

Preparing Globally Competent Lawyers

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I. INTRODUCTION

Preparing students to be competent lawyers requires law schools to adapt with the shifting demands of law and law practice over time. An effective legal education should continually seek to balance the relevant cognitive, practical, and ethical components by carefully considering the existing curriculum and creating “a more coherent and integrated initiation into a life in the law.”¹ The legal academy and its accrediting body, the American Bar Association, carry the burden of making educational changes that best reflect the evolving needs of the profession. While a competency-based approach² effectively addresses these needs, one set of competencies that is lacking from the current educational standards and is essential for next gen³ lawyers is what this article will refer to as “global legal competency.”

Global legal competency is the ability to navigate cultural perspectives different from one’s own, and analyze contextually to recognize that legal matters can transcend national boundaries or are governed by different legal systems.⁴ There is little controversy that cross-cultural competency⁵ is a lawyering skill that is needed to effectively counsel, advise, and advocate for clients; collaborate with co-counsel or negotiate with parties; or communicate with opponents or judges, because these interactions typically do occur between members of different cultures.⁶ What is less clear, or at least remains unarticulated, is that “cross-

¹ William M. Sullivan et al., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW: SUMMARY (Carnegie Found. for the Advancement of Teaching 2007), <https://perma.cc/DV3X-C4N4>. This text is better known as “The Carnegie Report,” a seminal study of legal education commissioned by the Carnegie Foundation for the Advancement of Teaching.

² See generally Terri Mottershead & Sandee Maglioni, *Can Competencies Drive Change in the Legal Profession?*, 11 U. ST. THOMAS J. L. 51 (2013).

³ The term “next gen” refers generally to the next generation of young people, typically between the ages of 16-24. John Burn-Murdoch, *Who are the NextGen? A Portrait in Data*, FIN. TIMES (Nov. 7, 2019), <https://perma.cc/8FDX-TL5Y>.

⁴ See Andrea A. Curcio et al., *A Survey Instrument to Develop, Tailor, and Help Measure Law Student Cultural Diversity Education Learning Outcomes*, 38 NOVA L. REV. 177, 190–92 (2014) (discussing the importance of culturally sensible lawyering skills in the context of global, i.e., cross-border matters, as well as domestic interactions with clients, judges, and others who have different cultural perspectives, especially those that are underserved).

⁵ There are various terms used to denote cultural competency, e.g., cross-cultural, intercultural, multicultural. While there are different nuances to these words, they are often used interchangeably. “Cross-cultural” most aptly describes the skill needed for global lawyering and is used throughout the article, except when the nomenclature problem itself is discussed.

⁶ Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 49 (2001). In this seminal work Bryant observed that “all lawyering is cross-cultural.” This statement resonates even more strongly when considering the growing racial and ethnic diversity in the United States, discussed *infra* Part II.

cultural” competency can extend to differences between legal and cultural systems, not just between culturally diverse individuals. This facet of cultural competency within the legal profession that encompasses “cross-systemic” competency, sets global legal competency apart from “cultural competency.”⁷

At the heart of a lawyer’s professional skillset, regardless of the particular context and times, is effective and ethical problem-solving.⁸ Yet, problem-solving in the modern legal environment has transformed in a fundamental way that has yet to be addressed: the practice of law is no longer contained by national or physical borders. Preparing the next generation of students for the challenge of working in a world of “permeable boundaries across communities of difference”⁹ requires an intentional approach to defining the necessary competencies. Accordingly, a global orientation to the law is indispensable: global in the sense of including perspectives about legal systems other than domestic, and also global in the sense of thinking contextually and holistically.¹⁰ Enabling law students to communicate and collaborate effectively in a complex, globalized environment should be a goal for legal education in the United States.¹¹ Understanding the key factors contributing to this transformation, determining the desired learning outcomes needed to meet these challenges, and evaluating how the outcomes can be achieved are critical steps in this evolution.

⁷ For an innovative take on identifying minimum competencies through evidence-based research, see Deborah Merritt Jones & Logan Cornett, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* INST. FOR ADVANCEMENT AM. LEGAL SYS. (2020), <https://perma.cc/9UBP-VMMD>. Among the 12 building blocks articulated, three capture the need for global (both holistic and international) competency: “understanding of legal processes and sources of law,” “the ability to interact effectively with clients,” and “the ability to see the “big picture” of client matters.” See *id.*

⁸ Developing competency in students by cultivating the ability to solve problems effectively and responsibly should be the primary goal of legal education. See ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP 8 (2007).

⁹ Mary A. Lynch et al., *Intercultural Effectiveness*, ch. 6 *Teaching the Newly Essential Knowledge, Skills and Values in a Changing World*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD, 338–40 (Deborah Maranville et. al. eds. 2015).

¹⁰ “Global” also denotes the breadth of lawyering skills practitioners in the U.S. and other countries need to function as legal problem-solvers, including legal research, writing, and oral communication skills. See MARY-BETH MOYLAN & STEPHANIE J. THOMPSON, LEGAL WRITING AND GLOBAL LAWYERING SKILLS, 1 (3d ed. 2023) (introducing the premise of the book, which explores each core skill through a cross-cultural lens).

¹¹ While outside the scope of this article, and meriting an in-depth treatment on its own, a parallel and similarly game-changing force influencing the practice of law globally is technology and AI use. The impact of technology on the practice of law is itself borderless; how the use of AI and Generative AI is affecting law globally is an area that needs exploration, most effectively in an effort that includes practitioner perspectives.

This Article makes the case that the ABA should articulate global legal competency¹² as a professional skill that U.S. law schools should integrate as a learning outcome and should clarify the definition of “cross-cultural competency,” as used in the ABA Standards nomenclature, to account for transnational and international aspects of lawyering in addition to interacting with domestic clients with diverse cultural backgrounds.¹³ It lays the foundation for why this step is necessary, gleans insight from other disciplines and contexts, builds on foundational work within legal academia, then offers a framework for conceptualizing global legal competency by recommending a broad slate of relevant learning outcomes—knowledge, skills, and values—that legal educators can mine.

This Article proceeds in seven substantive parts. Part II examines the reality of 21st century lawyering as an increasingly borderless and cross-cultural endeavor, and the attendant need to reframe some of the competencies required for effective lawyering. Part III examines the concept of “cultural competency” as the foundation for global competency, its role as a professional skill necessary for effective and ethical lawyering, and its inconsistent treatment within the ABA professional and educational standards. This section also looks at the bigger picture of cultural competency and how it is treated in other professions. Part IV offers a comparative analysis between cultural and global competency to surface where they converge and diverge, while Part V explores the concept of “global competency” more broadly, looking to disciplines and educational contexts outside of law for helpful insight. Part VI draws insight from the Tahoe II Workshop, an “intercultural competency” conference of global legal educators, before focusing on the global learning outcomes some law schools have already adopted. The discussion in Parts III-VI culminates in Part VII, which offers a taxonomy of the relevant knowledge, skills, and values for global legal competency and provides guidance on relevant assessments. Part VIII calls on the ABA’s Legal Education Council to include “global competency” as a professional skill and

¹² As discussed throughout the Article and more in-depth in Part III, the use of terms such as “competency” in relation to culture raises questions about its meaning and appropriateness. However, the term is significant as it denotes standards that must be met for professional practice, as seen in the ABA’s Model Rules of Professional Conduct as well as the Legal Education Standards. The term “global competency” is used in this context.

¹³ The terms global, international, and transnational are often used interchangeably, but they each have distinct meanings. In their simplest definitions, and as used throughout this Article, “international” means “of, relating to, or affecting two or more nations;” “transnational” means “extending or going beyond national boundaries;” and “global” means “of, relating to, or involving the entire world.” *International*, MERRIAM-WEBSTER DICTIONARY, <https://perma.cc/NT4C-YGYG> (last visited May 19, 2026); *Transnational*, MERRIAM-WEBSTER DICTIONARY, <https://perma.cc/77W3-Y6BJ> (last visited May 19, 2026); *Global*, MERRIAM-WEBSTER DICTIONARY, <https://perma.cc/4NVS-RRUY> (last visited May 19, 2026).

clarify the term “cross-cultural competency” to reflect that the interactions contemplated by the term are both domestic and international, individual and systemic. The Article concludes in Part IX by encouraging the legal academy to take a proactive approach to creating and normalizing global legal competency as an essential component of the toolset for next gen lawyers.

II. THE IMPERATIVE FOR A GLOBAL OUTLOOK FOR 21ST CENTURY LAWYERING

To understand the “why” of the need to shift thinking about law beyond domestic law, it is helpful to consider three concurrent socio-cultural trends: the transnational nature of contemporary law practice, growing demographic diversity of the U.S. population, and the need to work towards collective solutions to pressing global issues. Taken together, these realities compel the conclusion that to prepare students for practice across increasingly diverse communities and cultures, legal educators must guide students towards a more expansive, holistic, and global outlook on law and the legal profession.

A. Reality of Contemporary Legal Practice and Education

The contemporary practice of law is undeniably less exclusively domestic than before technological advances made international communication and travel exponentially more accessible. Taking an outcomes-based approach to determining the competencies needed for legal practice, as the ABA directs, it falls on legal educators to determine how we should prepare students to respond to, and proactively train for, legal practice in a changed environment.¹⁴ Many scholars have observed that globalization, in addition to AI technology, has been a game-changing aspect for the legal practice and profession, especially in this millennium.¹⁵

The steep increase in international trade and corresponding legal services have resulted in the globalization of lawyering and legal practice that is increasingly transnational.¹⁶ A large number of U.S. law firms operate abroad while a growing

¹⁴ See Mottershead & Magliozzi, *supra* note 2, at 55–56 (arguing that a competency-driven curriculum in law schools and business model in law firms should guide the skills, knowledge, and values needed for effective law practice in the 21st century).

¹⁵ See *id.* at 59–75. Among the key changes in law firm practice that demand matching competencies are globalization, leadership, and technology.

¹⁶ See, e.g., David B. Wilkins et. al., *Globalization, Lawyers, and Emerging Economies (GLEE)*, HARV. L. SCH. CTR. ON LEGAL PROF., <https://perma.cc/5HHK-F4CG>.

number of foreign firms have offices in the United States.¹⁷ With businesses buying from and selling to foreign entities, entering into ventures with foreign investors, and interacting with foreign lawyers more frequently on a larger scale, cross-cultural competency has become critical for commercial lawyers.¹⁸ The growth in transnational legal services and global networks, as well as the efforts around facilitating these developments, have been well-documented.¹⁹ All kinds of law firms, including solo practitioners, are likely to encounter clients or agencies in other countries, do business with vendors from around the world, or have co-workers or employees from different countries, especially with the expansion of remote work resulting in greater access to a global workforce.²⁰ Immigration law, family law, criminal law, and employment law are examples of practice areas with transnational dimensions in which smaller law firms engage.²¹ Practice areas such as public international law, human rights law, environmental law, and constitutional law also involve growing transnational activity.²²

Consider these increasingly common scenarios: a commercial transaction between companies located in different countries, a child custody situation that crosses national borders, multinational companies that hire employees across jurisdictions, or an IP dispute involving the internet. These examples of global lawyering are not embedded in international law per se, but require cross-cultural competency nonetheless. Scenarios that are even more likely include representing an immigrant, negotiating a deal with someone from another country, or simply working with others from different backgrounds regardless of the precise area of

¹⁷ See generally Carole Silver, *Who Uses the U.S.? Law Firms, Globalization, and Approaches to Presence in the U.S.*, 28 SW. J. INT'L L. 276 (2023) (discussing the strong presence of foreign law firms in the U.S. despite the impact of the COVID-19 pandemic).

¹⁸ The nature and extent of cross-border legal practice is heightened in U.S. border states, such as California, Michigan, Texas and Florida, where law schools embrace the international dimension of cross-border legal practice as a part of their mission, and therefore tend to integrate more international and transnational law into the curriculum. The ideas and suggestions in this article relate to global and cross-cultural skills for law students more broadly.

¹⁹ See, e.g., Laurel S. Terry & Carole Silver, *Transnational Legal Practice*, 49 YEAR REV. (A.B.A.) 413, 415 (2015); see generally Laurel S. Terry, *Global Networks and the Legal Profession*, 53 AKRON L. REV. 137 (2019).

²⁰ See David B. Wilkins, *Making Global Lawyers: Legal Practice, Legal Education, and the Paradox of Professional Distinctiveness* 1, 2 (Harv. L. Sch. Ctr. on Legal Pro., Research Paper No. 2014-26, 2014). Another key trend in the globalization of law is a gradual shift in the global economy's epicenter from the North and West to the South and East, flagging the growing importance of cross-cultural competency.

²¹ See Franklin A. Gevurtz, *Report Regarding the 2011 Pacific McGeorge Workshop on Promoting Intercultural Legal Competence*, 26 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 63, 73–74 (2013).

²² *Id.* at 74.

practice.²³ While the belief that the competencies required for transnational law only apply in the large firm business practice context has shifted considerably, cultural competency needed for representing foreign clients or working on global teams requires training that addresses functioning in settings where American values and cultural norms do not prevail.²⁴ In other words, both lawyers and law students need training to have a global, not just culturally diverse, orientation to the practice of law.

Globalization has also taken root in U.S. law schools, where international students are present among J.D., LL.M., or S.J.D. students on almost every campus or online. Since bar passage and accreditation still do not require knowledge of international or transnational law in the United States in most states, most law schools engage globally through study abroad programs and exchanges, international journals, moot competitions and other co-curricular or non-curricular activities.²⁵ Outside of the United States, however, learning about non-domestic legal systems is generally more normalized and commonplace.²⁶ In the European Union countries, for example, students are trained to take on a more “panoramic view” of law, aided by a system in which most of the law curriculum is mandatory and more extensive comparative study of different legal systems affords a more global view of the law.²⁷ European Union lawyers naturally must function in dual spheres of national and EU laws by design, and are likely to consider the law more contextually, thus seeing national law in the context of regional or international law.²⁸ Exposure to the law of many countries and legal

²³ For a “strategy memo” to legal educators on the pressing need for structural change in U.S. law schools to meet the demands of the changing legal market, see generally William D. Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461 (2013). Professor Henderson argues that traditional legal services jobs that law schools focus their curriculum on are giving way to a legal market where technologists and entrepreneurs thrive and that law schools must provide a new competency-based curriculum that properly prepares students and justifies the substantial investment in legal education. See *id.* at 462–71.

²⁴ See *Going Global: Enhancing Lawyers’ Cultural Competence*, IDA ABBOTT CONSULTING, <https://perma.cc/V3ES-UYGJ> (last visited Sep. 16, 2025) (discussing the need for more robust cultural competency training in law firms focused the ability to navigate legal matters across borders, not just on diversity within the domestic U.S. context).

²⁵ See generally Rosa Kim, *Globalizing the Law Curriculum for Twenty-First-Century Lawyering*, 67 J. LEGAL EDUC. 905 (2018) (discussing the changing landscape for legal practice and offering suggestions for fostering a global outlook in law schools through faculty support, course innovations, and a graduation requirement for each law student to engage in a single “international” activity).

²⁶ See *id.* at 912–17. See also Mottershead & Magliozzi, *supra* note 2, at 53–57 (explaining the evolution of legal education based on competencies for professional legal practice in the common law countries such as the U.K., Australia, Canada, Hong Kong, New Zealand).

²⁷ See Mathias Reimann, *European Advantages in Global Lawyering*, RABEL J. COMP. & INT’L PRIV. L. 885, 897–98 (2018).

²⁸ *Id.* at 898.

systems allows for greater facility with diversity of legal cultures and languages, arguably making continental European lawyers more adept at intercultural competence in a legal context.²⁹ Given that non-U.S. legal education places more emphasis on non-domestic and global law, it is important to prepare U.S. law students to strengthen their global skills if only to make them more competitive in the global marketplace.³⁰

For all of these reasons, the need to embed learning outcomes explicitly geared for teaching global competency must be addressed, as the best practices literature on U.S. legal education regarding this important aspect of law learning is sparse. One notable exception appears in the book chapter “Focusing on Cross-Border Teaching and Collaboration,” in *Building on Best Practices: Transforming Legal Education in a Changing World*.³¹ Its authors acknowledge the expansion of cross-border and transnational lawyering, as well as the growing presence of non-U.S. students at U.S. law schools, and provide guidance on teaching international law students at U.S. schools, integrating international students into U.S.-based clinics, and collaborating on teaching and law reform projects with faculty in other countries.³² While this guidance is excellent and much-needed,³³ the best practices insight does not touch on teaching global legal skills to U.S. students directly. Instead, the chapter is devoted to “implementing effective education in specific contexts” and applies primarily to experiential faculty who engage in international teaching or faculty collaborations.³⁴ An important takeaway from the chapter that

²⁹ *Id.* Professor Reimann acknowledges that the European advantages discussed throughout the article are based on generalizations.

³⁰ This assertion would be incomplete without recognizing that the U.S. tends to view its place in the world order as singular, insulated, and superior as justified by its global superpower status following World War II. This position, and the world order, have shifted significantly in the 21st century, making it essential for the U.S. to acknowledge the importance of global cooperation and citizenship.

³¹ Kimberly D. Ambrose et al., *Cross-Border Teaching and Collaboration*, in *BUILDING ON BEST PRACTICES TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD*, 148–61 (Deborah Maranville et al. eds. 2015).

³² *See id.* Another chapter in the Building on Best Practices volume provides excellent guidance on setting learning outcomes aimed at developing “intercultural effectiveness” but does not specifically address competencies relating to understanding and navigating different legal systems. *See generally* Lynch et al., *supra* note 9.

³³ Particularly insightful is the list of “cross-cutting principles” involved in cross-border teaching generally: (1) develop intercultural effectiveness; (2) acknowledge assumptions that impede learning and communication; (3) employ backward design after defining the desired outcome; (4) approach cross-cultural work as an opportunity for all to learn from each other; (5) rediscover the culture, law, and legal system of their own country; (6) recognize comparative advantages of the participants; (7) support the safety and comfort of those in unfamiliar cultural settings; and (8) collaborate over time. *See* Ambrose et al., *supra* note 31, at 148–51.

³⁴ *See generally id.*

does relate to global lawyering is that law schools largely fail to take advantage of the opportunity to explore context-based and comparative learning and complex problem-solving from the international students already on law campuses who can provide culturally diverse examples of legal practice and profession.³⁵

B. Diversifying Demographics

The second trend compelling a re-evaluation of law school competencies is the shifting demographics in the United States, as it becomes increasingly diverse and multicultural. The United States has more international migrants than any other country, with nearly 51 million migrants, or 15.1% of the population in 2020.³⁶ The largest numbers of recent immigrants have hailed from India and Mexico.³⁷ The U.S. Census projects that by 2043, the U.S. population will be minority White.³⁸ The United States is home to 350 languages, with 68 million, or over 21%, who speak a language other than English in the home.³⁹ Migration is also on the rise globally, with the number of people living outside their country of birth rising by 83% between 1990 and 2020, from 153 million to 281 million.⁴⁰ As such, domestic practice itself is becoming “global” in the sense that it is increasingly likely to include clients with non-U.S. origins, and matters that involve non-U.S. legal systems. Thus, law students must be equipped with minimal competencies to navigate such a diverse, fluid, and multicultural environment in order to provide competent and ethical legal representation.⁴¹

³⁵ See *id.* at 148–51. For a discussion of the various ways law schools can optimize global learning in connection with their international student presence, see Kim, *supra* note 25, at 945–47.

³⁶ Anusha Natarajan et al., *Key Facts About Recent Trends in Global Migration*, PEW RSCH. CTR. (Dec. 16, 2022), <https://perma.cc/VM2Z-DWPE>.

³⁷ See *id.*

³⁸ Jonathan Vespa et. al., *Demographic Turning Points for the United States: Population Projections for 2020 to 2060*, U.S. CENSUS BUREAU (2018), <https://perma.cc/48C7-6Y4N>.

³⁹ Sandy Dietrich & Erik Hernandez, *Nearly 68 Million People Spoke a Language Other Than English at Home in 2019*, U.S. CENSUS BUREAU (Dec. 6, 2022), <https://perma.cc/5Y5C-P5F4>. The number of people in the United States who speak a language other than English at home has nearly tripled from 23.1 million (about 1 in 10) in 1980 to 67.8 million (almost 1 in 5) in 2019. *Id.* Nearly half of the residents in the five largest cities in the U.S.—New York, Los Angeles, Chicago, Houston, and Phoenix—speak a language other than English in the home. Karen Zeigler & Steven A. Camarota, *Almost Half Speak a Foreign Language in America's Largest Cities*, CTR. FOR IMMIGR. STUD. (Sep. 19, 2018), <https://perma.cc/5ADA-GX42>.

⁴⁰ Stephanie Kramer & Yunping Tong, *Global Migration Change, 1990-2020*, PEW RSCH. CTR. (Aug. 19, 2024), <https://perma.cc/8DS5-L9C>.

⁴¹ See Aastha Madaan Farr, *Cultural Competency and the Practice of Law in the 21st Century*, 30 APR. PROB. & PROP. 29, 30 (2016) (arguing that estate planning attorneys must be culturally competent to serve their increasingly diverse clients, due to increased immigration and international investments, as well as new laws and an evolving society).

Notably, the demographic makeup of the next generation—those under 25—is the most diverse in U.S. history.⁴² A 2018 survey indicated that the most common age among Whites in the United States was 58, more than double the most common age for ethnic and racial minorities.⁴³ Nearly half of the next gen population are non-White and 43% grew up with at least one college-educated parent.⁴⁴ This generation came of age amidst change, protest, and the prevalence of social media facilitating global activist movements. Issues of race, gender, and multiculturalism are built into their world view, making global legal competency an essential skill in their toolkit as future lawyers. Their witness to the transformative power of global movements like #BlackLivesMatter, #MeToo, and #ClimateStrike suggests that next gen lawyers will be trained to tackle global issues with a social justice orientation. Higher levels of social consciousness, in conjunction with greater demographic diversity, have created a professional environment where cultural awareness and the ability to navigate difference is becoming indispensable.⁴⁵

While the U.S. population becomes more diverse, the legal profession has not kept pace and remains predominantly White.⁴⁶ In 2024, the racial breakdown of U.S. lawyers was as follows: 78% White, 7% Asian, 6% Hispanic, 5% African-American, 4% Multiracial, and 1% Native American.⁴⁷ This relative lack of diversity within the legal profession and the resulting representation gap highlight the need to examine the broader cultural bias issues within the profession.⁴⁸ It also underscores the importance of cross-cultural competency training in law schools both for faculty and students.⁴⁹ Rather than focus the training only on the diversity

⁴² See Burn-Murdoch, *supra* note 3.

⁴³ See Katherine Schaeffer, *The Most Common Age Among Whites in U.S. is 58 – More Than Double that of Racial and Ethnic Minorities*, PEW RSCH. CTR. (July 30, 2019), <https://perma.cc/VA8F-CUQN>.

⁴⁴ See *id.* The most common age for Hispanics was 11, for Blacks 27, and for Asians 29.

⁴⁵ See Dawn Michele Whitehead, *Integrating Global Learning Across the Curriculum for All Students*, ASS'N AM. COLLS. & UNIVS. ESSENTIAL GLOB. LEARNING, <https://perma.cc/79BZ-AUHF> (last visited Sep. 16, 2025). Indeed, employers are increasingly expecting young hires to be able to collaborate, manage diverse perspectives, and “build capacity to solve unscripted problems.”

⁴⁶ See *Profile of the Legal Profession 2024—Demographics*, A.B.A., <https://perma.cc/9RAJ-FVSZ> (last visited Sep. 16, 2025).

⁴⁷ *Id.* The ABA notes that its annual population survey for race is based on data from 24 states, as the rest do not report racial demographics.

⁴⁸ For an in-depth examination of the role of culture in lawyering and case studies of how culture and bias can manifest in different legal contexts, see generally KIMBERLY E. O'LEARY & MABLE MARTIN-SCOTT, *MULTICULTURAL LAWYERING: NAVIGATING THE CULTURE OF THE LAW, THE LAWYER, AND THE CLIENT* (Carolina Academic Press 2021).

⁴⁹ See Phyllis Tate & Nicola “Nicky” Boothe, *Teaching Cultural Competence in Law School Curricula: An Essential Step to Facilitate Diversity, Equity, & Inclusion in the Legal Profession*, 4 UTAH L. REV. 813, 813–20 (2022) (discussing the need to facilitate diversity within the legal profession by teaching cultural

of U.S. society and likelihood of encountering a client who has a different cultural background, a truly cross-cultural approach would take into account the importance of being able to navigate an environment or situation in which one is the cultural outsider, not the cultural insider trying to accommodate an outsider. This kind of cultural humility,⁵⁰ which begins with being aware of one's own culture and biases, is needed among lawyers functioning in an ever-globalizing legal environment.

C. Tackling Global Legal Problems

The third trend compelling a re-examination of lawyering competencies is simply the reality that humanity faces global problems that require greater mutual understanding and collaborative solutions. Several pressing, even existential, global problems must be tackled in a collective effort with other countries, including the climate crisis, pandemics and other global health crises, armed conflicts, managing the growth of artificial intelligence as well as cybersecurity and cyberwarfare, and ongoing human rights abuses.⁵¹ These problems transcend cultural, geographic, political, religious, economic, and generational borders and often involve such large-scale issues as poverty, immigration, education, and discrimination.⁵² By definition, these global problems require some ability to work with other nations, entities, and individuals to tackle and solve. Faced with a common challenge, diverse individuals and groups can engage in discourse to produce strategies and solutions unavailable to any single group.⁵³

At the governmental level, national governments have coalesced around such global issues of peace and security, human rights, humanitarian relief, health and disease, and nuclear non-proliferation, many originating from United Nations initiatives. The Paris Agreement on climate change⁵⁴ and the Framework Convention on Artificial Intelligence⁵⁵ are prime recent examples of international treaties aimed at solving global issues. Notwithstanding the anti-globalist policies and ideology of some U.S. federal administrations, the need to cooperate and

competency in law schools, as mandated by ABA Standards, and suggesting strategies for incorporating the skill in the first year curriculum).

⁵⁰ As discussed *infra*, in Part III, there is a strong suggestion within the clinical-focused scholarship that cultural “competency” be replaced with cultural “humility” for this and other good reasons.

⁵¹ See, e.g., *Global Risks Report 2024*, WORLD ECON. F. (Jan. 10, 2024), <https://perma.cc/VEZ8-PYHQ>.

⁵² See Hilary Landorf & Stephanie Doscher, *What We Mean by ‘Global Learning’: An Updated Definition*, LIBERAL EDUC. (Oct. 5, 2023), <https://perma.cc/EJVV-WU9A>.

⁵³ *Id.*

⁵⁴ See Paris Agreement, Dec. 12, 2015, 3156 U.N.T.S. 107.

⁵⁵ See Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Sep. 5, 2024, C.E.T.S. 225.

participate in international agreements remains strong.⁵⁶ Initiatives aimed at addressing global legal issues also have a strong presence among non-governmental organizations and international bar associations.⁵⁷ Current pressing issues, such as the need to safeguard the rule of law and democracy, have brought lawyers together to collaborate on exploring solutions.⁵⁸

Whether involving national governments or international organizations, or even grass roots movements or individual initiatives, these endeavors often involve the collaborative work of legal professionals from many countries. Lawyers are integral to these efforts because international collaboration—whether through treaties, advocacy, or compliance—relies in no small measure on legal and regulatory frameworks. The scope of legal knowledge and skills encompasses tasks such as negotiating or drafting treaties; advising on matters related to how international law obligations intersect with national laws; litigating and advocating before international tribunals; and developing policies and strategies to frame arguments based on international law.⁵⁹ Thus, to meet the challenge of addressing global legal issues, lawyers must have an improved understanding and appreciation of other cultures and legal systems, including a basic comprehension of international law and the legal systems of the world. The key skillset includes an appreciation of differences and basic ways to navigate non-domestic legal systems, rather than mastery of any one foreign or international legal regime.

Modern lawyering must take into account that the occasion to reach beyond one's own set of domestic laws will grow, not shrink, in frequency. It must also recognize that cultural differences also carry differences in representation and power in the global marketplace, and awareness and sensitivity to this disparity is fundamental to intercultural competence.⁶⁰ The ability to appreciate the fundamental role culture plays in effective lawyering, the capacity to recognize one's own biases, and the skill to navigate difference are foundational ideas that

⁵⁶ See Austen Parrish, Global Legal Education, *The Globalizing Legal Profession, and the Future of International Law*, 28 SW. J. INT'L L. 386, 397–400 (discussing the shifts in international law and competing approaches to global governance from collaborative efforts for multilateral agreements to unilateral approaches to extraterritorial regulation).

⁵⁷ See, e.g., *The Salzburg Statement on The Critical Role of Lawyers in Safeguarding the Rule of Law*, SALZBURG GLOBAL (June 10, 2025), <https://perma.cc/6F6E-34MT> (articulating the policies, goals, and strategies stemming from a meeting of international bar members on the role of lawyers in upholding the rule of law); see also *Home Page*, INT'L LAWYERS PROJECT, <https://perma.cc/RKP8-HYJP> (last visited Feb. 6, 2026) (advocating for environmental and economic justice for marginalized communities through pro bono legal services).

⁵⁸ See *The Salzburg Statement on The Critical Role of Lawyers in Safeguarding the Rule of Law*, *supra* note 57.

⁵⁹ See generally *Home Page*, INT'L BAR ASS'N, <https://perma.cc/4WZZ-3A2G> (last visited Feb. 6, 2026).

⁶⁰ See Gevurtz, *supra* note 21, at 71–72.

must inform competencies for all next gen lawyers.⁶¹ The core competencies of doctrinal analysis and a basic knowledge of foundational legal institutions must be supplemented by new competencies in a world defined by economic globalization, information technology revolution, and a blurring of boundaries between lawyers and other professionals.⁶² This “globalization of knowledge”⁶³ presents both an opportunity to train future lawyers as professionals who promote the public good and a challenge for law schools to craft appropriate learning outcomes.

Taking a comparative view, the level of global knowledge among U.S citizens seems to lag behind the level in other countries, where there is generally greater appreciation for the value of knowing about other systems.⁶⁴ Whether due to arrogance or ignorance, this deficiency in cross-cultural awareness is a barrier to successfully interacting with, and collaborating with others in pursuit of solving global problems. As professionals and leaders, lawyers should help to cultivate cross-cultural knowledge and skills.

Given the combined trends of transnational legal practice, diversifying domestic population, and the need for collaborative global problem-solving, law schools must consider reorienting the competencies they require to include these perspectives. A prerequisite to building a framework for global legal competency is to understand the evolution of “cultural competency” as a professional lawyering skill.

III. CULTURAL COMPETENCY AS THE FOUNDATION FOR GLOBAL COMPETENCY

Developing a set of learning outcomes for global legal competency must begin with examining cultural competency as a professional lawyering skill. This

⁶¹ See Mary Lynch, *The Importance of Experiential Learning for Development of Essential Skills in Cross-Cultural and Intercultural Effectiveness*, 1 J. EXPERIENTIAL LEARNING 129, 137 (2014). Just as the shifting realities of practice dictate a re-evaluation of the necessary competencies, there is also a need to understand how culture and bias affect the work of lawyers among each other and at their workplaces. See generally David B. Wilkins, *Why Global Law Firms Should Care about Diversity: Five Lessons from the American Experience*, 2 EUR. J.L. REFORM 415 (2000) (offering a fresh take on how U.S. corporate legal culture has dealt with diversity and inclusion and the lessons that could serve global law firms).

⁶² See Wilkins, *Making Global Lawyers*, *supra* note 20, at 2–3, 8–9 (positing that the once clear distinctions between public and private, global and local, and law and business no longer adequately define the complex world of the twenty-first century and as such dictate the teaching of complementary competencies in law schools).

⁶³ See *id.* at 11.

⁶⁴ See Bill Hunter et al., *What Does It Mean to Be Globally Competent?*, 10 J. STUD. INT’L EDUC. 267, 271–73 (2006) (discussing study surveying corporate human resource managers and college and university educators regarding definitions of global competence, and noting the need for a more rigorous educational approach to create globally competent U.S. citizens).

section parses the elements of cultural competency through a clinical lens, examines how the concept is currently embedded in the ABA's educational standards, and sheds light on how other professions have integrated cultural competency for context.

A. Cultural Competency as a Lawyering Skill

Unpacking the definition of cultural competency as used in the legal profession reveals that it is a nuanced concept. The term is typically understood to mean “the cognitive, emotional, and behavioral skills that lead to appropriate and effective communication with people of other cultures.”⁶⁵ In practice, this means a lawyer's ability to interact with clients (and others, such as judges, opponents, and witnesses) who are culturally diverse.⁶⁶ The seminal work of Sue Bryant and Jean Koh Peters identifying the “Five Habits for Cross-Cultural Lawyering” guides lawyers to (1) examine their relationships with clients and the law; (2) explore cultural similarities and differences; (3) consider alternative explanations for behavior; (4) monitor and reflect on communications for problems; and (5) learn from cross-cultural mistakes.⁶⁷ Deconstructing the term “cultural competency” further illuminates the nuances.

First, “culture” has been defined as “a system of shared beliefs, values, customs, behaviors, and artifacts that members of a society use to cope with their world and with one another, and that is transmitted from generation to generation through learning.”⁶⁸ Discussion of culture must avoid stereotypes and generalizations in recognition that each individual possesses a unique cultural constitution.⁶⁹ Cultural identity can stem from a number of identities including race, religion, age, sexual orientation, gender, immigration status, social status,

⁶⁵ Julia Roundtree Livingston, *Why Cultural Competency is a Must-Have Skill for Growing Law Firms*, 2CIVILITY (Apr. 7, 2023), <https://perma.cc/RZS7-KEDZ>.

⁶⁶ See Sue Bryant & Jean Koh Peters, *Five Habits for Cross-Cultural Lawyering*, FIVE HABITS OF CROSS-CULTURAL LAWYERING AND MORE: CLINICAL LAW TEACHING MATERIALS FROM SUE BRYANT AND JEAN KOH PETERS, <https://perma.cc/43V8-E6TL> (last visited Sep. 16, 2025) (building on Bryant, *The Five Habits*, *supra* note 6, and sharing cultural competency teaching materials, both collective and individual).

⁶⁷ See *id.*

⁶⁸ See Debra Chopp, *Addressing Cultural Bias in the Legal Profession*, 41 NYU REV. L. & SOC. CHANGE 367, 371 (2017) (citing DANIEL G. BATES & FRED PLOG, HUMAN ADAPTIVE STRATEGIES 3 (1991)).

⁶⁹ See Bryant, *supra* note 6, at 41; see also Lynch et al., *supra* note 9, at 338–40; Leah Adams, *Challenging Implicit Bias in the Legal Profession: Intercultural Competence*, in MOYLAN & THOMPSON, *supra* note 10, at 27.

language, and geography.⁷⁰ Cultural norms can also stem from such attributes as physical characteristics, marital status, and birth order.⁷¹

Next, “competency” in relation to culture is a controversial term. Under the professional and educational standards established and articulated by the ABA, “cultural competency” serves a specific, almost technical, purpose: to convey the basic qualifications required for professional practice. However, the concept of “competency” as related to culture has been debated and criticized for its suggestion that it is possible to have competence in, or “master” another’s culture, making the task fixed or finite.⁷² This suggests that once “mastered,” there is no longer a need to learn and reflect upon each new context that arises.⁷³ Competency has also been erroneously defined to relate to knowledge about specific cultures as if all members of a culture always possess the same set of traits.⁷⁴ Conflating culture with race or ethnicity is also problematic, as this can contribute to the perpetuation of stereotypes and the perception of culture as two-dimensional.⁷⁵

Most scholars agree that achieving cultural competency begins with being aware of one’s own culture—the values, norms, and behaviors that form the “logic by which we give order to the world.”⁷⁶ Only then can one have awareness of one’s own potential biases. There is also little debate that true engagement with culture requires continual learning with a non-judgmental, adaptive, and open approach to difference.⁷⁷ Cultural competency is acquired and practiced in a continuum, with an openness to learning and evolving as the goal, rather than any one benchmark of competence.⁷⁸ Accordingly, scholars have proposed alternate terms for cultural competency, each with varying nuances, including cultural

⁷⁰ Bryant, *supra* note 6, at 48.

⁷¹ *See id.* at 42.

⁷² *See, e.g.,* Curcio et al., *supra* note 4, at 180–81.

⁷³ *See id.*

⁷⁴ *See id.* at 196.

⁷⁵ *See id.* at 196–97.

⁷⁶ Bryant, *supra* note 6, at 40.

⁷⁷ *See id.* at 50.

⁷⁸ *See* Curcio et al., *supra* note 4, at 181, 203–08; *see also* Louise J. Rasmussen & Winston R. Sieck, *Culture-General Competence: Evidence From a Cognitive Field Study of Professionals Who Work in Many Cultures*, 48 INT’L J. INTERCULTURAL RELS. 75, 88 (2015) (discussing a study on “culture-general competence” and concluding, in part, that fully defining the characteristics of one who is culturally competent includes their ability to continually improve their competence over time).

proficiency,⁷⁹ cultural sensibility,⁸⁰ cultural responsiveness,⁸¹ and cultural humility.⁸² Other interpretations of cultural competence, including concepts such as fluency, literacy, effectiveness, sensitivity, awareness, intelligence, and curiosity denote different levels of cultural aptitude that occupy a continuum of cultural competency.⁸³

It is no surprise that clinical faculty have led the discourse on cultural competency for lawyers, given the nature of their teaching and its goal to prepare students for law practice. Effective training for all law faculty, not just clinical or experiential faculty, that reflects the nuanced nature of cultural competency would help to equip them to impart knowledge, skills and values to their students.⁸⁴ While it is clear that the notion of achieving competency in a particular culture is a misconstruction of the term, the benefit of a competency-based approach to defining and assessing outcomes is consistent with best practices for ensuring that providers of professional services, such as law and medicine, have the minimal abilities to provide the service. Thus, the remedy is not simply to change the term “cultural competency” as used in the ABA Standards, Interpretations and Guidance, but to provide clear definitions and consistent use of the term.

⁷⁹ See generally Anastasia M. Boles, *The Culturally Proficient Law Professor: Beginning the Journey*, 48 N.M. L. REV. 145 (2018) (arguing that use of the cultural proficiency paradigm by legal educators could help catalyze a cultural shift in legal education from an environment that often marginalizes diverse law students to one that is more inclusive).

⁸⁰ See generally Curcio et al., *supra* note 4 (identifying ways law schools could conceptualize learning outcomes that will enhance law students’ cultural sensibility, and thereby effectively represent clients in a multicultural world and global legal environment).

⁸¹ See generally L. Danielle Tully, *The Cultural (Re)Turn: The Case for Teaching Culturally Responsible Lawyering*, 16 STAN. J. C.R. & C.L. 201 (2020) (proposing culturally responsive lawyering as a new orienting framework for legal education and for law practice, rejecting the notion that cultural competence is an optional skill and arguing that culturally responsive lawyering acknowledges that culture and law exist in a mutually constitutive relationship).

⁸² The ABA Civil Legal Aid Standards contain explicit requirements for cultural skills, including a definition of cultural humility: “Entering a relationship with another person with the intention of honoring their beliefs, customs, and values.” See A.B.A. *Standard 4.4 on Race Equity, Disability Diversity, Cross-Cultural Sensitivity, and Cultural Humility*, A.B.A., <https://perma.cc/VB75-AMAE> (last visited Sep. 16, 2025). See generally Chopp, *supra* note 68 (arguing that the problem of implicit bias needs to be addressed in the legal profession, starting with the need to adopt “cultural humility” into educational and professional standards).

⁸³ See Lynch et al., *supra* note 9, at 338–40 (discussing the need for cross-cultural effectiveness for lawyers and the varied terminology and meanings of cultural competence, curiosity, sensitivity, and humility).

⁸⁴ Lack of faculty competence explains, at least in part, why the majority (about two-thirds) of ABA accredited law schools does not include cultural competency as a J.D. learning outcome. See Part VI for a discussion of current law school outcomes regarding both cultural competency and global competency.

B. ABA's Treatment of Cultural Competency

Cultural competency as a learning outcome appears in the ABA program of legal education standards in three ways: first, as an implied component of basic lawyer competence; second, as a professional skill on an optional list of skills that schools can include in their outcomes if suitable;⁸⁵ and third, as a required specific curricular outcome but expressed as “cross-cultural competency” under Standard 303(c).⁸⁶ The lack of built-in definitions clarifying any intended distinction between cultural competency and cross-cultural competency creates an ambiguity and sends a mixed message about the weight this skill should carry in a law curriculum. Curing this issue by clarifying the terms would create an opportunity to educate law administrators and faculty about the nuances of culture and as argued below in Part VII, to define and distinguish global competency in relation to cultural or cross-cultural competency.

1. Fundamental Competency Requirements

The ABA requires lawyers to possess fundamental competencies. ABA legal education Standards require the ability to communicate with clients and advocate for their interests—tasks which culturally competent lawyering enables. The Preamble of the Model Rules outlines a lawyer's responsibilities as a representative of clients.⁸⁷ Model Rule 1.1 addresses “Competence” and mandates that “a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”⁸⁸ The official commentary for Rule 1.1 provides in relevant part: “Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge.”⁸⁹ Some jurisdictions have

⁸⁵ See *Revisions Related to Learning Outcomes (Standards 204, 301, 302, 314, 315, & 403) Implementation Required by Start of 2026-2027 Academic Year*, A.B.A. (Feb. 2025) [hereinafter *Revisions*] <https://perma.cc/Q5Z3-SXN7>.

⁸⁶ See *infra* note 102.

⁸⁷ *Model Rule of Professional Conduct: Preamble & Scope*, A.B.A. <https://perma.cc/AG3J-T9AP> (last visited May 19, 2026). (“[A] lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client’s legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client’s position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client’s legal affairs and reporting about them to the client or to others.”)

⁸⁸ *Rule 1.1 Competence — Comment*, A.B.A., cmt. 2, <https://perma.cc/6Q9M-HGTE>.

⁸⁹ *Id.*

interpreted the Competence requirement to include cultural competence and require or offer CLE training in cultural competence.⁹⁰

Further, Model Rule 1.3 requires that “a lawyer shall act with reasonable diligence and promptness in representing a client.”⁹¹ The related Comment provides, “A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor.”⁹² These basic requirements of competence under the Model Rules, therefore, suggest that cultural competency is a practical necessity for effective and ethical representation of clients.⁹³

2. Cultural Competency as an Optional Professional Skill

The ABA Standards for Program of Legal Education contain similar standards that by definition include the skills required for cross-cultural lawyering. Standard 301 provides that legal education should prepare students for “effective, ethical, and responsible participation as members of the legal profession.”⁹⁴ To that end, Standard 302(a) provides that law schools must “ensure that graduates demonstrate competency” in the following learning outcomes:

Standard 302. LEARNING OUTCOMES

(a) A law school shall establish and publish programmatic learning outcomes on its website for its program of legal education that shall, at a minimum, include competency in the following: (1) Knowledge and understanding of substantive and procedural law; (2) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (3) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (4) Other professional skills needed for competent and ethical participation as a member of the legal profession.⁹⁵

⁹⁰ For example, Missouri's CLE requirements include the following component: “At least one of the three ethics credit hours required under Rule 15.05(a)(1) must be devoted exclusively to explicit or implicit bias, diversity, inclusion, or cultural competency.” See Mo. Sup. Ct. R. 15.05, <https://perma.cc/U6AZ-58JF> (last visited May 19, 2026). Wisconsin offers voluntary CLE training in cultural competency and bias reduction: “Courses in ‘cultural competency’ seek ‘to improve client communication and representation through the lens of knowledge and understanding of diverse populations with a sensitivity to cultural and other differences in personal traits.’” See Mo. Sup. Ct. R. 31.01–31.14, <https://perma.cc/XZY2-A6TK> (last visited May 19, 2026).

⁹¹ MODEL RULES OF PRO. CONDUCT r. 1.3 (A.B.A. 1983).

⁹² MODEL RULES OF PRO. CONDUCT r. 1.3 cmt. (A.B.A. 1983).

⁹³ See, e.g., Sylvia Stevens, *Cultural Competency: Is There an Ethical Duty*, OR. STATE BAR BULL. (Jan. 2009), <https://perma.cc/28G3-CW5V>.

⁹⁴ See *Revisions*, *supra* note 85.

⁹⁵ In February, 2025, the ABA issued revisions to its educational standards, including additions to Standard 302 relating to learning outcomes. It added new provisions in 302(b) and (c) which provide as follows: “(b) A law school shall establish minimum learning outcomes for each course it offers.

Professional and ethical responsibilities are specified in the Model Rules already discussed, while Interpretation 302-1 provides that schools may choose “other professional skills” as additional learning outcomes, such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, *cultural competency*, and self-evaluation” (emphasis added).⁹⁶ The inclusion of “cultural competency” suggests that the skill does not rise to a mandated curricular requirement for all students. This means that students who engage in clinical programs or other relevant experiential courses or co-curricular activities will be trained in cultural competency, while those who do not may not get any training. This possible educational gap is concerning, as cultural competency training is imperative for effective lawyering.

While the inclusion of “cross-cultural competency” as a required component of the curriculum, discussed in the next Section, may appear to remedy the problem, it does not. The appearance of both “cultural competency” and “cross-cultural competency” within the same set of educational standards raises questions about the intended meaning of each term.

3. Standards 303(b) and (c): Professional Identity and Cross-Cultural Competency

The ABA has determined that effective lawyering in contemporary times does require law schools to provide education on “bias, cross-cultural competency, and racism,” as well as professional identity development that will prepare students to address systemic injustice.⁹⁷ The social and political turmoil resulting from the police killings of George Floyd and Breonna Taylor in 2020

The course learning outcomes shall be specific and measurable. They shall describe the knowledge, skills, or competencies that students will be able to demonstrate upon successful completion of the course. For courses required by a law school, the law school shall demonstrate that the learning outcomes align with the professional skills and knowledge necessary for competent and ethical participation as a member of the legal profession, any assessments or measures jurisdictions have adopted as a prerequisite for admission to practice, or the law school’s mission. (c) A law school shall deliver a consistent curricular experience to its students by ensuring that every section/offering of a course required by the law school adopts the same minimum learning outcomes identified in subpart (b) for the knowledge, skills, or competencies that will be taught. A faculty member may add content and adopt additional course learning outcomes beyond the minimum required by the law school.” See *Introduction to Learning Outcomes, Assessment, and Evaluation Standards*, A.B.A. <https://perma.cc/32ZG-8BLT> (May 19, 2026). These revisions took effect in August, 2025, and implementation is required by start of the 2026–2027 academic year. *Id.*

⁹⁶ See *Revisions*, *supra* note 85.

⁹⁷ See A.B.A., STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2024–2025, 19–29 (2024) [hereinafter ABA STANDARDS] <https://perma.cc/X4BR-A5CY>.

propelled the ABA to include these requirements and spurred law schools to strengthen their commitment to diversity and inclusion.⁹⁸

In June 2020, 150 law deans signed a letter to ABA's Council on the Section of Legal Education and Admission to the Bar urging more bias training as part of a wider anti-racism movement in legal education.⁹⁹ The letter requested that the ABA require training on "bias, cultural competence, and anti-racism" but stated that there should be latitude for each law school to dictate the specific content.¹⁰⁰ In 2022, the ABA revised its Standard to include a mandate to teach about "bias, cross-cultural competency, and racism."¹⁰¹ The new Standard also includes a requirement to provide opportunities for students to develop a "professional identity,"¹⁰² which "focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society."¹⁰³ The process by which the ABA's Educational Council arrived at its decision to institute these curricular requirements reflects the strong momentum in favor of institutionalizing anti-racist values in response to the police killings and ensuing racial unrest.¹⁰⁴ These revisions to the Standards reflect both a need to incorporate more or different

⁹⁸ See Kim Diana Connolly & Elisa Lackey, *The Buffalo Model: An Approach to ABA Standard 303(C)'s Exploration of Bias, Cross-Cultural Competency, and Antiracism in Clinical & Experiential Law*, 70 WASH. U. J. L. & POL'Y 71, 72–73 (2022) (discussing clinical teaching model and its delivery of the cross-cultural competency skills under ABA Standard 303(c) long before the 2022 mandate, and urging law schools to embrace the new outcome through clinical offerings).

⁹⁹ See Letter from Alicia Ouellette, President and Dean of Albany L. Sch. et al. to Members of the Council of the A.B.A. Section of Legal Educ. and Admissions to the Bar, <https://perma.cc/CFP8-4TVQ> (last visited May 19, 2026).

¹⁰⁰ See Connolly & Lackey, *supra* note 98, at 75–81 (providing the history of how the Standard was developed and eventually formalized).

¹⁰¹ Standard 303(c) provides that "[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." The accompanying Interpretation 303–6 provides, "the importance of cross-cultural competence to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced." See ABA STANDARDS, *supra* note 98, at 20.

¹⁰² Standard 303(b) states that "a law school shall provide substantial opportunities to students for... (3) the development of a professional identity." See *id.*

¹⁰³ See Standard 303 Interpretation 303–5, which states that "professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of a professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities during each year of law school and in a variety of courses and co-curricular and professional development activities." *Id.* at 21.

¹⁰⁴ See Connolly & Lackey, *supra* note 98, at 75–81 (explaining the origins and process by which the ABA came to establish Standard 303(c)).

competencies to address the existing social climate and an opportunity to improve legal education by building a more effective curriculum.¹⁰⁵

The ABA provides further guidance about “cross-cultural competency” regarding the professional responsibility curriculum under 303(a)(1), stating that “the importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced.”¹⁰⁶ While schools need not conform to any particular content or form of teaching bias, cross-cultural competency, and racism,¹⁰⁷ they 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.”¹⁰⁸ Law schools have met this mandate in a variety of ways, including the development of new courses, course changes, and the requirement students take at least one course from a menu of relevant courses.¹⁰⁹ This development is particularly meaningful because, prior to the new mandate to teach cross-cultural competency, many law school faculties agreed that cultural competency was a desired learning outcome, but not one that they could confidently teach to every law student.¹¹⁰

While the 303(c) outcomes are a direct result of the racial unrest that erupted in 2020, the implementation of these new requirements underscores the ABA’s recognition that lawyers have special professional obligations to their clients and society beyond the traditional competencies taught in law school. Thus, the new requirements provided an opportunity to reassess these competencies in the context of current conditions and circumstances. At the same time, the context of this new curricular mandate gives specific significance to the term “cross-cultural competency” that creates a potential inconsistency with “cultural competency” as

¹⁰⁵ See Neil W. Hamilton & Louis D. Bilonis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer’s Professional Identity, Part 1: Understanding the New Requirements*, NALP BULL. (May 2022), <https://perma.cc/ZV7C-XWXP>.

¹⁰⁶ ABA STANDARDS, *supra* note 97, at 1–22.

¹⁰⁷ See *id.* at 22.

¹⁰⁸ *Id.* Note that the drafters refer to “cultural competency” rather than “cross-cultural competency” here. While it is likely that the terms are treated as interchangeable, this discrepancy raises the important issue of the significance of nomenclature surrounding the concept. See *supra* Part III.A.

¹⁰⁹ See, e.g., Connolley & Lackey, *supra* note 98, at 82–89 (describing the University of Buffalo School of Law’s mandatory online course for all clinical students on cultural awareness and justice to satisfy the 303(c) requirement).

¹¹⁰ The exception to this position at the author’s institution, and likely many others, was the clinical and experiential faculty for whom cultural competency has been firmly integrated in the curriculum and course outcomes.

used in Interpretation 302-1, since the latter remains on the list as an optional skill. The challenge of consistently and clearly defining cultural competency as a professional skill requires intentionality and care. On this point, legal educators can learn from the cultural competency discourse in other professions and contexts that have already studied and established professional and educational standards.

C. Cultural Competency in Other Fields

Law is slow to adapt to change generally, and the normalization of cross-cultural competency as a fundamental professional skill, not just within the domain of clinical pedagogy and practice, is no exception. Ahead of the curve in this regard are other professions, such as medicine and social work, where cross-cultural competency is already regarded as an integral aspect of the profession's codes of ethics.¹¹¹ Scholars have called upon the legal academy to glean lessons from the experience of medical education to establish competency-based professional standards that better respond to the needs of the profession and to changing societal circumstances.¹¹²

For example, medical schools require cultural competency training as part of the curriculum, recognizing that culture plays a significant role in the proper delivery of healthcare services.¹¹³ The training enables health care providers to address disparities in health care quality related to cultural factors.¹¹⁴ In the realm of social work accreditation, cultural competence is captured in the required competency "Engage Diversity and Difference in Practice," which conveys the

¹¹¹ See Chopp, *supra* note 82, at 392–405 (comparing the relatively stronger ethics rules recognizing cultural competency in medicine and social work in the key areas of competence, communication, counseling, and professional misconduct); see generally Mireille Butler & Jaclyn Celebrezze, *Teaching Cross-Cultural Communication in Law School: Lessons from Medicine, Social Work, and Business*, 16 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS 45 (2026) (discussing the lessons and specific techniques law schools can draw from professional standards utilized in medicine, business and social work to cross-cultural competency in law schools).

¹¹² See generally, e.g., Neil Hamilton & Sarah Schaefer, *What Legal Education Can Learn from Medical Education About Competency-Based Learning Outcomes Including Those Related to Professional Formation and Professionalism*, 29 GEO. J. LEGAL ETHICS 399 (2016) (positing that legal education lags behind medical education by 15 years in terms of establishing professional competency-based standards in the curriculum and the law should emulate medicine's focus on professional and ethical development). See also Chopp, *supra* note 82, at 387–90; Lynch et al., *supra* note 9, at 339; Connolly & Lackey, *supra* note, 98, at 9–90 (exploring implementation strategies for the ABA's diversity and race learning outcomes in Standard 303(c) and drawing general similarities in the earlier experience in the medical, business and social work fields contexts).

¹¹³ See Chopp, *supra* note 82, at 387–90 (citing the medical education accrediting body, Liaison Committee on Medical Education (LCME)'s standards addressing "Cultural Competence and Health Care Disparities").

¹¹⁴ See *id.*

key concept of the service providers as “learners” of the differences their clients present.¹¹⁵ Given the heavy emphasis on effective patient and client relations as fundamental to the work of health care providers and social workers, their standards seem to reflect a more nuanced understanding of cultural competency, that cultural humility and sensitivity as well as continued openness to learning and reflecting are at the core of this “competency.”¹¹⁶

While the ABA’s inclusion of cross-cultural competency in its Standard 303(c) mandate is a significant step towards recognition of its importance as a fundamental skill, it is still perceived as a “specialty” area reserved largely for clinical and experiential faculty to teach.¹¹⁷ The legal profession should learn from the medical and social work professions, which approach cultural competency as a basic aspect of professional standards, rather than a niche subject that only some students will learn. Taking the initiative to clarify the use of “cultural” versus “cross-cultural” competency, including the context of diverse cultures existing in a transnational legal context, as well as a domestic one, and carving out a definition of global competency would improve the professional standards for law, particularly for next gen students and lawyers.

IV. COMPARING GLOBAL COMPETENCY AND CULTURAL COMPETENCY IN THE LEGAL CONTEXT

On their own, the terms “cultural competency” and “cross-cultural competency” encompass the ability to interact with individuals of different cultural backgrounds, regardless of the specific context. As used in the ABA Standards, the meaning defaults to interactions with individuals within the United States who have a different cultural background. However, as discussed in Part II, the practice of law is increasingly transnational and involve interactions with non-U.S. cultures and jurisdictions. Thus, the idea of global legal competency is needed to capture awareness of non-domestic legal systems and the ability to engage in these “cross-systemic” interactions. Global competency necessarily encompasses cultural competency, because interacting with individuals of other cultures is integral to cross-systemic interactions. It may seem like a semantics issue, but identifying commonalities and differences between “cross-cultural” and “global” is an important step before developing global legal competency outcomes.

¹¹⁵ See *id.* at 390–92.

¹¹⁶ See Curcio et al., *supra* note 4, at 185–89.

¹¹⁷ Instituting cultural competency training for all faculty would be a solid first step towards ensuring that students, in turn, receive adequate training.

A. Common Ground of Cultural and Global Competency: Relational and Problem-Solving Skills

At its core, the inclusion of professional responsibility and cultural competency requirements in the ABA Standards for the law curriculum reflects the growing importance of “professional skills” vis-à-vis knowledge of substantive law, theory and procedure.¹¹⁸ In particular, the skills of problem-solving, exercising good judgment, interpersonal communication, emotional intelligence, relationship building, empathy, resilience, and adaptability are needed to work effectively in a global marketplace.¹¹⁹ While cultural competency is indicated as a separate professional skill that law schools may include in their learning outcomes, the relational and problem-solving skills listed above are themselves required to achieve cultural competency.¹²⁰ Thus, relational skills are fundamental to both cultural competency and global competency.

Professors Neil W. Hamilton and Louis D. Bilonis, in their 2022 book *Law Student Professional Development and Formation: Bridging Law School, Student, and Employer Goals*,¹²¹ have identified a fundamental set of learning outcomes, client-centered relational skills, problem-solving, and good judgment, that essentially articulates the skills required for cultural competency and global competency.¹²² Based on the competencies named by legal employers and clients, additional competencies, including client focus and responsiveness, understanding of the client’s context and business, creative problem-solving, teamwork and collaboration, and an entrepreneurial mindset, are needed to meet the demands of the changing market for legal services.¹²³ These skills are represented by one axis

¹¹⁸ See Neil W. Hamilton & Louis D. Bilonis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer’s Professional Identity, Part 2: Action Steps to Benefit Students, Law Schools, and the Legal Profession*, NALP BULL. (June 2022), <https://perma.cc/U9PL-75TJ>.

¹¹⁹ See Mottershead & Magliozzi, *supra* note 2, at 61, 78–79.

¹²⁰ See Hamilton & Bilonis, *supra* note 118.

¹²¹ See NEIL W. HAMILTON & LOUIS D. BILONIS, *LAW STUDENT PROFESSIONAL DEVELOPMENT AND FORMATION: BRIDGING LAW SCHOOL, STUDENT, AND EMPLOYER GOALS* (2022), [hereinafter HAMILTON & BILONIS BOOK], <https://perma.cc/V7PF-MP6W>.

¹²² See Hamilton & Bilonis, *supra* note 118, referring to their work in the HAMILTON & BILONIS BOOK. The other fundamental outcomes that the authors synthesized from the literature are 1) a deep responsibility and care orientation to others, especially the client. 2) ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need, and 3) well-being practices. *Id.*

¹²³ See *id.* The traditional competencies, reflected in ABA Standard 302, include knowledge of doctrinal law, legal analysis, research, writing, oral communication, and professional and ethical responsibilities to clients. A third category of Foundational Competencies focuses on Ownership of Professional Development, including teamwork and collaboration, work ethic, grit/resilience, and organization and management. See HAMILTON & BILONIS BOOK, *supra* note 122, at 137, fig. 6.

of the Foundational Competencies Model developed by Hamilton and Bilonis, named “Client-Centered Relational Skills and Problem Solving.”¹²⁴

Relational and contextual problem-solving skills are reflected in many of the foundational lawyering competencies identified in a 2020 study led by Professors Deborah Merritt Jones and Logan Cornett to improve lawyer preparedness: the ability to interact effectively with clients; the ability to communicate as a lawyer; the ability to see the “big picture” of client matters; and understanding of legal processes and sources of law.¹²⁵ These skills are increasingly cross-cultural, whether they involve domestic or foreign/international clients and parties.¹²⁶ Another helpful framing of the realignment needed in law school training is to gear the development of professional skills to help students to “have impact working with others.”¹²⁷ Such skills would include “leadership of people and teams, developing and implementing strategy, working in teams, cross-cultural competence and developing a global mindset, emotional empathy and intelligence, leveraging others’ strengths, and understanding one’s own strengths and working style.”¹²⁸ This framing highlights the synergies between cultural and global competency as part of embracing a broader mindset for lawyering.

B. How Cultural and Global Competencies Diverge

Teaching “relational competencies”—critical for developing professional skills for law students—generally has fallen to clinical law faculty, given the heavy emphasis on client relations within the clinical curriculum.¹²⁹ One group of authors has classified relational competencies in the clinical context into three categories: intra-personal (how we are with ourselves), interpersonal (how we are with others), and systemic (how we relate to the structural dimensions of our local and global communities, societies, and even the entire planet”).¹³⁰ The authors

¹²⁴ See HAMILTON & BILIONIS BOOK, *supra* note 122, at 136–38.

¹²⁵ See JONES & CORNETT, *supra* note 7, at 44–46, 51–57, 65–73.

¹²⁶ See Bryant, *supra* note 6.

¹²⁷ See Scott A. Westfahl & David B. Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less*, 69 STAN. L. REV. 1667, 1705–10 (2017). The authors distinguish another set of skills under the definition of “impact working for others”, including *inter alia* negotiating effectively; legal problem-solving; core business skills and knowledge; and technology skills. See *id.* at 1707 (emphasis added).

¹²⁸ *Id.*

¹²⁹ See Susan L. Brooks et al., *Moving toward a Competency-Based Model for Fostering Law Students’ Relational Skills*, 28 CLINICAL L. REV. 369, 369–70 (2022) (advocating for a move towards a competency-based model of teaching relational skills in law schools, specifically drawing from the field psychology for guidance on supervising clinical students).

¹³⁰ *Id.* At 373–74. The authors provide a fuller definition of relational competencies: “a set of traits and skills, which we also think of as habits of mind and practices, including those that are *intra-personal*,

construct this third category of relational skills as including “awareness of our complex social identities, biases, blind spots, power, and privilege” as well as “appreciation for the role of historical and structural racism and oppression of marginalized communities.”¹³¹ This category of relational and problem-solving skills involving other *systems and structures* helps to capture the essence of global competency, in contrast to cross-cultural competency.

For lawyers, cultural competency is needed for interactions with clients, judges, opponents, witnesses, and other parties who have cultural backgrounds different than theirs but are situated domestically, and with those who have different cultural backgrounds and are situated in different countries and legal systems. The latter scenario requires the lawyer to have facility with navigating systemic differences in addition to interpersonal differences, as cultural perspectives imbue transnational matters and cross-border legal issues. Importantly, different cultures also view the role of lawyers in society differently, which can affect the process of resolving a legal issue.¹³² Thus, global competency differs from cultural competency in that it focuses primarily on relational facility between the lawyer and a different legal system, while cultural competency focuses on relational facility between individuals of different cultural backgrounds.

Crucially, global competency does not mean that one has specific knowledge or mastery of any particular system and its cultural characteristics. Rather, it means that one possesses an awareness that a global orientation may be needed in solving a legal problem, and has a basic understanding that accounting for one’s own context and the context of others, including cultures and legal systems that are non-domestic, is essential for effective lawyering. In other words, a globally competent lawyer understands that a legal matter may span jurisdictions (be transnational), involve a bilateral or multilateral treaty or conventions (be international), or the laws of another country (be foreign), in addition to the cross-cultural interactions among the parties. In sum, a globally competent lawyer employs a global (international and holistic) approach to client relations and legal problem-solving.

Global legal competency is critical in cases that directly involve or implicate non-U.S. jurisdictions or non-domestic laws, whereas “cultural competency” as used in legal education refers primarily, though not explicitly, to lawyering in a

such as self-awareness, reflective practices, and self-care; those that are *interpersonal*, such as deep listening, empathy, and cross-cultural communication; and those that engage with the *social/systemic* dimension of lawyering, such as appreciating the role of our multiple and intersectional social identities, implicit bias, privilege, power and structural racism.” *Id.* At 370 (emphasis in original). The article also draws from a set of relational lawyering framework of knowledge, skills, and values discussed in *RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE* (Susan L. Brooks & Robert G. Madden eds. 2010).

¹³¹ *Id.* at 374.

¹³² See Gevurtz, *supra* note 21, at 75–76.

domestic context with clients and other parties with different cultures. Making this distinction clear is important both to reconcile the different iterations of cultural competency that appear in the ABA Standards, as well as to establish global competency as a distinct and necessary lawyering skill.

V. LESSONS FROM GLOBAL COMPETENCY DEFINED IN OTHER CONTEXTS

The concept of “global competency” has yet to take hold as a learning outcome across law schools in the United States. In contrast, global competency has been established and more fully developed in other fields, and in other academic settings. This section surveys the state of global competency in non-legal contexts that will inform the development of learning outcomes for global legal competency. While there will necessarily be unique substantive features of global competency that apply to the legal context, many skills and values articulated for competency in other contexts are applicable, and therefore, instructive.

A. Global Competency Articulated in Other Professions

While legal educators can take cues from the medical and social work examples for treating cultural competency as an essential skill, they can look to the business school world for guidance on the need to adopt a global mindset.¹³³ In key ways, both the business and law fields are experiencing a parallel expansion of cross-border and transnational activity, making the ability to navigate a global landscape increasingly critical. Business school accreditation standards’ integration of global competency offers helpful guidance in developing analogous definitions for legal outcomes.

For example, in its Preamble of the 2020 Guiding Principles and Standards for Business Accreditation, the Association to Advance Collegiate Schools of Business (AACSB) lists “Global Mindset”¹³⁴ as a guiding principle. Standard 4.1 of the curricular requirements requires schools to deliver content that is “current, relevant, forward-looking, globally-oriented, aligned with program competency

¹³³ See ASSOCIATION TO ADVANCE COLLEGIATE SCHOOLS OF BUSINESS (AACSB), 2020 GUIDING PRINCIPLES AND STANDARDS FOR BUSINESS ACCREDITATION 17 (July 1, 2022), <https://perma.cc/ASR5-7M6Z>.

¹³⁴ The principle states: “The curriculum imbues the understanding of other cultures and values, and learners are educated on the global nature of business and the importance of understanding global trends. The school fosters sensitivity toward a greater understanding and acceptance of cultural differences and global perspectives. Graduates should be prepared to pursue business careers in a diverse global context. Learners should be exposed to cultural practices different than their own.” *Id.* at 18.

goals, and consistent with its mission, strategies, and expected outcomes.”¹³⁵ All business programs must “include an understanding of, and appreciation for, cultural norms across various regions and countries and how such differences impact managerial decision-making.”¹³⁶ Master’s degree programs “ordinarily include preparation for leading an organization, managing in a diverse global context, thinking creatively, making sound decisions and exercising good judgment under uncertainty, and integrating knowledge across fields.”¹³⁷ These standards reflect an expectation that 1) business will span borders and involve multiple cultures; and 2) problem-solving will entail an interdisciplinary and contextual approach. These themes will echo in the global competency language already adopted by some law schools, as discussed in Part VI.

B. Global Competency Developed at the Undergraduate Level

Another helpful resource for understanding the landscape of global competency comes from the undergraduate context. There, global learning has burgeoned as a sub-discipline and has given rise to robust academic discourse in recognition of the reality that preparing students to thrive in a complex, interconnected world requires concrete educational planning.¹³⁸ Overall, U.S. higher education’s global engagement is on the rise, as indicated in a 2022 American Council on Education study.¹³⁹ Fifty-eight percent of colleges and universities surveyed had specified global learning outcomes overall; 28 percent specified such outcomes for all students and 30 percent had such outcomes for students in some schools, departments, or programs.¹⁴⁰

The American Association of Colleges and Universities (AAC&U) provides excellent resources, including rubrics, for setting global outcomes. The Global

¹³⁵ *Id.* at 41.

¹³⁶ *Id.* at 43.

¹³⁷ *Id.*

¹³⁸ For example, the American Association of Colleges and Universities (AAC&U) dedicates programming for “Global Citizenship for Campus, Community and Careers,” which hosts conferences on global learning and provides various resources and publications on the topic of global learning and intercultural competency. *See Program Office – Office of Global Citizenship for Campus, Community, and Careers*, AM. ASS’N COLLS. & UNIVS., <https://perma.cc/G2TQ-X77J> (last visited May 19, 2026); *see also NAFSA Regional Conferences*, NAFSA, <https://perma.cc/S44K-WE8T> (last visited May 19, 2026). NAFSA is an international association dedicated to international education and exchange which hosts numerous conferences and develops resources for higher education faculty and administrators involved in international teaching.

¹³⁹ *See generally* MARIA CLAUDIA SOLER ET AL., MAPPING INTERNATIONALIZATION ON U.S. CAMPUSES: 2022 EDITION (Am. Council on Educ. 2022), <https://perma.cc/B5UG-C3LJ>.

¹⁴⁰ *Id.* at 33. The presence of global learning outcomes was most frequently seen among doctoral (78 percent) and master’s (72 percent) institutions. *Id.*

Learning rubric clarifies the distinction between global and cross-cultural competencies and is thus instructive for purposes of developing definitions of global competency in the legal context.¹⁴¹ It defines Global Learning as a “critical analysis of and an engagement with complex, interdependent global systems and legacies...based on the principle that the world is a collection of interdependent and inequitable systems....”¹⁴² An updated definition as of 2023 is that “global learning is the process of diverse people collaboratively analyzing and addressing complex problems that transcend borders and engaging in actions that promote collective well-being.”¹⁴³ The process of global learning involves problem solving, diversity, and collaboration.¹⁴⁴ Further, collective well-being is always “dynamic and contextual,” with individual and collective well-being “inextricably linked.”¹⁴⁵ Alternatively, AAC&U’s rubric for Intercultural Knowledge and Competence provides a broader definition of cultural competency: “a set of cognitive, affective, and behavioral skills and characteristics that support effective and appropriate interaction in a variety of cultural contexts.”¹⁴⁶ While the former rubric provides a framework for engaging in matters that transcend borders and involve different systems and individuals, the latter regards different cultural interactions broadly.

Another academic take on developing definitions for global competency stems from a 2004 study of a panel of multinational businesses, transnational corporations, international educators, United Nations officials, and others, that produced a working definition of global competency: “having an open mind while actively seeking to understand cultural norms and expectations of others, leveraging this gained knowledge to interact, communicate and work effectively outside one’s environment.”¹⁴⁷ The study also refers to a related articulation of what constitutes global competence: the combination of “perceptual knowledge” (open-mindedness, resistance to stereotypes, complexity of thinking, and perspective consciousness) and substantive knowledge of cultures, languages,

¹⁴¹ See *Global Learning VALUE Rubric*, ASS’N AM. COLLS. & UNIVS., <https://perma.cc/PME6-SA8Q> (last visited May 19, 2026).

¹⁴² See *id.*

¹⁴³ Landorf & Doscher, *supra* note 52.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ See *Intercultural Knowledge and Competence VALUE Rubric*, ASS’N AM. COLLS. & UNIVS., <https://perma.cc/43NF-E3LD>. For a rich resource for studying and building pedagogy around cross-cultural competency, see THE SAGE HANDBOOK OF INTERCULTURAL COMPETENCE (Darla K. Deardorff ed. 2009), featuring an anthology of essays regarding Conceptualizing Intercultural Competence, Applying Intercultural Competence, and Research & Assessment in Intercultural Competence.

¹⁴⁷ See Bill Hunter et al., *What Does It Mean to Be Globally Competent?*, 10 J. STUD. INT’L EDUC. 267–85 (2006).

global dynamics, and more.¹⁴⁸ Global competency is the “ability to understand the interconnectedness of peoples and systems; to have a general knowledge of history and world events; to accept and cope with the existence of different cultural values and attitudes, and indeed, to celebrate the richness and benefits of this diversity.”¹⁴⁹ The authors recognized that any definition is a starting point, to be tailored to the needs and characteristics of specific institutions.¹⁵⁰

It is worth noting that many colleges and universities have embraced a global outlook and orientation for multiple reasons, including to elevate global citizenship for its own virtues and to acknowledge the presence of a significant cohort of foreign students on their campuses. Similarly, there is both an “intrinsic” and “strategic” value to training law students to be globally competent: it fosters awareness of social justice, the rule of law, and unequal power structures on a global scale, while also helping students be competitive in an increasingly global legal marketplace.¹⁵¹ Rather than being mutually exclusive, these values co-exist to strengthen the rationale for articulating global competency. The knowledge, skills, and values for global competency identified in non-law academic contexts provide helpful guidance and context for defining and refining the meaning of global legal competency.

VI. EXISTING ITERATIONS OF GLOBAL LEGAL COMPETENCY

The distinguishing feature of global competency is the ability to identify learning outcomes that enhance students’ ability to navigate legal systems that are culturally distinct from domestic ones. While the ABA has not used the term “global” in its Standards for legal education and the inclusion of Standard 303(c) seems to contemplate cross-cultural competency in a domestic context, some legal scholars have led the effort to promote the teaching and learning of international and comparative law, as well as to study the best ways to teach “intercultural competence” to law students. Some law schools have indeed articulated J.D. learning outcomes that touch on some key themes of global competency. Both sources provide building blocks for crafting global learning outcomes.

¹⁴⁸ See *id.* at 275.

¹⁴⁹ See *id.* at 274.

¹⁵⁰ *Id.* at 270.

¹⁵¹ See Tim Connor et al., *Becoming Global Citizens and Global Lawyers: Incorporating International Work and Study Experiences into the Australian Law School Curriculum*, 25 CLINICAL L. REV. 63, 66–67 (2018) (discussing the impact of global citizenship education through study abroad programs in Australian law schools).

A. The Tahoe II Workshop on Intercultural Competence

Defining the goals underlying the creation of global competency outcomes, as with any set of learning outcomes, is an essential first step. The work of Professor Franklin A. Gevurtz and the team of faculty from around the country and abroad who participated in the 2011 Pacific McGeorge Workshop on Promoting Intercultural Competence (The “Tahoe II” Conference) helped to lay the foundation for this task.¹⁵² While the project did not employ the term “global legal competency,” it defined “intercultural competence” as “competence in dealing with the legal systems and broader cultures,” specifically concerning how clients, parties, and other international attorneys operate when navigating transactions across national borders.¹⁵³ The article summarizing the Conference findings (“the Report”) not only examined the need for this type of competence for U.S. law students, but it also explored the challenge of how law school curricula could achieve this goal and expose all of its students to international, transnational, and comparative law.¹⁵⁴

The Report acknowledges some inherent tensions in the endeavor to impart intercultural competence to law students. For instance, it acknowledges that law schools may seek different levels or types of learning outcomes depending on their overarching goal.¹⁵⁵ The goal could center on desiring a basic universal understanding among all law graduates of the existence of different legal systems and cultures, both globally and domestically.¹⁵⁶ Alternatively, a different goal may be to achieve competence in the specific knowledge and skills necessary for those whose actual practice will have a significant transnational dimension.¹⁵⁷ At a minimum, students should have “awareness of the relationship of law to the institutions and culture” and “know the questions to ask, rather than to have all the answers.”¹⁵⁸ Intercultural competence must be grounded in sensitivity and

¹⁵² See generally Gevurtz, *supra* note 21 at 63. The Tahoe II conference was a follow-up to the Tahoe I conference which took place in 2005 and focused on how to introduce international, comparative, and transnational law issues into the law curriculum. *Id.* at 64. Participating faculty included a global and diverse group representing Africa, Asia, Europe, Latin America, and the U.S., as well as various disciplines within academia. *Id.* at 65.

¹⁵³ *Id.* at 64.

¹⁵⁴ *Id.*

¹⁵⁵ See *id.* at 73–76.

¹⁵⁶ See *id.*

¹⁵⁷ See *id.* Outcomes that require more specific knowledge of different legal systems and philosophies could be tied to particular courses for students interested in transnational practice rather than as general outcomes applicable to all J.D. students.

¹⁵⁸ *Id.* at 78.

awareness, not specific knowledge of any particular culture or system.¹⁵⁹ Setting goals carefully and intentionally according to the institutional priorities and mission, while understanding the broader scope of outcomes, is critical.

Another tension involves the framing of the desired outcomes' purpose: whether it ought to be "utilitarian" (preparing law graduates for competent professional practice in a global environment) or "instrumentalist" (achieving greater access to justice for underrepresented cultures and groups).¹⁶⁰ This "debate" echoes similar discussions in non-law contexts¹⁶¹ and in discourse about global lawyering abroad,¹⁶² but in each case, the tension is more perceived than real. There is little debate that exposure to the concept of social justice for underserved populations and strengthening students' sensitivity to marginalized perspectives is desirable, and that the ability to understand and collaborate with those of other cultures is a marketable skill.¹⁶³ Indeed, the two overarching goals need not present an "either or" choice.

The Report also identifies an essential learning outcome for intercultural competence: open-mindedness and the ability to not only "see the world through the perspective of others" but also self-awareness about one's own culture.¹⁶⁴ The umbrella concept of open-mindedness involves a set of specific outcomes: provisional thinking about legal systems and culture; self-awareness of one's own culture; avoiding assumption of homogeneity of person within a culture; avoiding conflating race and culture; and awareness of power relationships within and between cultures.¹⁶⁵ Overall, this set of outcomes echoes the clinical law scholarship's emphasis on self-knowledge as the first step in practicing cultural humility to understand others.¹⁶⁶ The Report's findings and conclusions are

¹⁵⁹ See *id.* at 77–78.

¹⁶⁰ *Id.* at 71–72. The Report identifies an additional consideration that has an impact on crafting learning outcomes for intercultural competence: the role of lawyers and legal education in a given culture. Differing views regarding the professional role of lawyers, including whether they are perceived as leaders in society, and how their role as advocates is defined, will inform intercultural learning outcomes. The Report illustrates this point by explaining that the notion of "zealous advocacy," for example, is a fundamental professional standard for lawyers in the U.S. but not in other cultures, such as France. *Id.* at 78.

¹⁶¹ See *supra* Part V.

¹⁶² See Connor et al., *supra* note 151, at 66–67 (arguing that international work and study experiences for Australian law students enhanced their global outlook through a more open-minded, self-critical, and respectful approach to other cultures, and that these very skills are desired by legal employers).

¹⁶³ See *id.* at 71–73.

¹⁶⁴ *Id.* at 79.

¹⁶⁵ *Id.* at 82–83.

¹⁶⁶ See *supra* Part III. For a discussion of the importance of cultural self-awareness to the skill of multicultural lawyering, see Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop*

instrumental in formulating the taxonomy of global outcomes discussed in Part VII.¹⁶⁷

B. Law Schools with Published Global Outcomes

A small number of law schools have published learning outcomes that are “global” in a broad sense. Data from the Holloran Center for Ethical Leadership’s database of accredited law schools’ learning outcomes as of November 2023 indicate that about 13% of all accredited law schools (totaling 28), have integrated the terms “global,” “international,” “transnational,” or “world” in their published J.D. learning outcomes required of all graduates.¹⁶⁸ Table 1 includes 11 schools and excerpts of their published outcomes referring to “global” competency: Boston College, Cornell, Florida International, U. Hawaii, Indiana, Northeastern, U. San Francisco, Southern Illinois, Temple, Texas A & M, and U. Washington. Table 2 shows an additional seven schools with published learning outcomes addressing knowledge or awareness of “international” or “transnational” law: Detroit Mercy, Harvard, Loyola U. Chicago, Pacific McGeorge, U. North Dakota, Penn. State, and Washburn. A third group of eight schools broadly acknowledge, in essence, that a lawyer’s milieu extends to a diverse and changing world.¹⁶⁹

Law School	Published Outcomes with “Global” References
Boston College	A readiness for intellectual and professional engagement, whether in local, national, or global settings, that incorporates respect for knowledge and for the dignity of the human person.
Cornell	Understand how the law operates in domestic and global contexts...Engage in culturally competent interactions in an increasingly global legal community connected across

Cultural Self-Awareness, 11 CLINICAL L. REV. 369 (2005) (discussing the value of, and providing a framework for, using social and cognitive psychology to understand the unconscious mechanisms that govern one’s judgment of others culturally).

¹⁶⁷ The author’s own engagement with teaching, research, service, and experience with global learning in the legal space are also integral to developing the taxonomy.

¹⁶⁸ See *U.S. Law School Learning Outcomes*, HOLLORAN CTR. FOR ETHICAL LEADERSHIP UNIV. ST. THOMAS SCH. L. (Nov. 2023) [hereinafter *Holloran Outcomes*], <https://perma.cc/7PC2-K5WG..> The Holloran Center provides resources for a holistic and intentional approach to professional identity formation. *Holloran Ctr. for Ethical Leadership*, UNIV. ST. THOMAS SCH. L. <https://perma.cc/G87Z-R6VP> (last visited May 19, 2026).

¹⁶⁹ Albany; U. California, Davis; U. California, Los Angeles; Duquesne; Nebraska; U. Oregon; Suffolk; and UNT Dallas. See *id.*

	countries and cultures through technology, immersive study, and transnational practice.
Florida International	Demonstrate the knowledge and skills for competent and ethical participation within the domestic and the global legal contexts.
Hawaii	Recognize our global connectedness, especially to the Asia and Pacific regions.
Indiana	Demonstrate intellectual and professional engagement within the law school and a readiness to contribute personally and professionally to other local, national, or global communities...Our students will be inspired by their studies, by the nature and power of the law, and by the role law plays in society locally, nationally, and globally.
Northeastern	Incorporate Interdisciplinary and International Thinking into Legal Analysis: How Lawyers Utilize Other Disciplines and Global Perspectives.
U. San Francisco	Capacity for, awareness of, and openness to working in a diverse environment, from a global perspective, and toward the advancement of social justice.
Southern Illinois	Provide a diverse educational environment where students are encouraged to examine their values and develop the ability to interact effectively with clients, other counsel, the judiciary, and others in a global society.
Temple	Students will demonstrate an awareness of the operation of law in a global context.
Texas A&M	Students will demonstrate knowledge in core areas of substantive law, procedure, and legal theory and will be aware of the role of law in the United States and global community.
U. Washington	CONTEXTUALIZE LAW: Situate legal issues within broader institutional contexts. a. This may include analyzing the law from diverse and global perspectives; discussing the political, social, and economic forces that shape laws; and examining not only the likelihood of an argument or strategy's legal success, but also the moral,

	economic, social, political, and other factors implicated by the argument or strategy.
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Table 1. Law Schools with Global Outcomes

Law School	Published Outcomes with “International” or “Transnational” Reference
Detroit Mercy	Graduates will demonstrate an understanding of the transnational nature of the practice of law in the twenty-first century. a. Students will demonstrate a basic understanding of the structure and principles of a legal system other than the core American legal system. b. Students will demonstrate a basic understanding of international or comparative law principles.
Harvard	Knowledge and understanding of substantive and procedural law, and the domestic, international, and transnational institutions that make and apply law.
Loyola U. Chicago	Loyola University Chicago School of Law seeks to produce graduates who are prepared to become responsible leaders in a rapidly changing interdependent world. ... b. Graduates should be aware of the importance of keeping up with developments in areas of the world outside the United States. i. They stay abreast of developments in other countries and in bodies of international law that affect the areas of law in which they practice. ii. They stay abreast of developments in other countries and in bodies of international law that affect the interest of their clients.
Pacific McGeorge	Demonstrate the ability to identify and understand foundational concepts in international law and to perform international legal research.
U. North Dakota	Foundational Knowledge: Our curriculum will provide students with foundational knowledge. After completing our program of legal education, students will:... b. Understand legal systems and institutions at the local, state, tribal, national, and international levels.
Penn. State	Entry-level lawyer capabilities. At the level of proficiency required for effectiveness as an entry-level lawyer and in a manner appropriate to a student’s professional goals, each graduating student must have demonstrated satisfactory or better performance in most of the following learning

	outcomes ... iv. Recognizing how international and foreign law can affect a client's rights and knowing how to respond
Washburn	Graduates will demonstrate knowledge of the importance of service to the profession and to the community at large, both nationally and internationally.... c. Students will understand comparative perspectives on law, whether from international or foreign legal systems, other academic disciplines, or other critical viewpoints, and will use those perspectives as tools for critiquing or challenging the role of law in society. d. Students will recognize the existence and value of diversity both within the legal profession and among the clients it serves.

Table 2 Law Schools with International or Transnational Outcomes

While each set of global outcomes is unique, collectively they reflect recognition of two related broad themes: first, that the current environment for lawyering is not limited by national borders, and second, the practice of law is increasingly contextual and interdisciplinary. Exemplifying the first theme, Cornell's outcomes articulate the need to teach global competency most explicitly: under "knowledge of substantive and procedural law" is the outcome "understand how the law operates in domestic and global contexts," and under "practical skills," is the outcome "engage in culturally competent interactions in an increasingly global legal community connected across countries and cultures through technology, immersive study, and transnational practice."¹⁷⁰

Harvard's requirement that graduates possess "knowledge and understanding of substantive and procedural law, and the domestic, international and transnational institutions that make and apply law" correctly assumes that a U.S. lawyer's practice is no longer confined to national borders. Detroit Mercy devotes a section of its outcomes to global lawyering: "Graduates will demonstrate an understanding of the transnational nature of the practice of law in the twenty-first century a. Students will demonstrate a basic understanding of the structure and principles of a legal system other than the core American legal system. b. Students will demonstrate a basic understanding of international or comparative law principles." Penn State's outcome of "recognizing how international and foreign law can affect a client's rights and knowing how to respond" explicitly

¹⁷⁰ See Holloran Outcomes, *supra* note 168.

states the potential impact of non-domestic law on providing services to a domestic client.¹⁷¹

The second theme of focusing on perspective-taking and an interdisciplinary approach to lawyering is illustrated by the University of Washington's outcome, which includes a category of outcomes on the ability to "contextualize law."¹⁷² Under this category, students must learn how to "[s]ituate legal issues within broader institutional contexts...This may include analyzing the law from diverse and global perspectives; discussing the political, social, and economic forces that shape laws; and examining not only the likelihood of an argument or strategy's legal success, but also the moral, economic, social, political, and other factors implicated by the argument or strategy."¹⁷³ Northeastern Law states that students must "Incorporate Interdisciplinary and International Thinking into Legal Analysis."¹⁷⁴ These outcomes aptly capture the multi-dimensional, contextual, and interrelatedness involved in modern lawyering.

To compare the presence of global competency against cultural competency in law school outcomes, only about a quarter (about 46) of all 205 accredited schools include "cultural competency" as a published J.D. learning outcome.¹⁷⁵ These schools included several iterations of the concept, including "cultural" or "cross-cultural" competency, cultural awareness, or cultural sensitivity.¹⁷⁶ While this number seems surprisingly low, given that the ABA has included cultural competency as a professional skill schools may include in their outcomes since 2015 and clinical faculty have long incorporated this skill in their curriculum, it speaks to the lack of training and competency on the part of law faculty generally

¹⁷¹ *See id.* Note this outcome is not individually required but is on a list of professional skills, "most" of which a student must acquire for graduation. *Id.*

¹⁷² *See id.*

¹⁷³ *See id.* A similar emphasis on interdisciplinary perspectives appears in the U. of South Carolina's outcome requiring students to "have at least one interdisciplinary perspective on the law and an understanding of the sources of law and legal change. a. Curriculum: Each graduate must complete at least one course approved by the faculty as a perspective course, meaning that it provides study of legal issues in the perspective of another, related discipline or the study of international law or comparative legal systems...." *Id.*

¹⁷⁴ *See id.*

¹⁷⁵ *See id.* Four schools on this list—Cornell, Washington, Penn. State, and Detroit Mercy—separately articulated global competency. For example, Penn. State, in addition to the "skill" of "recognizing how international and foreign law can affect a client's rights and knowing how to respond" the outcomes under "professional values" include "The important role that cultural competency serves in a lawyer's ability to deliver competent legal services to clients." It should be noted that individual courses and clinical programs at most, if at all, law schools, typically have their own specific learning objectives including those related to cultural competency.

¹⁷⁶ *See id.*

to teach cultural competency.¹⁷⁷ Indeed, not listing “cultural competency” as a learning outcome is the responsible course of action if the faculty lacks confidence that every law student is receiving adequate instruction to develop this skill. The absence of this outcome in a large majority of law schools indicates that normalizing faculty support for cultural competency training is slow to take hold.

Even accounting for the fact of a law school’s geography requiring greater training in cross-border matters (see Detroit Mercy and Florida International), the variety of schools that have acknowledged the importance of global competency (global in both senses) provides excellent examples of learning outcomes that better reflect and respond to the reality of 21st-century practice. At the very least, their learning outcomes can actually serve as a source of guidance for the ABA and other law schools in contemplating global competency as a professional skill, helping to lay a solid foundation for building a taxonomy of global competencies.

VII. A PROPOSED TAXONOMY OF GLOBAL LEGAL COMPETENCY

Resetting standards for curricular learning outcomes at U.S. law schools typically occurs through a synergistic process between law school leadership and the ABA’s Education Council.¹⁷⁸ Since the ABA’s educational mandates are minimum standards for what accredited law schools must do to educate law students, law schools are free to do more and place emphasis on select subject areas. As discussed in the previous section, some law schools have taken the initiative to craft learning outcomes that include global competency, articulated in a variety of ways, presumably in accordance with their unique missions and priorities. This section offers a framework for considering a range of learning outcomes for global competency: Knowledge, Skills, and Values, as well as preliminary suggestions for assessing the Values column.

A. Learning Outcomes for Global Legal Competency

The ABA’s standards for student competency, discussed in Part III, outline the minimum requirements for accreditation, but each institution can select and

¹⁷⁷ See Shahrokh Falati, *The Makings of a Culturally Savvy Lawyer: Novel Approaches For Teaching and Assessing Cross-Cultural Skills in Law School*, 49 J. L. & EDUC. 627, 636–37 (2020) (arguing that a diverse U.S. population requires cultural competency training in law schools and suggesting ways to teach and assess it outside of the clinical context). See also Tully, *supra* note 81, at 206–08.

¹⁷⁸ A good example of this process, discussed *supra* in Part III.B., is the push by some law school deans to mandate inclusion of education on systemic racism and bias in the law, leading to the ABA’s 2020 change to include Standard 303(b) and (c).

add other suggested outcomes that align with its mission.¹⁷⁹ Defining learning outcomes for law curricula is a complex task, as any faculty or administrator involved in the process understands. Drafting outcomes is challenging, as they should be “specific, measurable, achievable, relevant, and realistic.”¹⁸⁰ If overly broad, they provide little guidance, and if too precise, they prescribe learning too narrowly.¹⁸¹ Determining the right set of outcomes for global legal competency is particularly challenging, as it is uncharted territory.¹⁸² However, the scholarship and research on cultural and global competency discussed in this article establish a strong foundation for developing learning outcomes for global legal competency. Additionally, the various approaches to globally-focused outcomes that some law schools have already adopted help to provide sample language and ideas.

Building from this collective body of knowledge, Table 3 represents a taxonomy of Knowledge, Skills, and Values¹⁸³ associated with global legal competency. For each category, there are three levels of shading that demonstrate a continuum of outcomes, from high-level concepts to specific abilities and skills, from which a law school can draw inspiration for articulating the set of competencies that best suits its context and mission.

Taxonomy of Learning Outcomes for Global Legal Competency			
	Knowledge	Skills	Values
	Appreciate the interconnectedness of domestic and international legal issues	Incorporate global perspectives in legal analysis	Demonstrate cultural humility and its importance to effective lawyering

¹⁷⁹ As discussed *supra*, Part III.B., “cultural competency” is one of several suggested professional skills that schools may include in their outcomes, while “cross-cultural competency,” along with racism and bias, is among the mandated curricular outcomes under Standard 303(C).

¹⁸⁰ Curcio et al., *supra* note 4, at 194.

¹⁸¹ *Id.*

¹⁸² Learning outcomes for cultural learning in the legal context, however, are not uncharted. For an excellent discussion of learning outcomes for what the authors label “culturally sensible” lawyering, including a survey instrument to guide in creating them, *see id.* at 193–203.

¹⁸³ The “triad” of knowledge, skills, and values is an imperfect categorization of learning outcomes, as some items could be listed under more than one category, but this “traditional” breakdown of outcomes is still useful and widely utilized. *See* Lynch et al., *supra* note 9, at 345–47.

Broad Concepts	Understand that legal issues may require a contextual or interdisciplinary approach	Engage in basic analysis of legal problems with transnational dimensions	Demonstrate openness to continuous learning about other cultures and legal systems
Comparative Perspectives	Have awareness of one's own legal system relative to other legal systems of the world	Engage in comparative analysis of laws in different legal systems	Understand ethical obligations and professional identity of lawyers in a comparative context
	Understand the impact of culture and language on dealing with foreign laws and lawyers	Conduct basic international and foreign law research	Respect different legal traditions and ideas of justice
Specific Abilities and Attitudes	Understand the differences between common and civil law systems	Communicate effectively across cultural and linguistic differences	Commit to equity and justice across national and cultural boundaries
	Understand the basic principles and sources of international law	Apply contextual or interdisciplinary problem-solving approach to global issues	Seek to engage professionally in international settings

Table 3. Taxonomy of Global Legal Competency Outcomes

First, the Broad Concepts level presents ideas at a high level that essentially convey an awareness that there are cultures and legal systems other than one's own, and that legal matters are not necessarily confined to one legal system. While the concepts may appear simple, they would be bold additions to existing outcomes nonetheless, for the simple reason that they are absent from the vast majority of law school learning outcomes. In that sense, the Broad Concepts level literally puts global thinking on the learning outcomes map. In the Values category, this level resets thinking about culture two-dimensionally, and reframes

cultural learning as a continuum. The outcomes in this level are principle-based and allow broad latitude in teaching approaches.

The second level of outcomes, Comparative Perspectives, zooms in on taking a comparative approach to law, which necessarily begins with understanding one's own legal system and philosophy. A meaningful comparison, therefore, clarifies and solidifies understanding of both the known system and the comparator. This level also includes specific skills that enable a comparative approach, such as introductory foreign or international law research, and expand thinking about "the law" beyond the domestic arena. Importantly, the Values in this level focus on differences among cultures and systems in terms of both the professional role of lawyers, as well as ideas of justice.

The third level of global legal competency outcomes in the taxonomy—Specific Abilities and Attitudes—relates to specific knowledge, skills, and values appropriate for law schools that hold global lawyering skills as part of their mission, or for individual courses relating to international or comparative law. These are focused, concrete outcomes that would enable a student to practice in a culturally diverse, global setting. The purpose of presenting this slate of learning outcomes is to create options and possibilities that can serve either as a comprehensive set of outcomes, or as a menu from which a school can make "a la carte" selections. Far from being prescribed mandates, the taxonomy can be adapted to suit a wide spectrum of institutional goals. At the very least, it is an organized framing of ideas that can jumpstart the conversation about potentially adopting global competency outcomes.

B. A Note About Assessing Outcomes

Once a set of learning outcomes is established according to the mission and goals of an institution, the next important step is to determine how students will be assessed to gauge their mastery of the relevant knowledge, skills and values. Indeed, developing assessments that correlate to learning outcomes may be the particularly challenging for outcomes that fall in the "Values" column, as they reflect beliefs and attitudes and would require consideration of the robust research and scholarship regarding best practices for law assessments.¹⁸⁴ While a full discussion of assessment strategies for global competency would require additional research and an article dedicated to the topic, one clear observation applicable to the global taxonomy is that while substantive knowledge and some skills can be evaluated through exams, quizzes, and other "objective" methods,

¹⁸⁴ See Lynch et al., *supra* note 9, at 355–59. For example, the distinction between summative (graded exams and papers) and formative (graded or ungraded exercises or activities that measure student progress and understanding of the material) is critical, especially when developing assessment methods for values or attitudes, which are generally less amenable to objective assessments.

values learning is most effectively assessed through interactive engagement using tools such as simulations, discussions, and reflections.¹⁸⁵

In the context of the outcomes listed as Values in Table 1, for example, simulations could include a negotiation between parties from different cultures and jurisdictions, a mock oral argument before an international tribunal, or collaborating with lawyers from another jurisdiction on the drafting of a policy or analyzing a scenario that raises ethical rules for lawyers in different countries. Discussion could follow the simulation and unfold in a number of ways, including peer reviews with debriefings of the experience, or informal presentations with Q&A to allow students to learn from each other. To affirm and concretize learning, students could reflect on the experience through one-minute papers on knowledge of a particular global skill, self-assessments or self-evaluations critiquing their work on an assignment, short reflective essays with carefully drafted prompts, or as journal entries part of a longer portfolio tracking the evolution of thoughts over time.¹⁸⁶ Assessments for the required learning outcomes relevant to cross-cultural competency under ABA Standard 303(c) may be instructive for global outcomes, as they would also involve gauging a shift in attitudes and perspectives.¹⁸⁷ An intentional approach that takes into account best practices for law assessments, especially those involving values and attitudes about culture, is paramount.

VIII. THE PATH AHEAD FOR GLOBAL LEGAL COMPETENCY

While individual law schools can choose to go beyond the mandated ABA outcomes, the task to normalize widespread inclusion of global learning outcomes falls primarily on the ABA's legal education decisionmakers. Both groups can benefit from the proposed taxonomy of global legal competency as well as the scholarship and resources that informed its development. The challenges of navigating any important decisions that impact law school curricula across the board are complicated even further by a political climate and federal actions that seem to be at odds with the general themes of diversity or multiculturalism.

A. Call to ABA Action

The ABA has a responsibility to implement and influence legal education standards to meet evolving demands and ensure that graduates will be prepared to face the reality of legal practice. While such changes are difficult and slow to

¹⁸⁵ See *id.*; Curcio et al., *supra* note 4, at 199–203.

¹⁸⁶ See Lynch et al., *supra* note 9, at 355–59 (discussing a variety of assessments to test learning of “intercultural effectiveness”).

¹⁸⁷ See generally Connolly & Lackey, *supra* note 98.

institute, the ABA has demonstrated this adaptability over the last decade by revising its accreditation requirements to include such changes as requiring formative assessments, expanding experiential learning, and allowing online learning—all responses to the changing needs and rigors of law practice.¹⁸⁸ Most importantly, the ABA’s move to base curricular requirements on a framework of learning outcomes and competencies,¹⁸⁹ rather than input measures and content, recognizes that training future lawyers requires a flexible approach that best addresses gaps in learning and prepares students for contemporary law practice.

As argued throughout this article, while the ABA has identified cultural competency as a professional skill and recently mandated cross-cultural competency as a curricular requirement, these outcomes only partially address the needs of global competency. To promote the importance of global competency for next gen students, the ABA can take one or all of the following steps, in order of low to high impact: 1) reconcile the various uses and definitions of “cultural competency” and “cross-cultural competency” in the education standards,¹⁹⁰ and explain that this skill refers to interactions between individuals and different cultures and legal systems, in addition culturally diverse individuals within the same legal system; 2) include “global competency” as one of the optional professional skills “needed for competent and ethical participation as a member of the legal profession” under Standard 302(d) Interpretation 302-1; and 3) establish “global legal competency” as a required J.D. outcome for all accredited law schools. Of course, any reference to “global legal competency” must include a definition.

While drafting any set of rules or definitions presents the challenges of clarity, word choice, and nuance, the ABA’s burden in setting education standards also lies in the need to balance these challenges against the need to allow flexibility for each law school to determine the best way to achieve the goals of the rules. Then, rather than dictating and micromanaging, the ABA’s task is to guide and

¹⁸⁸ A prime example of adapting legal education standards to meet evolving needs the NextGen Bar Exam set to debut in some states in July 2026, “will test a broad range of foundational lawyering skills, utilizing a focused set of clearly identified fundamental legal concepts and principles needed in today’s practice of law.” *About the NextGen UBE*, NAT’L CONF. BAR EXAM’RS, <https://perma.cc/259L-3BRF> (last visited May 19, 2026). Foundational lawyering skills include legal research, legal writing, issue spotting and analysis, investigation and evaluation, client counseling and advising, negotiation and dispute resolution, client relationship and management. *NextGen UBE*, NAT’L CONF. BAR EXAM’RS, <https://perma.cc/5GZ4-9NZX> (last visited May 19, 2026).

¹⁸⁹ See Mottershead & Magliozzi, *supra* note 2, at 55–56 (distinguishing learning outcomes, which are focused on acquiring knowledge and skills, from competency, which is the ability to apply the knowledge and skills in a variety of situations).

¹⁹⁰ Even apart from the suggestion to include global competency within ABA Standards, the ABA should remedy its inconsistent use of the terms “cultural competency” and “cross-cultural competency” to clarify whether the intended meanings are different as argued *supra* Part III.

explain the purpose behind the standards, hence the importance of the ABA Guidance Memos and Interpretations in gaining a thorough understanding of the learning outcomes. Table 4 offers a suggested definition for “global legal competency” appropriate for J.D. learning outcomes that the ABA could include in its guidance language.

Global Legal Competency
Understanding that multiple legal systems and frameworks exist beyond U.S. law, recognizing when legal matters may involve foreign or international law elements, being aware of major differences among legal systems—such as common law versus civil law traditions—and possessing cross-cultural skills necessary for working effectively with clients, parties, documents, and legal professionals from different legal systems and cultural backgrounds.

Table 4: Suggested Definition of Global Legal Competency

B. Political Barriers and Opportunities Regarding Diversity-Related ABA Initiatives

It must be noted that this article’s call to normalize global legal competency as an educational imperative for law students and next gen lawyers occurs against the backdrop of federal policies that prioritize nationalistic, not globalist, values. In fact, the ABA’s recent focus on professional identity and cross-cultural competency is largely at odds with the current administration’s attacks against DEI initiatives and affirmative action.¹⁹¹ The Supreme Court’s 2023 ruling in *SFFA v. Harvard*¹⁹² banned consideration of race in college admissions, overturning long-established jurisprudence preserving the educational

¹⁹¹ In a February 2025 letter, Attorney General Pam Bondi warned the ABA that its DEI-related accreditation standards—specifically, Standard 206—might violate federal law, suggesting that the ABA’s accreditor status could be revoked. The April 2025 Executive Order on “Reforming Accreditation to Strengthen Higher Education” directed the DOE and DOJ to investigate whether accreditors are coercing DEI compliance. *See* Exec. Order No. 14279, 90 Fed. Reg. 17529 (Apr. 28, 2025). Then, in July 2025, the Office of the Attorney General issued guidance to federal grant recipients asserting that many DEI and “cultural competence” programs may constitute unlawful discrimination. *See Justice Department Release Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination*, U.S. DEP’T OF JUST.: OFF. PUB. AFFS. (July 30, 2025), <https://perma.cc/JXH2-XUKL>.

¹⁹² *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

institution's right to consider race as a factor in admissions decisions, and perhaps foreshadowing a similar anti-affirmative rule with regard to hiring practices.¹⁹³ The decision seems to have paved the way for bold federal policies against diversity initiatives, including the threat to strip the ABA of its authority based on "illegal" DEI mandates.¹⁹⁴

In response to the attacks on the ABA's diversity education mandates, the ABA Legal Education Council suspended its enforcement of accreditation Standard 206 on Diversity and Inclusion, which requires accredited law schools to commit to diversity and inclusion among their students, faculty, and staff.¹⁹⁵ The Council extended the suspension in 2025,¹⁹⁶ then again in 2026.¹⁹⁷ In its February 2026 meeting, the Council actually voted to consider proposals to end the diversity standard altogether.¹⁹⁸ The Council's rationale is that it would be unreasonable to hold law schools to a standard that would be in clear violation of Executive Orders and Department of Education directives.¹⁹⁹

Several states have followed the administration's lead on anti-DEI activity, including legislation restricting the teaching of Critical Race Theory and other "divisive" topics.²⁰⁰ Most significantly, the future of the ABA itself as the sole national accrediting body for law schools became a topic of debate in 2025, with

¹⁹³ See *id.*

¹⁹⁴ See Exec. Order No. 14279, *supra* note 191.

¹⁹⁵ The existing 2024–2025 version of Standard 206 provides as follows:

(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.

See *Council of the ABA Section of Legal Education continues Review of Standard 206* (Feb. 25, 2025) [hereinafter Standard 206] (on file with author), <https://perma.cc/UF22-EWXD>

¹⁹⁶ See Julianne Hill, *ABA Legal Ed council suspends accreditation standard focused on diversity*, A.B.A. J. (Feb. 21, 2025), <https://perma.cc/US6H-E8XE>; Julianne Hill, *ABA Legal Ed continues suspension of diversity standard*, A.B.A. J. (May 9, 2025), <https://perma.cc/R4H3-HMD9>.

¹⁹⁷ Julianne Hill, *Legal Ed council moves forward proposals to end diversity standard, allow alternative bar pathways*, A.B.A. J. (Feb. 23, 2026), <https://perma.cc/F6C3-82VW>.

¹⁹⁹ See Hill, *ABA Legal Ed council suspends accreditation standard focused on diversity*, A.B.A. J., *supra* note 197.

²⁰⁰ See Rashawn Ray & Alexandra Gibbons, *Why are states banning critical race theory?*, BROOKINGS INST. (Nov. 2021), <https://perma.cc/QC7K-WFM8>. At the time of this writing, more than 20 states have enacted or proposed laws that restrict how race, gender, and systemic inequality can be discussed in public K–12 schools and, in some cases, higher education.

Texas’s decision to reject the ABA’s accrediting authority,²⁰¹ and Florida pursuing actions toward a similar result.²⁰² In turn, the ABA has reaffirmed its position that its role as national accreditor permits uniformity in lawyer standards to protect the public as well as the ability to regulate entry standards across states.²⁰³ The ABA also challenged the federal administration’s threats against law firms and lawyers who have opposed or represented efforts to oppose the current administration,²⁰⁴ citing their harmful impact on the legal system and courts.²⁰⁵

Given the federal attacks on the ABA’s diversity policies and overall authority, the status of Standard 303(c)’s requirement for law schools to teach “implicit bias, cross-cultural competency, and racism” remains precarious. By contrast, the need for a global outlook on training new lawyers for future practice is firmly grounded in the reality of lawyering, as demonstrated in Part II. In this context, it is critical not to conflate cross-cultural and global competency training with DEI programming. The former are legal practice skills required for competent and ethical lawyering, whereas the latter is linked to policy based on ideology. Reframing the cross-cultural competency mandate as a non-negotiable lawyering skill at the heart of a lawyer’s ability to communicate and relate with clients and others from different cultures and legal systems should help to place the conversation in the sphere of pedagogy, not policy.

Global competency is even more clearly a practical skill, as it contemplates navigating systemic diversity, in addition to cultural diversity among individuals.²⁰⁶

²⁰¹ See Stephanie Gleason, *Texas Supreme Court Takes Over Law School Accreditation From ABA*, BLOOMBERG LAW, Jan. 6, 2026, <https://perma.cc/F3UM-62AP>.

²⁰² See Samadhi Jones, *Court Opens Door to New Law School Accreditors for Bar Admission*, FLA. BAR NEWS, Jan. 16, 2026, <https://perma.cc/5VJP-DY37>.

²⁰³ *Core Principles and Values of Law School Accreditation*, A.B.A. (Aug. 2025), <https://perma.cc/9ZRK-Q7U8>.

²⁰⁴ The White House Presidential Memorandum, *Preventing Abuses of the Legal System and the Federal Court*, (Mar. 22, 2025), <https://perma.cc/3A22-ZQFP>. The targeted law firms have responded in different ways, some challenging the order, and others negotiating settlements. See Chad de Guzman, *The Law Firms Trump Has Targeted, Why, and How They’ve Each Responded*, (April 1, 2025), <https://perma.cc/9R4B-37NN>.

²⁰⁵ The ABA responded to Attorney General Bondi’s letter to the ABA contending that Standard 206 subjected law professors and their students to “unlawful race and sex discrimination under the guise of ‘diversity’ mandates” by denouncing the administration’s efforts to undermine the courts and the legal profession. See *The ABA Rejects Efforts to Undermine the Courts and the Legal Profession*, A.B.A. (Mar. 3, 2025), <https://perma.cc/ZW3E-XE8P>. In June 2025, the ABA brought a first amendment suit against the Trump administration, arguing that the administration’s actions seek to intimidate and coerce law firms and lawyers and have a chilling effect on their freedom of speech. See *American Bar Association Files Suit to Halt Government Intimidation of Lawyers and Law Firm* (June 16, 2025), <https://perma.cc/4DUL-EE2W>.

²⁰⁶ Indeed, the use of “diversity” or “DEI” can be misleading in that at times diversity is meant to include only diverse ethnicities and groups from within the United States, while in other contexts,

Nonetheless, the administration's anti-immigration policies have resulted in funding cuts within global educational exchange programs such as Fulbright,²⁰⁷ as well as visa barriers for international students wishing to study in the United States.²⁰⁸ Extreme immigration policies aimed at foreigners and even U.S. citizens, including authorizing ICE to apprehend individuals by force,²⁰⁹ suggest that at least for the duration of this administration, cross-cultural and global competency in law schools will seem suspect and garner negative, if any, attention.

Regardless of the idiosyncratic policies of any single federal administration, the emergence of a more integrated and interconnected legal environment is undeniable. The need for basic skills to recognize and navigate legal issues that transcend national boundaries and cultures, or are governed by international law, will continue to grow. The rapid advance of AI technology and its potential power to facilitate and enhance global legal relations all but guarantee that this growth will continue. Thus, legal education leaders, together with the ABA, should continue to fulfill their obligation to shape the law curriculum in pursuit of preparing our law students for these realities.

For their part, law schools can advance the goal of making students globally competent by 1) taking advantage of their freedom to design curricula beyond the minimal requirements under the ABA; 2) considering inclusion of global perspectives in required courses, including professional responsibility; 3) ramping up global and cross-cultural learning in experiential courses and study abroad programs; 4) promoting co-curricular global engagement, such as international moot court competitions and transnational law reviews; and 5) supporting faculty development in course creation, research, and exchange programs that involves comparative legal systems.²¹⁰ Each institution must craft outcomes and programs that best suit its mission and are within the parameters of any institutional or local mandates. The taxonomy of global learning outcomes in Table 3 and suggested

diversity is meant to include individuals and groups from other countries. A similar ambiguity exists with respect to the term "cross-cultural," as it can mean dealing with domestic populations from a different culture than one's own or dealing with foreign populations residing outside of the United States. This distinction is important to clarify for purposes of establishing outcomes or competency language in the ABA Legal Education Standards, as well as the ABA Model Rules of Professional Conduct. As discussed throughout this article, clearer definitions of both "cross-cultural" and "global" are needed.

²⁰⁷ See *Fulbright Program Status*, FULBRIGHT ASS'N, <https://perma.cc/8BMP-GJJW> (last visited May 20, 2026).

²⁰⁸ See Elissa Nadworny, *Colleges See Significant Drop in International Students as Fall Semester Begins*, NPR, Aug. 27, 2025, <https://perma.cc/E9BN-AU4U>.

²⁰⁹ See Diana Roy, *ICE and Deportations: How Trump Is Reshaping Immigration Enforcement*, COUNCIL ON FOREIGN RELS. (Feb. 27, 2026), <https://perma.cc/YN9J-YNJM>.

²¹⁰ See Kim, *supra* note 25, at 938–47 (discussing multiple strategies to integrate global skills across the curriculum, through co-curricular activities, and through faculty development).

definition of global legal competency in Table 4 can serve as resources to contextualize these efforts.

IX. CONCLUSION

Legal educators must develop a strategy to meet this critical moment in the legal education continuum. Global legal competency is essential for the next gen lawyer, as the legal practice environment grows increasingly more globalized and interconnected. The challenge of globalizing the law curriculum is to help students broaden and deepen their understanding of the global context to appreciate that their professional peer group is worldwide.²¹¹ The convergence of increasingly transnational legal practice, growing domestic diversity, and urgent global challenges demanding collaborative solutions necessitates a reframing of what law students should learn to prepare for practice. With clarification of “cross-cultural competency” to include transnational aspects, not just domestic diversity, the ABA’s mandate to teach cross-cultural competency can provide both an opportunity and a framework for integrating global legal skills into the required curriculum. Requiring global legal competency as a mandated skill would certainly be a bold and forward-looking step, but even articulating and defining global legal competency as a professional lawyering skill would make its importance clear.

Next gen lawyers will need to understand the law in the context of more than one legal system and culture; they will practice in a world where cross-cultural competency is not optional but essential. They will serve diverse clients, work with international colleagues, and address legal problems that transcend borders. Some may be called upon to advise businesses, governments, non-governmental entities, and individuals on issues that involve counterparts in two or more jurisdictions. Thus, law schools have both the opportunity and the obligation to prepare them for this reality. The path forward requires law schools to move beyond viewing global legal competency as an elective enhancement to recognizing it as a fundamental requirement for effective 21st-century lawyering. This transformation will not only better prepare graduates as practitioners and leaders but will also contribute to a more just and effective legal system capable of addressing the complex challenges of our interconnected world.

²¹¹ See Robert J. Morris, *Globalizing & De-Hermeticizing Legal Education*, 2005 B.Y.U. EDUC. & L.J. 53, 78 (2005).