



WELCOME!!

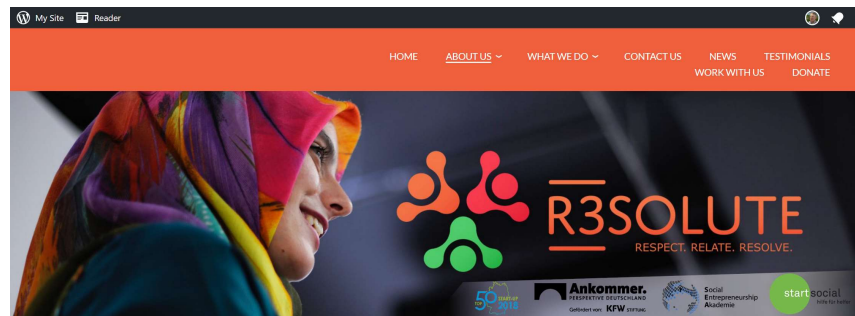
“Follow the Science: Proven Strategies for Reducing Unconscious Bias”

David Hoffman
Boston Law Collaborative, LLC
www.BLC.law



1

Helen Winter



ABOUT US

R3SOLUTE is a non-profit organization specialized in conflict management with a focus on empowering refugees to manage conflicts in their communities through peer mediation and mental health awareness.

We strive to accelerate mutual integration of refugee and local communities and the rebuilding of refugee lives. We aim to foster sustainable peace by reducing the social and economic costs of conflicts and maximizing the value of constructive debate for individuals, organizations, and communities.

www.r3solute.com

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HOME
WHO WE ARE
GET INVOLVED
BLOG
DONATE

HONOR NATIVE LAND: A GUIDE AND CALL TO ACKNOWLEDGMENT

IN COUNTRIES SUCH AS NEW ZEALAND, AUSTRALIA, CANADA, AND AMONG TRIBAL NATIONS IN THE U.S., it is commonplace, even policy, to open events and gatherings by acknowledging the traditional Indigenous inhabitants of that land. While some individuals and cultural and educational institutions in the United States have adopted this custom, the vast majority have not. Together, we can spark a movement to change that.

We call on all individuals and organizations to open public events and gatherings with acknowledgment of the traditional Native inhabitants of the land.

Acknowledgment is a simple, powerful way of showing respect and a step toward correcting the stories and practices that erase Indigenous people's history and culture and toward inviting and honoring the truth. Imagine this practice widely adopted: imagine cultural venues, classrooms, conference settings, places of worship, sports stadiums, and town halls, acknowledging traditional lands. Millions would be exposed—many for the first time—to the names of the traditional Indigenous inhabitants of the lands they are on, inspiring them to ongoing awareness and action.



<https://usdac.us/nativeland>

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Timucua


From Wikipedia, the free encyclopedia

For other uses, see Timucua (disambiguation).

The **Timucua** were a Native American people who lived in Northeast and North Central Florida and southeast Georgia. They were the largest indigenous group in that area and consisted of about 35 chiefdoms, many leading thousands of people. The various groups of Timucua spoke several dialects of the Timucua language. At the time of European contact, Timucuan speakers occupied about 19,200 square miles (50,000 km²) in the present-day states of Florida and Georgia, with an estimated population of 200,000. Milanich notes that the population density calculated from those figures, 10.4 per square mile (4.0/km²) is close to the population densities calculated by other authors for the Bahamas and for Hispaniola at the time of first European contact.^{[1][2]} The territory occupied by Timucua speakers stretched from the Altamaha River and Cumberland Island in present-day Georgia as far south as Lake George in central Florida, and from the Atlantic Ocean west to the Aucilla River in the Florida Panhandle, though it reached the Gulf of Mexico at no more than a couple of points.

The name "Timucua" (recorded by the French as *Thimogona* but this is likely a misprint for *Thimogoua*) came from the exonym used by the Saturiwa (of what is now Jacksonville) to refer to the Utiina, another group to the west of the St. Johns River. The Spanish came to use the term more broadly for other peoples in the area.^[3] Eventually it became the common term for all peoples who spoke what is known as Timucuan.

Total population
Extinct as a tribe



Let's begin by acknowledging, with humility, that for many centuries, the land where we meet today was the home of the Timucuan (tee-MOO-qua) people. The introduction of Eurasian infectious diseases, as well as overt violence and enslavement, reduced the population of the tribe from approximately 200,000 in the 1500's to 1,000 by the year 1700, and it is extinct today.

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Seminole Tribe of Florida

We are a Federally Recognized Indian Tribe.
The only Tribe in America who never signed a peace treaty.

We also recognize the enduring presence of Indigenous peoples on this land to the present day and acknowledge, and seek to respond properly, to their calls to respect their sovereignty and help them care for the land and water.

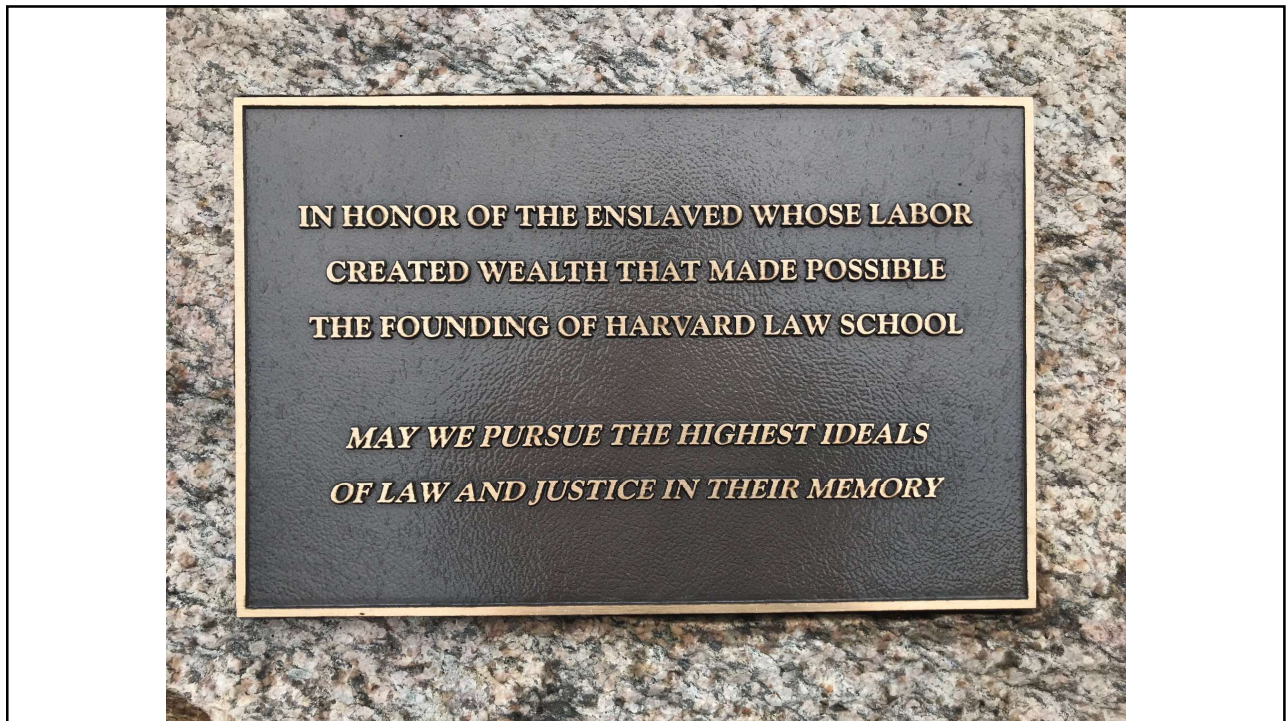
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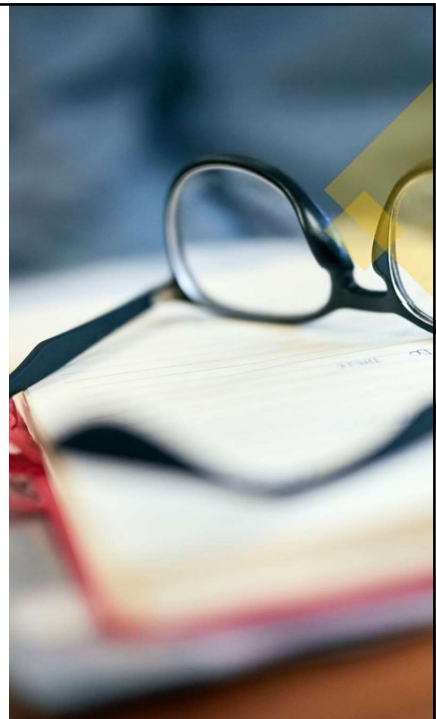
Welcome!!

- We are all learners here (especially me)
- . . . and teachers!
- The grasshopper story
- The frog and fishes

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Workshop Agenda

- Welcome and Introductions
- “Who’s Here” Exercise and Discussion
- Unconscious Bias
- Counteracting Bias – Personal and Systemic
- Q & A



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Working Agreements

- Respect
- Recognition
- Responsible risk-taking
- Share the air time
- Confidentiality (no attributions)*

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Who's Here? – An Exercise

Purpose:
To better understand the identities we each hold and those we choose to share

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“Who’s Here?” – Instructions

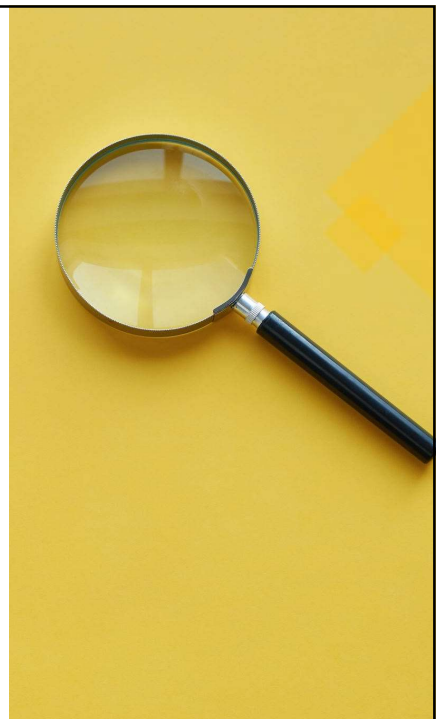
1. Turn your video settings “on” so the group can see you.
2. Individuals may voluntarily raise their hand and then call out an identity that is not apparent.
3. Others may then raise their hand if they share that identity and wish to acknowledge that shared identity.
4. Identity members then look around in silence, then lower their hands.
5. Activity continues until participants have exhausted all identities.



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“Who’s Here?” - Debrief

- What was it like to name your “identities”?
- Were you surprised by who did/did not share your identity?
- Why do this exercise?



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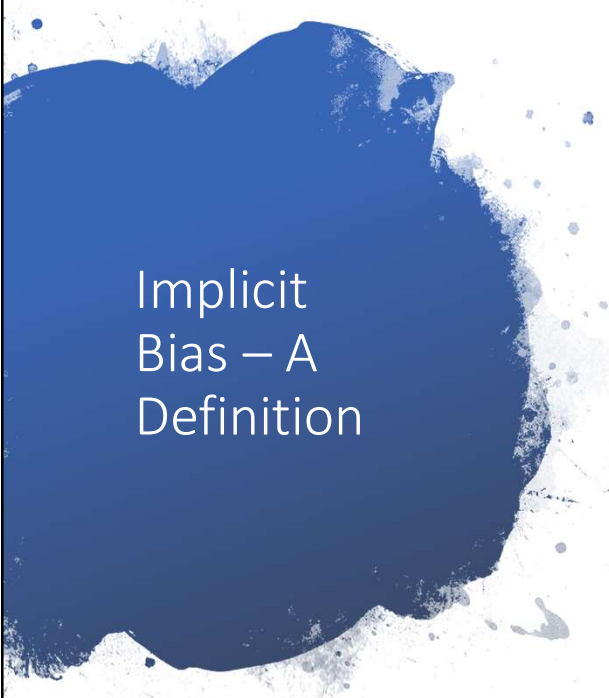
Definition

Implicit bias, *noun*

bias that results from the tendency to process information based on **unconscious associations and feelings**, even when these are contrary to one's conscious or declared beliefs.

- www.Dictionary.com

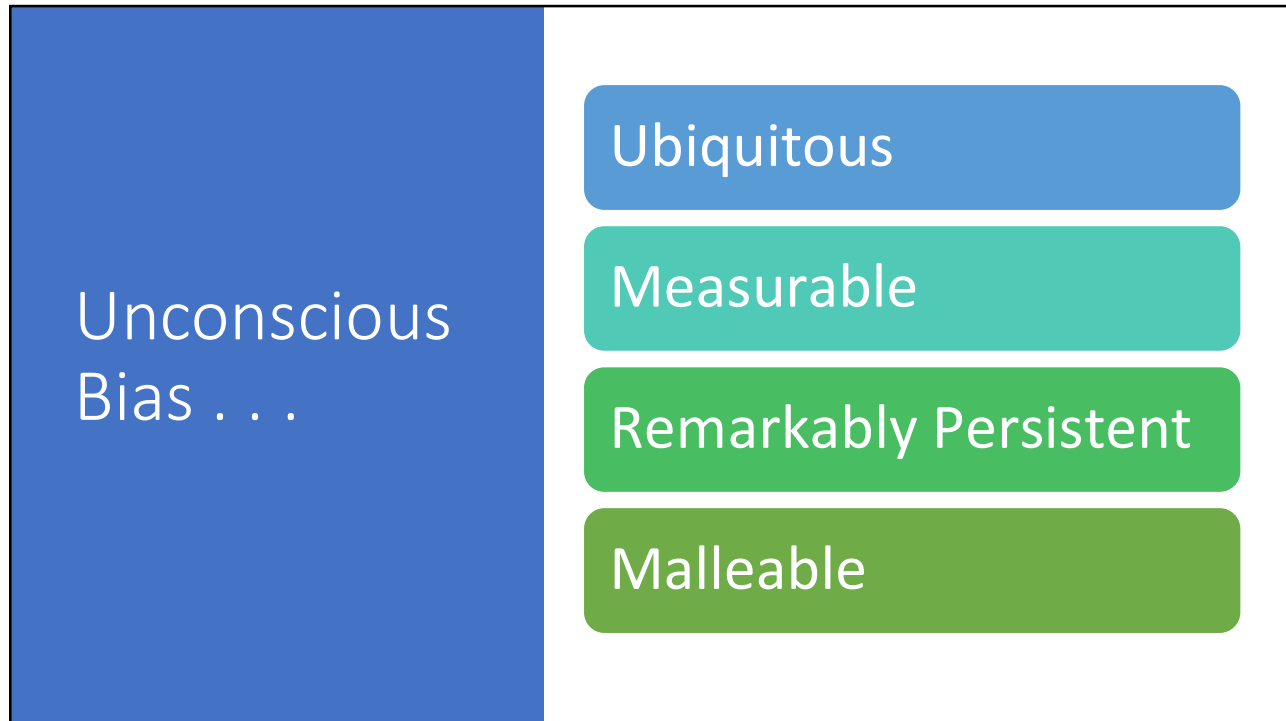
15



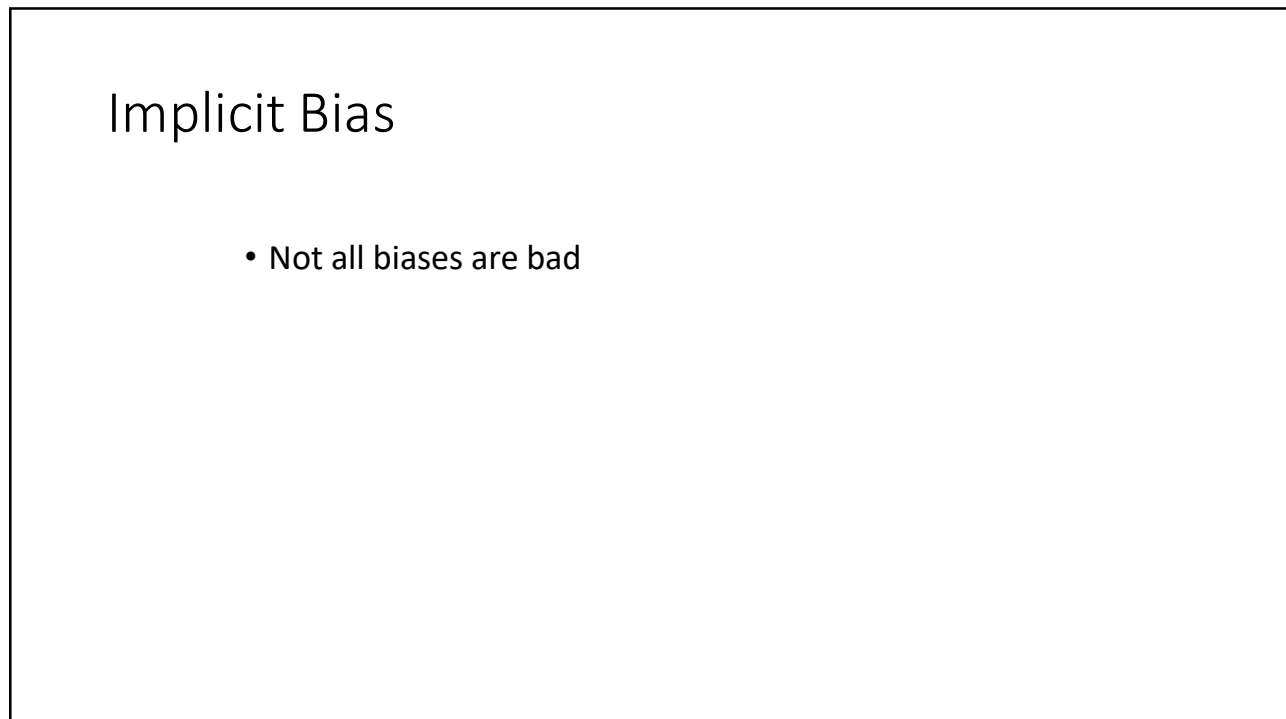
Implicit Bias – A Definition

- Includes both “implicit stereotypes” and “implicit attitudes”
 - Implicit stereotypes – traits or characteristics that we associate with a category
 - Implicit attitudes – evaluative feelings that are positive or negative
 - Jerry Kang, “Implicit Bias: A Primer for Courts” (2009)
- Often contrary to our conscious or espoused beliefs

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■ Our unconscious minds handle a tremendous amount of our cognition, even though we are completely unaware of it (Mlodinow, 2012). Some data indicates that the brain can process roughly 11 million bits of information every second. The conscious mind handles no more than 40–50 of these information bits, with one estimate as low as a mere 16 bits (Kozak; Lewis, 2011; H. Ross, 2008).



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You're walking down the street . . .



Any first impressions?

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You're walking down the street . . .



Any first impressions?
Who are they?

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You're walking down the street . . .



John Fetterman

Lt. Governor of Pennsylvania;
U.S. Senate candidate; M.P.P
Harvard Kennedy School (1999)

Ted Bundy

Serial killer of more than 30
young women and girls
(executed 1989)

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Implicit Bias

- Not all biases are bad
- Unconscious bias is measurable
 - Implicit Association Test - Project Implicit
<https://implicit.harvard.edu/implicit/demo/selectatest.html>

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ABA Video: “Hidden Injustice: Bias on the Bench”

<https://vimeo.com/165006635>



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implicit.harvard.edu/implicit/selectatest.html

Project Implicit®

LOG IN TAKE A TEST ABOUT US EDUCATION BLOG HELP CONTACT US DONATE

- Skin-tone IAT** *Skin-tone ('Light Skin - Dark Skin' IAT).* This IAT requires the ability to recognize light and dark-skinned faces. It often reveals an automatic preference for light-skin relative to dark-skin.
- Weight IAT** *Weight ('Fat - Thin' IAT).* This IAT requires the ability to distinguish faces of people who are obese and people who are thin. It often reveals an automatic preference for thin people relative to fat people.
- Sexuality IAT** *Sexuality ('Gay - Straight' IAT).* This IAT requires the ability to distinguish words and symbols representing gay and straight people. It often reveals an automatic preference for straight relative to gay people.
- Race IAT** *Race ('Black - White' IAT).* This IAT requires the ability to distinguish faces of European and African origin. It indicates that most Americans have an automatic preference for white over black.
- Native IAT** *Native American ('Native - White American' IAT).* This IAT requires the ability to recognize White and Native American faces in either classic or modern dress, and the names of places that are either American or Foreign in origin.
- Disability IAT** *Disability ('Disabled - Aabled' IAT).* This IAT requires the ability to recognize symbols representing abled and disabled individuals.

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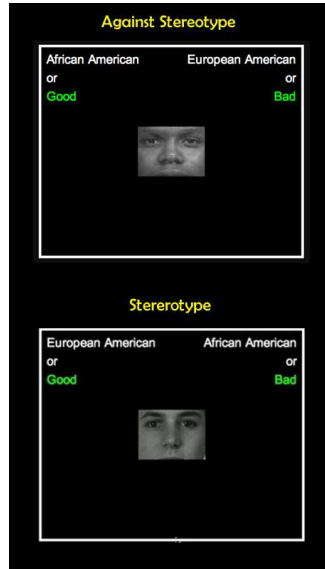
Implicit Association Test



Co-creators Prof. Anthony Greenwald and Prof. Mahzarin Banaji

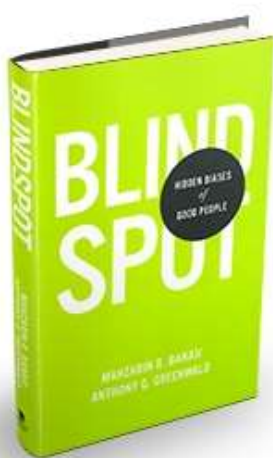
26

Implicit Association Test



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Implicit Bias



Prof. Mahzarin Banaji

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The Implicit Association Test . . .

- Useful robust societal data
- Useful personal data
- Correlates with behavior, but not completely
- Therefore, not suitable for employment decisions, etc.

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Where Does
Bias Come
From?

"No Child Is Born Racist" - Photo By
[@seanbonner](#)



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When Does Bias Begin?

The habit of noticing difference, and drawing hasty conclusions about difference, is hard-wired into our brains

Boston Globe, October 6, 2013

WE ARE BORN colorblind—literally. Newborn color vision is limited, lacking many of the visual distinctions that characterize mature sight. Soon enough, though, color takes over, figuratively as well as physiologically: We learn to see ourselves and others as parts of particular groups. Are we black or white? Male or female? What's our religion, our language, our preference in music or food? Each time a child hears a description of a person or witnesses a human interaction, it contributes to the formation of her identity and sense of her role in the world.

What's more, she begins to learn to prefer those things that are most similar to herself. By 3 months, a baby shows a marked bias towards faces of those who share her race. By 5 months she prefers the sound of her native language to any other—and the people who speak it to those who don't. By age 4, these preferences

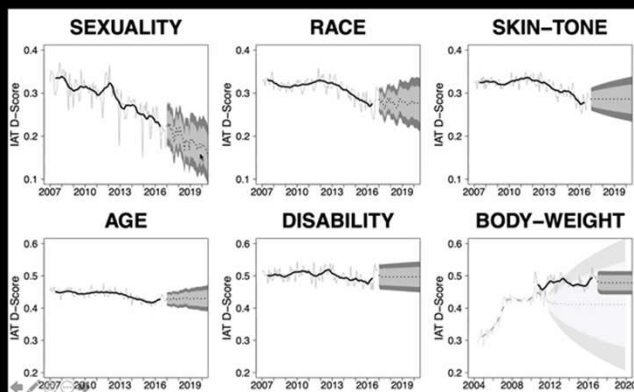


www.bostonglobe.com/ideas/2013/10/05/how-impermanence-can-help-all-get-along/toVYLPzXVUwdTLOabhq7L/story.html

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Prof. Mahzarin Banaji

Long-term Implicit Attitude Change



Audio Settings ^

Chat Raise Hand Q&A Closed Caption

Leave

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Colored by Race: Bias in the evaluation of candidates of color by law firm hiring committees

BY DR. ARIN N. REEVES | DR. ARIN N. REEVES

SHARE:    

Does race color the way in which minority practitioners are evaluated by hiring committees¹ in large law firms? While there have always been stories and egregious examples, these anecdotes have often been dismissed as atypical and not representative of a profession that says it is committed to diversity. But "Colored by Race: The Evaluation of Candidates of Color By Law Firm Hiring Committees"—a new research study developed and conducted by The Athens Group—offers empirical evidence that racial and ethnic bias is present in large law firm hiring processes.



The findings of "Colored by Race" are based on data gathered from confidential telephone interviews with 114 partners² representing 83 large law firms³ throughout the United States. All of the partners in this study were involved with the hiring process in their respective law firms for at least six months during their career as partners. Research findings show that racial bias colors the way minority law students' achievements and aspirations are evaluated, that minority candidates are penalized for the high attrition rate of minority practitioners from law firms, and that there are still a significant number of inappropriate comments being made about minority candidates in the evaluation process.

This article not only highlights the key findings from this study, but it also offers strategies that law firms should

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Law partners' assessment of performance

- "Writing Analysis Study" – legal research memo, reviewed by 60 law partners
 - 23 women, 37 men
 - 21 racial/ethnic minorities, 39 Caucasian
- Identical memos, with identical errors
- Author's name on each memo: Thomas Meyer
 - Described as 3rd year associate from NYU Law School
- 30 partners: Meyer was described as African American
- 30 partners: Meyer was described as Caucasian

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Law partners' assessment of performance

	Spelling / Grammar Errors (7)	Technical Writing Errors (6)	Factual Errors (5)	Overall Assessment (5)
Caucasian "Thomas Meyer"	2.9	4.1	3.2	4.1
African American "Thomas Meyer"	5.8	4.9	3.9	3.2

- Same racially disparate assessments by men and women partners (though women partners outperformed men in editing skill)
- Same racially disparate assessments by Caucasian and minority partners

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Law partners' assessment of performance

"Caucasian" Thomas Meyer

"generally good writer but needs to work on..."

"has potential"

"good analytical skills"

"African American" Thomas Meyer

"needs lots of work"

"can't believe he went to NYU"

"average at best"

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Personal Tools for Counteracting Bias

- Awareness of bias (e.g., IAT) and effects of bias
- Motivation to be unbiased (preferably internal)
- Individuation
- Perspective-Taking and Empathy
- Contact with 'Outgroup' Members
- Stereotype Negation and Replacement
- Mindfulness
- Combination of Strategies - Ongoing (not one-and-done)

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Personal Tools for Counteracting Bias

Follow the Science: Proven Strategies for Reducing Unconscious Bias

By David Hoffman* and Helen Winter**

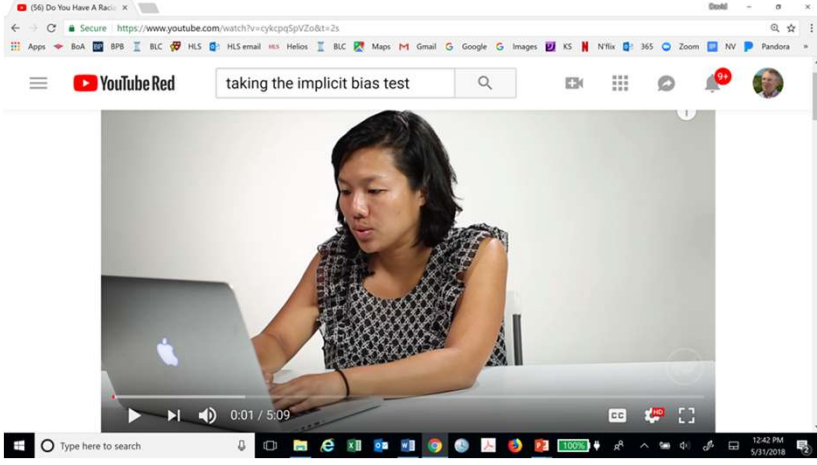
ABSTRACT

Mediators and lawyers have a duty to be unbiased, and yet they – like others in society – are influenced by unconscious biases. Social psychologists have explored the origins of these biases and, in recent years, developed experimental techniques for reducing unconscious bias. This article surveys the social psychology literature regarding such techniques and identifies several main categories of promising interventions: awareness, motivation, individuation, perspective-taking, contact, stereotype replacement, and mindfulness. The article suggests several real-world applications of these techniques to address both individual and systemic biases, and concludes with a description of some unanswered questions regarding bias reduction strategies.

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Awareness


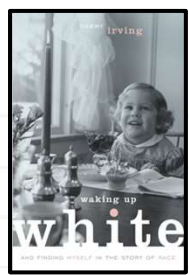
Taking the Implicit Association Test



<https://www.youtube.com/watch?v=cykcpqSpVZo&t=2s>

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Awareness

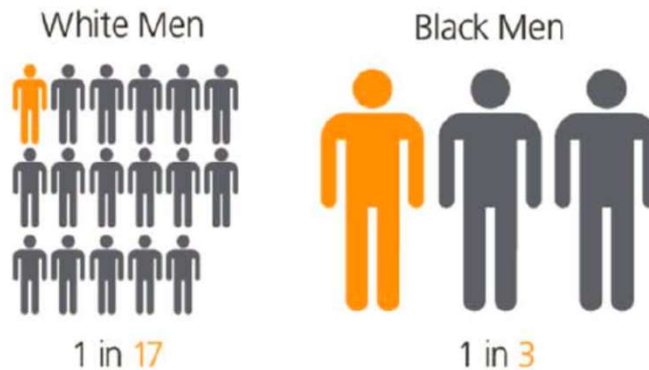



Race	Total Assets	Net Worth
White	256,500	247,500
U.S. Black	700	8
Caribbean Black	12,000	12,000
Puerto Rican	3,020	3,020
Dominican	1,724	0
Other Hispanic	15,000	2,700

Source: Federal Reserve Bank of Boston, "The Color of Wealth" (2015)

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Awareness



Lifetime Likelihood of Imprisonment of U.S. Residents

Source: U.S. Department of Justice, Bureau of Justice Statistics (2003)

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Injustice - Gender

“One in five women has been raped in the U.S. in their lifetime. One in three women has been the victim of intimate partner violence.”

- National Coalition Against Domestic Violence
(2017)

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Injustice - Gender

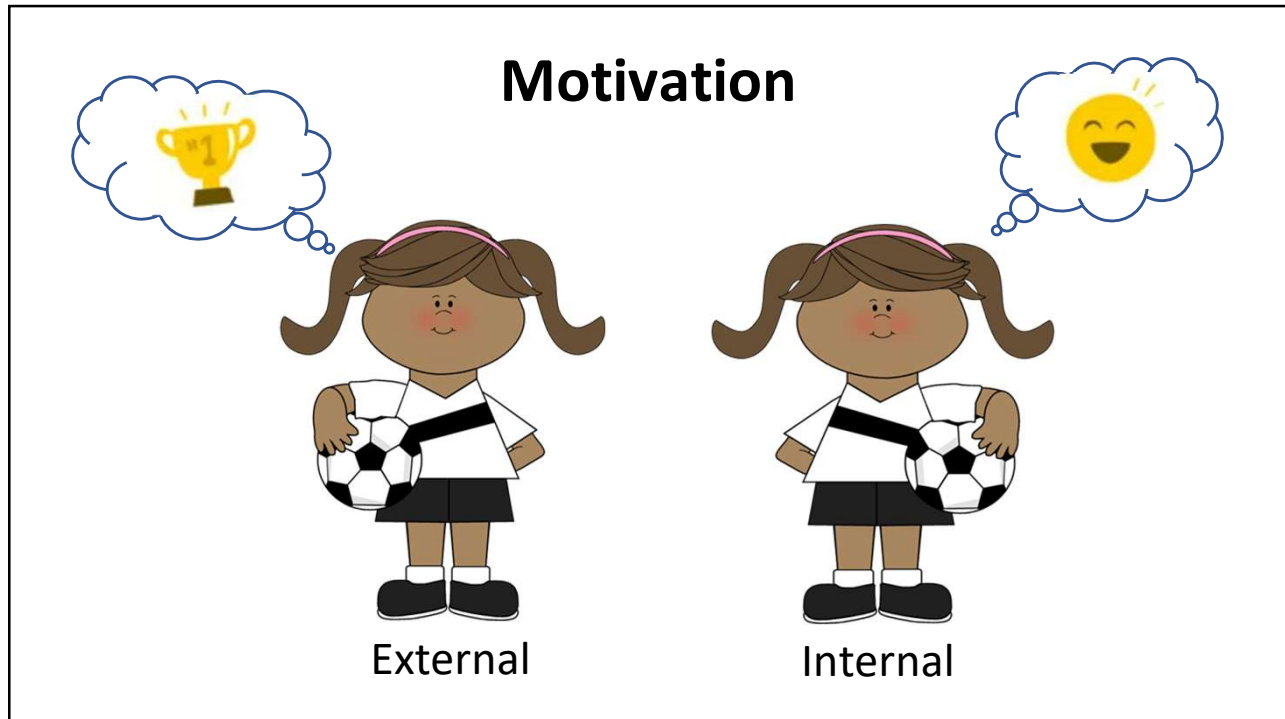
“One in five women has been raped in the U.S. in their lifetime. **One in three** women has been the victim of intimate partner violence.”

- National Coalition Against Domestic Violence
(2017)

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Motivation

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Individuation

TED Ideas worth spreading WATCH DISCOVER ATTEND

32,042,015 views | Chimamanda Ngozi Adichie • TEDGlobal 2009 Like (961K) Share Add

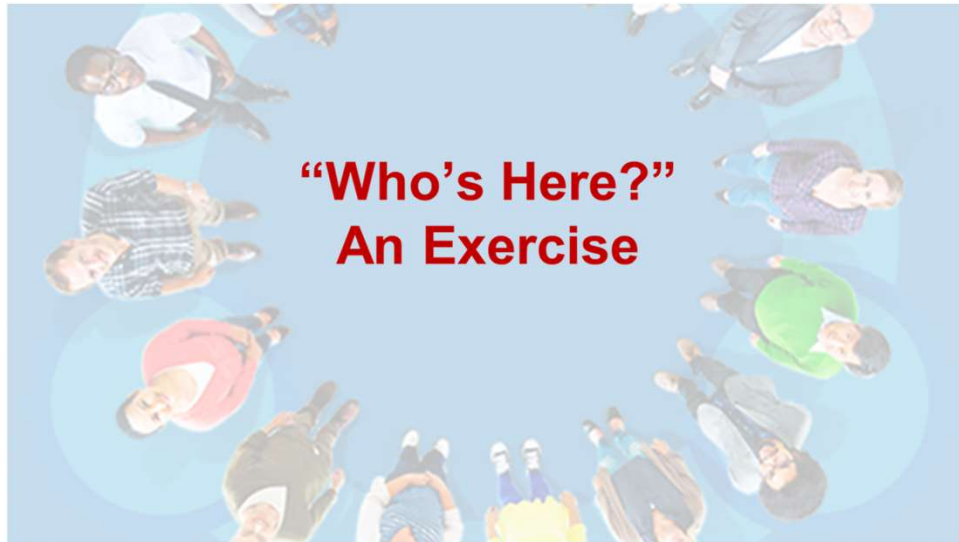
The danger of a single story [Read transcript](#)

Our lives, our cultures, are composed of many overlapping stories. Novelist Chimamanda Adichie tells the story of how she found her authentic cultural voice -- and warns that if we hear only a

<https://www.youtube.com/watch?v=D9lhs241zeg>

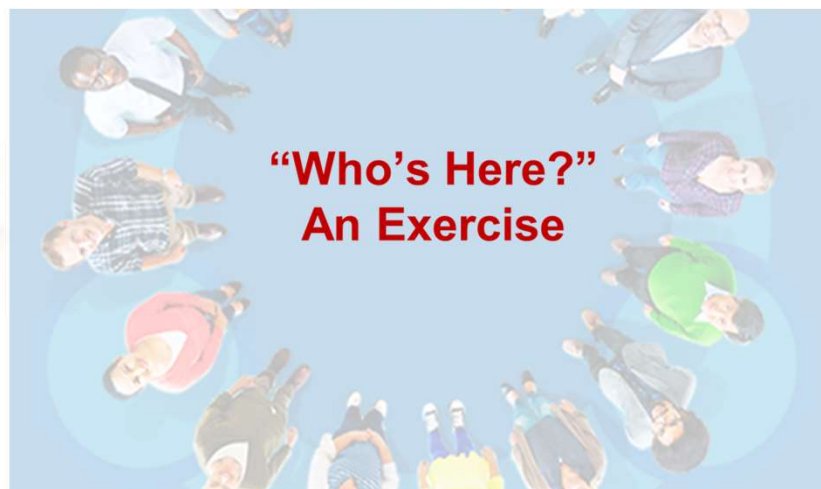
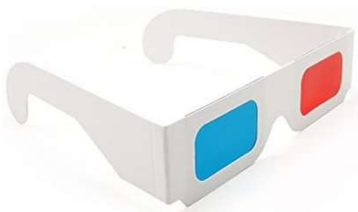
46

Individuation



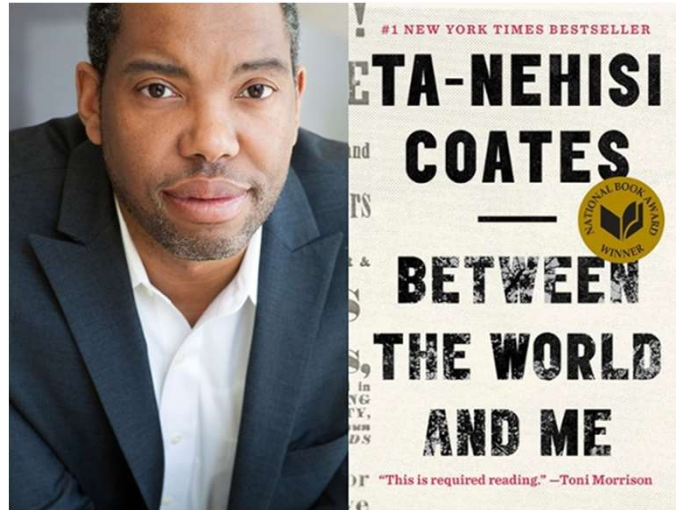
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Individuation



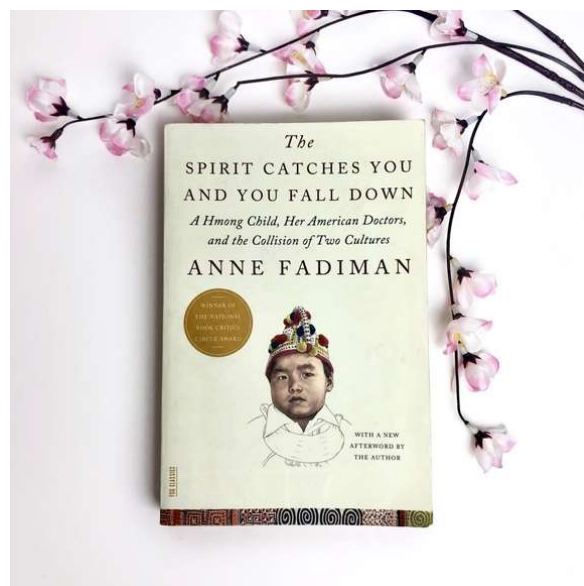
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Perspective Taking / Empathy



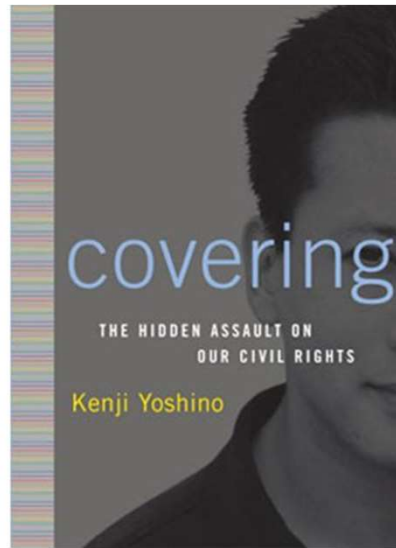
49

Perspective Taking



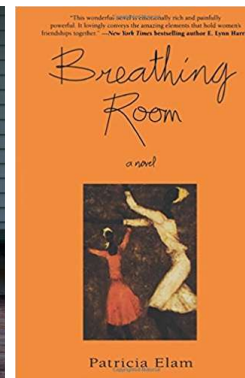
50

Perspective Taking / Empathy



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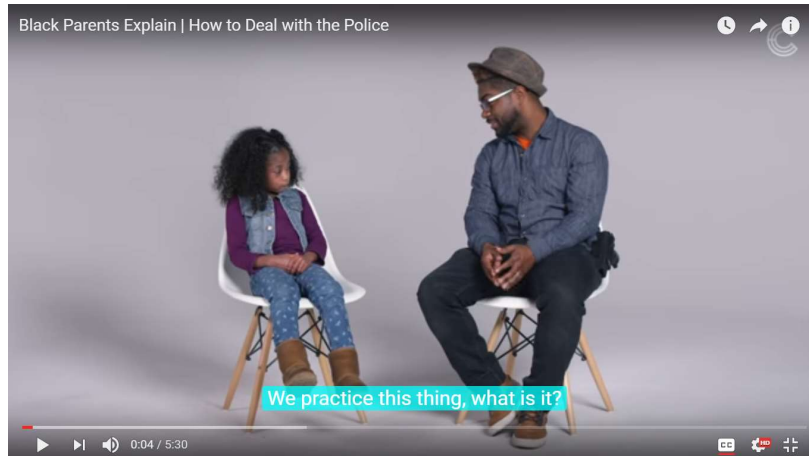
Perspective Taking



Prof. Patricia Elam Walker at New View Cohousing

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“Black Parents Explain How to Deal with Police”



<https://www.youtube.com/watch?v=coryt8IZ-DE&t=1s>

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Contact with ‘Outgroup’ Members



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Workshop:
“Exploring the Crossroads of Diversity and Spirituality”
Friday, October 3, 2008 – 9:30 a.m. - 4:30 p.m.



Workshop Leaders (left to right):
Homer La Rue, David Hoffman, Marvin Johnson, and Daniel Bowling

This interactive program will focus on how an understanding of racial diversity issues can be deepened by personal and spiritual insights, and how those insights can enhance our work on racial diversity issues in both our work and personal lives. In plenary session presentations and small group meetings, the workshop leaders will facilitate discussion and engagement about balancing and integrating mind, heart, and soul in an increasingly diverse world, with a particular focus on conflict resolution. Attendees will participate in dialogue that begins to break through the underlying psychological barriers that divide our world along racial lines.

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Stereotype Negation / Replacement



Mahzarin Banaji discovered that people, including herself, are more prejudiced than many of them think they are. The bias goes right to their brains. (Staff photo by Kris Snubbe)

Brain shows unconscious prejudices:

Fear center is activated

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Stereotype Negation / Replacement



Boston Law Collaborative, LLC

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Mindfulness



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Separable Neural Components in the
Processing of Black and White Faces

William A. Cunningham¹, Marcia K. Johnson¹, Carol L. Raye¹

J. Chris Gatenby², John C. Gore², & Mahzarin R. Banaji³

¹Department of Psychology: Yale University

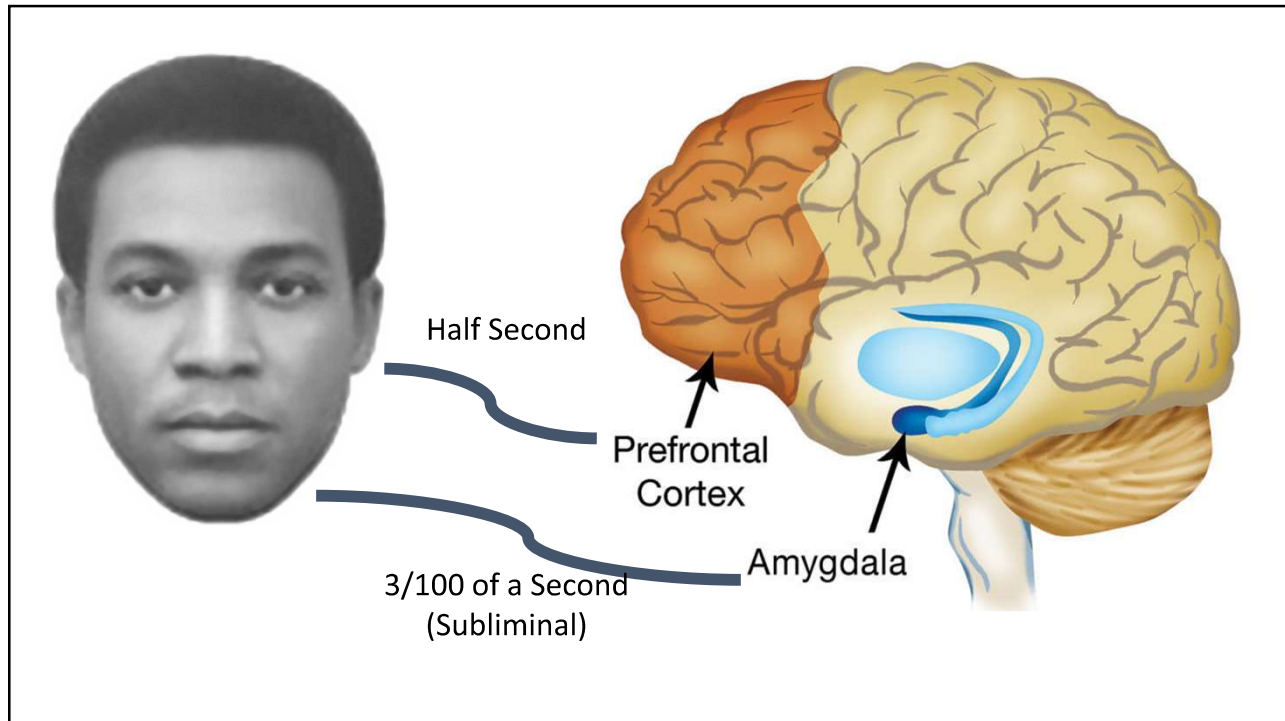
²Institute of Imaging Science: Vanderbilt University

³Department of Psychology: Harvard University

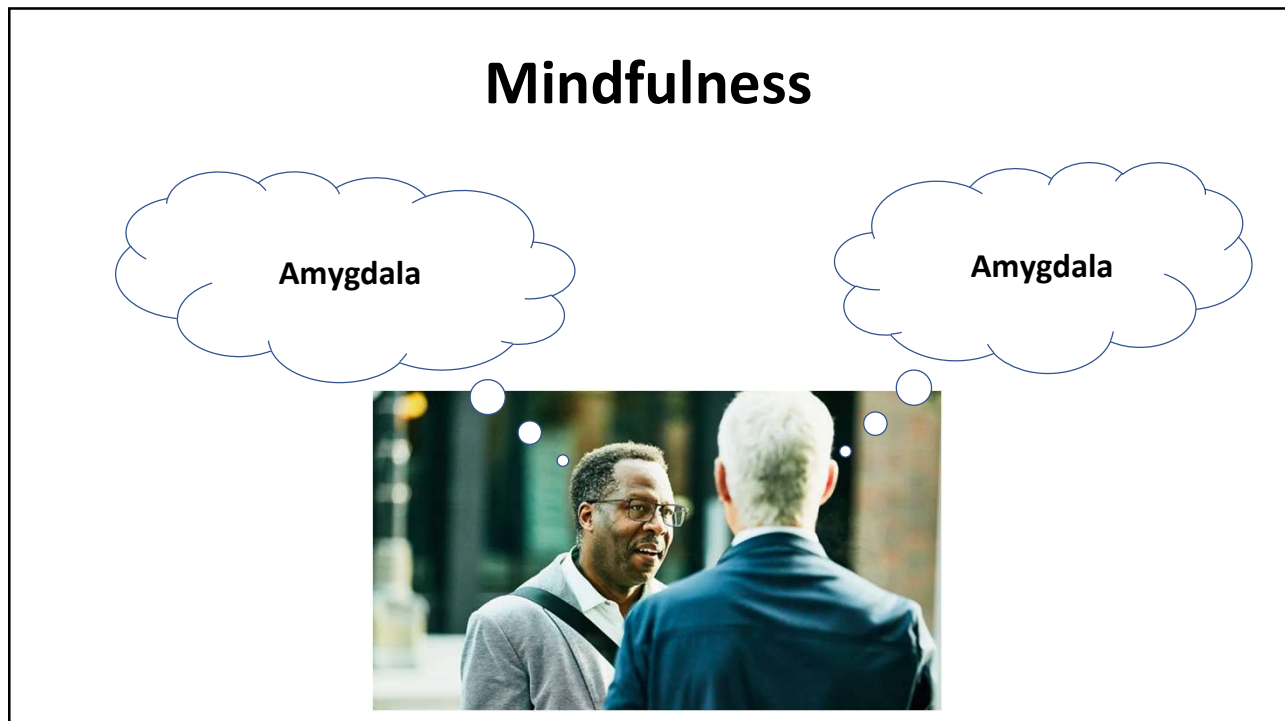
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To examine the neural components of automatic and controlled social evaluation, White participants viewed short (30ms) and long (525ms) duration Black and White faces during event-related functional magnetic resonance imaging (fMRI). At 30ms, greater activation in the amygdala – a brain region associated with emotion – was observed to Black than White faces. At 525ms, this difference was significantly reduced, and accompanied by Black>White activation in regions of frontal cortex associated with control/regulation. Furthermore, participants showing greater race bias on an indirect behavioral measure showed greater Black>White amygdala activation, and frontal activity predicted reduced Black>White differences in amygdala activity between the 30ms and 525ms conditions. These results provide evidence for neural distinctions between automatic and more controlled processing of social groups, and suggest that controlled processes may modulate automatic evaluation.

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Mindfulness

Pre-frontal cortex

Amygdala



Pre-frontal cortex


Amygdala

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Mindfulness

Pre-frontal cortex

~~Amygdala~~

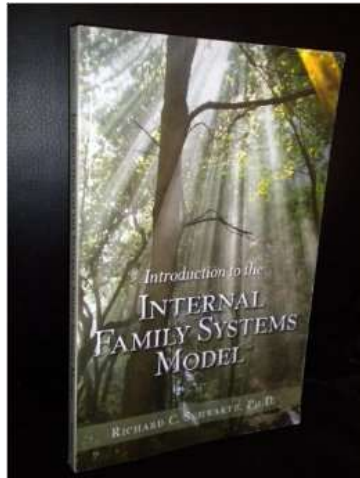


Pre-frontal cortex

~~Amygdala~~

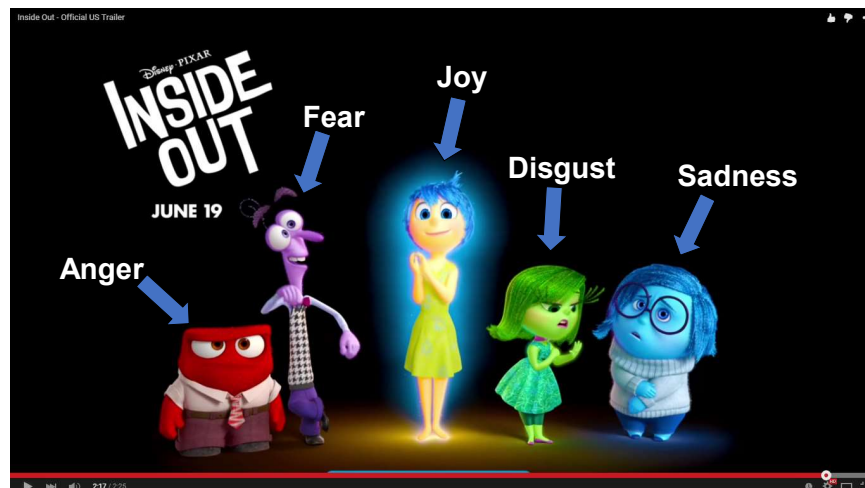
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Internal Family Systems Model



Dr. Richard Schwartz

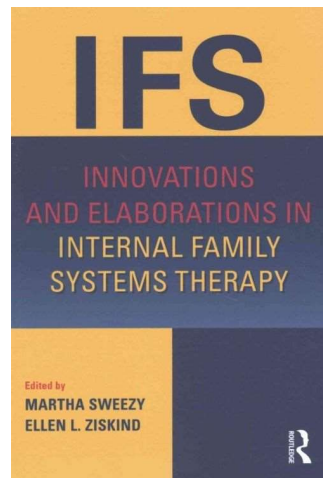
65



<https://www.youtube.com/watch?v=yRUAzGQ3nSY>

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The Psychology of Bias



Chapter 7

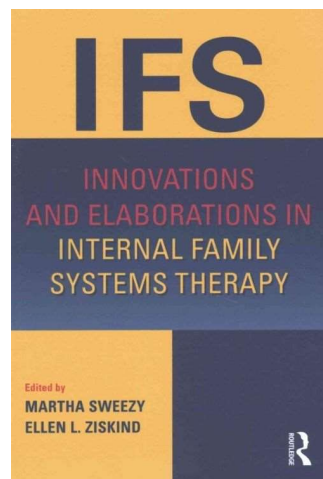
Dealing With Racism

Should We Exorcise or Embrace Our Inner Bigots?

Richard C. Schwartz

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The Psychology of Bias



Internal Family Systems model

- We all have biased parts . . .
- And unbiased, idealistic parts
- Shaming our biased parts doesn't heal them
- Instead, try understanding them – treating those parts with curiosity and compassion

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Institutional Tools for Counteracting Bias

- Identify egalitarian goals
- Highlight common identities
- Identify and consciously acknowledge real group and individual differences
- Identify sources of ambiguity in decision-making
- Involve multiple people in decision-making
- Mindfulness – identify sources of distraction / stress in decision-making
- Feedback and accountability measures

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Institutional Tools for Counteracting Bias

The screenshot shows the Diversity Lab website with a navigation bar containing links for HOME, WHAT WE DO, WHO WE ARE, BLOG, and MOVE THE NEEDLE FUND. The main content area features a large black vertical banner on the left with the text 'MANSFIELD RULE 2.0' in white. To the right, the headline reads '64 LAW FIRMS ANNOUNCED AS MANSFIELD RULE 2.0 CERTIFIED'. Below this, a sub-headline states: 'MANSFIELD RULE' – THE NEXT GENERATION OF THE ROONEY RULE – CERTIFIES THAT LAW FIRMS CONSIDER AT LEAST 30% WOMEN, LGBTQ+ AND MINORITY LAWYERS FOR SIGNIFICANT LEADERSHIP ROLES. The text continues: 'The Mansfield Rule was one of the winning ideas from the 2016 Women in Law Hackathon hosted by Diversity Lab in collaboration with Bloomberg Law and Stanford Law School.' A logo for 'Mansfield Rule Boosting Diversity In Leadership' is displayed. Further text states: 'Diversity Lab partnered with nearly 50 of the country's leading law firms to pilot the inaugural version of the Mansfield Rule in 2017. There are now 64 law firms qualified as Mansfield Certified as part of version 2.0, which ran July 2018 to July 2019. The list of firms and more details can be found on the press release linked here.' A list of roles and committees is provided: Equity Partner Promotions, Lateral Partner and Mid/Senior Level Associate Searches, Practice Group & Office Head Leadership, Executive Committee and/or Board of Directors, Partner Promotions/Nominations Committee, Compensation Committee, Chairperson and/or Managing Partner, and Formal Pitch Opportunities. A final note reads: 'For example, if firm management has identified a short list of five candidates for an opening on the executive committee, under the Mansfield Rule guidelines, two of the candidates would need to be women, attorneys of color and LGBTQ+. Firms that consider

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DIVERSITYLAB

HOME WHAT WE DO WHO WE ARE BLOG MOVE THE NEEDLE FUND

MANSFIELD RULE 4.0

****SEPTEMBER 2021 UPDATE: WE ARE THRILLED TO ANNOUNCE THE 4.0 CERTIFIED FIRMS. SEE THE PRESS RELEASE FOR DETAILS.****

AN OPEN LETTER FROM THE 4.0 FIRMS' CHAIRS & MANAGING PARTNERS

Mansfield Rule
Boosting Diversity In Leadership

We, the Chairpersons and Managing Partners of 118 major law firms, want to increase and sustain a diverse and inclusive workforce in our firms and beyond in the legal profession. One of the proactive ways we are doing this is through our participation in the Mansfield Rule.

The Mansfield Rule, in just a few years, has made a major impact on diversifying law firm leadership. Some of the overall

"The Mansfield Rule Certification measures whether law firms have affirmatively considered at least 30 percent women, underrepresented racial/ethnic groups, LGBTQ+ lawyers, and lawyers with disabilities for leadership and governance roles, equity partner promotions, formal client pitch opportunities, and senior lateral positions."

<https://diversitylab.com>

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Law Firm ERGs

3 Reasons Why Employee Resource Groups Are Essential For Your Place Of Business

The Tech Connection Aug 23, 2017 · 3 min read

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What can we do?

- Small group discussion
 - Pick a reporter
 - Do a go-around
 - Brainstorming - no need for agreement
- Plenary session to share ideas

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Strategy for raising awareness of bias

- Recognize the moral dimension (bias = moral 'felony')
- Distinguish between unconscious bias and conscious bias (animus)
- Recognize how our thinking is unconsciously influenced by 'priming' (e.g., medical school applications on rainy days)
- Debunk dichotomies (e.g., racist vs. non-racist people)
- Acknowledge 'in group' bias (e.g., women reviewing lab job resumes)
- Acknowledge personal bias (note impact of vulnerability)
- Recognize that bias is ubiquitous
- Leverage an awareness of gender and race bias to other areas of bias (e.g., appearance)

Thanks to Dr. David Campt (www.DavidCampt.com)



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“Tikkun Olam”: Making the World a Better Place

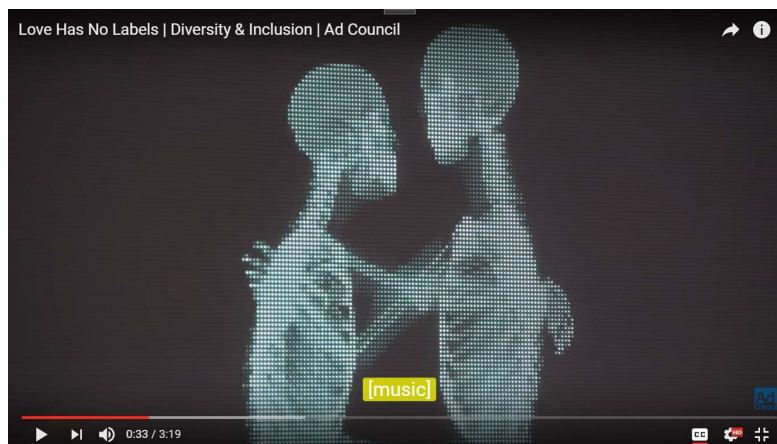
Talmud: “You are not obligated to complete the work [of healing the world], but neither are you free to desist from it.”



Rabbi Darby Leigh: “When you feel daunted by the enormity of the world’s suffering, remember that there may be certain corners of the world where you are uniquely situated to do good.”

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Reimagining Us + Them



<https://www.youtube.com/watch?v=PnDgZuGIhH>

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Namaste

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Questions



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