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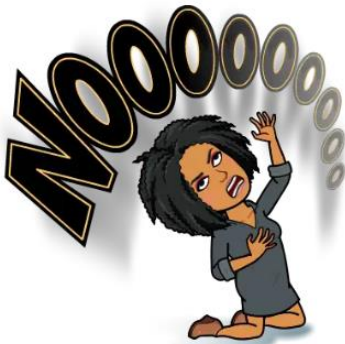
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OUR **CORE**  
VALUES



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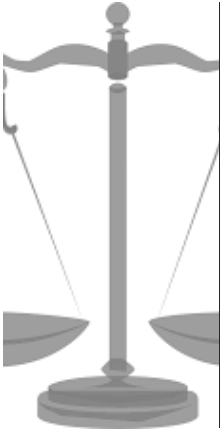
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**Comment [3]** A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this Rule.

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## WHY?

Bias, disrespect, harassment or lack of courtesy by any judge, court employee, or attorney erodes public trust and confidence in the ability of the legal system to fairly and impartially administer justice.

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## WHY?

"Cultural competence occurs when individuals use awareness, knowledge, and understanding in order to value cultural diversity, and promote fairness, justice, and community confidence. In an organizational or systemic context, cultural competence can be understood as 'managing diversity in ways that create a climate in which the potential advantages of diversity for organizational or group performance are maximized, while the potential disadvantages are minimized.'"

American Bar Association

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## Cultural Competency in Practice



• **Cultural Awareness** is the basic awareness that there are indeed differences between cultures, and that these differences impact communication, business processes and outcomes.

• **Cultural Knowledge** is when one understands cultures beyond one's own (and beyond common stereotypes) and considers similarities and differences between those cultures.

• **Cultural Sensitivity** adds the ability to read behavioral signals and patterns, and to understand how cultural differences translate into challenges which must be overcome to be effective in another culture. It also entails an openness to new ways of legal practice and demonstrating respect for other cultures.

• **Cultural Adaptability** – the highest level – is demonstrated ability and willingness to adapt one's style of communicating, motivating others, and negotiating to achieve outcomes in a cross-cultural environment.




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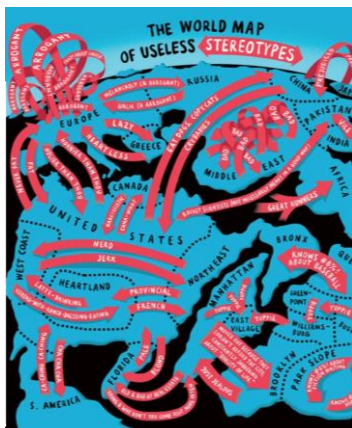
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## BIAS

- Gender
- Race
- Age
- Ethnicity
- Religion
- Sexual orientation
- Body type
- Dress
- Income
- Profession
- Country of origin
- State of origin
- City of origin
- Neighborhood
- Parental Status
- Homeowners
- Hip
- Pregnant
- Disability
- Education level
- School attended
- Marital status
- Personality
- Language
- Vocabulary
- Complexion
- Hair color
- Clothing
- Accessories
- Body art
- Piercings
- Political party




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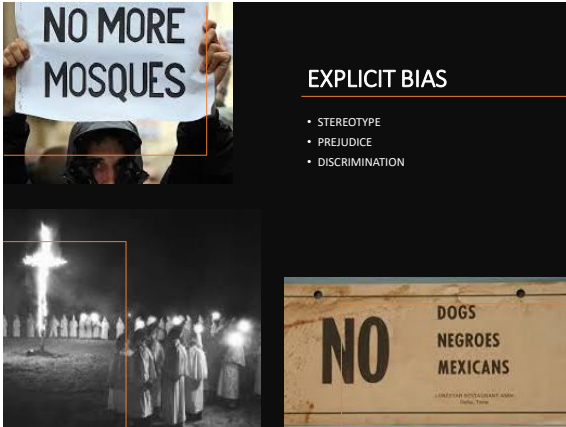
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### EXPLICIT BIAS

- STEREOTYPE
- PREJUDICE
- DISCRIMINATION

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### What is Implicit Bias?

Attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

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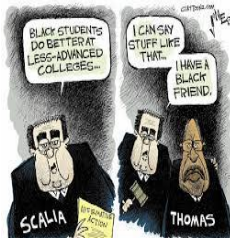
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### BIAS

- "Caitlyn Jenner is a transgender passing as a woman."
- "Model minority."
- "Those people don't even try to speak English?"
- "I think she's great. I just don't want to put her in a position where she can fail."
- "Harry's single and doesn't have a family. I think we should give him the holiday shift."
- "Baby boomers don't have the level of tech savvy we need."
- "I wonder if Demetris even knows who is father is."
- "I bet Li aced all his math classes."




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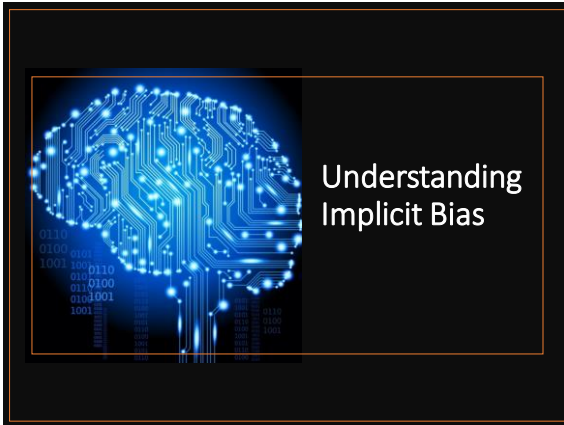
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## The Unconscious Mind

- 11 million pieces per second
- Only consciously aware of 40 pieces

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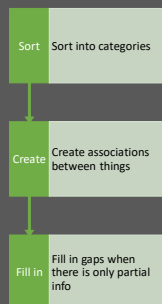
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## The Unconscious Mind




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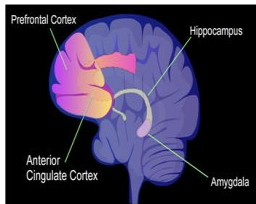
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| Negative Body Language Signals  |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Rocking motion of torso</li> <li>• Leg or foot swinging</li> <li>• Feet or finger tapping</li> <li>• Short breaths</li> <li>• Tightly clenched hands</li> <li>• Wringing hands</li> <li>• Clearing throat</li> <li>• Fidgeting in chair</li> <li>• Scratching or rubbing back of hands</li> <li>• Runner Stance</li> </ul> | <ul style="list-style-type: none"> <li>• Closed eyes</li> <li>• Lowering of chin</li> <li>• Hunching of shoulders</li> <li>• Arms crossed</li> <li>• Fists clenched</li> <li>• Legs crossed</li> <li>• Downcast eyes</li> <li>• Face turned away</li> <li>• Body turned slightly away</li> <li>• Grimacing</li> <li>• Yawning</li> </ul> |

AUTOMATIC

CHECK-IN

Which of the following is NOT a type of implicit bias?

1. An automatic preference or disposition
2. A negative belief that you suppress
3. A non-conscious attitude, whether positive or negative
4. A bias that you know you possess

**What is the main distinction between our implicit and explicit biases?**

1. Our implicit biases are more likely to be negative than our explicit biases
2. Explicit bias is more harmful than implicit bias
3. Our implicit preferences tend to engage our automatic processing while our explicit preferences involve more deliberate processing
4. People are able to recognize when you act on your explicit biases, whereas your implicit biases are too subtle for others to notice when you act on them

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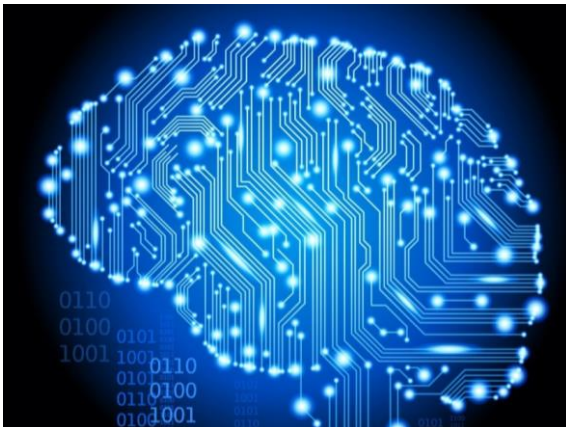
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•Can y u rea this?

•Yo a e not r adi g th s.

•W at ar ou rea in ?

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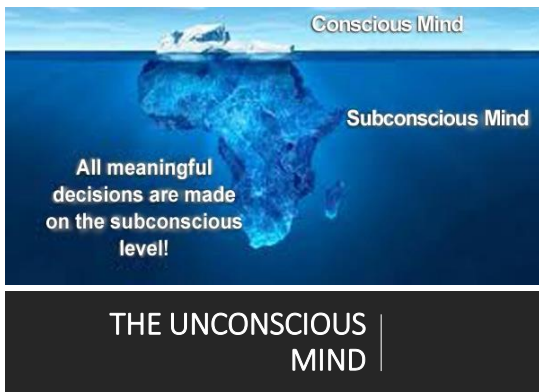
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## CONFIRMATION BIAS

The tendency to interpret ambiguous evidence as supporting an existing position.

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A child brings a gift to her teacher.

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## First Impression Becomes Reality

### You take an immediate liking to the person:

- You are excited about the chance to help the client. You are friendly, you smile, you offer your hand.
- Your positive demeanor comes across in your voice; you are warm.
- The client senses you are open and is encouraged to be forthright with you
- The person responds, smiling, making eye contact, speaking confidently and with full answers.
- You like the person even more and find him or her credible.

### You take an immediate dislike to the person:

- You are guarded, you do not smile, you may not offer your hand.
- Your voice is flat and unanimated; you introduce yourself very briefly and tersely.
- The client senses your distance and interprets it as distrust, lack of interest and responds in kind.
- The person responds by not smiling, not making eye contact, answering in short sentences or single words.
- You like the person even less and find him or her not credible.

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IMPLICIT  
BIAS IN  
SOCIETY




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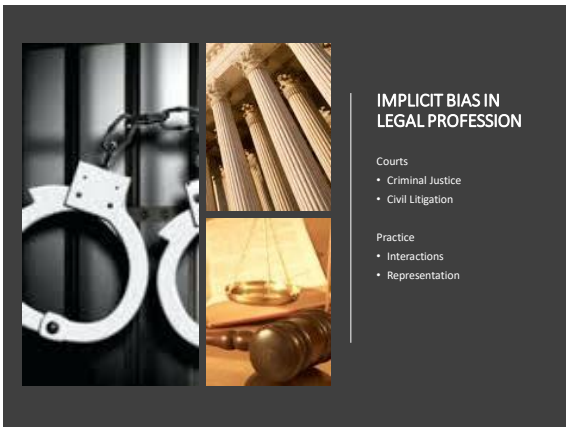
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Not this...

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|---------------|--|
| SALT          |  |
| COOKIES       |  |
| BANANA        |  |
| PEANUT BUTTER |  |

IDENTIFY

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|               |        |
|---------------|--------|
| SALT          | PEPPER |
| COOKIES       | MILK   |
| BANANA        | YELLOW |
| PEANUT BUTTER | JELLY  |

IDENTIFY  
<https://implicit.harvard.edu>

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Or
Or

Good
Bad



### IDENTIFY

#### IMPLICIT ASSOCIATION TEST (IAT)

- A tool for measuring implicit bias.
- Take IAT tests: <https://implicit.harvard.edu>

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### ADDRESSING IMPLICIT BIAS

- NOTICE AND QUESTION ASSUMPTIONS
  - Why am I thinking this way?
  - What am I experiencing physically?
  - What if???
- ASSESS VALUES
- ADAPT IN DISCOMFORT
  - Identify allies.
  - Be transparent.
  - Work through discomfort.

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### DELIBERATIVE PROCESSING

- Allow time for useful processing
- Create checklists that commit to unbiased decision making
  - Unchecked decision allow for spontaneous judgment = reliance on implicit bias
- Review procedural and organizational behavior
  - Review formal and informal internal policies
- Examine actions



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CULTIVATE DIVERSITY

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## COUNTER-STEREOTYPE




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COUNTER-APPROACH

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## CHECK-IN

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### WHAT IS **NOT** A BENEFIT OF BECOMING AWARE OF YOUR BIASES?

1. If you become aware of an unconscious bias and know when you are most likely to act on them, you can actively take steps to prevent it from influencing your decision-making.
2. By bringing awareness of your automatic attitudes to the surface, you can work to suppress them.
3. You can begin to reflect and make connections to how your attitudes influence your interactions.
4. You can seek out experiences and resources to help educate yourself around identities that you possess negative implicit associations toward.

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### Which of the following factors that increase the likelihood that implicit bias will occur in a professional setting?

1. Overconfidence in objectivity
2. Compromised cognitive control – high cognitive load
3. High ambiguity
4. None of the above

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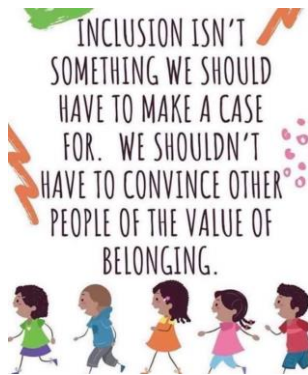
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## Interrupting Bias to Advance Inclusion




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## Elements of Inclusion

1. Fairness and Respect
2. Value and Belonging
3. Confidence and Inspiration




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## MICRO-AGGRESSIONS

### Micro-assault

- purposeful discriminatory action, such as a verbal attack or avoidant behaviour

### Micro-insult

- communication that convey rudeness and insensitivity and demeans a person's racial identity.

### Micro-invalidations

- comments or behaviors that Exclude, negate, or nullify the psychological thoughts, feelings or experiential reality of a person of color.

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## INTERRUPTING BIAS



### SPEAK OUT

Private conversations  
Public dialogues  
Collective Problem Solving

### SYSTEMS OF ACCOUNTABILITY

Self-accountability  
Organizational Values  
Collective Correction

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## INTERRUPTING BIAS TO ADVANCE INCLUSION



Address issues  
immediately and  
openly



Stay focused on  
issues and values



Listen to understand  
point of view



Respond with  
empathy



Use "I" Statements



Ask for help when  
needed.

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## FINAL THOUGHTS

"The first step to defeating our hidden biases is to be honest with ourselves about the blind spots we have. Having a bias is only human. The only shame is in making no effort to improve."

-Dr. Mahzarin Banaji

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