

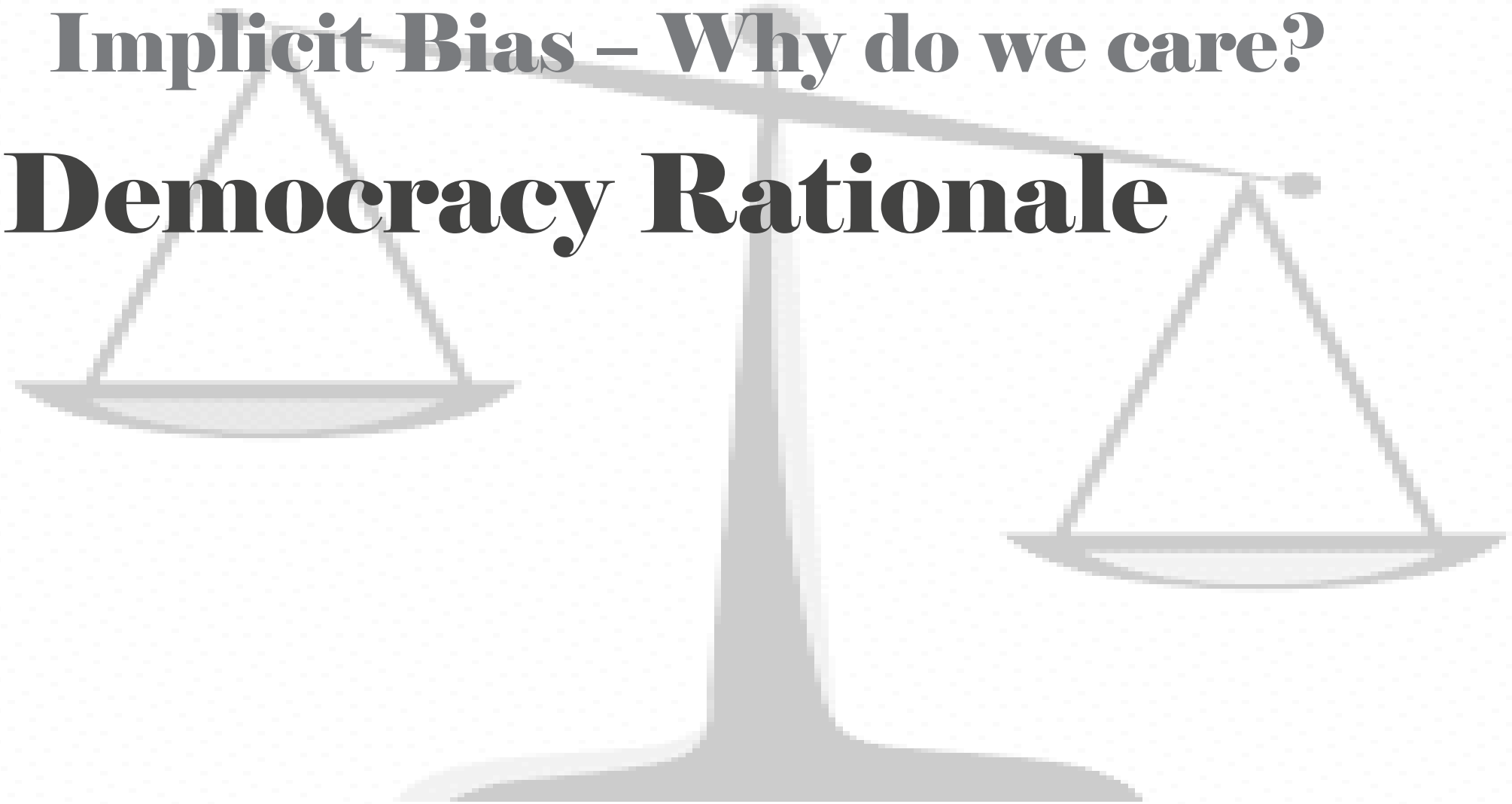
Implicit Bias for Municipal Attorneys

KANSAS CITY
Law Dept

Kansas City Law Department

Implicit Bias – Why do we care?

- **Democracy Rationale**



Implicit Bias – Why do we care?

- **Democracy Rationale**
- **Business Rationale**

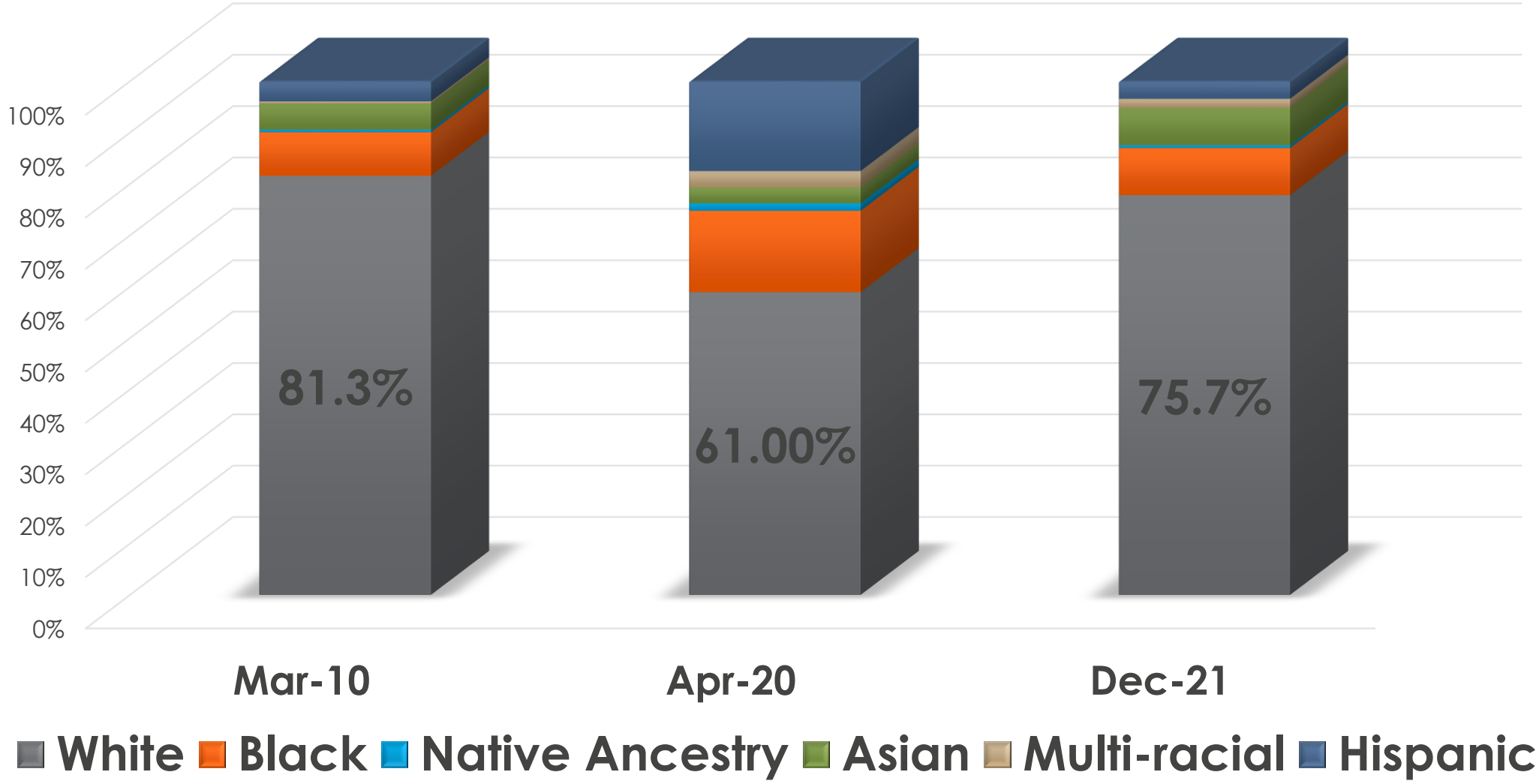
Implicit Bias – Why do we care?

- Democracy Rationale
- Business Rationale
- Leadership Rationale

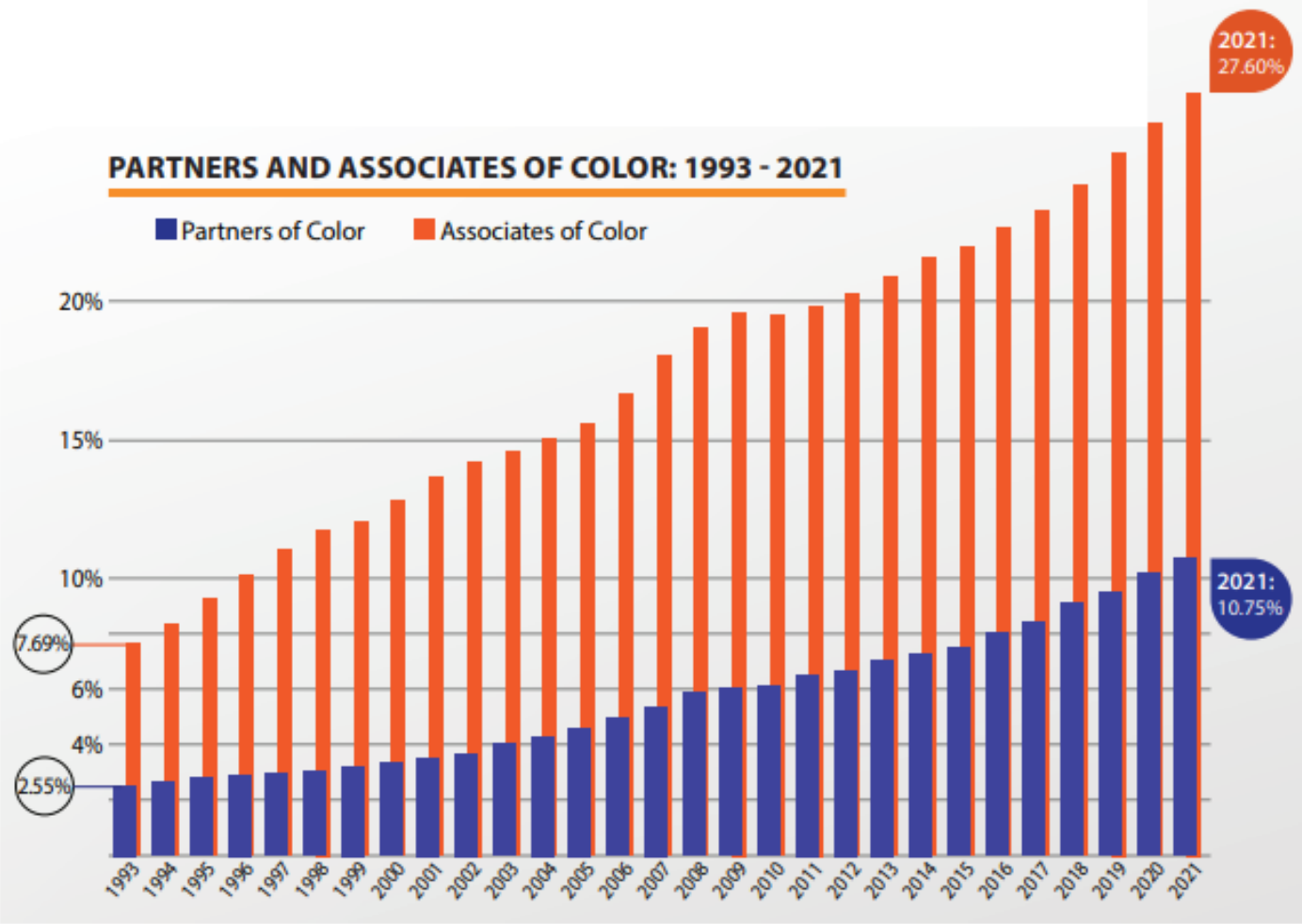
Implicit Bias – Why do we care?

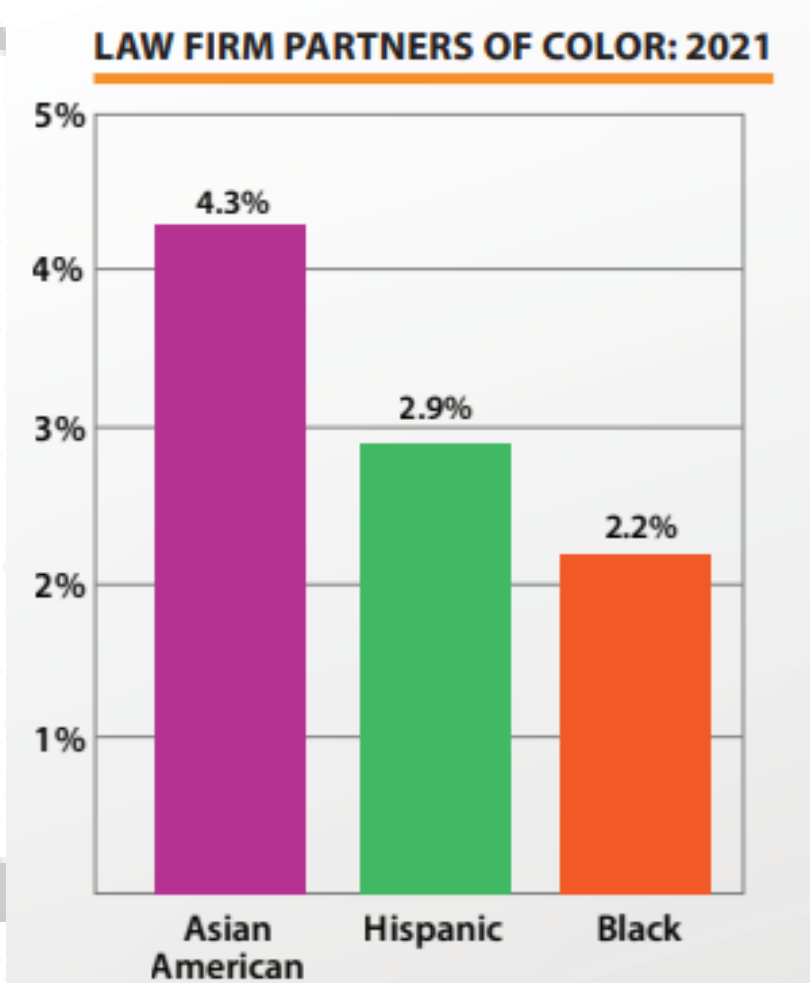
- Democracy Rationale
- Business Rationale
- Leadership Rationale
- Demographic Rationale

Federal Lawyers v. American Population

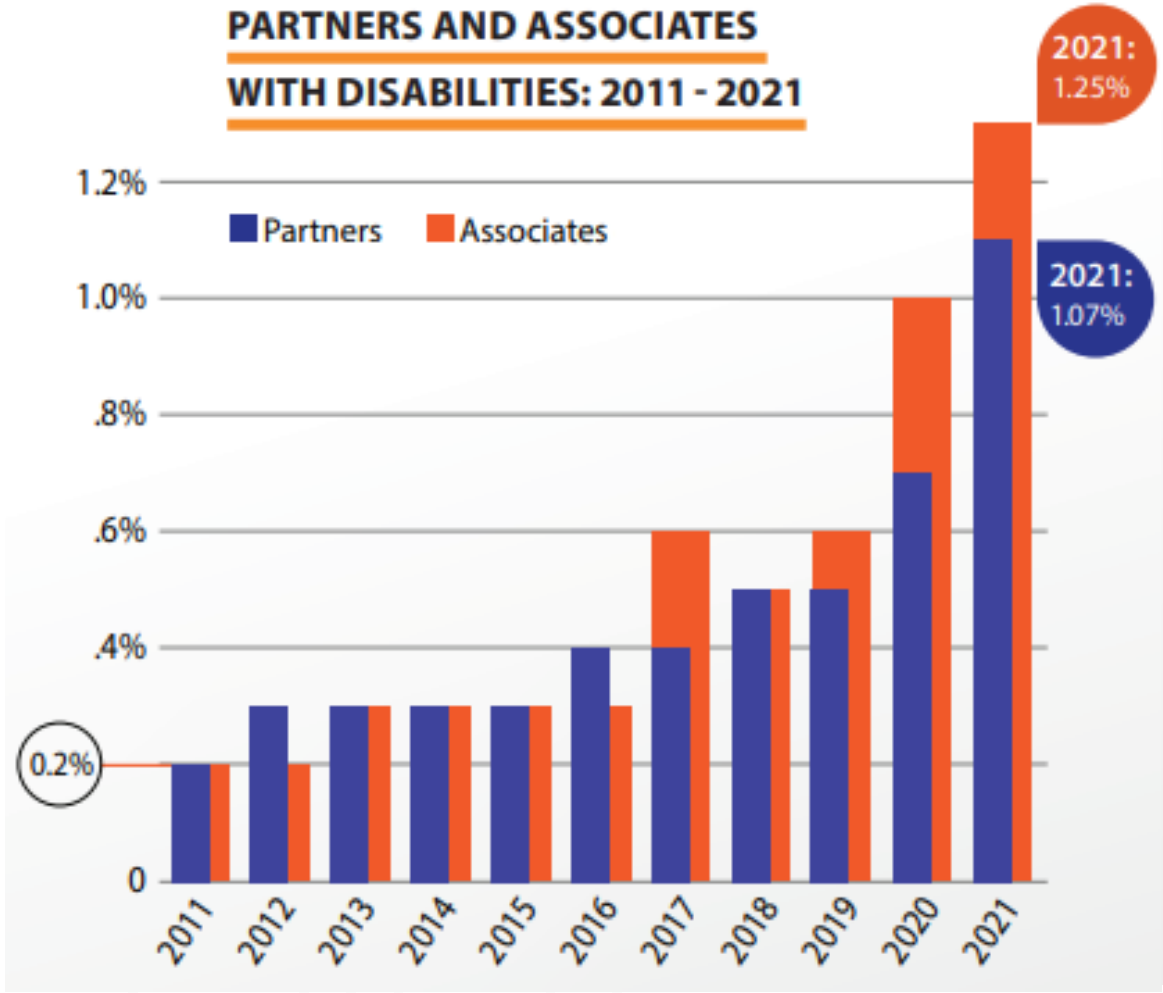


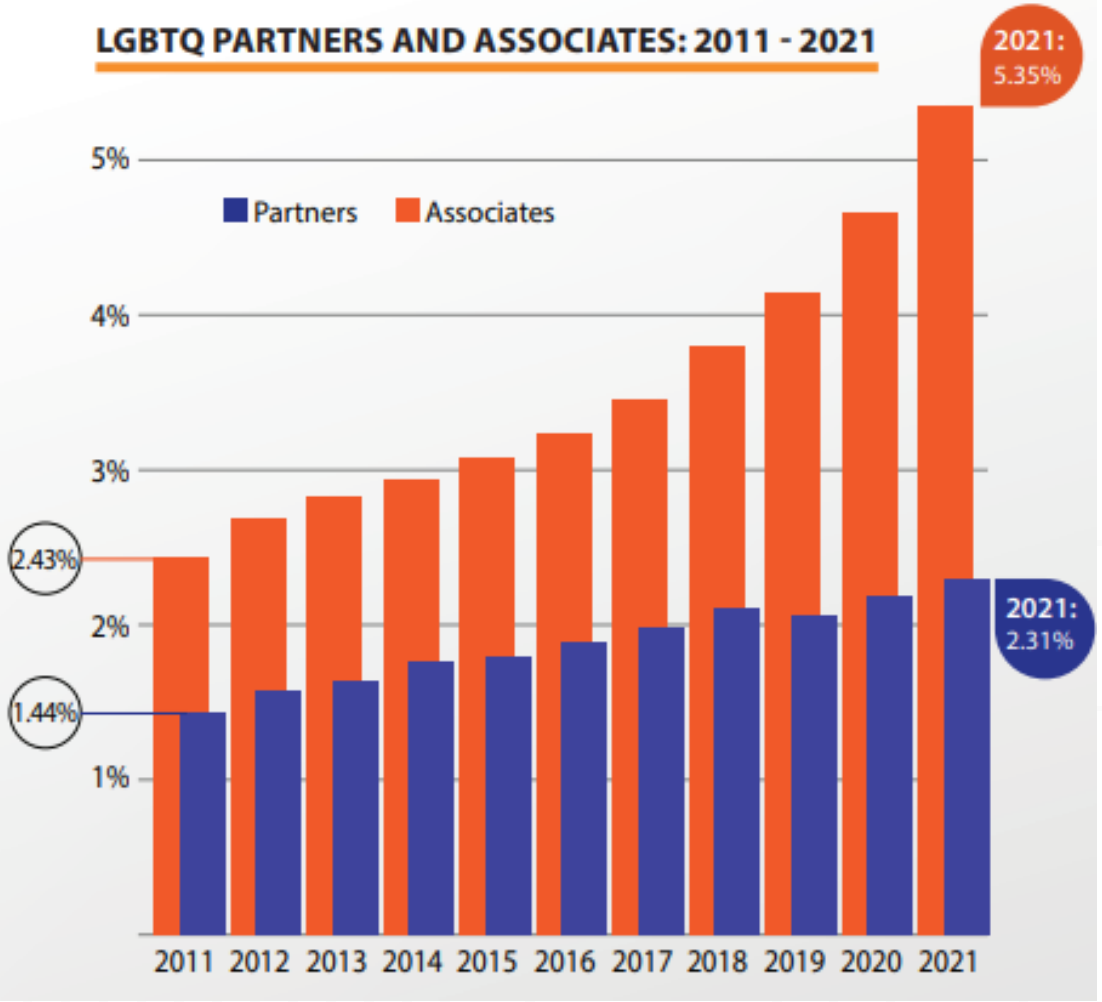
Implicit Bias – Why do we care?





Implicit Bias – Why do we care?

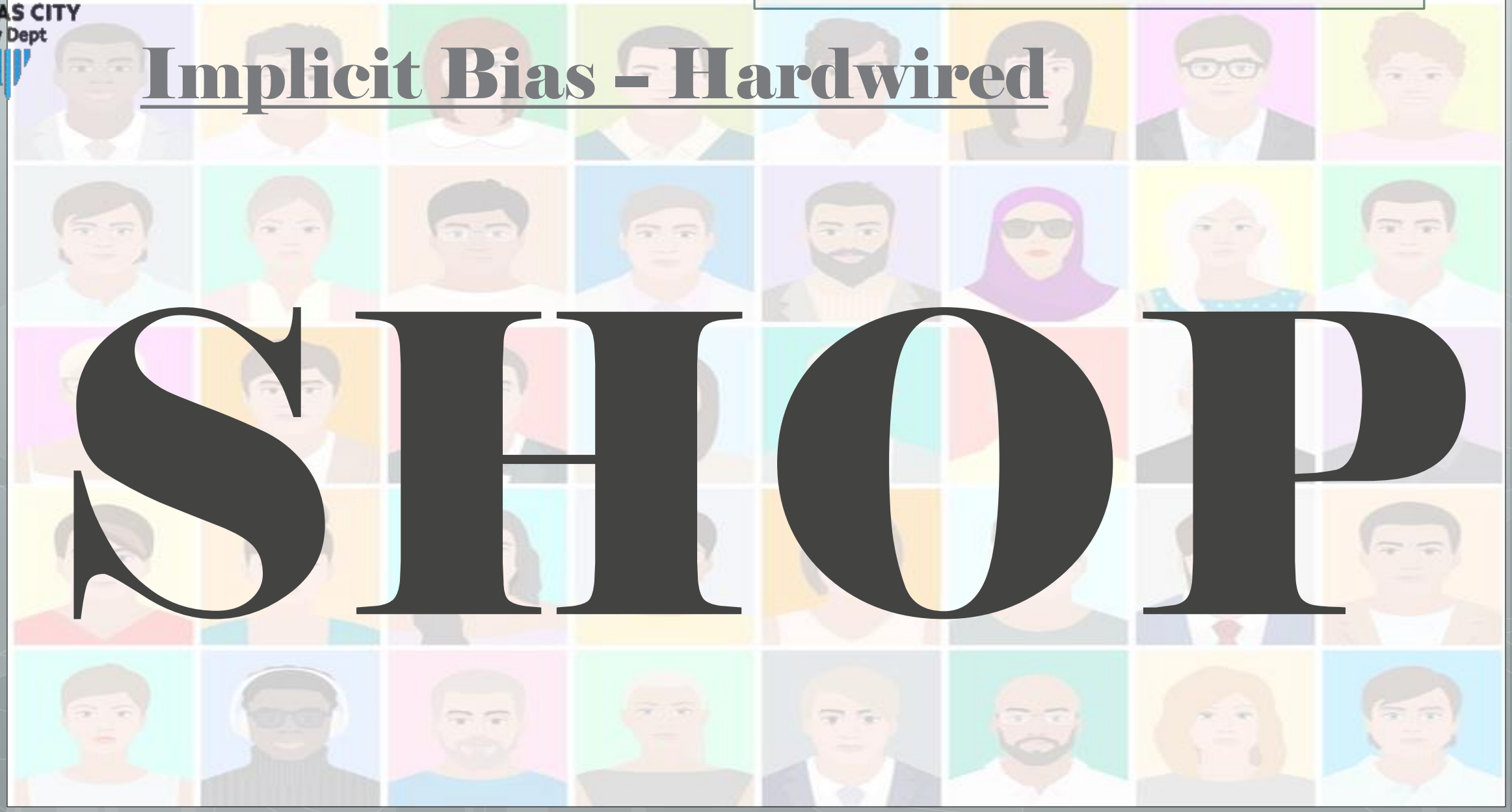




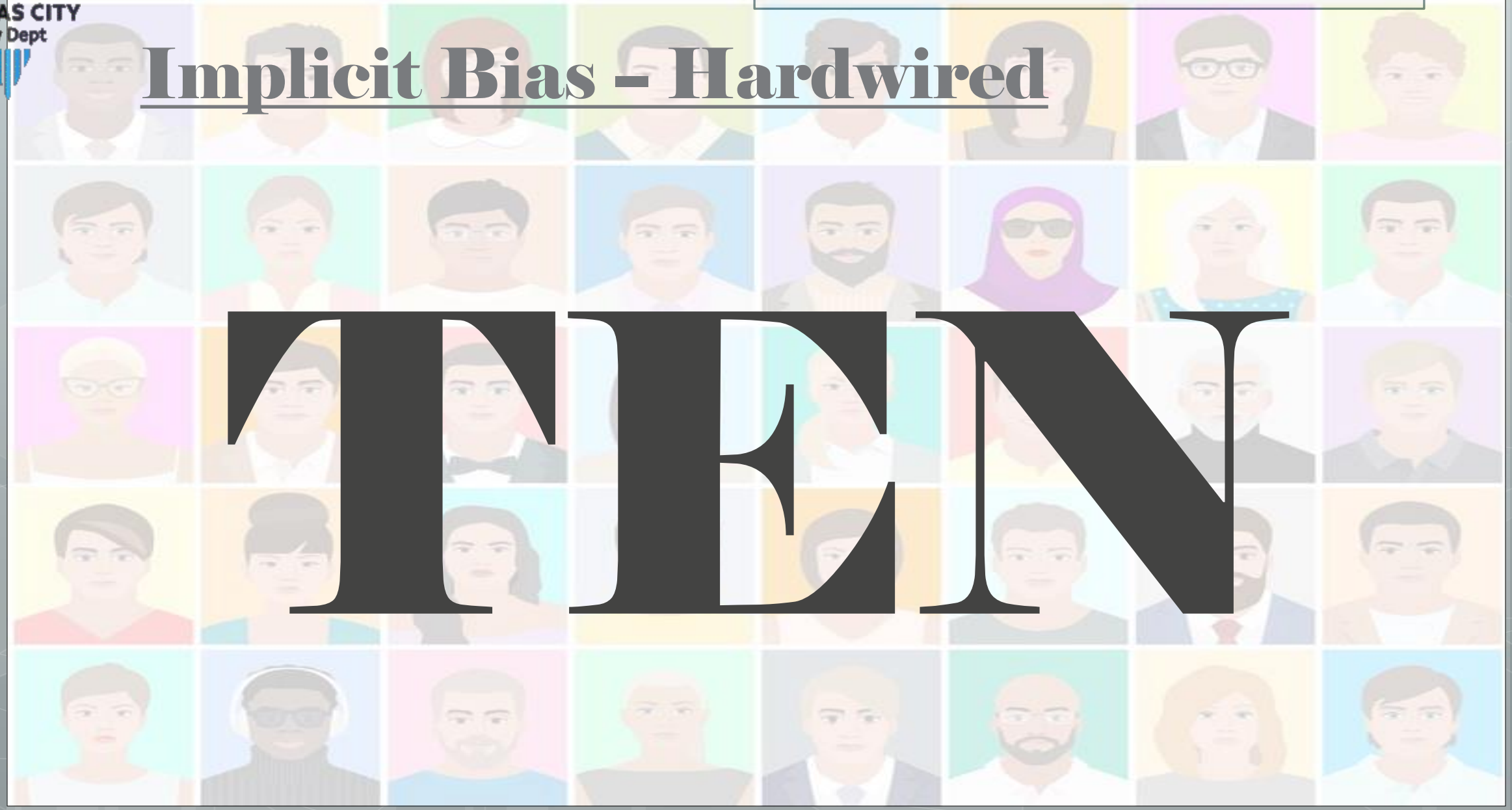
Implicit Bias – What is it?

- Unconscious preferences for certain characteristics
- Implicit bias is hardwired

Implicit Bias – Hardwired



Implicit Bias – Hardwired



Implicit Bias – What is it?

- Unconscious preferences for certain characteristics
- Implicit bias is hardwired
- Everyone has them

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How To Combat Implicit Bias



How To Combat Implicit Bias

Awareness



How To Combat Implicit Bias

Awareness

Implicit Association Test
Assessment of In-Group

How To Combat Implicit Bias

Awareness

Behavioral

How To Combat Implicit Bias

Behavioral

See Something; Say Something
Oppose Your Thinking
Exposure to Counter-Stereotype
Debias Your Legal Language
Give Up on Blindness

Degendering Legal Language

- **Gendered generics can communicate subtle sexism**



Degendering Legal Language

Employers and clients may be less likely to see women as successful professionals assuming leadership roles. Faculty and classmates may be less likely to see women as worthy law students and future lawyers. Women themselves may begin to believe the underlying message that there is a mismatch between who they are and their chosen career path. Likewise, women may internalize the idea that they are not capable law students, lawyers, faculty, or judges.

Pat K. Chew & Lauren K. Kelly-Chew, Subtly Sexist Language, 16 Colum. J. Gender & L. 643, 646 (2007)

Degendering Legal Language

KC Code § 2-191(c):

It shall be the duty of the **director of finance** . . . to exercise general supervision over all offices of the city regarding the proper management of the fiscal concerns of their respective offices. **He** shall examine the books of each department from time to time to see that they are kept in proper form, shall see that all necessary reports are made to **him** by the various officers of the city, shall see that officers receiving money pay the money to the city treasurer, when required, and shall report all delinquents . . . . **He** shall also supervise the various divisions of the finance department . . . .

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Degendering Legal Language

- Gendered generics can communicate subtle sexism
- Gendered generics can distract

Degendering Legal Language

- Gendered generics can communicate subtle sexism
- Gendered generics can distract
- Gendered generics create ambiguity

Degendering Legal Language

KC Code § 50-71, Indecent Exposure:

A person commits the ordinance violation of indecent exposure if **he** knowingly exposes **his** genitals under circumstances in which **he** knows that **his** conduct is likely to cause affront or harm.

Racial Bias in Legal Language

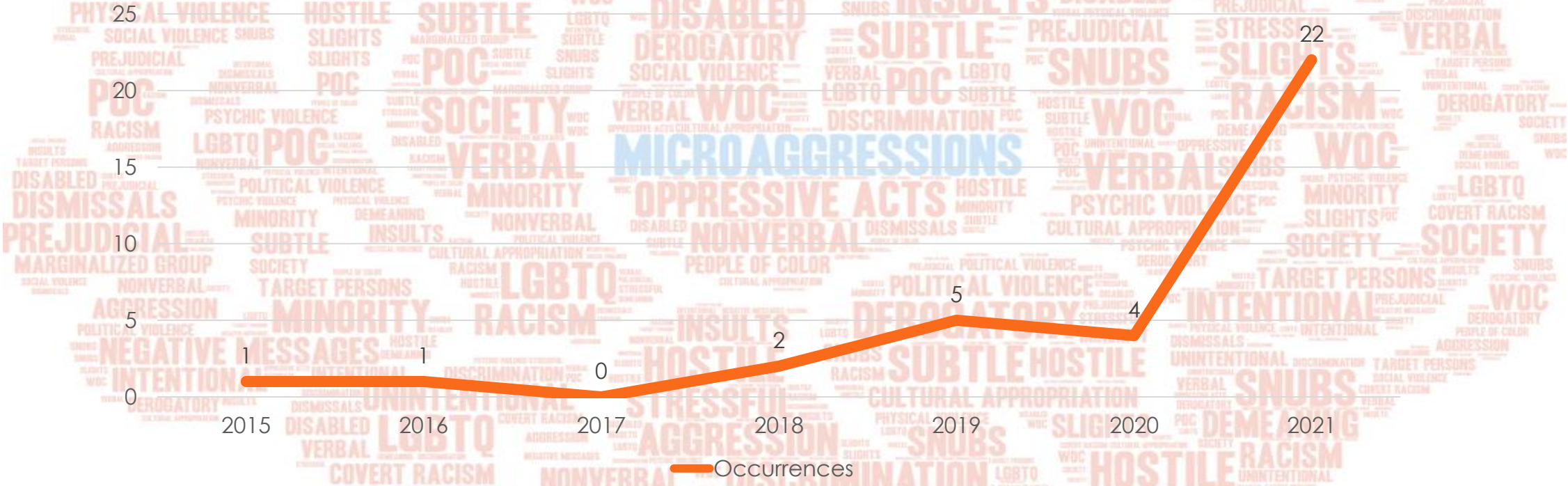
"[A]cross judicial institutions and time, judges are much more likely to associate unpleasant terms with African-American names, and pleasant terms with white names in their written opinion."

Racial Bias in Legal Language

Name: *Thomas Meyer*	**Name:** *Thomas Meyer*
Seniority: *3rd Year Associate*	**Seniority:** *3rd Year Associate*
Alma Mater: *NYU Law School*	**Alma Mater:** *NYU Law School*
Race/Ethnicity: *African American*	**Race/Ethnicity:** *Caucasian*

Why you should care (redux)

Instances of "Microaggression"



Why you should care (redux)

SEPTEMBER 26, 2018 BY HFNEWSADMIN

Spire Employee Awarded $8.5 Million in Racial Discrimination Lawsuit

McGaughy testified that although she encountered no direct racist comments at work, her managers and colleagues questioned her competence, her attorneys E.E. Keenan and Sonal Bhatia said. The trial, they said, focused on subconscious workplace bias — that employers treat workers of color differently through subtle microaggressions.

How To Combat Implicit Bias

Awareness
Behavioral
Structural

How To Combat Implicit Bias

Structural

Debias Hiring
Debias Assignments
Debias Evaluations
Formal Mentoring


QUESTIONS