

Implicit Bias in the Legal Profession

Marin County Bar Association
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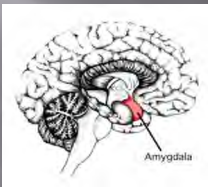
What is Implicit Bias?

Unconscious, inflexible assumption about a particular category of people

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Why do We have Implicit Bias?



Amygdala

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How Our Implicit Biases Are Established

Receiving and assimilating biases from Parents, Teachers, Peers, Media, Experiences

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What Does Implicit Bias Look Like

- ▣ The Trusted Ten
- ▣ Confirmation
- ▣ Affinity
- ▣ Attribution
- ▣ Availability

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Don't Feel Guilty

- ▣ Unconscious and Necessary Element in Our Survival

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Key Characteristics

- ▣ Pervasive
- ▣ Do not align with conscious positions
- ▣ Favor “own group”
- ▣ Can be unlearned

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How Does Implicit Bias Affect the Legal Profession

- ▣ Treatment of Staff
- ▣ Assignments
- ▣ Clients
- ▣ Shaping Arguments
- ▣ Jury Selection

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How Do We Interrupt These Unconscious Bias Responses?

Learning about Implicit Bias
Developing Awareness
Learn about your own Implicit Bias
(take the Implicit.harvard.edu/implicit/selectatest.html)
Retrain your Brain
Actively Doubt your Objectivity
Question your Assumptions

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How Do We Interrupt these Unconscious Bias Responses cont.

- ❑ Justify your Decisions
- ❑ Be Mindful of Snap Judgments
- ❑ Look for Counter Stereotypes
- ❑ Engage in Mindfulness Exercises
- ❑ Actively look to Cultivate Work/Relationships/Experiences outside Your Comfort Zone

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Sources

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