

WHEN THE STUDENTS TEACH THE PROFESSORS:
LESSONS LEARNED FROM TEACHING AN ELECTIVE SEMINAR
IN MULTICULTURAL LAWYERING

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ABSTRACT

This essay is a professors’ compilation of reflections, experiences, lessons learned through their development of an upper-level elective seminar in Multicultural Lawyering at Western Michigan University Thomas M. Cooley School of Law. The WMU-Cooley Law seminar in Multicultural Lawyering allows law students the rare experiences of exploring societal perceptions of the law through engaging with racially and ethnically diverse communities while challenging students to introspectively assess and utilize their own cultural lens. With the goal of creating a more inclusive legal profession and practice, the professors find that it is the students who are teaching them how to develop legal curriculum that is respectful, challenging, honest, and empowering. With the aim of offering their lessons for adoption by other legal institutions, the professors conclude that components of respectful discourse of student experience, a high degree of student agency, and intercultural communication are the linchpins for creating an improved, diverse legal system.

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**.. Kimberly E. O’Leary is a Distinguished Professor Emeritus at WMU-Cooley Law School. She retired from full-time teaching in 2021 and is now a full-time traveler, where she learns about cultures all over the world. This essay is dedicated to Paul Blaha, who taught her many lessons about multicultural communication over their almost 40-year marriage, and to the WMU-Cooley students who have enrolled in and successfully completed the Multicultural Lawyering class. Both authors thank D.H., who has enriched this project beyond measure.

INTRODUCTION

Professors Martin-Scott and O’Leary created an upper-level elective seminar in Multicultural Lawyering in the fall of 2019 and taught it for the first time in 2020. We wrote a textbook for the course, which was published by Carolina Academic Press, coinciding with an online conference on the topic. We’ve now taught the seminar, at least annually, since 2020, a total of six times. The students have led the way in exploring important concepts. They interview non-lawyers from different cultures to explore how the law is perceived by ordinary people. Students then synthesize what they have learned from the course and each other and propose some concrete reforms to promote a more inclusive profession and practice.

This essay explores what the students have taught us about how to teach *Multicultural Lawyering* in a way that is respectful, challenging, honest, and empowering.

I. CREATING THE COURSE

In the fall of 2019, we set out to create an upper-level law elective that would help students understand the cultural components of the legal system, themselves, and their clients. We were full-time tenured professors at WMU-Cooley Law School, one of the most diverse law schools in the country¹, and had taught there for over twenty years. Our students were bright but faced a host of barriers to entering the profession. Based on ABA definitions of race and ethnicity, in 2019, 43% of the students enrolled at the law school were “[m]inority,” including “Black or African American” students who constituted 24.5% of the 2019 student body; 50% of the students were “[w]hite.”² From a racial and ethnic perspective, WMU-Cooley Law School had a diverse student body.

In addition to racial and ethnic diversity, the law school had a robust part-time program, including evening and weekend classes. We commonly taught students typically thought of as non-traditional: older students, students with families, students with full-time or part-time jobs, students

¹ C.f. ENJURIS, <https://www.enjuris.com/students/law-school-race-2019/>, (last visited October 9, 2023) (noting WMU-Cooley is in the top ten among schools for enrolling Black students)

² AMER. BAR. ASSOC., WESTERN MICHIGAN UNIVERSITY - 2019 STANDARD 509 INFORMATION REPORT, 3 (located at <https://www.abarequireddisclosures.org/Disclosure509.aspx>)

whose parents or grandparents were first-generation immigrants, students with learning disabilities, first-generation undergraduate and law students, and students from low socio-economic backgrounds.³ Our own observations of our students meshed well with the academic literature that such students often lack confidence and are subject to imposter syndrome and/or stereotype threat.⁴ We believed that if we created a course that explored the culture of the law, law students, and future clients, the school's graduates would better understand the importance of their own cultural backgrounds to help shape legal culture, rather than feeling like they did not belong. Additionally, we hoped to inspire students to improve the legal profession by giving them tools to see it from a multicultural lens.

The course itself did not fit neatly into the law school academic categories. The design was part professional development and professional responsibility, part simulation and client skills, part legal/social history, part sociology, and part legal policy. The students were required to interview a subject with no legal training to find out how “ordinary people” viewed the law through the lens of the interviewees’ cultures. In seminar-style, the students presented their findings from these interviews, followed by a written paper.⁵ The students were not reading cases or statutes. Rather, we envisioned that they would study culture as it relates to their future in the legal profession. We hoped that the students would see their own cultures and voices as positives for the future of the legal profession rather than barriers to be overcome.

The course was created to be taught online, in synchronous weekly class sessions. The reason was a practical one: at that time, WMU-Cooley had four campuses, and many upper-level students were engaged in off-site externships. An online course would allow more students to participate. We had concerns about students engaging fully in difficult conversations with

3. The authors have advised and mentored hundreds of students during their tenure as law professors. The observations about the types of students enrolled at their law school is based on these student interactions.

4. To generally understand stereotype threat and some discussion of imposter syndrome, see CLAUDE M. STEELE, WHISTLING VIVALDI: AND OTHER CLUES TO HOW STEREOTYPES AFFECT US (2010); see also Jonathan Feingold, *Racing Towards Color-Blindness: Stereotype Threat and the Myth of Meritocracy*, 3 GEO. J. L. & MOD. CRITICAL RACE PERSP. 231, at 234-243 (2011); Paula J. Manning, *Word to the Wise: Feedback Intervention to Moderate the Effects of Stereotype Threat and Attributional Ambiguity on Law Students*, 18 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 99 (2018).

5. Mable Martin-Scott & Kimberly E. O’Leary, 2023 Multicultural Lawyering Course Syllabus, *Infra* app. C.

their peers online, but that did not turn out to be a problem.

Because there was no textbook with the materials we wanted to assign, we contracted with Carolina Academic Press to write one. By a stroke of good luck, the WMU-Cooley Director of International Programs agreed to work with us on the book in the summer of 2020. Due to the COVID-19 Pandemic, an emergency remote work policy was enacted in March 2020 and we were all working from home; the foreign study programs were suspended, and the director was suddenly available to work on the project. The trio was ideal: an experienced first-year doctrinal professor, an experienced clinical law professor, and an experienced director of international programs. All three had backgrounds teaching Contracts, which was not directly related to the course, but created camaraderie between us. We had also all developed course materials and articulated learning outcomes. Our skills offered a perfect mix. Additionally, the team was culturally diverse. The book was submitted in the fall of 2020, and we hosted an online conference on Teaching Multicultural Lawyering in March 2021, coinciding with the book's publication.⁶

We looked to several sources when creating the course and the book: clinical scholarship and its rich history of developing materials related to multicultural lawyering; classic sociology; legal history; "outsider" scholarship such as feminist perspectives, Critical Legal Theory, and Critical Race Theory; and our school's own experience with foreign study programs.

By their very nature, foreign study programs provide a cultural immersion experience.⁷ The law school has programs in Toronto, Canada;

6. MABLE MARTIN-SCOTT & KIMBERLY E. O'LEARY, *MULTICULTURAL LAWYERING: NAVIGATING THE CULTURES OF THE LAW, THE LAWYER, AND THE CLIENT* (2021); Mable Martin-Scott & Kimberly E. O'Leary, Western Michigan Cooley Law School Conference, *Teaching Multicultural Lawyering: Development, Integration, & Conversation*, (Mar. 11-12, 2021) (available at https://drive.google.com/drive/folders/1fHV5U4iTLpCTwVE8id_-4fJ5VbPVXWfV?usp=sharing).

7. The ABA criteria for study abroad programs states "a substantial portion of the educational program must relate to the socio-legal environment of the host country." STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Criteria for Programs Offered by ABA-Approved Law Schools in a Location Outside the United States ¶ II.D.1 (AM. BAR ASS'N 2023). *See also* STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Criteria for Accepting Credit for Student Study at a Foreign Institution ¶ I.A.2 (AM. BAR ASS'N 2023). The educational objectives for WMU-Cooley Study Abroad programs are: 1. Encounter other cultures and legal theory and systems; 2. Attend legal courses that are international and comparative in focus; 3. Participate in legal events that familiarize them with the legal system of the host country; 4. Gain an international and comparative perspective of

Oxford, United Kingdom; Hamilton, New Zealand; and Melbourne, Australia. Participating students come from our law school and others, and faculty teach in local universities and practice in their locales. The faculty hail from Canada, the United Kingdom, Australia, and New Zealand, where our programs are located, and include indigenous faculty. Some faculty are originally from other countries, such as China, Malaysia, and Ghana. Legal and social events allow students to meet and interact with legal professionals from the host country. One extremely meaningful example is a social event in New Zealand that provides an opportunity for students to visit a Marae, a traditional sacred Māori tribal meeting place, and interact with Māori kaumatua (elders). It is from this backdrop that we reached out to our network of international colleagues to write essays for the book and to be guest speakers. Often it is difficult to understand one's own cultural assumptions from within. When students hear other cultural paradigms, it is often easier for them to see the values embedded in legal systems in the United States. Additionally, international speakers often provide alternative ways of resolving legal issues compared to the methods we use in the United States.

The three of us have collaborated on the course, offering it six times. To understand the class dynamics, it is important to see how diverse the students were who enrolled in the course. We believe this diversity – racially, ethnically, and linguistically, among other traits – helped create a dynamic and safe backdrop for discussion of the topics raised in the course.⁸ While it is possible to create a similar classroom environment with a more homogenous group of students, it is harder. However, we also believe our first assignment, where the students introduce themselves through the lens of culture, helps show diversity that might not be otherwise apparent. We discuss that assignment later in this essay.

We have learned many things from our students about how to successfully teach this course. We share those lessons, understanding that conditions at other law schools might necessitate adapting some of our methods.

the law & 5. Experience daily living in a different culture. (last visited October 9, 2023)

8. We have outlined the demographics of the students in a chart, Characteristics of the Students who have Enrolled in the Course (January 2020 through May 2023), app. A.

A. Lesson No. 1:

Our students want more opportunities to talk to each other meaningfully and more exposure to successful lawyers who look like them.

WMU-Cooley is a practitioner-law school. One of the earliest law schools to require a clinical experience (in-house or externship) in 2000⁹, the law school had an early focus on practical training¹⁰. We wondered how eager our students would be to engage in reflective, focused discussions based on social science and policy-based reading assignments. Students turned out to be craving these kinds of conversations.

In other courses—Contracts, Property, and clinical courses—we worked hard to foster robust policy discussions in class. In this course, not only are the students consistently engaging in such conversations with each other, but they have asked for more.

We assigned weekly discussion questions based on the assignment, worth 10 points (out of 500) each week. Students must reference specific ideas from the readings, videos, or exercises we have assigned. The purpose of the weekly discussion is to open the conversation before students get to class so they can work out their thoughts. Students who go the extra mile—responding and interacting with other students in the discussion thread—can earn a few extra points that semester. We were surprised by how most of our students regularly make passionate and cogent remarks related to the reading. Many of them were eager to respond to each other, creating real dialog. For example, in the summer 2023 course, during the week the students read Chapter 10, *Case Studies: When Failure to Appreciate Culture Really Matters*¹¹, one part of the discussion thread looked like this:

9. Karen Tokarz, Antoinette Sedillo Lopez, Peggy Maisel, & Robert F. Seibel, *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. U. J.L. & POL'Y 11, fn 154 (2013) (stating that in October, 2013, 23 U.S. law schools required students to complete a clinic or externship before graduating, and that Cooley Law School was the ninth law school in the country to require its students to do so).

10. One of Cooley Law School's original missions was to engage in practical legal scholarship, and its earliest in-house clinic was created in 1978. See Thomas E. Brennan, STARTING A LAW SCHOOL, pts. 12, 24, 28 (c. 2007); Frederick Baker, Jr., *Reflections on the Twenty-Fifth Anniversary of the Sixty Plus Elderlaw Clinic*, 7 T.M. COOLEY J. PRAC. & CLINICAL L. 83, 89 (2004).

11. Martin-Scott & O'Leary, *supra* note 7, Ch. 10.

The Randall and Eades articles both talked about the long term effects of discrimination in large systems and how that creates distrust by the minority groups....I think the most important thing that needs done to prevent and mitigate these injustices in the future, is for the people who hold power in these systems to acknowledge that it is their job to make equitable decisions that educate and combat these injustices from continuing....So, the African American people who are distrusting of the health care system, and the aboriginal people of Australia that do not trust their justice system, cannot be the only ones asking for change. Those who are privileged enough to benefit from a discriminatory system need to be the ones that amplify minority voices and do the work to educate themselves and advocate for change.¹²

If you look at Covid Vaccination rates, it starts to become evident just how much the African American community still distrusts the government. **87% of Asian, 67% of Hispanic, and 64% of White people had received at least one COVID-19 vaccine dose, higher than the rate for Black people (59%).** Taken directly from the CDC, it paints a clear picture that despite the vaccine being free and readily available at most pharmacies and super markets, there is a general mistrust with what comes directly prescribed by a Government Doctor. [emphasis in original post]¹³

I think your assessment of the distrust that Black Americans have is very insightful. It is important to recognize that the war on drugs has lead to so many setbacks for their communities. The areas where drug use

12. Partial response by Student #1 on Canvas, Student, WMU Cooley L. Sch. (June 25, 2023) (on file with the authors) (responding to discussion question that week, "What do the Randall and Eades articles have in common? What can we learn from the examples they describe, and how can we work to prevent such miscarriage of justice in the future?").

13. Partial response by Student #2, on Canvas, Student, WMU Cooley L. Sch. (June 25, 2023) (emphasis in original) (on file with the authors).

is highest directly correlate to the rates of imprisonment, which leaves children with one parent households or raised by other family members, which has a direct connection to them following in the same path of drug use and addiction. It is a cycle that continues generation after generation because these communities are often times not given the tools and resources that they need to break these cycles. I could go on about this topic forever, especially having lived in these communities and now my husband works as a teacher in one. He recently told me he had a student who had missed a few weeks straight of school. The students father is in jail for drug related crimes now and when they finally got ahold of the mom she said she couldn't bring the child to school for those few weeks because she had been in jail.¹⁴

It is hardly any wonder why the African American community would have little to no trust in the government, when as recently as the late 80's and early 90's, the government's response to the crack epidemic in the African American community was taken at best. In response to drugs running amok in African American Communities, a war on drugs was declared. Victims of abuse were treated like criminals and not sick individuals in need of help. The cure for drug abuse was throwing someone in jail and allowing them to fight through withdrawal, never tackling the real issue. The moment they would leave the jail, they would go right back because the addiction never went away. "Three strikes and you're out," it happens three times and that person goes to jail for life. Couple all of this with a predominantly higher rate of stops and searches of African American men, and you have a system which directly charges and punishes people disproportionately for a crime that should have been treated like a disease to be cured....Hi D.C., if you are interested, there are several

14. Partial response by Student #3, on Canvas, Student, WMU Cooley L. Sch. (June 26, 2023) (on file with the authors).

documentaries....I wanted to say how much I appreciate the depth of the knowledge your [sic] sharing. It is refreshing, my friend.¹⁵

The class meets once a week for two hours. We try to build discussion time into each weekly class session, but some weeks we engage in other activities and cannot.¹⁶ During the last class, we ask students to give us feedback on ways to improve the course. Students always urge us to build in the maximum amount of small group discussion time possible. In weekly reflection entries, students often reference specific conversations from their small groups. Most weeks, we randomly assign students to maximize interaction with different people in the class. Often students mention how important it is to them to see the different perspectives brought into the discussions. But, in the following example of student reflection comments on the small group discussions, students were assigned based on expressed interest in a particular area of practice (e.g., criminal defense, tort law, social justice, etc.) and the students had read Chapter 9, *The Culture of Practice*, plus additional law review articles in their area of interest:

I really enjoyed our Breakout Group session this week. [name withheld], [name withheld], and I engaged in a great conversation about the criminal defense system; specifically, we discussed the articles and the cases that stood out to us. The one about the mother drowning herself and her kids really stuck out because we had a conversation about how the "reasonable person" standard should be adjusted to account for different cultures. I also thought the articles on how criminal defense representation is not about the "truth" was super interesting and telling.¹⁷

15. Partial response Student #4, referencing student #2 on Canvas, Student, WMU Cooley L. Sch. (June 26, 2023) (on file with the authors).

16. Other activities include: students role-playing interviews with clients; students reacting to scenarios and discussing their implicit assumptions (schemas); students watching videos and looking for ways to advise an attorney and client with cultural differences; and presentations by students of interviews.

17. Reflection response from Student #5 on Canvas, Student, WMU Cooley L. Sch. (July 2, 2022) (on file with the authors).

I also really enjoyed the small group articles. My group discussed social justice. The article “Ten Questions for Social Change Lawyers” was an eye opener for me. I liked the article because it really encouraged thinking and conversations about social justice lawyering and made you think about what changes you really want to make while practicing social reform.¹⁸

During the discussion sections my group talked about social justice and tied to our professional lives current and future, after graduation. We discussed how social justice lawyering is centered around passion and how the lawyer is not the focus, but only a part of the movement. The primary goal is to confront the root cause of injustice and that resonated with our group as it was not about a single person, but about the goal of breaking the injustice at hand; the collective movement. We also discussed comfortability and how social justice lawyers need to have thick skin to withstand the various forms of backlash that can come from leading a movement that seeks to invoke change especially when dealing with dismantling power structures.¹⁹

In the special interest group I was moved to...was super interesting. We actually shared very similar outlooks on how the case we discussed most heavily was handled- which was the idea that the court system should consider the culture, upbringing, and mental state- but had no way to discuss it. Of the group, I was the most familiar with concepts of international law, and the universal declaration of human rights, along with all of its supporting documents; but it was hard to discuss the concepts with people don't have immediate familiarity with those documents. It took me a few minutes to break down a general concept from

18. Reflection response from Student #6 on Canvas, Student, WMU Cooley L. Sch. (June 27, 2022) (on file with the authors).

19. Reflection response from Student #7 on Canvas, Student, WMU Cooley L. Sch. (July 5, 2022) (on file with the authors).

UNHCR documents. It then took a realization from one of my group mates that drew upon the similarity of the concepts of that document to the concepts that we were taught in Criminal Law and Tort Law during our first year for the standards that children are held to, to determine reasonableness; to fully clarify what we were trying to say, but couch it in legal standards. Overall, the group discussion was extremely informative, and mildly entertaining as we tried desperately to figure out how to explain what we were trying to explain to one another, all while saying exactly the same thing, just phrased very differently based on each of our unique understanding of how such a standard could be applied in the American legal system.²⁰

We also invite guest speakers, who themselves come from diverse backgrounds²¹. Students often read essays or articles the guests wrote and ask them questions. When we ask students whether we should bring in fewer outside speakers to make more time for class discussion, they usually say they really value hearing the perspectives of successful attorneys who look more like them and have more similar life experiences to them than the typical lawyers they hear from.

Students generally read a chapter each week, often containing pretty dense material. We wondered how they would react. Professor O'Leary remembers when she read law review articles in law school, she found them somewhat hard to process and understand. But students really seem to thrive on the ideas. It is clear to us from class discussions, both online and in person, that the students are, for the most part, really digging into the reading. They are asking good questions about it. The reading often spurs debates among the students about what might make the justice system more representative and more just. Many of the course topics evoke the students'

20. Reflection response from Student #8 on Canvas, Student, WMU Cooley L. Sch. (July 5, 2022) (on file with the authors).

21. We have been able to bring in some guests who wrote essays for the book. For example, when the students discussed Chapter 10, thus sparking the discussion partially reproduced above, they were able to directly question Professor Emerita Vernellia Randall, who wrote one of the articles excerpted in that chapter. You can see the names of all of the guest speakers we had in the most recent course we taught in the summer of 2023 in the course syllabus attached *infra* app. C.

life experiences. Instead of struggling to understand the context of some multi-million-dollar business case, the reading assignments often feel to them to be directly related to their lived experience. Rather than seeing this kind of discussion as limited to “policy,” as opposed to “practice,” our students seem to view these conversations as eminently practical. They are keenly aware that they will be entering a profession where most of them are not from the mainstream culture, and they are looking for ways to navigate that professional experience.

B. Lesson No. 2:

You do not have to convince our students the world is interconnected—they already live in many different worlds.

Our book begins with a sociological discussion of the role of the law in culture throughout world history²². Several of our guest speakers are from other countries, and several chapters in the book relate to international issues²³. In these ways, we regularly invite students to think about how other legal systems and norms might help them craft more equitable systems and become better lawyers. Our students are open to these ideas. We always have students who were either born in another country or who have one or more parents who were born in another country²⁴. Some students came to the United States as babies, others as older children. Some emigrated as adults while others are guests in the country. These perspectives are part of the classroom discussion.

Students often interview family or friends from other countries. Those interview subjects offer interesting perspectives on the legal system in the United States. Some of them describe similarities and differences between their home countries and the United States. For example, one student interviewed his aunt who was originally from India, had lived in Saudi

22. Martin-Scott & O’Leary, *supra* note 7, Ch.1.

23. Martin-Scott & O’Leary, *supra* note 7, Ch. 7 (exploring different legal paradigms across international cultures and containing essays written by attorneys in New Zealand (both Maori & Pakeha), an attorney born in Malaysia of Chinese descent whose career has been as a barrister in Australia, and a Chinese national who graduated from Cooley Law School); Chapter 10, *Case Studies: When Failure to Appreciate Culture Really Matters* (one of the case studies involves criminal defendants of Aboriginal descent).

24. See Mable Martin-Scott & Kimberly E. O’Leary, 2023 Multicultural Lawyering Course Syllabus, *infra* app. C.

Arabia, and at the time of her interview, lived in the United States. Based on her experiences with bribery in foreign legal systems, she saw benefits to the United States system, but was also deeply aware of bias against her brown skin. She told the student she was ashamed when he said he wanted to be a lawyer, based on a bad experience in India, but was now proud of him. Students show interest in exploring alternatives - especially indigenous practices, mediation practices, and bi-cultural legal practice areas - from other cultures.

C. Lesson No. 3:

If we give our students a reason to trust us and each other, they will open up, even about difficult topics

We think trust arises in our course in part because we open up about ourselves before the first class, and we have diverse experiences. We come from three different cultural backgrounds. Professor Martin-Scott grew up in Cabrini-Green, a housing project in Chicago. She often refers to this experience in class as “coming from ‘the hood.’” She has always presented an extremely professional, formal, but engaging, presence in the law school. A long time Contracts professor, Professor Martin-Scott is always in a suit and pearls. Only she can talk about her lived experience and the barriers she faced because she is a dark-skinned Black woman. By contrast, Professor O’Leary (who asks her students to call her “Professor Kim”) is a white woman who grew up in a homogenous white neighborhood in a medium-sized city in Southern Indiana. Her understanding of multiple cultures has been a life-long project to understand ways to bridge race, class, and ethnicity in America, but coming from a mainstream cultural viewpoint. Professor O’Leary, a clinical law teacher, has adopted an informal demeanor. She has never found a suit she felt comfortable in. Her experience has been valuable to reaching white students who struggle with cultural identity and sometimes have family members and communities they perceive to be close-minded. The International Programs Director’s work creating and cultivating foreign study programs provides experience in multicultural programming and contacts throughout the world. All three are members of Generation Jones (born between 1954 & 1964) and began working at the law school at about the same time in 2000.

The team approach has helped establish trust. When the students see

three diverse faculty collaborating on these issues, they respond. Before the first class, Professors Martin-Scott and O'Leary ask the students to watch three introductory videos: two are videos of each professor describing who they are and how they perceive their cultures²⁵; and one video consists of the two of them introducing themselves to each other through the lens of people they know in common, which is a hallmark of southern-Midwest culture.²⁶ In fact, this video is a recreation of an actual moment when both of us realized we were teaching at the law school and had both, briefly, worked for the same legal services office but in different Indiana cities.²⁷ Professor O'Leary's mother was a mentor to Professor Martin-Scott. We ask students to analyze this recreated, but real, interaction as a way to look at culture.

We then ask our students to introduce themselves through their own cultural lens. They have read the first chapter of the book, "What is Culture?"²⁸, and this reading assignment gives them a framework to think about their own culture. The entire first class consists of participants in the course introducing themselves from a cultural lens.

These introductions begin to create trust among students for a variety of reasons. First, the students are always amazed at the variety of cultural experiences in the class. They go into the first class thinking of themselves as a mix of white, African American, and "other." They end the first class thinking of themselves as an incredibly rich group of people with multiple cultural touchpoints. For example, a person who looks "white" is Latina. A person who looks "Black" is actually mixed-race. Two students with Muslim backgrounds might consist of one extremely observant person, and one who identifies as culturally Muslim, but not religious. An African American student from the deep south presents somewhat differently from a peer from Detroit. Not every student chooses to share everything in that first class. A student who identifies as LGBTQI might not reveal that about herself in the first class, but by the end of the class, it has often become part of her class discussion.²⁹

25. Video recording: Mable Martin-Scott Introduction (2019) (on file with authors), Video recording: Kimberly O'Leary Introduction (2019) (on file with authors).

26. Video recording: Both Professors Introduction (2019) (on file with authors).

27. *Id.*

28. Martin-Scott and O'Leary, *supra* note 19, Ch. 1.

29. In this essay, we sometimes use the terms, "African-American", "Black", and "students of color". To us, African-American is the more formal term, and when we are describing a group of people

The third element that inculcates trust are post-class reflection assignments. Our students have a lot of different emotional responses to this material. Unlike the discussion threads, the reflection posts are visible only to faculty. Here, students frequently open up. One student, for example, wrote that she had chosen to share the most traumatic experience of her life in a small group discussion in class, even though she had never spoken about what happened to her out loud before. In her reflection, she said she was bothered about doing this. Each of the faculty members reached out to her, offering to speak to her if she wanted to do so. She responded that she was grateful for the offer but, thinking about it all week, she felt all right with her choice. Another student recorded the struggle she was feeling after participating in role play materials. She had played a client in a criminal case, where the client is accused of something she did not do, but where circumstantial evidence is strong. The student commented that she felt aligned with the client, stating “it could have been me,” based on the simulated facts. This student, who is African American, felt a lot of weight from experiences where she has not been believed. That same week, we played a recording of a simulated client and his student-attorney. In that role play, the student-attorney is African American, and the client is bigoted. In describing how she felt about that week’s class, the student started sobbing in the video. But, by the end of her 16-minute reflection, she said she was grateful we had these assignments so she could process it in a safe space. We also reached out, and the student later talked to us. A third student who is an observant Muslim discussed the recent shooting of a teen in France. Visibly upset in the recording, yet strong and passionate, he voiced his resolve to improve systems. We have seen these types of reactions often, and the reflection posts encourage students to share when they want or need to.

generally or people we do not know, we use that term. However, some people prefer to use the term, “Black”. When we know that is the case, we use that term. When we are discussing a mixed group of non-White students, we use the term, “students of color”.

D. Lesson No. 4:

Students have no trouble engaging in respectful conversation if they feel respected.

Professor Martin-Scott had concerns when Professor O’Leary approached her in 2018 to teach this class. Professor Martin-Scott, who is African American, said her immediate response was “no.” She had been in many courses and programs addressing multiculturalism, and they were not positive experiences. She says that Professor O’Leary persisted and convinced her that it was critical to start this necessary discussion to assist their students in helping themselves, their clients, and the legal profession, which Professor Martin-Scott now believes was correct. Teaching the course has been eye opening to us as well as our students. Indeed, every time we teach the course, we learn something new, and the experience validates for us how critical this type of course is for every law student and lawyer.

Professor Martin-Scott had been Assistant Dean of the Lansing campus, and in that role she was point of contact for Honor Code and Professionalism matters. Having seen many misunderstandings between students, she was skeptical that law students could converse meaningfully on these topics with respect for each other. This skepticism was exacerbated by the proposed online format of the course.

The students, however, taught us that they could be polite, respectful, and sensitive when tackling tough topics. From the first class session, we try to broadcast respect for our students. Asking each student to give an introduction of their own culture in the first session helps each student feel valued and asks students to value their peers. This respect has been demonstrated repeatedly by virtually every student who has taken the course, both in online discussions and synchronous classroom discussions.

Faculty have posted a policy of respect each time a discussion query is launched³⁰, and there is additional language in the syllabus.³¹

Students often comment in their post-class reflections that they appreciate the respect shown by their classmates. Students of color,

30. Each discussion query in the class contains the language contained in Mable Martin-Scott & Kimberly E. O’Leary, language posted for weekly discussion threads on Canvas learning system for Multicultural Lawyering, *infra* app. B.

31. For a list of the posting rules and the syllabus language on respect, see *id.*

especially, frequently mention that they expected conversations to be difficult and were pleased to find the class could have real conversations about difficult topics in a respectful manner. White students, especially, often mention in their early post-class reflections that they are worried they will say something offensive unintentionally. Students demonstrate time and again that they want to engage respectfully, and they do.

E. Lesson No. 5:

Our students can show us a lot more about how cultural context affects people's experiences of the law, if you ask them to.

Students are required to interview someone who has no connection to lawyers or courts on topics selected by the students as a group, present that person's view, and then write a paper synthesizing their interview subject's views with the readings, discussions, guest speakers, and exercises. Students have shared experiences ordinary people from diverse backgrounds have with the law.

What kinds of things have we learned? Several presentations have included examples of people "code switching"—adapting manner, attire, or language to present in different ways in different circumstances. For example, an African American male student interviewed his best friend who is Mexican American and who hides his Spanish culture unless it benefits him. The young man has a Mexican dad and a white mom. He speaks fluent Spanish but said when he was pulled over by a police officer for speeding, he immediately lost his Spanish accent and presented as white—speaking perfect, no-accent English. A white female student interviewed her brother-in-law who is also Mexican American and has very fair skin. He stated that he also plays down his Hispanic background and is treated better if people think he is white.

Students also presented other examples. A Canadian student who is mixed-race Chinese/European interviewed her best friend of mixed race (her father is white, and her mother is African-American) who lives in Toronto, Canada. She is very light skinned and is passing³². She lives a

32. The concept of "passing" is a complex subject. It could mean that people were trying to look more like people in the dominant culture. In other contexts, "passing" might mean dressing, speaking, or acting in a way that would lead other people to assume they are the same race or ethnicity as the dominant culture. Here, the implication was that the woman presented herself as ethnically "white" in

“white lifestyle.” She stated that all she needs to do is to “simply turn off certain parts of her ethnic culture.”

Students have taught the class about issues of colorism. A student from Haiti incorporated the assassination of the country’s president into her presentation for which she had interviewed her sister—also Haitian and living in the U.S.—and discussed the racial discrimination among the Black race in Haiti. She discussed how mulattos are treated far more favorably than Black Haitians. A white female from the class interviewed her dear friend who is Asian-American who said members of this minority group are treated better when they behave as “the model minority.” A Ghanaian student talked about being born in Ghana and discussed her ability to speak five different languages. Another student discussed how one African country has seventy different tribes with many different dialects and much discrimination among the tribes.

Even students who appear to be “white,” according to our dichotomous thinking, have taught some of the finer points of ethnic discrimination. One student, who is Croatian, interviewed her mother (Croatian) and her sister (mixed Croatian/Serbian), who stated they tried to “fit in better,” so they changed their names to be more “Americanized.” That same student discussed in class how she was advised to “act American” when she returned to Kosovo as a young adult, so she would not be discriminated against by non-Croatian people there.

References from popular culture often make their way into presentations. An African American male student discussed how many Black people attempt to “pass” by straightening their hair and wearing it in styles that are acceptable to white Americans, and people are aware of “CROWN Act” legislation³³ to make sure people are not discriminated against due to how they wear their authentic hair. Interview subjects often reference the Brock Turner case³⁴ as an example of injustice. Police

public.

33. CROWN stands for “Create a Respectful and Open Workplace for Natural Hair.” The first CROWN act legislation was passed in California in 2019, and has subsequently passed in several states. A Federal law was enacted in 2022. Veronica Stracqualursi and Rachel Janfaza, *What is the CROWN Act and what do advocates say it will do?*, CNN (Apr. 30, 2022, 6:25 PM), <https://www.cnn.com/2022/04/30/politics/crown-act-hair-discrimination/index.html>

34. Brock Turner was convicted of criminal sexual assault when the Stanford student athlete, who is White, was caught sexually assaulting an unconscious woman in an outdoor space. The judge sentenced Turner to six months in jail with a three-year probation, and he served three months. The sentence was widely seen as lenient and held up as an example of racial bias. The judge who sentenced

violence against men of color is often referenced.

Students asked interview subjects to describe personal interactions with the legal system if they felt comfortable doing so. A gay male student interviewed a non-binary LGBTQ+ activist who described their experience with an attorney. The interview subject, who was assigned a male gender at birth, usually presents as feminine, wearing full make-up and high heels. The activist described how degrading it felt to be told by a lawyer to dress like a man for court. Yet, they also acknowledged to our student that presenting as a Hispanic male would probably allow the judge to focus more on the case rather than on the attire. The presentation sparked a heartfelt and difficult conversation in the class. When students discussed what they would have done in a similar situation, they found it important to honor their client's identities and authentic selves but understood the lawyer's attempt to help the client achieve legitimacy in the legal system. That story was powerful in a way we would not have conceived of, because it turned a hypothetical client into a real person, enabling the students to see it from the client's point of view. Another student interviewed a family member who had been a community activist. Another student interviewed a family member who had been falsely accused of a crime. These stories brought perspectives into the classroom in a tangible way.

Professor Martin-Scott says, the biggest lesson she learned came from a white female student who stated, "Before class I did not think I had a culture because I am white." Professor O'Leary was not at all surprised by this revelation, having felt the same way as the student about 25 years earlier. However, Professor O'Leary was surprised when an African American female student asked her best friend, an African American male, to describe his culture. He responded that the world sees him as a Black man but that his upbringing in an upper-middle-class culture and Ivy League education left him feeling as though he did not really have a color. He

him, Aaron Persky, was eventually replaced in a recall election largely attributed to this sentence. Michael E. Miller, *All-American swimmer found guilty of sexually assaulting unconscious woman on Stanford campus*, WASH. POST (March 31, 2016, 6:41 AM), <https://www.washingtonpost.com/news/morning-mix/wp/2016/03/31/all-american-swimmer-found-guilty-of-sexually-assaulting-unconscious-woman-on-stanford-campus/>; Maggie Astor, *California Voters Remove Aaron Persky, the Judge Who Gave a 6-Month Sentence for Sexual Assault*, N. Y. TIMES (June 6, 2018), <https://www.nytimes.com/2018/06/06/us/politics/judge-persky-brock-turner-recall.html#:~:text=Aaron%20Persky%2C%20the%20California%20judge,in%20more%20than%2080%20years..>

described his attempts to adopt African American culture as feeling “phony.” While a surprise to Professor O’Leary, this revelation was no surprise to Professor Martin-Scott. The course has been a learning experience for us every bit as much as it has been for students.

Students have shared specific lessons in intercultural communication. Cultural competence is critical not only to be inclusive and show respect to different groups, but also to avoid misunderstandings. A male Muslim student talked about how looking women in the eye or shaking their hands is forbidden in the Muslim religion but is expected in America. Failure to appreciate this difference can indicate disrespect where none is intended. A female Korean student stated that word use in different cultures mean different things and can cause misunderstanding. As a foreign student trying to get the language right, it can be confusing that, for example, the word “negro” is simply a color in Spanish, but it is offensive in English. Likewise, she said “oriental” is offensive in English, but neutral in Chinese.

As we have reflected on the lessons we have learned from these interviews, a few ideas strike us, based on our memories of the presentations by students in all six class groups, and our memories of the discussions these presentations engendered. The biggest lesson from the dozens of interview subjects is the widespread perception that wealth determines legal outcomes: when most subjects were asked, “Do you think the justice system is fair?” they responded with some version of “no,” followed by a belief that money buys legal outcomes. Almost every person also stated a belief that American legal systems discriminate against people of color. The students believe that this perception is deeply disturbing. On the other hand, most interview subjects who hail from other countries voice a belief that the American system of justice is one of the best in the world, despite its faults. Our students find motivation in a common desire to improve the system. In their written papers, they articulate possible solutions to system problems and are usually quite passionate about their desire to make positive changes.

F. Lesson No. 6:

There are some other topics our students want to talk about that are not in the book.

Now that we have taught the course six times, we have discovered there are topics that we failed to include in the book that students are really interested in exploring. Some of these topics have come up in presentations and papers, and some have come up in class discussions. We recently added a class where we ask students to make short presentations on “hot topics” related to multicultural lawyering that are not included in the book. This, too, has been a source of inspiration for us.

Some of the topics that students have suggested we add include:

1. Code switching and “passing.” As mentioned previously, students continue to raise this topic.
2. Disability. Students have raised issues in the course related to disability. One student, who was born with fewer than five fingers on each of her hands, brought up the difficulty she had taking the Harvard Implicit Association tests (IATs) when they relied on hitting certain keys on the keyboard rapidly.³⁵ Other students then mentioned that there were other implicit bias tests that were created for people with neuro-divergence. The book does not really address disability as a culture and how it intersects with the law.
3. Stress, secondary trauma, and micro-aggressions. A colleague from another school also pointed out that the book does not cover intersectionality, which is often a key contributor to some of these stresses.
4. Trans rights and issues are of increasing concern to our students.

35. The students referred us to TESTABLE, <https://www.testable.org/library> (last visited October, 10, 2023) for a catalog of experiments that have been adapted for neuro-divergent test-takers. The IAT test is one on the list.

5. Indigenous issues in the United States are not adequately covered. Issues include voting access, violence against indigenous populations, and alternative forms of dispute resolution.
6. A.I. and cultural issues have recently surfaced.
7. Affirmative action and recent court cases limiting it are concerning to our students.

G. Lesson No. 7:

*Our students want to know: Why isn't everyone taking this course?
Why aren't all our teachers discussing these issues?*

In every final class session, we ask students to reflect on the experience. We emphasize that we are looking for constructive critiques of the course. But almost unanimously, students say they believe the course should be required of every student before graduation. What they value are explicit conversations about cultural aspects of the law and specific strategies for addressing cultural difference and bias.

We agree that the course is a valuable one. We have reservations, however, about making it required. In our view, the success of the course is tied to the diversity of the students in it. While our law school has more diversity than most³⁶, if it was a required course, students of color, foreign students, and others might get lost in the crowd. We always have more women enrolled than men³⁷. Exchange of diverse experiences enriches the conversation. We worry that if students did not want to enroll, conversation might turn less respectful. The course calls upon students to reflect on their personal experiences, which might be harder if students were in the class against their will. Finally, the course has a lot of requirements every week: reading sociological materials, genuine online discussion, in-class conversation and exercises, and post-class reflection. Then, the students conduct an interview and write a paper. Students who do not choose this course might be reluctant to engage so deeply. Our students—each of whom has chosen to embark on this exploration—for the most part feel a personal

36. *C.f.* ENJURIS, *supra* note 3.

37. *See infra* app. A.

connection to the material. They are passionate about the topic and yearning to uncover solutions to intransigent problems. In an ideal world, all students would react to this material as our students have, but we know this is not likely to be the case.

CONCLUSION

When we embarked on this project, we were unsure how students would receive the materials and exercises we planned to engage them in. We wanted this to be a course where students shared their own experiences with each other, engaging in difficult conversations. Based on our collective decades of experience teaching in law schools, we were not sure how the students would react. To our great delight, students have dived into the materials and shared their perspectives with each other. We think part of the key to the sort of deep discussions we have witnessed lies in four components: 1) we ask students to share their own cultures and stories in the first class, which is a key part of allowing everyone to feel included and valued; 2) we give students opportunities to share their insights and reflections, both with each other in pre-class and in-class discussions, and privately with us in reflections; 3) we give the students some agency with their collective choice of interview questions, their choice of interview subject, and presentation of “hot topics;” and 4) the natural diversity of the students who have populated our classes has set a perfect atmosphere for inter-cultural communication. Our students have met and exceeded our expectations for the course and taught us valuable lessons in how to improve our legal system and communicate in meaningful ways.

APPENDIX A

Characteristics of the Students who have Enrolled in the Course
(January, 2020 through May, 2023)

Semester taught & enrollment	Racial/ethnic background of students (identified by the students) Note: AA means African American	From another country (also included in previous column)	Gender Note: M means male, F means Female; we have not had any nonbinary students identify as such	Other (significant to student in own culture introduction)
January, 2020 (25 students)	8 AA, 4 Hispanic, 1 Jewish, 9 White, 1 Filipina, 1 Indo Canadian, 1 African	1 Ghana	15-F 10-M	3 identified as LGBTQI
September, 2020 (23 students)	6 AA, 4 White, 2 with East Indian parents, 1 Native American, 2 Hispanic, 1 mixed race, 1 Vietnamese refugee brought over as a baby, 1 with Lebanese parents, 5 from other countries (some residents of USA)	1 Israeli Christian Russian descent 2 Ghana 1 Korea 1 Kenya	15-F 8-M	1 of the Hispanic students has "white" skin and this greatly influenced her experience
May, 2021 (13 students)	1 Asian Canadian 1 Canadian of Yoruba descent, 2 White, 5 AA 1 1st generation Bosnian, 3 from other countries	1 Zambia 1 China 1 Haiti	9 - F 4-M	1 person with physical disabilities
September, 2021 (23 students)	5 AA (1 Nigerian parent) 11 White, 3 Muslim (2 Pakistani parents, 1 Saudi Arabian parents) 2 Hispanic, 1 from another country	1 Denmark (LLM student)	16-F 7-M	1 student with a parent in diplomatic position, 3 with strong Italian American culture, 2 from rural areas
May, 2022 (13 Students)	9 White 3 AA 1 mixed race		9-F 4-M	1 student is white with children who are half AA

May, 2023 (21 students)	3 AA, 9 White, 2 hispanic, 1 Chamorro, 2 mixed, 4 from other countries	1 Lebanese, grew up in Brazil, lives in US; 1 grew up in Saudi Arabia, 1 from Guam, 1 moved from Ukraine to USA at 7, speaks Russian	15-F 7-M	2 Muslim, 1 son of migrant farmworkers 1 part Egyptian but raised by Hawaiian-Phillipino step-dad, 1 lost a 19 year old friend to gun violence, 1's mother was murdered, raised by family; 1 beat opioid addiction
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APPENDIX B

Below are the rules of responsible posting we provide with each week's discussion prompts:

- **Do not attack other forum members**
If you don't agree with what a person has written, then explain why without resorting to insults. Remember that tone does not come across in an electronic medium so always think before you type. Remember that there is a real person reading your posts. Being a lawyer means being able to respectfully disagree using reasoning, facts, and rules.
- **Do not use racist, sexist, homophobic, stereotyping or other offensive language, post or link to anything that may be offensive to your classmates or to me.**
This should not need any explanation.
- **Do not make comments that are likely to start or perpetuate an argument. Disagreement, sure. Civil discourse, always.**
- **Do not post material which violates a person's privacy.**
- **Please respect the decisions of your forum administrators, Professors Kim and Martin-Scott.**
- **We reserve the right to remove any post we deem to be inappropriate, irrelevant or inflammatory, without warning.**

Our syllabus also references our behavioral expectations:

Be respectful. If there's one thing we need more of right now, it's finding respectful ways to discuss important issues, even when (especially when) we disagree with one another. This course raises questions that touch on our personal experiences. Give each other space to be their authentic selves.

and we also say this:

- Respect the privacy of your classmates and what they share, whether in the classroom or the virtual classroom.
- Ask classmates for clarification if you find a discussion posting offensive or difficult to understand. If you are asked for clarification, respect the environment in which it is being requested. We are trying to learn together.
- Avoid sweeping generalizations. Back up your stated opinions with facts and citations or other reliable sources.
- Understand that we may disagree and that exposure to other people's opinions is not just part of the learning experience, but an essential component of the search for a true understanding of the subject matter.
- Be respectful of each other. We are all in this together. Common courtesy is expected and required of attorneys. Plus, your reputation depends on it.
- Keep in mind that everything you write, indeed every click of your mouse is recorded on the network server. Every class is recorded. On the Internet there are no take backs.

Keep in mind that you are still taking a law school class. Something that would be inappropriate in a traditional classroom is also inappropriate in an online classroom.

APPENDIX C

Multicultural Lawyering

Summer, 2023

This is an online class. Connect via Canvas course “Cisco WebEx” tab
6:00pm--7:50pm Mondays

Professors Mable Martin-Scott & Kimberly OLeary

Phone: 517-896-5928 (Prof. Martin-Scott) and 517-449-3605 (Prof. Kim).

E-mail: olearyk@cooley.edu martinm@cooley.edu

Office Hours and Communication:

We encourage each of you to contact us for as many meetings as you need or want. We are happy to arrange days and times on an individual basis. To schedule a meeting, send an email to martinm@cooley.edu or olearyk@cooley.edu, or a message through the Canvas course page and we can set something up. Our emails to you will be sent to your WMU-Cooley email address, and we will, from time to time, post announcements in Canvas. Be certain that your notifications on Canvas include the best method for a Canvas announcement to reach you. If you need to contact one of us urgently, please include "urgent" in the subject line.

Course Materials:

All relevant class materials are posted on the Canvas course page.

This course will use the textbook *Multicultural Lawyering: Navigating the Culture of the Law, the Lawyer, and the Client* by Martin-Scott & O’Leary ISBN 978-1-5310-2041-5, e-ISBN 978-15310-2042-2 and is available in the bookstore, on Amazon, or at Carolina Academic Press. All supplemental materials, exercises, and assignments will be posted in Canvas.

All course materials comply with copyright/fair use policies.

Mode of class:

This class is entirely online. To get to class, click on the “Cisco WebEx” tab in your Canvas course page. Click “join” for the classroom link. All past class recordings can be found in this same location under “Past Events.” Procedure in the Event of Technical Difficulty. If both of us experience technical issues that cause a class to be interrupted for a consecutive period

of 15 minutes, the class is cancelled, and it will be rescheduled. We will contact you regarding the date and time for the make-up class. Students experiencing individual technical issues can request assistance at: studenttechhelp@cooley.edu OR 517-371-5140 / ext. 3300.

Specific Learning Outcomes:

At the end of this course, students will be able to:

- Define the concept of culture.
- Compare cultural aspects of the legal system, the individual student, and potential clients.
- Critique legal institutions relative to the presence or absence of cultural bias.
- Explore and define the student's own culture.
- Design a protocol for interviewing an ordinary person about culture and the legal system.
- Practice empathetic, client-centered interview techniques.
- Assess case studies related to cultural bias.
- Interview an ordinary person about culture and the legal system.
- Synthesize concepts of culture, personal & structural bias, and public attitudes of the legal system.
- Generate suggestions for positive improvement of legal systems.

Expectations:

Learning can only take place if the professor and the students embark on the journey together.

What we expect of ourselves:

- We are committed to making this a good course. We think learning about multicultural lawyering specifically, and studying law generally, is fun and interesting and important. We imagine you would not

have enrolled in this course if you didn't want to learn about this topic. We are going to start by assuming you all want to be here and are eager to learn new things!

- We will come to class prepared.
- We will make every class as interactive as possible.
- We will post resources on Canvas to help you reflect deeply on this material.
- We will try to answer your questions while also covering important concepts.
- We will correct anything that does not work the way it is supposed to in the course.
- We will make reasonable accommodations for any student who speaks to one of us in advance; note, however, that to obtain official accommodations you need to apply with Student Services. This course does not have any exams, but there is a required presentation and a written report.

What we expect of each of you:

- That you will be engaged in the class; by this, we mean that you participate fully both inside the classroom and with the materials we have made available outside of class; you will need to log onto the Canvas page at least weekly.
- That you come to class prepared and having participated in the online resources before walking in the door; you cannot learn the ideas unless you prepare before class each week.
- That you will answer the discussion questions and be prepared to discuss issues, participate in exercises and fully engage when you get to class.

- That you will ask questions if you don't understand something.
- That you will schedule an appointment to meet with either one of us to ask us questions or for any other reason. This material can bring up personal experiences that you may want or need to process. Don't be afraid to reach out to one of us if you just need to talk.
- That you will post a reflection at the end of each class
- Remember that most of the time, if you have a question or you find something unclear, others in the class will feel the same way. Nobody in law school knows all the answers.
- That you will seek out connections between this class and your life. Opportunities to apply knowledge are everywhere!
- That you will try to enjoy this class!

Below are some tips, which we have lifted from education experts, about ways you can help make this class a terrific experience:

- Be there. When you're doing course-related work, we need you to be there completely. Yes, this means being physically present, but we're hoping for more than just your body in a WebEx room. We need you to be mentally present—listening, taking notes, mulling things over in your head, asking questions, occasionally nodding (when you understand), and sometimes looking surprised, confused, or amused (as the situation warrants). We need to see your faces! And yes, you may even look bored, if that's how you're feeling. We need that feedback, too. What we do not need—and find very discouraging—is having you in class but not really there. Please make arrangements for child care in advance and to minimize disruption during class.

- Participate! Sometimes we will call on you, sometimes we will ask for volunteers. A lot of times, we will ask you to mull things over in groups. This is a relatively small group, so you should all be able to participate freely. Speak when you've got something to say! Ask a question, share a relevant experience, respond to another student's comment, or voice a different perspective—contributions like these make the class interesting. And thanks in advance to those of you who voluntarily participate. Also be aware of the group participation dynamic. If you ask many questions easily, try to create some space for your more introverted classmates to ask questions. If you are more introverted, ask your burning question anyway! You'd be surprised how many times your question is something others in the classroom wanted to discuss. Let's try to make this a good group experience.
- Be respectful. If there's one thing we need more of right now, it's finding respectful ways to discuss important issues, even when (especially when) we disagree with one another. This course raises questions that touch on our personal experiences. Give each other space to be their authentic selves.
- Help us get to know you. If you are a call-in user - please identify who you are! We'd like to get to know you beyond just your name. What are your interests? Why did you decide to come to law school? Tell us something you just learned in one of your other classes. What would you like to learn in this course? What are you finding easy and difficult about this content? We teach better when we know the students we see in class or chat with online as real people—students with names, faces, and interesting lives. We do our best teaching when we have students who care about learning (and grades); who have dreams, goals,

and ambitions; and who want to get out there and fix what's broken.

Class Procedures and Policies are found on the Class Policies tab in this Canvas course page.

Online camera policy: You must make a good-faith effort to use a web camera during any synchronous online class session. Your use of a web camera will allow us to accurately take attendance at the start of class and verify your continuing good-faith attendance during class. Your web-camera use will also help us teach the course material more effectively. This class depends upon student-to-student interaction and thus is important that everyone have their camera on unless there is some extenuating circumstance. If there is such a circumstance, please contact Professor Martin-Scott directly by e-mail before class. If the issue arises during class, send a private chat to either professor, and contact Student Tech Help if you have a technical issue. Please know that we want to see you because we believe that it will enhance your learning and the learning of your classmates and will create a learning community. Any violation of this policy can result in an entry of "absent" for all or part of the class session.

Penalties for late work: All assignments have clear deadlines. Any late submissions will normally count as "zero" unless there are extenuating circumstances.

Computer Policy: Computers are to be used during class for participating in class and taking notes.

Netiquette Guidelines: Behind every name there is a person. We are adopting these Netiquette guidelines for our class.

- Respect the privacy of your classmates and what they share, whether in the classroom or the virtual classroom.
- Ask classmates for clarification if you find a discussion posting offensive or difficult to understand. If you are asked for clarification, respect the environment in which it is being requested. We are trying to learn together.
- Avoid sweeping generalizations. Back up your stated opinions with facts and citations or other reliable sources.

- Understand that we may disagree and that exposure to other people's opinions is not just part of the learning experience, but an essential component of the search for a true understanding of the subject matter.
- Be respectful of each other. We are all in this together. Common courtesy is expected and required of attorneys. Plus, your reputation depends on it.
- Keep in mind that everything you write, indeed every click of your mouse is recorded on the network server. Every class is recorded. On the Internet there are no take backs.
- Keep in mind that you are still taking a law school class. Something that would be inappropriate in a traditional classroom is also inappropriate in an online classroom.

8. Honor Code: Submission of any written work for credit, including online submissions, must include the Honor Code Certification, found on the portal at: <https://cooley.instructure.com/courses/2971/modules/items/73356> This does not apply to responses to discussion questions, but does apply to submission of your final report.

Scoring of Assessments

1. Weekly threaded discussion forum, due weekly, before class, Weeks 1-10; 10 points per week for the first ten weeks. Students who contribute extra discussion beyond answers to each required question throughout the entire semester can earn up to 2 extra points.

You will be scored based on our assessment of your analysis of the readings and questions. Superficial answers will receive low scores. You are not graded on the content of your opinions, and we welcome diverse opinions.

Total points possible: 102

2. Post-class reflection (written or recorded), due at the beginning of the following week's class (except final reflection, which is due

sooner). 5 points per week.

Total points possible: 70

3. Class participation: includes speaking asking questions of guests, and using “chat” features. Up to 3 points per week; The success of this class assumes full participation by everyone. We will assign a grade immediately after class. Your grade can be a 0, 1, 2, or 3. Students who are not in class or do not participate at all will receive a 0. Students who are present and adequately participate will receive a 1. Students who demonstrate extra preparation of an assignment, in-depth reading of the material, and/or excellent participation in discussion will receive a 2. **Your score is not affected by the content of your views-we welcome robust debate.** We do not expect nor desire students to all try to talk at once. We realize you will need to listen to each other and not dominate the conversation. If you try to weigh in and cannot, we will make every effort not to penalize you. Your use of the chat feature will also be taken into account. We are interested in the quality of your contribution as much as the quantity. We realize there is some subjectivity involved in assigning a score. We will do our best to objectively determine the right score.

Total points: 42

4. Class presentation. Based on your interview and themes from the course. Grading rubric provided on Canvas.

Total points possible: 100

5. Written report. Incorporates ideas from reading assignments, guests, and your interviews. Grading rubric provided on Canvas.

Total points possible: 200

Expected Student Workload (2-credit course):

The American Bar Association requires that you spend at least four hours

per week, on average, outside of class studying for this 2-credit course over 15 weeks. You will satisfy this requirement by doing the reading assignments, watching the videos, engaging in the required weekly discussion board, completing your weekly reflections, and synthesizing the material. Additionally, the ABA requires an average of two fifty-minute hours of class, or two sixtyminute direct faculty instruction, or other academic work over 15 weeks. You will satisfy this requirement by attending class each week (2 50-minute sessions), interviewing your subject, preparing your presentation, and writing your report.

Academic Integrity:

Any work submitted by a student in this course for academic credit will be the student's own work.

Schedule

Topics	Assignments	Due Date
Week 1 5/1/23 Introducing ourselves and discussion, What is Culture and Why Does it Matter to Lawyers?	Watch Videos Read Chapter 1 Discussion thread Prepare 5-minute in-class introduction	5/1/23 Post class reflection due 5/8/23
Week 2 5/8/23 The call for a diverse legal profession	Read Chapter 2 Watch ABA Video "Hidden Injustice: Bias on the Bench" Discussion thread Guest: Judge Cynthia Ward	5/8/23 Post-class discussion due 5/15/23

<p>Week 3 5/15/23</p> <p>Attorney identity: how does one's own culture affect being a lawyer?</p>	<p>Read Chapter 3</p> <p>Discussion thread</p> <p>Guest Mary Ross- Hendriks</p>	<p>5/15/23</p> <p>Post class discussion due 5/22/23</p>
<p>Week 4 5/22/23</p> <p>Addressing one's own Implicit (and Explicit) Biases Cogovernance & indigenous voice in Australia & New Zealand</p>	<p>Read Chapter 4</p> <p>Watch videos</p> <p>Discussion thread</p> <p>Take some Harvard IAT tests, and Prepare 2-3 minute in-class presentation for first hour</p>	<p>5/22/23</p> <p>Post-class reflection (due 5/30/23)</p>
<p>Week 5: asynchronous unit takes place between 5/22/23 & 6/5/23</p> <p>Searching out Multicultural Perspectives on the Law & How Ordinary People View the Law (and why that matters)</p>	<p>Read Chapter 5 (There is no class Monday, May 29 - this is a holiday. Instead of a makeup class, you will do an asynchronous unit this week which will have 2 due dates: reading/ discussion by Tuesday, May 30, and voting/sign-up by the start of class on Monday of Week 6. There is ALSO reading for Week 6 due at the same time. Sign up for class project</p>	<p>This is an asynchronous unit that must be completed between Weeks 4 & 6</p> <p>Discussion thread by 5/30/23 Voting & sign-up completed by 6/5/23</p>

<p>Week 6 6/5/23</p> <p>Understanding the culture of your clients</p>	<p>Read Chapter 6</p> <p>Read & prepare the attorney-client role assigned to you (each of you is an attorney in 1 simulation and a client in the other, so prepare both roles)</p>	<p>6/5/23</p> <p>Note: you must be in this class this week absent a dire emergency; simulations depend on it and cannot be made up</p> <p>Post-class reflection due 6/12/23</p>
<p>Week 7 6/12/23</p> <p>Counseling a client from a multi-cultural perspective</p>	<p>Discussion thread by group to brainstorm possible option for the client in the role play</p> <p>Read & prepare the attorney role and the client role assigned to you for second and third interviews</p>	<p>6/12/23</p> <p>Note: you must be in this class this week absent a dire emergency; simulations depend on it and cannot be made up</p> <p>Post-class reflection due 6/19//23</p>
<p>Week 8 6/19/23</p> <p>Client-Centered Counseling & Culture</p>	<p>Read Chapter 7</p> <p>Discussion thread</p> <p>Sign up for practice group</p> <p>Guests: Kylee Katipo, Cheryl Green, & Brendan Cullen</p>	<p>6/19/23</p> <p>Post-class reflection due 6/26/23</p>

<p>Week 9 6/26/23</p> <p>Case studies: when failure to appreciate culture really matters</p>	<p>Read Chapter 10</p> <p>Discussion thread</p> <p>Guest: Professor Emerita Vernellia Randall</p>	<p>6/26/23</p> <p>Post-class reflection due 7/3/23</p>
<p>Week 10 7/3/23</p> <p>The Culture of Practice: cultural issues arising from specific legal practice fields & current tissues in multicultural lawyering</p>	<p>Read Chapter 9</p> <p>Read additional reading for your practice group (to be posted after Week 8)</p> <p>Discussion thread</p> <p>Students present hot topics</p>	<p>7/3/23</p> <p>Post-class reflection due 7/10/23</p>
<p>Week 11 7/10/23</p> <p>Student presentations</p>	<p>No discussion thread, but be prepared to ask questions of the presenters</p>	<p>7/10/23</p> <p>Post-class reflections due 7/17/23</p>
<p>Week 12 7/17/23</p> <p>Student presentations</p>	<p>No discussion thread, but be prepared to ask questions of the presenters</p>	<p>7/17/23</p> <p>Post-class reflections due 7/24/23</p>
<p>Week 13 7/24/23</p> <p>Student presentations</p>	<p>No discussion thread, but be prepared to ask questions of the presenters</p>	<p>7/24/23</p> <p>Post-class reflections due 7/31/23</p>

Week 14 7/31/23 Student presentations	No discussion thread, but be prepared to ask questions of the presenters	7/30/23 Post-class reflections due 7/17/23 Written reports due 8/7/23, Monday after our final class (first day of exam week)
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