If you asked me to name the greatest discoveries of the past 50 years... I would include the discovery of unconscious biases and the extent to which stereotypes... deprive people of equal opportunity in the workplace and equal justice in society. ~ Dr. Nancy Hopkins
DEFINING IMPLICIT BIAS

IMPLICIT BIAS IN ACTION

IMPACTS ON THE PROFESSION

1/27/2017
Expectations

✓ Confidentiality
✓ Take a break
✓ Speak from your own experiences/ Use “I” statements
✓ Pipe-Up/Pipe-Down
✓ Lean into discomfort
✓ Challenge by choice

MYTH

“Implicit bias is nothing more than known beliefs people choose not to tell others.”
What are your cultural groups?

Think about a time when you experienced or observed a conflict involving cultural or personal identity: (a) what happened; (b) what did you do or decide not to do in response; (c) how satisfied were you with the results?

MYTH

“I am not biased; I have diverse friends and I believe in equal treatment.”

African American
Woman
Southern
Attorney
Former Athlete

1/27/2017
Defining Implicit Bias

**Schemas**
Mental shortcuts that allow us to quickly, and automatically organize and categorize information

**Stereotypes**
Traits we associate with a social or cultural category

**Implicit Cognition**
Unconscious or automatic thought processes that reflect experiences, learning, or attitudes

**Explicit Bias**
Attitudes or beliefs that we have on a conscious level

MYTH
“Implicit bias is nothing more than stereotyping.”
1. **Brain processes**: “thinking” = **fast** (automatically with intuition) AND **slow** (reflectively with rationality) (see brain sector diagram)
   - “Slow” takes effort & energy, so where possible/appropriate brain uses “slow”
   - “Fast”
     - Relies on heuristics (practical but imperfect shortcuts) that are unconscious and based on experience, attitudes, assumptions
     - But heuristics also incorporate unconscious biases (e.g. “anchoring effect,” stories not statistics, confirmation bias, many more)
   - Some sources: Daniel Kahneman: *Thinking Fast and Slow*; Malcolm Gladwell: *Blink*

2. **Unconscious assumptions** can be surfaced: *Implicit Association Test*

3. Once surfaced, **unconscious assumptions can be explored/changed**
The Science

Frontal lobe
- Executive functions, thinking, planning, organising and problem solving, emotions and behavioural control, personality

Motor cortex
- Movement

Sensory cortex
- Sensations

Parietal lobe
- Perception, making sense of the world, arithmetic, spelling

Occipital lobe
- Vision

Temporal lobe
- Memory, understanding, language
### Implicit Bias in Action: Stroop Test

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**MYTH**

“I’m Black; I can’t have bias against Black people. I’m also a woman, so it does not make sense that I would have implicit biases against my own sex.”

1/27/2017
Implicit Bias in Action: Implicit Association Test

Instructions

❖ Pull out an electronic device (phone, tablet, laptop) – If you do not have an electronic device inform your facilitator, now

❖ Visit: https://implicit.harvard.edu/implicit/takeatest.html

❖ Choose one test to take, we recommend the race-based test

❖ Complete the preliminary questionnaire

❖ Take the assessment

1/27/2017
Small Group Discussion

- How do you feel about your results?
- Was the assessment challenging?
- How can you use this in your practice?
- How can you use this in your daily life?
- Have you encountered this scenario in your practice?
- Discuss
Partners - % Represented in US Law Firms (by race)

[Bar chart showing percentage of US partners by race from 2009 to 2016.]

Charlotte - 6.15%

2017 NALP Report on Diversity
Associates - % Represented in US Law Firms (by race)

Charlotte – 13.91%

2017 NALP Report on Diversity
Debiasing Strategies

Examine Personal Biases
- Take multiple IATs
- Obtain feedback from clients

Practice Mindfulness
- Utilize the PAUSE technique
  - Pay attention
  - Acknowledge
  - Understand
  - Search
  - Execute
- Take detailed notes and articulate reasoning for decisions

Debiasing Strategies

Actively seek counter stereotypes
- Attend new cultural events
- Identify new sources for news and entertainment

Remain aware of representation and measurement tools
- Set consistent benchmarks and standards
- Assess the climate of your organization
- Identify areas where there can be stronger representation (i.e. photos of attorneys of color in your office)
- Establish and maintain organizational standards
Questions, Comments, Next Steps

REVIEW DEBIASING STRATEGIES
- Examine personal biases – take more IATs
- Practice mindfulness
- Actively seek counter stereotypes
- Use assessment tools

REVIEW RESOURCE DATABASE
- Review NALP data: are there trends that are prevalent in your office?
- Review bias myths
- Identify at least two resources to read

CONTINUE THE DIALOGUE
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Presentation adapted from the American Bar Association
IMPLICIT BIAS AND DEBIASING REFERENCES


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