approve slightly revised language.<sup>29</sup>

The Council held a meeting on August 19-20, 2021, to consider the recommendations. The actual language for Standard 303(c) was approved as submitted by the Standards Committee. However, the language of Interpretation 303-7 was further tweaked.<sup>30</sup>

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[\\_bar/council\\_reports\\_and\\_resolutions/aug21/21-aug-council-guidance-on-std-206.pdf](https://perma.cc/9TZC-L9EG) [https://perma.cc/9TZC-L9EG] (Concerns included ABA overreach and interference with law school policies and curricula; imposition of certain ideology and corresponding First Amendment issues; academic freedom issues; discussion on these topics not incorporating differing perspectives; and differences in opinion on common theories that may be taught and the effectiveness of training in bias, cross-cultural competency, and racism. *Id.*).

29. *Id.* at 3-4.

“(c) a law school shall provide training and education to law students on bias, cross-cultural competency, and racism:

At the start of the program of legal education, and

At least once again before graduation

For students engaged in law clinics or field placements, the second occasion for training and education will take place before, or concurrent with, *or as part of* their enrollment in clinical or field placement course.

Interpretation 303-7:

Standard 303(c) may be satisfied by:

Orientation sessions for incoming students on bias, cross-cultural competency, and racism;

Guest lectures or trainings by experts in the areas of bias, cross cultural competency, and racism;

Courses on racism and bias in the law; or

Other education experiences that train educate students in cross-cultural competency.

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.”

*Id.*

30. STANDARDS COMM., AM. BAR ASS’N, MEMORANDUM: ADDENDUM TO MEMORANDUM ENTITLED “FINAL RECOMMENDATIONS: STANDARD 205, 303, 507, AND 508” (Oct. 7, 2021), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/aug21/21-aug-new-std-303-addendum.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/aug21/21-aug-new-std-303-addendum.pdf) [https://perma.cc/QDX5-KJA6]. 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:*

Orientation sessions for incoming students on bias, cross-cultural competency, and racism;

The Council-accepted changes were sent to the ABA House of Delegates for their approval in their mid-year meeting February 17-19, 2022. Standard 303(c) was passed by the House of Delegates in their approval of Resolution 300.<sup>31</sup> At that time, the full new standard was adopted in final form, as set forth below:

(c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:

- (1) at the start of the program of legal education, and
- (2) 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.

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#### Interpretation 303-7

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;

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Guest Lectures *on these topics* by experts in the areas of bias, cross cultural competency, and racism;

Courses incorporating these topics on racism and bias in the law; or

Other education experiences *incorporating these topics* that educate students in cross-cultural competency.)

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. *Id.*

31. Leo Martinez, *American Bar Association Section of Legal Education and Admissions to the Bar Report to the House of Delegates*, 300 A.B.A. HOUSE DELEGATES RESOL. 1 (Feb. 2022), <https://www.americanbar.org/content/dam/aba/administrative/news/2022/02/midyear-hod-resolutions/300.pdf> [https://perma.cc/2JXE-PEYN].

- (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.

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#### Interpretation 303-8

Standard 303 does not prescribe the form or content of the education on bias, cross-cultural competency, and racism required by Standard 303(c).<sup>32</sup>

Not surprisingly, publication of the new standard gave rise to significant commentary. Some called the standard too vague or insufficient,<sup>33</sup> and some attacked it on conservative grounds.<sup>34</sup> Others hailed it as an important addition, such as one blog’s comment that the “topics have been a mainstay in lawyer-leadership programs from the beginning,”<sup>35</sup> and another noting the new “requirement reflects the priorities of modern law schools.”<sup>36</sup> More

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32. *Id.* at 4–6.

33. *See, e.g.*, Donna Mulvihill Fehrmann, *ABA’s New Anti-Bias Curriculum Rule Is Insufficient*, LAW360 (Mar. 11, 2022), <https://www.law360.com/articles/1471033/aba-s-new-anti-bias-curriculum-rule-is-insufficient> [<https://perma.cc/V4ML-VW67>].

34. *See, e.g.*, Sarah Perry & Zack Smith, *The American Bar Association’s “Diversity” Agenda Endangers the Integrity of the Legal Profession*, HERITAGE FOUND. (Mar. 31, 2022), <https://www.heritage.org/courts/report/the-american-bar-associations-diversity-agenda-endangers-the-integrity-the-legal> [<https://perma.cc/QHM3-FDND>]; *see also* Joe Patrice, *New ABA Law School Rules Have Bari Weiss Blog Drawing Some WILD Conclusions*, ABOVE THE LAW (Mar. 22, 2022), <https://abovethelaw.com/2022/03/new-aba-law-school-rules-have-bari-weiss-blog-drawing-some-wild-conclusions/> [<https://perma.cc/97UE-5Y5Y>].

35. Leah Teague, *Amendments to ABA Standards Support the Objectives of Leadership Development Programming, Part 2*, TRAINING LAWYERS AS LEADERS (Mar. 15, 2022), <https://traininglawyersasleaders.org/2022/03/15/amendments-to-aba-standards-support-the-objectives-of-leadership-development-programming-part-2/> [<https://perma.cc/B3EE-5F3Y>].

36. Erik Cliburn, *American Bar Association Looks to Increase DEI in Law Schools Through Accreditation Standards Revisions*, INSIGHT INTO DIVERSITY (June 27, 2022),

commentary is certain to follow after the required submission of plans for compliance in the 2022-2023 academic year.<sup>37</sup>

As set forth in the formal numbered comments and an accompanying guidance document, accreditation Standard 303(c) requirements are to be met through 1L orientation programs, lectures, courses, and other educational experiences.<sup>38</sup> Clinical legal education and externship programs are specifically identified as coursework well suited to integrating the topics into their structured curriculum.<sup>39</sup>

It is virtually guaranteed that debate about the new standard will continue. Nevertheless, law schools must plan for compliance with Standard 303(c). And, as explained in the introduction, experiential work (especially clinics and externships), is particularly apposite for exposing law students to deep inquiry into addressing bias, exploring antiracism, teaching cross-cultural competency, and nurturing future lawyers in inclusive practices to encourage belonging. The next part of this essay will provide a concrete example of how the University at Buffalo School of Law plans to meet part of the obligations of Standard 303(c) based on its history and recent curricular additions within its clinical and externship programs.<sup>40</sup>

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<https://www.insightintodiversity.com/the-american-bar-association-leads-the-charge-to-increase-dei-in-law-schools-through-revisions-in-accreditation-standards/> [https://perma.cc/AAV4-CF8P].

37. Neil W. Hamilton & Louis D. Bilionis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer's Professional Identity, Part 1: Understanding the New Requirements* NALP BULL.+: PDQ (May 2022), <https://www.nalp.org/revised-aba-standards-part-1> [https://perma.cc/PAX5-ELDX] (2022) (citing E-mail from Professor Kendall Kerew, to author (Feb. 25, 2022) (on file with author)) (“William Adams, the managing director of the ABA Section of Legal Education and Admissions to the Bar, recently commented that “[w]e are aware that some schools may choose (although not be required) to comply with the Standard 303 amendments by new courses or course changes. We are also aware that the course approval process takes time at most schools. We are therefore requiring schools to have a plan in place by the fall of 2022 as to how the school plans to comply with the Standard 303 amendments with full implementation of the plan by fall of 2023.”).

38. 2022 ABA REVISIONS TO STANDARDS AND RULES, *supra* note 2, at 3.

39. *Id.*

40. The faculty at the University at Buffalo School of Law amended its *General Academic Policies and Procedures* in April 2022 to reflect the role that clinics and externships were to play in 303(c) compliance, as follows:

“To address new ABA Standard 303(c), this proposal would add a new Section III.B.2.A.vi. of the *GARP* that reads as follows: ‘Students are required to complete a course approved by the Vice Dean for Diversity, Equity and Inclusion addressing bias, cross-cultural competency, and racism during the 2L or 3L year. Students must complete this course before, concurrent with, or as part of their enrollment in clinical or field placement courses.’”

## II. THE BUFFALO MODEL: A MANDATORY, CLINIC-WIDE, SEMESTER-LONG ANTIRACISM, CULTURAL HUMILITY, AND BELONGING EXPERIENCE

The #UBLawResponds Antiracism, Cultural Humility, and Belonging track was a logical development from University at Buffalo School of Law's more than four decades of clinical and experiential learning. It builds on the responsive and reflective teaching approach that has become our hallmark, and reflects our clinical *law firm* commitment to our mission – “[d]elivering access to justice while teaching UB law students to be excellent, ethical, and engaged lawyers.”<sup>41</sup>

#UBLawResponds is a hashtag our clinical program adopted in 2017. Long before the discussions about Standard 303(c), #UBLawResponds was created to address immediate needs of potential clients, and the design necessitated extensive training in what was to become our Antiracism, Cultural Humility, and Belonging track. We launched #UBLawResponds work by sending faculty, staff, and student attorneys to Puerto Rico shortly after it was ravaged by Hurricane Maria, to provide legal and humanitarian aid.<sup>42</sup> Shortly thereafter, #UBLawResponds sent a team to the US-Mexico Border to provide legal assistance to refugees fleeing violence in Central America and seeking asylum.<sup>43</sup> Both of those efforts invested significant class time in training student attorneys in cross-cultural work with cultural humility, trauma-informed lawyering, antibias and related ideas. We incorporated interdisciplinary readings and expert speakers to make sure our

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Univ. at Buffalo Sch. of L., *Motion on APPC Section 303(c) Proposal* (on file with authors); Univ. at Buffalo Sch. of L., *2022-2023 General Academic Rules and Procedures* (forthcoming 2022).

41. Univ. at Buffalo Sch. of L. Clinical Legal Educ., *A Message From the Director*, UNIV. AT BUFFALO SCH. OF L., <https://www.law.buffalo.edu/beyond/clinics/message.html> [https://perma.cc/5HRA-GXAY].

42. See generally Univ. at Buffalo Sch. of L. Clinical Legal Educ., *Puerto Rico Recovery Assistance Legal Clinic*, UNIV. AT BUFFALO SCH. OF L., <https://www.law.buffalo.edu/beyond/clinics/puerto-rico-recovery-assistance-legal-clinic.html> [https://perma.cc/NN5W-ZE3P]; Eamon J.P. Riley, David J. Yovanoff, & Jonathan J. Reyes Colon, “*Yo Soy Boricua*”: *Tapping into the Strength of the Puerto Rican Community to Reclaim Control over its Political, Social, and Economic Future*, 87 REV. JUR. U. P.R. 972, 972 (2018).

43. See Univ. at Buffalo Sch. of L. Clinical Legal Educ., *U.S.-Mexico Border Clinic*, UNIV. AT BUFFALO SCH. OF L., <https://www.law.buffalo.edu/beyond/clinics/us-mexico-border-clinic.html> [https://perma.cc/SM7C-9WKF].

student lawyers were fully prepared, and held a conference to highlight the success of the #UBLawResponds Puerto Rico initiative.<sup>44</sup>

The next generation of #UBLawResponds clinical work was in response to the pandemic. Student attorneys worked to assist otherwise-unrepresented clients in navigating new and confusing legal barriers created by the pandemic. That work built upon our clinical program's mission, and helped us further refine how we prepare student attorneys to deliver access to justice in the midst of hardship, unforeseen circumstances, and the unknown. The first semester of that work was the first semester of the "Buffalo Model."<sup>45</sup>

In the midst of a nationwide discourse about race and inclusion, while the pandemic raged, #UBLawResponds created a new, required asynchronous<sup>46</sup> workspace for all clinic students at the University at Buffalo School of Law. This space highlighted several areas that were important to the program, and a short summary about the workspace was featured in the Clinical Legal Education Association (CLEA) newsletter.<sup>47</sup> One requirement in particular drew attention from within and outside our school with the adoption of 303(c): a semester-long series of required asynchronous materials on antiracism and cultural humility.<sup>48</sup>

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44. Univ. at Buffalo Sch. of L. Clinical Legal Educ., *Peace, Justice, and Strong Institutions: Lessons from Puerto Rico and COVID-19 from the Co-Founders of RISE-PR*, UNIV. AT BUFFALO SCH. OF L. (Apr. 27, 2022), <https://www.law.buffalo.edu/beyond/clinics/puerto-rico-recovery-assistance-legal-clinic/200427.html> [<https://perma.cc/8YN7-PF9K>].

45. See Univ. at Buffalo Sch. of L., *Mitigating the damage of COVID-19*, LAW LINKS, (Sept. 2020), <https://www.law.buffalo.edu/links/2020-September/mitigating-the-damage-of-covid-19.html>.

46. See Michael Hunter Schwartz, *Towards A Modality-Less Model for Excellence in Law School Teaching*, 70 SYRACUSE L. REV. 115, 125–128 (2020); see also Yvonne M. Dutton, Margaret Ryznar, & Kayleigh Long, *Assessing Online Learning in Law Schools: Students Say Online Classes Deliver*, 96 DENV. L. REV. 493, 521–523 (2019). Students find value in asynchronous course work because it provides flexibility and allows students to learn at their own pace. *Id.* at 521. It also provides students with more thinking time than when topics are presented during in-person classes, which leads to deeper understanding of assigned materials. *Id.* at 509. Students can successfully learn material and often benefit from asynchronous learning as much as they benefit from live classroom learning. *Id.* at 511–12.

47. Kim Diana Connolly & Elisa D. Lackey, *Asynchronous Work in a Clinical Course: Highlighting Practical Ways to Impart Hot Topics into the Legal Education of Student Lawyers*, 29 CLINICAL LEGAL EDUC. ASS'N. NEWSL. 15–17 (Spring 2021), <https://www.cleaweb.org/resources/Documents/FINAL%20CLEA%20Newsletter%20Spring%202021%204.27.21.pdf?fbclid=IwAR0cuqtQB2EnIZCZPkRODaw-FhbAWPzePmpR4PWQD6z2Rox1HxmEuyMPCzg> [<https://perma.cc/PR39-6C9N>].

48. Our required semester-long assignments for all students also include readings and reflections in two other tracks: (1) lawyering technology (aka "Tech Talk"), and (2) mindfulness &

Over the last two academic years, what has come to be called the “Antiracism, Cultural Humility, and Belonging” track has been at the forefront of required work for each #UBLawResponds clinic student. All clinic students are enrolled together in a single online course using the University at Buffalo’s standard software.<sup>49</sup> In that space, starting the second week of classes, students begin a set of learning modules across all clinics. Together, they asynchronously read, watch, listen to, and interact with materials that inform, inspire, expand, and encourage them to evaluate their role as an antiracist, culturally humble, inclusive attorney in the modern era. Shared and moderated discussion spaces encourage exploration and create a cross-clinic sense of belonging.<sup>50</sup>

As part of the experience, small colleague group discussions have tackled challenging, yet vital, materials relevant to the topics under 303(c). Examples<sup>51</sup> include: “What is systemic racism?”<sup>52</sup> [Videos] provided by Race Forward; “Haudenosaunee Influence on the Women's Suffrage Movement”<sup>53</sup> [Article] by Sally Roesch Wagner; “How to Be a Good Ally - Identity, Privilege, Resistance” [Video] by Ahsante the Artist; “Advice for lawyers who are transgender and their allies”<sup>54</sup> [Article] provided by the America Bar Association; “Prof. Adrien Wing: Securitized Gender in the War on Terror and Crime”<sup>55</sup> [Video] hosted by Rutgers Law School; and

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self-care. *Id.* at 16. While beyond the scope of this article, #UBLawResponds believes these two tracks are also essential topics deserving deep exploration in clinics by student lawyers.

49. UBLearns (from Blackboard Learn) is the University at Buffalo’s online course management software.

50. *See infra* Appendix A which offers an outline of how other schools might adapt the Buffalo Model to their setting.

51. *See infra* Appendix B offers a selection of possible 303(c) resources for clinical and experiential Programs.

52. *WHAT IS SYSTEMIC RACISM?*, RACE FORWARD, <https://www.raceforward.org/videos/systemic-racism> [<https://perma.cc/8RDF-5VSF>].

53. Sally Roesch Wagner, *Haudenosaunee Influence on the Women's Suffrage Movement*, BUFFALO TORONTO PUB. MEDIA (Feb. 8, 2021), <https://www.wned.org/television/wned-productions/wned-history-productions/discovering-new-york-suffrage-stories/haudenosaunee-influence-on-the-woman-suffrage-movement/> [<https://perma.cc/W3ZT-T33G>].

54. *Advice for lawyers who are transgender and their allies*, AM. BAR ASS’N (Sept. 27, 2021), <https://www.americanbar.org/news/abanews/aba-news-archives/2021/09/advice-transgender-lawyers/> [<https://perma.cc/S7AL-HBCV>].

55. Rutgers Law School, *Prof. Adrien Wing: Securitized Gender in the War on Terror and Crime*, YOUTUBE (Oct. 27, 2017), <https://youtu.be/9sosQfjmATs> [<https://perma.cc/5V78-DDPA>].

“Getting Called Out: How to Apologize”<sup>56</sup> [Video] by Franchesca Ramsey. There are many more.

In a past semester, a #UBLawResponds student attorney opined that, “[t]he strength of the asynchronous course is that we are engaging with content we may not have otherwise sought on our own, for example and probably most importantly, the blocks on anti-racism.”<sup>57</sup> Another student attorney noted that the asynchronous course has allowed “the ability to gain a different perspective both from a societal standpoint and from a legal standpoint.”<sup>58</sup>

#UBLawResponds was fortunate to gather initial materials for this effort through the work of the Co-Director of the Community Engagement Legal Clinic, Vanessa Glushefski, and Tolulope Odunsi, who served as Assistant Dean for Diversity, Equity, and Inclusion at the time in 2020. Other clinical faculty and administrators offered additional assignments, and in 2021 clinical students joined the fun, when a number of them suggested valuable materials as well.

The Buffalo Model offers basic materials that all students in their first semester of clinics must review. In subsequent semesters, we have compiled materials that add to the foundational concepts and expand the learning for continuing students.<sup>59</sup> We anticipate that 303(c) will catalyze sharing of additional materials across the clinical and experiential community that we will integrate in future semesters.

Professors have many years of experience in topic-based seminar teaching on their subjects, from the Family Violence Clinic to the Environmental Clinic to the Entrepreneurship Clinic, and the addition of the shared asynchronous general track adds breadth and depth to the overall educational experience. This track builds on the Clinical Program’s shared Learning Objectives, which include

“that students will emerge from their clinical experiences with the competency to: . . . Identify differences in experience, identity, and values among people and

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56. Franchesca Ramsey, *Getting Called Out: How to Apologize*, YOUTUBE (Sept. 6, 2013), <https://youtu.be/C8xJXKYL8pU> [<https://perma.cc/4XR8-VASC>].

57. Connolly & Lackey, *supra* note 46, at 16

58. *Id.*

59. See *infra* Appendix B which offers a starting point for clinical and experiential programs looking for materials to offer their students as they implement 303(c).

proactively consider how these differences may influence work on a case, matter, or project; Recognize their own biases and emotional reactions when they arise in the course of work and intentionally examine how they may affect the ability to listen, communicate, or otherwise accomplish the particular case, matter, or project work; and Reflect critically on legal norms and identify opportunities for change, while recognizing both the value and the limitations of legal solutions to problems that involve diverse social, psychological, economic, and/or other non-legal factors.”<sup>60</sup>

For #UBLawResponds, the addition of the joint, asynchronous work reinforces the hands-on approach each student attorney gets from instructors in their individual clinic on the topics diversity and inclusion. The joint space also provides shared learning lessons and connections across clinics in a way that complements, and does not disrupt, the work of each clinic.

While joint work within the Buffalo Model asynchronous course has received much positive feedback, some materials have not always hit the mark with learners. As academic professionals striving to grow, create, and learn, we try to add at least one or two new offerings each time we launch a new block of materials. With private reflections on the materials, students have taken our invitation to provide feedback seriously, and have held us accountable about their wants and needs. In addition to receiving written feedback on the offerings, in Fall 2022, #UBLawResponds convened student listening sessions that allowed students to air their feelings in a safe space with administrative staff (*e.g.*, those who do not hold power in terms of grading). The attending students felt comfortable enough to share deeply about materials and approaches that troubled them. Suggestions for change included:

1. Consider creating a student advisory committee to help select some of the materials to be shared;
2. Offer various learning levels—some experienced students recognize the need for basic materials, but are yearning for more advanced materials, especially in

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60. UNIV. AT BUFFALO SCH. OF L., CLINIC MANUAL, 2021-22 (on file with authors).

courses that already focus heavily on many of these areas; and

3. Consider designing a selection of required materials based on certain “topics,” and have sub-topics that are might not be required for all.<sup>61</sup>

As law school experiences teaching to meet 303(c) requirements mature, and more courses that satisfy these requirements, the #UBLawResponds experience to date suggests it will be important to remember to never be static with course design and refresh. Even with place-based approaches,<sup>62</sup> what may work well for one semester, may not hit the mark the next semester. Courses that seek to offer materials compliant with 303(c) should never offer cookie-cutter approaches duplicated semester after semester, even at the basic level. DEIB materials and topics deserve extra support, from the top down, to ensure law students are provided with appropriate, up-to-date instruction and a safe place for reflection on these sensitive topics.

Despite its challenges, the investment by #UBLawResponds in assigning and assessing semester-long lessons that address bias, cross-cultural competency, and antiracism. It strengthens what has long been a program committed to educating excellent, ethical, and engaged lawyers. Together, UB Law’s clinical faculty and staff, along with departmental assistance from the School of Law’s Office for Diversity, Equity, and Inclusion, continue to explore, develop, and survey new resources to be shared.<sup>63</sup> We will be launching the same refined semester-long materials and reflective assignments for UB Law’s externships in Fall 2022.

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61. Certain students shared that reading and reflecting on experiences they have already lived or are living now was challenging. Other students expressed dissatisfaction with some materials because to them they felt shallow, hollow, or very surface-level due to personal and direct experience.

62. Some law schools have a history with a strong minority student body or might be facing legal limits or political barriers to certain materials. These realities require particularized attention to design and delivery.

63. See Univ. at Buffalo Sch. of L. Clinical Legal Educ., *ABA Standard 303: Curriculum (c)*, UNIV. AT BUFFALO SCH. OF L. (2022), <https://www.law.buffalo.edu/beyond/aba303c.html> [<https://perma.cc/5EC4-86MV>].

### III. CLINICAL LEGAL EDUCATION AND EMBEDDING STANDARD 303(C): A GOOD FIT FOR PROGRAMS AND MOST CLINICS, AS LONG AS RESOURCES ARE PROVIDED

As set forth in the introduction, most Clinical and Experiential educators have been committed to the goals underlying Standard 303(c) for decades. Centering a portion of compliance with 303(c) on clinical, externship, and experiential programs will be logical for many schools. Yet, this decision needs to be balanced with an investment in what it will take to implement, track, and report on compliance.

As reflected in the 2019-2020 Center for the Study of Applied Legal Education (CSALE)<sup>64</sup> report, student demand within clinics has increased from 38% to 46%.<sup>65</sup> According to the report, 40% believe that increased demand is related to the ABA 6-credit rule change.<sup>66</sup> It stands to reason, the adoption of Standard 303(c) will further increase demand on clinicians, clinical legal education and externships. For programs that indicate that they already meet or exceed their available seats, as 57% of clinicians reported,<sup>67</sup> this increased demand on clinics, coupled with the demands reported on faculty time,<sup>68</sup> may make the new standard seem daunting for those programs with smaller budgets and tighter margins.

This refinement mirrors emerging Continuing Legal Education (CLE) training opportunities on Diversity, Equity, Inclusion, and Belonging nationwide. New requirements and options for DEIB training across the bars of the various U.S. states are rapidly changing.<sup>69</sup> Myriad options for such CLEs are emerging.<sup>70</sup> Having law students graduate with deep exposure to this area will compliment these efforts.

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64. Robert R. Kuehn, Margaret Reuter, & David A. Santacroce, *2019-20 Survey of Applied Legal Education*, CTR. FOR THE STUDY OF APPLIED LEGAL EDUC. 1 (2020), [https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/628457f6d9c25cc6c1457af4\\_Report%20on%202019-20%20CSALE%20Survey.Rev.5.2022.pdf](https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/628457f6d9c25cc6c1457af4_Report%20on%202019-20%20CSALE%20Survey.Rev.5.2022.pdf) [<https://perma.cc/FZP9-EB9E>].

65. *Id.* at 16.

66. *Id.*

67. Kuehn, *supra* note 63, at 25.

68. *Id.* at 8.

69. See *infra* Appendix C for a summary of current DEIB-related CLE rules.

70. See Lawline, *Diversity, Inclusion and Elimination of Bias CLE Courses*, <https://www.lawline.com/cle/courses/credit-diversity-inclusion-and-elimination-of-bias> [<https://perma.cc/PG6G-UUCS>].

The #UBLawResponds program is supported by dedicated administrative time, including efforts by the program director, senior staff, and others. The investment in Access to Justice initiatives from our dean, Aviva Abramovsky, and Dean's Suite, as well as the cooperation from the Office of Diversity, Equity, and Inclusion, is part of what has made our program possible. Yet, even with this invaluable support, the need is great and must be met with greater access to financial resources.

#### IV. LEARNING FROM OTHER PROFESSIONS AS THE 303(C) ERA COMMENCES

As law schools develop plans for Standard 303(c) compliance, it seems sensible to learn from others who have gone before us. Similar directives addressing issues of bias, racism, diversity, cultural competency, and related matters appear in the accreditation standards set forth by the accrediting bodies for business schools, medical schools, and schools of social work.<sup>71</sup> While a broad comparative analysis is beyond the scope of this essay, it is worth noting that these other bodies also face the challenge the ABA is wrestling with in determining how to deploy Standard 303(c). Accreditors must seek balance between a lack of precision, and the need to avoid overly prescriptive or narrow definitions to be applied across schools nationwide. They must also consider how properly to place the charge within the broader context of accreditation standards as a whole. Moreover, these issues are not simply curricular; they simultaneously are connected closely to issues of the learning environment itself. For example, more diversity within the composition of student bodies and faculty might more easily generate the outcome of a professional person with a greater cultural capacity. The ABA's Standards Committee's interpretive comments understand the broader effects of this curricular standard to be that of ongoing professional

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71. See LIAISON COMM. ON MED. EDUC. (LCME), *Standards, Publications, & Notification Forms* (2022), <https://lcme.org/publications/> [<https://perma.cc/6QHX-SRJ6>]; ASS'N TO ADVANCE COLLEGIATE SCHS. OF BUS. (AACSB), *AACSB Business Accreditation Standards* (2022), <https://www.aacsb.edu/educators/accreditation/business-accreditation/aacsb-business-accreditation-standards> [<https://perma.cc/S76G-B5AN>]; COUNCIL ON SOCIAL WORK EDUC. (CSWE), *2022 Educational Policy and Accreditation Standards* (2022), <https://www.cswe.org/accreditation/standards/2022-epas/> [<https://perma.cc/8T68-7JZX>].

identity formation, and not simply a means of conveying content.<sup>72</sup> One of the issues that seems clear across all the disciplines is that the accreditation bodies note that the context in which learning happens is as important—if not more—as the curriculum, especially as it pertains to diversity and cultural competency.<sup>73</sup>

### CONCLUSION

This will be looked back on as an early analysis and response to ABA Standard 303(c), the important but very new law school accreditation requirement adopted in 2022. The authors look forward to learning from many voices on this topic in the months and years to come.<sup>74</sup> The ideas shared here are intended to offer starting places, catalyze conversations, and strengthen common practices and themes that clinicians and experiential teachers have pioneered for decades.

We encourage those in clinical and experiential legal education to embrace opportunities offered by this new standard. When our community remains open to all interested voices; offers robust materials, opportunities for discussion, application, and reflection; honors both academic experts, as well as those with lived experience among our community partners and

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72. Bales & Adams, *supra* note 26, at 7. (“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... developing a professional identity requires reflection and growth over time. . . .”).

73. AACSB standards state that a “commitment to diversity and inclusion” as a part of the learning environment, which will “create” a different environment, one of “success.” ASS’N TO ADVANCE COLLEGIATE SCHS. OF BUS. (AACSB), *supra* note 64, at 9. The LCME lists context as the first item: “A medical school ensures that its medical education program occurs in professional, respectful, and intellectually stimulating academic and clinical environments, recognizes the benefits of diversity, and promotes students’ attainment of competencies.” See LIAISON COMM. ON MED. EDUC., *supra* note 64, at 4. The CSWE is the most detailed:

“The implicit curriculum refers to the educational environment in which the explicit curriculum is presented. . . . *The implicit curriculum is as important as the explicit curriculum in shaping the professional character and competence of the program’s graduates.* Heightened awareness of the importance of the implicit curriculum promotes an educational culture that is congruent with the values of the profession and the mission, goals, and context of the program.”

COUNCIL ON SOCIAL WORK EDUC. (CSWE), *supra* note 64 at 1.1.6 EPAS.

74. We are particularly eager to hear from diverse voices, since both authors identify as white. We are strong allies and have been offering students learning opportunities on cultural humility, inclusion, diversity, and related areas for over a decade. Nevertheless, we recognize that resources and ideas in this area are expanding rapidly, and that not all voices have been centered in the way they deserve, even in the relatively progressive area of clinical legal education.

clients; and both centers and prioritizes true justice, amazing things can emerge. By effectively deploying the intent of ABA Standard 303(c), clinical and experiential legal education can continue its tradition of preparing students to provide “competent representation; promotion of justice, fairness, and morality; continuing improvement of the profession; and professional self-development.”<sup>75</sup>

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75. Barry, *supra* note 1, at 13.

## APPENDIX A

DEPLOYING AN ASYNCHRONOUS, ONLINE COURSE ON  
STANDARD 303(C) TOPICS VIA COURSE MANAGEMENT  
SOFTWARE FOR ALL CLINICAL OR EXTERNSHIP STUDENTS

(Based on 12 Week Semester, UB School of Law)

- I. Select Materials on Antiracism, Cultural Humility and Belonging
  - A. Identify basic, required materials for students entering for first time
  - B. Include “local” materials as available for your city/state
  - C. Identify advanced materials for continuing/returning students
  - D. Save materials in a central space outside of the course management software
- II. Map out schedule of “blocks” and determine which materials to use when
  - A. Determine with your faculty how best to split materials (i.e. orientation plus a number of “blocks”). Be sure to keep in mind other known factors like midterms, etc.
  - B. Suggested Block Options:
    - Buffalo Model: Start with an orientation and have the students do a new block plus every two weeks, leaving a week in between blocks for reflection. Blocks should not be assigned during the first or final week of the semester.
    - Another option is to assign blocks every four weeks, starting with week two, with two weeks between blocks.
  - C. Add in other core clinics/ experiential function for a separate block. UB Law has a one-time, one week block tackling the Multistate Performance Test to address and strength student confidence with the exam. Other options can include career development counseling, resume building, or other worthwhile skills building.
- III. Curate Materials for Student Engagement
  - A. Select a range of related materials for each block (readings, videos, podcasts), with an estimate of the amount of time

- students should expect to engage. The Buffalo Model aims to keep all materials within a two-hour timeframe.
- B. Create a space for mandatory reflections, either in an individual post to be viewed by an instructor, or in a shared small colleague discussion group.
  - C. Design a prompt question intended to ensure engagement and allow adequate time to reflect on materials explored during the block.
  - D. Ensure that all instructors have input on this section, and are prepared to integrate the materials with their seminar component on 303(c) topics.

## APPENDIX B

A SELECTION OF POSSIBLE 303(C) RESOURCES FOR CLINICAL  
AND EXPERIENTIAL PROGRAMS

This appendix was drafted in the summer of 2022 to offer a few suggestions for resources to be used by clinical, externship, and experiential teachers seeking to explore a variety of materials, as we take up the 303(c) challenge to educate the next generation of culturally competent and professionally responsible attorneys. We chose not to include local resources the Buffalo Model uses (such as materials recently added on the May 2022 Buffalo Mass Shooting and our local Haudenosaunee peoples), but strongly recommend adding them as your school feels would be appropriate.

**Compilations:**

- American Assn of Law Schools, *Law Deans Antiracist Clearinghouse Project*,  
<https://www.aals.org/about/publications/antiracist-clearinghouse/>
- ABA, *Racial Equity in the Justice System*,  
<https://www.americanbar.org/advocacy/justice-system/>
- Georgia State Law, *Racial Justice Resources*,  
<https://libguides.law.gsu.edu/racialjusticeresources>
- Rutgers Center for Security, Race and Rights, *Academic Resources*, <https://csrr.rutgers.edu/resources/academic-publications/>
- University at Buffalo Libraries, *Racial Justice Toolkit*,  
<https://research.lib.buffalo.edu/racial-justice-toolkit>
- Texas A&M, *Antiracism Resources*,  
<https://law.tamu.libguides.com/c.php?g=1054092&p=7833973>
- Stanford Clearinghouse on Diversity, Equity & Inclusion Research, *Resources for Legal Education*,

<https://sites.google.com/stanford.edu/deiclearinghouse/resources-for-legal-education>

- Bar Association of Erie County, *21 Day Diversity Learning Challenge*, <https://eriebar.org/21daychallenge/>
- *21-Day Racial Equity Habit-Building Challenge*, copyright of America & Moore, LLC (2014), [https://www.americanbar.org/groups/labor\\_law/membership/equal\\_opportunity/](https://www.americanbar.org/groups/labor_law/membership/equal_opportunity/)
- Law Firm Antiracism Alliance, *The Library - Research & Reports*, <https://www.lawfirmantiracismalliance.org/lfaacharter/dashboard/the-library>
- National Conference of Women's Bar Associations, *Toolkit for Law Schools in Preparing Law Students for Handling and Gender Bias in the Practice of Law*, <https://ncwba.org/wp-content/uploads/2020/07/Toolkit-for-Law-Schools-in-Preparing-Law-Students-for-Handling-and-Addressing-Gender-Bias-in-the-Practice-of-Law.pdf>

**Readings/ Podcasts/Videos:** Appropriate individualized materials will be place-based and regularly updated.

## APPENDIX C

SNAPSHOT OF U.S. STATE CLE DEI REQUIREMENTS<sup>76</sup> AS OF  
JULY 2022**Required CLE + DEI***Required CLE, no mention of DEI*Required CLE, optional DEI

No required CLE

*Alabama**Alaska**Arizona**Arkansas***California****Colorado***Connecticut**Delaware*

District of Columbia

**Florida***Georgia**Hawaii**Idaho***Illinois***Indiana*Iowa*Kansas**Kentucky*Louisiana**Maine**

Maryland

Massachusetts

Michigan

**Minnesota***Mississippi***Missouri***Montana**Nebraska**Nevada**New Hampshire***New Jersey***New Mexico*New YorkNorth CarolinaNorth DakotaOhio*Oklahoma***Oregon***Pennsylvania*Rhode IslandSouth Carolina

South Dakota

*Tennessee*Texas*Utah***Vermont**Virginia

Washington

West Virginia*Wisconsin*Wyoming


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76. See Lawline, *CLE Requirements by State*, <https://www.lawline.com/cle-requirements>.