Diversity & Inclusion
Villanova Law, Professional Development II & III
Fall 2018

Goals
- Understand what implicit bias means and how it may influence our decisions
- Understand that having implicit biases does not necessarily mean that we act in explicitly biased ways.
- Recognize some behaviors that may suggest bias or differential treatment.
- Learn techniques to help debias perceptions and improve interactions.

What percentage of American men are over 6 feet tall?

- About 15% A
- About 25% B
- About 60% C
- About 70% D
What's Going On Here?

- Researchers sent thousands of identical resumes to employers with job openings. The same resume was roughly 50 percent more likely to result in a callback for an interview if it had a "white" name.

- Volunteers asked to evaluate a high-powered manager joining a company rated the person as much more unlikeable when it was a woman than when it was a man.

How does our culture shape our biases?


We receive **11 million bits of information** every moment.

We can only consciously process **40 bits**.

Content from rework.withgoogle.com
Without the brain’s ability to subconsciously process thousands of pieces of information instantly, our ancestors would have ended up as food.

Schemas

Schemas allow us to make sense of the world. Our unconscious brains:

1. Sort things into categories
2. Create associations
3. Fill in the gaps when receiving partial information
Implicit Association Test

Schema consistent pairings v. Schema inconsistent pairings

White and Asian-American test-takers show an implicit preference toward white people over Black people. 50% of Black test-takers show the same preference, and the other 50% show a preference for Black people.

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

How might implicit (or explicit) bias affect the practice of law?

Example: Job Interviewing

- On what basis have you felt judged while interviewing for a job?
- What assumption(s) have interviewers made about you (either positive or negative)?
Example: Job Interviewing

Imagine you are now interviewing a candidate for a job. What strategies might you use to counter implicit bias?

The good news:

“Motivation to be fair makes a difference.”

https://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-toolbox.html
Villanova Law Over the Years

1957 1986

Institutional processes can counter bias


Debiasing Oneself

Education
• Awareness
• Mindfulness

Exposure
• Contact
• Positive exemplars
• Environment

Approach
• Higher level processing
• Reduced cognitive load
• Checklists
• Procedural / organizational changes
Strategies

- **Mindfulness**: honestly recognize and acknowledge biases; articulate and question your reasoning for decisions
- Increase inter-racial or inter-ethnic interactions.
- Identify and limit distractions and sources of stress
- Solicit Feedback from others

The Lawyer's Responsibility

[1] A lawyer, as a member of the legal profession, is a representative of clients, an office of the legal system and a public citizen having a special responsibility for the quality of justice.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.

Preamble, Rules of Professional Conduct (emphasis supplied)

Other Resources

- Implicit Association Test: https://implicit.harvard.edu/implicit/takeatest.html
- https://www.ted.com/blogs/verna_myers/how_to_overcome_our_biases_walk_boldly_toward_them
- https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1257&context=cl_pubs