



Program Title _____

Date Presented _____ Inn Year _____

Presenting Inn _____ Inn Number _____

Inn City _____ Inn State _____

Contact Person _____ Phone _____

E-mail Address _____

Please consider this program for the Program Awards: Yes No This program is being submitted for Achieving Excellence: Yes No
(Submit within 60 days of presentation.)

Program Summary:

Be concise and detailed in summarizing the content, structure, and legal focus of your program. Please attach additional sheets if necessary.

Program Materials:

The following materials checklist is intended to insure that all the materials that are required to restage the program are included in the materials submitted to the Foundation office. **Please check all that apply and include a copy of any of the existing materials with your program submission:**

Script	Articles	Citations of Law	Legal Documents	Fact Pattern	List of Questions	Handouts
PowerPoint Presentation	CD	DVD	Other Media (Please specify) _____			

Specific Information Regarding the Program:

Number of participants required for the program _____ Has this program been approved for CLE? Yes No

Which state's CLE? _____ How many hours? _____ Pending Approved

Recommended Physical Setup and Special Equipment:

i.e., DVD and TV, black board with chalk, easel for diagrams, etc.

Comments:

Clarify the procedure, suggest additional ways of performing the same demonstration, or comment on Inn members' response regarding the demonstration.

Program Submission Form

Roles:

List the exact roles used in the demonstration and indicate their membership category; *i.e.*, Pupil, Associate, Barrister or Master of the Bench.

Role	Membership Category

Agenda of Program:

List the segments and scenes of the demonstration and the approximate time each item took; *i.e.*, "Introduction by judge (10 minutes)."

Item	Time

Program Awards: *Please complete this section **only** if the program is being submitted for consideration in the Program Awards.*

Describe how your program fits the Program Awards Criteria:

Relevance: How did the program promote or incorporate elements of our mission? *(To Foster Excellence in Professionalism, Ethics, Civility, and Legal Skills)*

Entertaining: How was the program captivating or fun? _____

Creative and Innovative: How did the program present legal issues in a unique way? _____

Educational: How was the program interesting and challenging to all members? _____

Easily Replicated: Can the program be replicated easily by another Inn? Yes No This program is: Original Replicated

Questions:

Please contact program library staff at (703) 684-3590 or by e-mail at programlibrary@innsofcourt.org.

Please include ALL program materials. The committee will not evaluate incomplete program submissions.

Attachment to Program Submission Form
Judge Consuelo M. Callahan American Inn of Court

Program:
You Say Micro, I Say Macro
Micro-Aggression and Implicit Bias at the Happiest Law Firm on Earth
November 17, 2016

PROGRAM SUMMARY

As you can see from the title, the program topics were micro-aggression and implicit bias.

Our team felt strongly that micro-aggression and implicit bias were important topics for discussion, particularly because of the animosity and venom in the public arena leading up to the election. Our program was presented on November 17 – shortly after the election.

The team decided that a fun way to address the issues would be to show over-the-top, “macro” aggression and then mix into the skit examples of micro-aggression to see if the audience noticed the more subtle micro-aggression.

The team felt that using Disney characters would be a particularly fun way to show micro-aggression and implicit bias.

The structure of the program presented micro-aggression in Act 1, followed by a discussion, presented implicit bias in Act 2, followed by a discussion of implicit bias, and then the skit ended with a very short “feel good” ending (the characters are Disney characters after all – a happy ending is mandatory!).

We selected a seasoned male attorney and a new female attorney to lead the discussions so that both young and old (or junior and senior), and male and female perspectives would be represented by our discussion leaders.

In Act 1, Evil Queen, a senior partner at **HOOK & QUEEN, LLP**, has her first meeting with a new client, Beast (of Beauty and the Beast), who wishes to sue Beast from XMen for copyright infringement and other claims. Evil Queen has an ace in the hole – she kidnapped Fairy Godmother, to help assure victory.

Evil Queen introduces Beast to her associates, Aladdin, Evil Stepsister (aka Ugly Stepsister), Mulan and Sleeping Beauty. The Beast insults each one and tweets some truly nasty comments. Beast leaves – after hitting on Sleeping Beauty – and the team at **HOOK & QUEEN, LLP**, discusses how to proceed. We see a multitude of examples of micro-

aggression, including inappropriate jokes, interrupting a woman when she speaks, attributing a woman's ideas to a man, assuming that Mulan (who is Asian) is good at math, calling an insult a compliment, and telling a person of color, "I don't see color."

The discussion sought to ascertain whether the audience noticed the many examples of micro-aggression hidden within many examples of "macro" aggression.

In Act 2, we switched from micro-aggression to implicit bias (biases we are not aware we hold). To do this, we employed a number of different mini-scenes within the Act. For example, Act 2 starts with Captain Hook and Prince Charming, who have just finished a round of golf. Captain Hook clearly likes Prince Charming, who reminds Captain Hook of himself, when he was young. They discuss Cinder Fella, and Captain Hook is clearly uncomfortable – he does not see himself in Cinder Fella.

Cinder Fella, Evil Stepsister and Aladdin overhear the conversation, but Aladdin has to leave – he has to pick up the kids from daycare, take them to soccer, prepare dinner, put the kids to bed, and then work long into the night. We show Aladdin on his cell phone, talking with a client, and working hard, then we see Evil Stepsister and Cinder Fella complain that Aladdin always leaves early and the extra work gets piled on them, since they are in the office.

Meanwhile, Aladdin complains that the fat cat senior partners do not understand technology and do not work hard. Captain Hook returns to the stage, along with Prince Charming, Mulan and Sleeping Beauty. Captain Hook is shocked to learn that Aladdin is not married – he does not approve of unmarried couples having children together, or of other non-traditional couples. Captain Hook leaves to go to the *Jolly Roger* and we learn that Aladdin's assumption was wrong - Captain Hook is very tech-savvy, and he works quite hard when he is on his boat.

We continue with a multitude of examples of implicit bias, with nearly every character insulting the other, based upon the person's implicit bias and the assumptions each character makes: one character does not "look Jewish", another character assumes that Aladdin is planning a jihad because he is Muslim, Prince Charming feels discriminated against (as a privileged white male prince), Mulan believes she *cannot* discriminate against anyone because she is a minority, and Evil/Ugly Stepsister complains of the discrimination suffered by the beautiful.

Fairy Godmother cannot take it any longer! She grabs her wand and zaps the implicit bias out of our characters, who (free from their biases) hug and laugh.

For the discussion, we knew the topic could be difficult – after all, who wants to admit that he or she is biased? We all want to think we are fair and unbiased (or that we are aware of our biases). The team used the examples in the skit to encourage the audience members to look at themselves and their unknown/hidden biases, and take the first steps towards overcoming those biases.

We wanted to end the skit on a happy note, in the Disney spirit. So, we had the Beast return to **HOOK & QUEEN, LLP**. When it became clear that Beast had not changed his beastly ways, Fairy Godmother zapped the micro aggression and implicit bias out of him, to turn him into a charming prince. She must have messed up her spell, though, because she turned Beast into Prince of Purple Rain fame. Prince was played by the incoming President of our county Bar Association, which was an extra treat for the audience.

ROLES (continued from the form)

Role	Membership Category
Sleeping Beauty	Associate
Fairy Godmother	Barrister
Prince Charming	Master
Cinder Fella	Student

PROGRAM AWARDS

Relevance: Our program was presented shortly after the election. Given the tone of the election, we felt it was important to discuss micro-aggression and implicit bias. We also felt the topic was important because, since attorneys are zealous advocates, it can be easy to get carried away, be too aggressive, and to lose civility. Encouraging attorneys to take a close look at their own actions, statements and biases, and to consider how others perceive those actions and statements, should help to improve civility.

Entertaining: The Disney characters were great fun, and helped to make the skit quite entertaining.

Creative and Innovative: Our team could not recall a team discussing micro-aggression or implicit bias, so we felt the topic was innovative.

Educational: A number of audience members told various us that they continued to think about our skit for some time after the program, and that they implemented discussions and changes within their offices to try to address these issues. We cannot think of a higher compliment!



Harvard University has created a website where you can learn about social attitudes, implicit biases, and micro-aggression. Please use the below link to take the test to learn about your social implicit biases.

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



Discussion Leaders

Script

Audio / Video

Playbill/Program

Mark Connolly & Meghan Clair

Brett Jolley & Laurie Bell Schrum

Liz Hull

Tracy Fritch-Thym

YOU SAY MICRO, I SAY MACRO!

Micro-Aggression and Implicit Bias in the Happiest Law Firm on Earth

Team Roger Ross
November 2016



HOOK & QUEEN, LLP

THE HAPPIEST LAW FIRM ON EARTH!

THE CAST!

Role

Team Member



Capt. Hook

Roger Ross



Evil Queen

Laurie Bell Schrum



*The Beast
(the real Beast!)*

Brett Jolley



Sleeping Beauty

Meghan Clair



Aladdin

Leslie Romeo



Ugly Evil Step Sister

Tracy FritchThym



Mulan

Denise Pereira



Fairy Godmother

Elizabeth Hull



Prince Charming

Mark Connolly



CinderFella

Darrell Griffin

ACT 1- The Beast and the ... Beauty?

The Evil Queen and her associates at Hook & Queen, LLP meet an important, and obnoxious, new client. The team gets firsthand experience with "macro" and "micro" aggression, which threatens the peace at the Happiest Law Firm on Earth.

Act 2- Things Get Hairy

The beastly behavior continues. We learn that Captain James Hook and his crew all hold deep-seated biases that affect how they interact with each other and how they view others. Will our story end in disaster, or can the fairy tale be saved?

Act 3- What Else? A Happy Ending

Thanks to a magic wand and the Fairy Godmother, Captain Hook, the Evil Queen, and the rest of the gang have a happy ending... but what about the Beast?



YOU SAY MICRO, I SAY MACRO

Act 1

(Evil Queen enters, dragging Fairy God Mother along with her. Evil Queen has Fairy God Mother's wand.)

Evil Queen (EQ): Fairy God Mother, who is the fairest attorney of them all?

Fairy God Mothe (FGM): We've been over this before. That's not my schtick, Queenie. I'm a fairy godmother – not a magic mirror.

EQ: I know that. But you see what happened to Magic Mirror when he crossed me *(gestures to a broken mirror)*. Now, one more time... who's the fairest attorney in the land?

FGM *(checking her ipad)*: It says here Erin Guy Castillo... And Lisa Blanco Salazar Ramirez Rodriguez Jimenez is WAY fair... Oh, and Tom Keeling. Now he's fair... and...

EQ: Silence!!! Do I need to zap you again *(threatens Fairy God Mother with the wand)*.

(Fairy God Mother cowers– she has obviously been zapped before)

ED: Now... WHO is the fairest attorney of them all?

FGM: *(reluctantly)* You are the fairest attorney of them all, Evil Queen.

EQ: Good. Now, a new client is coming in today. The meeting needs to go well. I am having a team of associates participate in the meeting to show the client how diverse and forward-thinking we are.

Since you are a Fairy God Mother, no one else can hear or see you. But I want you here to watch over the client meeting, and then we'll use the crystal ball to help me win the case. We haven't lost a case since I kidnapped you from Cinderella!

Associates!

(Enter Aladdin, Evil Stepsister, Mulan and Sleeping Beauty. They line up, standing.)

EQ: Aladdin, Evil Stepsister, Mulan, Sleeping Beauty, we have a very important, high profile, client coming in today. I want you all to be on top of your game. Look sharp!

(The new client arrives - Beast from beauty and the beast.)

EQ: Here he is! Hello, I'm Evil Queen. You must be Beast!

Beast (B): Yes, pleased to meet you. I am interested in the Hook & Queen firm because you are quickly becoming one of the top firms in the land. You have a reputation all across the kingdom for working magic. You are a bunch of bad hombres and I like that!

EQ (*takes the crystal ball and hides it*): Thank you. We have worked very hard to build our reputation.

FGM (*to the audience – no one else can hear her, except EQ*): Yeah right!

EQ (*glares at FGM*) (*to Beast*): I understand you have an issue with a “mutant?”

B: Yeah. You know that Hank McCoy from the X-Men? (*everyone shrugs*) Well, this lightweight has been calling himself “Beast” and making money off of my brand. Perhaps you’ve seen some of my Tweets about this jerk? (*again, everyone shrugs*)

(*B reads his tweets, which also show on the screen*):

B: Mutants are the worst. XMen “beast” using my name for his own enrichment. Even Pinocchio says he has terrible judgment.

#BoycottMutants

#RealBeast

B: Dopey XMen Beast looks like Frasier Crane and Avator had a baby. Absolutely the worst “beast”.

#BlueFurLoser

B: I want to sue the brightly-colored pants off this guy!

EQ: I see. I am pleased you have come to our firm and I know we can help you. Let me introduce you to my minions... er, associates. This is Aladdin. He is a talented litigator. (*Aladdin bows to the crowd*),

B: Ah-what-in? What kind of name is that? Where are you from?

Aladdin (A): Modesto, Mr. Beast.

B: No, I mean where are you REALLY from?

A: Modesto!

B: I’m going to call you Al. We’re in America and in America, people have American names.

EQ: Well, we can talk about that later. (*Aladdin sits down*). Beast, this is Evil Step Sister Drizella. Drizella is one of our most experienced associates when it comes to intellectual property. (*Queen blocks Beasts view of Drizella, then steps out of the way*)

Evil Step Sister (ESS) (*curtsies to the crowd, then says to Beast*): Nice to meet you.

(Beast recoils, then tweets):

B: Just met the ugliest attorney in town. Evil stepsister – more like ugly stepsister. Not my first choice.

#uggo

#2bagger

EQ: Let's move on. *(Evil Step sister sits down)* Beast, this is Mulan... *(Mulan bows to the crowd)*

B: --Hola, senorita. I'd like my coffee black.

Mulan (M): I am an attorney, Mr. Beast. I just won a huge jury verdict against Long John Silver on behalf of the Little Mermaid, Princess Ariel.

B: Really? Hmmm. Then I'd like my café black, abogada!

M: Sir, I'm Asian - not Hispanic.

B: Whatever. You speak English real good. You know, Belle needs another maid. You can clean my house any time (wink, wink).

[Beast Tweets again]

B: This abogado is one hot tamale – or eggroll. Whatever. My point is... Belle who? #AutomaticallyAttractedToBeautifulWomen

FGM *(only EQ can hear her)*: Are you KIDDING me??? This guy is terrible! Throw him out of here Queen!

EQ *(stage whisper to FGM)*: Hush! This guy has more money than fur. Be quiet!

EQ *(to Beast)*: She's an attorney, Beast. Moving on. *(Mulan sits down.)* I would like you to meet our newest associate, Sleeping Beauty. *(Wakes up Sleeping Beauty. Sleeping Beauty curties to the crowd)*. Sleeping Beauty is a brand new attorney.

B: Well, that's more like it. Hello little lady!

Sleeping Beauty (SB) *[backs away from him]*: Hello Mr. Beast, it is, ummm, nice to meet you.

B: I'm going to enjoy working CLOSELY with you, whatever your name is.

FGM *(to Queen)*: This is ridiculous. This guy is an animal! If I ever get my magic wand back I'm going to turn him into a pumpkin. Tell him to take a hike, Evil!

EQ *(to FGM)*: Hush!

EQ: I'm sure Sleeping Beauty looks forward to working with you, Beast. Now, let's discuss your case. (*Sleeping Beauty sits down*)

B: Yeah. Tell me how we are going to bury this loser and reclaim my good name!

ALL ASSOCIATES: [*Muffled laughter, mumbles of "good name, yeah right"*]

M: We have a great deal of experience with copyright infringement, tradename and trademark litigation, brand dilution, and similar claims. You would be surprised at how many people try to make a profit by copying famous people. Why, I hear there is even a group called (*air quotes*) Inn of Court and all they do is copy characters from movies, tv and pop culture. And it's a bunch of attorneys! You would think they would know better!

B: Sounds silly to me, but I never have understood attorneys. Maybe if more of you looked like me, or Sleeping Beauty, you wouldn't act so weird.

Look, my brand is youuuuuuugggggg! That loser is profiting off of my hard work selling my name all over the kingdom. Beast hotels. Beast steaks. Beast university. That guy is a lightweight and I don't want my name associated with his.

M: He is a Senator and a Super Hero, isn't he, Mr. Beast?

B: Exactly some government slob in tights! If I were President, I'd tell him, "You're FIRED!™ Trademark."

ESS: Mr. Beast, as Mulan said, we have a great deal of experience in this area of law. I have won dozens of cases similar to this. The basic test of infringement is whether a member of the public would find you and the other beast to be confusingly similar. There are two other factors...

A: [*interrupting*] ...I think the important thing to know is that you are in good hands at Hook & Queen. We can discuss specifics later.

B: What I want to know is how much am I going to win?

A: It's too soon to know, but it looks like you have a good case. The test is whether a member of the public would find you and the other beast to be confusingly similar.

B: Really? That's good to know. I had no idea.

ESS: That's the point I was making. In addition --

B [*to Aladdin, interrupting ESS*]: Al Roker, I like you... I think. Thanks for clarifying.

(*Beast tweets*):

B: This Adele Dazeem guy seems pretty sharp for someone who drives a rug and wears a fez. Not sure why "Droolzilla" keeps talking. She's the worst.

#ProbablyaRosieODonnellFan

FGM (*to Queen*): This just keeps getting worse! Evil Queen, you know that one of the top complaints of women, even professional women, is that they are interrupted more frequently than men and that their ideas are often attributed to men!

EQ (*to FGM*): Zip it!

B: Evil Queen, why don't you and I speak in private?

[EQ has the associates leave.]

B: I don't usually like working with women, but I like you and I've heard great things about your firm. That Al Jezeera fellow seems sharp but I don't want him on my team. I don't trust foreigners.

EQ: ALADDIN is a fine associate – and he's not foreign – or, I don't think he's foreign.

B: Whatever. I won't work with him. Seems like the type of guy who would keep a pet monkey. And I won't work with "Godzilla" either. I don't work with ugg-o's. Mulan is a looker but she's probably illegal so I won't work with her.

EQ: Mulan's great-grandparents settled this town. Her family has been here longer than my family.

B: Yeah, yeah. That doesn't mean they're not illegal. Look, I'll give you my business and my business is huuuuuuuge. I mean, I do the biggest and the BEST deals. The Best! But I'll need to work with Sleeping Beauty.

FGM (*to Queen*): Tell him to take a hike, Evil Queen! Tell him you won't put up with his beastly ways!

EQ (*ignores FGM*): Of course we'll help. I'll talk with my partner, Capt. Hook, and get back to you. (*Walks him to the door*)

B (*runs into Sleeping Beauty on his way out*) (*leering*): I just talked with Evil Queen, and you and I are going to be working very closely together. I'll take you out to dinner tonight to discuss my case.

SB: ummm. Uhhhh. I think I have a, um, uh, Bar Association event tonight.

(B lunges for her but she dodges his grasp).

(B tweets again before leaving stage):

B: Wouldn't mind waking up with Sleeping Beauty. Maybe I'll take her furniture shopping.

#Don'tForgetTicTacs

(B leaves and SB goes to EQ.)

SB: I just ran into Beast on his way out the door. He just asked me out and tried to grab me. We aren't going to work with him are we?

EQ: You think you're the first woman who's been hit on by a client? Grow up! It happened to me – I mean happens to me – all the time. After all, I'm still the fairest attorney in the land.

FGM: Groan!!!

SB: But it's not OK! He can't behave like that!

EQ: I had to put up with it and you'll put up with it. Suck it up buttercup! Now get the rest of your associates in here!

(The other associates come in, laughing, and sit at the table. Evil Stepsister and Sleeping Beauty sit next to each other.)

A: That guy was a real J-E-R-K. Did you see the size of his paws? He has tiny little kitten paws! And you know what that means! I, on the other hand have hands like Shrek! *(Aladdin laughs; ESS and SB laughs uncomfortably)*

M: I asked you to stop talking like that! It's inappropriate and makes me uncomfortable.

A: Oh, grow up, Mulan. Drizilla, and Sleeping Beauty are fine with it. You're just a prude.

FGM *(to ESS and SB)*: It looks to me like you both are not fine with it. *(Puts her hands on their shoulders.)* I know you can't hear me but speak up!

SB *(to the audience)*: I agree with Mulan – his jokes are inappropriate and make me uncomfortable. But If I say something then I'm going to be made fun of for being a prude. Besides, Evil Step sister and Evil Queen never say anything. I'll just stay quiet.

ESS *(to the audience)*: I learned a long time ago to just put up with inappropriate jokes. It hardly even bothers me anymore.

EQ *(to everyone)*: Look, Beast is a bit rough around the edges but he's a good client - meaning rich, so you all are going to deal with it.

FGM *(throws up her hands in frustration)*

ESS: Well, I'll work with him. As you know, I have litigated many of these cases and have a 100% winning record. I'd like to start by immediately sending out discovery and scheduling depositions.

EQ: We'll see. Besides, you are going to work in the background. You will be the brains behind the operation. I'm going to have Sleeping Beauty take the lead on this case.

SB: (wakes up) What? But I'm a brand-new associate! Besides, the client just hit on me. I don't want to work with him!

ESS: Pull on your big boy panties, Sleeping Beauty. We've all been hit on.

Aladdin: You wish. Look, I'll work with him. I'll start by sending out discovery and scheduling depositions.

EQ: That's a great idea. Good strategy, Aladdin.

ESS (*to audience*): That's the strategy I just suggested...

M: I'd like to help. It sounds like a fascinating case.

A: Good. You can do our damages calculations. There will be very sophisticated math involved.

M: Uhhh, OK, but math really isn't my strong suit. I was an art major.

ESS: Math isn't your strong suit? But you are... Well, I mean, your people are good at math.

M: My people? What people?

SB: You know what we mean. Don't take offense. Everyone knows you guys are good at math. It's a compliment!

M: What do you all think I am?

ESS: I don't know. I don't see color.

FGM (*to Queen*): Did you hear that? Don't you know that saying "I don't see color" is just a way of minimizing the experiences of people of color?

EQ: (*to FGM*): Hush! (*to everyone*) Girls, stop being so emotional. Now "man up" and get to work!

(*Everyone leaves. Fairy God Mother shakes her head in disgust, sighs, and follows them out.*)

End of Act 1 – discuss micro-aggression

Act 2

(Captain Hook (CH) and Prince Charming (PC) come into the office carrying golf clubs.)

PC: I really enjoyed our golf game, Captain Hook.

CH: Me too, Prince Charming, but call me James.

PC: Thank you captain, I mean James. You are a good golfer.

CH: Yes, I used to hit like a girl. It took a lot of work to stop... hooking the ball. *(He holds up his hook and they both laughed heartily, like old buddies.)*

PC: I took some golf lessons from Cinder Fella, who is a great golfer. Have you golfed together before?

CH *(looks uncomfortable)*: No, ummm, we haven't had the chance... Charming, I like your stuff. In fact, you remind me of me when I was your age.

PC: Thank you sir, I mean James. You, Cinder Fella, and I should play a round of golf together some time.

CH *(unenthusiastic)*: Yes, ummm, we'll do that... sometime...
(to the audience): I don't think so... I don't see myself in Cinder Fella...

CH *(to PC)*: You know, son, our firm is a traditional firm with traditional family values. A firm where we send Christmas cards, not holiday cards. You fit in well. Don't quote me on this, but I'd say you're on the fast track to partnership. By the way, how is the little woman?

PC: Snow is doing great. The twins are due any day now. We are very excited.

CH: You make sure to take some time off after the twins are born. I remember, I took off a half day when my kids were born. Heck, with twins, you could even take a whole day off.

PC *(to the audience)*: Uhhhhhh. I was going to ask if the firm has paternity leave, and hoped to take a few weeks off to bond with the twins and help Snow White. It sounds like I'd better stay quiet about paternity leave.

CH: Don't worry, son, it will work out. Snow is going to do all of the work when it comes to the kids anyhow.

(Hook laughs heartily; PC grimaces but laughs, they walk off stage. Cinder Fella, ESS and Aladdin come on stage – they heard the conversation.)

A: Gee, Cinder Fella, that had to be tough to hear.

CF: I don't get it. I'm an excellent golfer. Hook and I belong to the same country club. We've talked about golf a number of times, and I've been at the firm longer than Charming, but Hook has never invited me golfing!

A: Oh boo-hoo, you're crying like a little girl.

CF: I'm just saying it's not fair that Charming gets to golf with the boss, and we don't.

A: (*looking at his watch or phone*). Unfortunately, I don't have time to worry about golf. I have to leave to pick up my kids from daycare and get them to soccer. Princess Jasmine is working late at the hospital again, so I'm responsible for soccer and dinner and baths and bedtime stories again tonight.

(*Aladdin leaves*)

ESS: Have you ever noticed how he always leaves early? I know he has kids but the extra work gets dumped on us because he's never around in the evenings.

CF: I hadn't thought about it before but you're right, it's not fair. Hook and Evil Queen stop by my office in the evening all the time and give me work. If he was around, he'd get some of that work.

ESS: It's not fair, I tell you. The associates with kids leave early and have it easy.

(ESS and CF leave. *Aladdin enters on his magic carpet. He's on his cell phone.*
Note: roll Aladdin around on his magic carpet)

A (*stressed*): Can you hear me? The Bluetooth connection on my magic carpet isn't good. Can you hear me now?

Let's talk in 30 minutes. I'm picking up my kids and dropping them at soccer practice. I have your documents with me on my iPad and we can talk during practice, then I'll finish reviewing everything while they eat dinner. I'll make the revisions tonight after I tuck the kids into bed and get everything out to you by midnight. I'll be in the office about 5 AM tomorrow as well. Don't worry. I'll handle it. I'm totally OCD about my cases. (pause) Super. I'll talk to you in about 30 minutes.

A (*To the audience*): Man, it's tough - with two kids and both parents working full time. Captain Hook never had to do this. I see him leave early all the time to go to his boat. I'll bet the old guy doesn't even know what an iPad is, let alone how to login and work remotely. It's us young associates that do all the work, and the fat cat partners just take the clients to lunch, sit back, and rake in the money.

(*Roll Aladdin off stage; CH, PC, CF, M and SB enter*)

CH: Where's Aladdin?

PC: He left to pick up his kids from daycare.

CH: Good gosh. In my day, the wife took care of the kids.

SB: They aren't married, you know.

CH: What??? So they are what – boyfriend and girlfriend – with kids together??? That never happened in my day!

M: The term is “partner”.

CH: I thought that was just for those LGBTQ PDQ BBQ EIEIO people, and I don't know any of them. What is the world coming to? (*shakes his head*)
(*to Cinder Fella*) Next thing you know, you will be able to marry.

CF: I am married. My wife and I are very happy.

CH: You're... what? Wife? Never mind (*shakes his head*).
I'm heading to my boat *The Jolly Roger*. I can be reached by cell phone email, text, Instagram, Facebook, Twitter and Snapchat. I have Wi-Fi on the boat and I can set up a hotspot if necessary. I've linked my laptop and my iPad so that I have two monitors on the boat – it's really efficient. I get more done on the boat than anywhere, with all of the interruptions at the office! I'm off - ahoy maties!

(*CH leaves; EQ enters*)

M: Evil Queen, I need to find out about my vacation request. I asked for 2 weeks off for my wedding, and I haven't heard back.

EQ: Oh, yes, I forgot about that. I've been so ADD lately. I have too much going on. I didn't respond because I think the dates are wrong. It looks like you asked for a week off before your wedding.

M: Yes, in my culture, the wedding celebration lasts a week, with numerous different ceremonies...

SB: What? What are you?

M: If you mean my religion, I'm a Confucianist Buddhist.

CF: I don't know why you're confused... but that's OK. I'm Jewish.

SB: What?!? You don't look Jewish!

CF: Um... thank you???

ESS: I mean, Mulan is obviously some kind of Asian. But you don't look Jewish.

EQ: Huh. It's getting harder and harder to know what people are nowadays.

CF: Why do you need to know what people are?

PC: How do you keep from insulting them, if you don't know what they are?

SB: Yeah, you need to know what people are. I mean, look at Aladdin. He's Muslim, you know. He could be planning a jihad right now.

M: Yeah, his religion demeans women, and they want to kill all infidels.

CF: How do you know that? Have you read the Quran?

M: No, but everyone knows that's what Muslims believe.

PC: That sounds like discrimination.

M: I can't discriminate – I'm a minority, you dummy!

PC: What a dumb thing to say! That's so gay!

CF: Hey, you can't use "gay" like that! It's insulting, and creates a hostile work environment!

PC: So people are allowed to insult me – a privileged, white, male, Prince – but I can't insult you because you're ...what are you anyhow?!?

SB: You can't ask him that... or her that... or whatever! That's discrimination!

ESS: You want to talk about discrimination, what about discrimination against beautiful people? We have it worse than anyone!

EVERYONE: What?!?!?!?

(everyone starts arguing and talking over each other about discrimination, religion, gender, etc.)

(Fairy God Mother comes out grabs her wand): ENOUGH!!! I have had it with you people!!! You are the WORST!!! You insult each other CONSTANTLY and YOU DON'T EVEN KNOW IT!

(waives her wand) By the powers vested in me by our Creator, The Great Walt Disney himself, King of all Kings... ***Implicit Bias be gone!!!***

(everyone looks stunned, smiles, hugs, shakes hands)

End of Act 2 - discuss implicit bias

Act 3 (start at 7:50)

(Everyone back on stage. Beast enters. Sends Tweet:)

B: Looking forward to Hook & Queen suing the pants off of XMen Beast.

Evil Queen is such a nasty woman. Probably almost as good at lawyering as a man.

#Hook&QueenAreBadHombres

EQ (to Beast,): Beast, thank you for coming back in. Everyone in our firm has joined the Consuelo Callahan Inn of Court and we have been learning about micro-aggression and implicit bias. Did you have a chance to read the information I sent you?

B: Hold on there, Queenie! There's nothing micro about me. Look at these Paws! Look at this hair! I'm macro all the way.

EQ: No. Micro-aggression. Subtle comments and behavior that tend to exhibit bias and make the recipient feel demeaned or insulted.

B: Oh, none of that applies to me. I'm not biased. I never insult people. Certainly nobody respects freakish Disney characters more than I do! *(everyone look insulted)* I just tell the truth. It's not my fault people are weak nowadays and can't handle the truth...

FGM *(comes up behind Beast, zaps him with her wand)*: In the name of Mufasa, King of Beasts – Micro-aggression, macro-aggression, implicit bias, and explicit bias be gone! Oh Great Mufasa, take this Beast of a Man and make him a Charming Prince... the Prince of all Princes!

[Beast disappears. We wait... and wait...]

SB: Oh my! He's turned into a handsome Prince!

M: He is THE Prince!

[Prince emerges, A/V plays Lets go Crazy]

THE END!

The Macro Problems Caused By Microaggression

Bias isn't always obvious — but its subtlest forms can hurt productivity and morale

By Steven Yoder

It's the first day back at work for a female employee after a pregnancy. She's talking with a male manager who tells her he's surprised she's back so soon — his wife didn't work for years after their first child.

In leadership meetings, a female manager is usually interrupted by male colleagues when she talks. The male managers get respectful attention, and the CEO sometimes compliments them for offering ideas that were ignored when she suggested them.

An African-American employee is told that he “doesn't sound black,” a Jewish employee hears that she “doesn't look Jewish” and a gay staffer's supervisor tells him he “doesn't act gay.”

Those are real-life stories, according to several experts on workplace discrimination. They're also examples of subtle comments and behavior that have lately come to be known as “microaggressions.”

Allegations of overt on-the-job sexual harassment have been front and center in Sacramento after three cases last year in which city employees filed claims against supervisors for allegedly soliciting them for sex. But those who work on harassment prevention say that under-the-radar microaggressions need equal attention. Not only can they put companies at legal risk, but they also can cut into productivity and in the long run cost them money.

The High Cost of Bias

Prejudice comes in all flavors — targeting gender, race, ethnicity, religion, age, sexual orientation and more. And if its more overt forms — say, a supervisor's solicitation of sex — are like a frontal assault, microaggressions are something like a sly shove. Often they're unintentional, and they may not even reference anything sexual. And they can go in all directions — men targeting women, women targeting men, people of the same gender targeting each other, supervisors targeting staff and staff targeting supervisors.

“If the boss says, ‘Hey I don't want women working for me,’ that's overtly aggressive,” says Vida Thomas, an attorney who heads Weintraub Tobin's workplace investigations unit. What makes microaggressions so challenging for alleged targets is they're merely suggestive. “So [the target] is always asking, ‘Am I being hypersensitive? Am I overreacting? Am I reading too much into this?’” Thomas says.

Derald Wing Sue, a California-licensed psychologist who teaches at Columbia University and writes widely on cultural competence, gives a common example. A female doctor wearing a stethoscope is approached by an intern who asks, “Where’s the doctor?” and is surprised by the answer. The subtext of the intern’s assumption is that women aren’t capable in leadership roles, Sue says. In fact, that example is no anomaly — in a 2014 study of 60 female scientists of color by the Center for WorkLife Law in San Francisco, survey respondents reported routinely being mistaken for janitors.

The impact on performance may be anything but subtle. Sue points to studies showing that the mere suggestion of bias can make it harder for these employees to focus. In a classic 1999 experiment that’s been validated several times, a group of male and female college students were tested at math, and before starting were told that the test results usually showed gender differences. The men significantly outperformed the women. But when a matched group was told that the test results usually found no gender differences, men and women performed equally well.

Microaggressions can be hard on a company’s profitability in other ways, most obviously by putting it at legal risk. Courts have defined sexual harassment as incidents that are severe or so pervasive that they create a hostile work environment. The “pervasive” part of that equation could comprise minor incidents, including microaggressions. Taken together, those may be judged by a reasonable person as creating a hostile work culture, says Sue Ann Van Dermeyden of Van Dermeyden Maddux, a Sacramento law firm that investigates alleged workplace discrimination. (On April 1, new rules for employers went into effect in California: Employers with five or more staff now must have written policies against harassment, discrimination and retaliation that contain specific information, such as the complaint process.)

“If you have a climate in which you’re losing talented individuals because they feel like they’re pushed out or it’s a culture where they can’t succeed because the climate is hostile, that’s really a big waste. You’re not accessing the full range of the talent pool that should be available to you.” JAMIE DOLKAS, DIRECTOR OF WOMEN’S LEADERSHIP, CENTER FOR WORKLIFE LAW

There’s also the cost of employee churn. “It’s really expensive to recruit, hire, and train employees,” says the Center for WorkLife Law’s Jamie Dolkas. “If you have a climate in which you’re losing talented individuals because they feel like they’re pushed out or it’s a culture where they can’t succeed because the climate is hostile, that’s really a big waste. You’re not accessing the full range of the talent pool that should be available to you,” she says.

Retooling the Work Culture

Dolkas says we need to go beyond talking about whether there’s a problem of workplace bias and actually help companies put in systems that can fix it. To that end, the Center for WorkLife Law has developed a set of “bias interrupters” — systems that let companies identify and measure bias and then re-engineer their practices.

That approach has four parts. First, companies conduct an evidence-based assessment to identify problems — say, pay disparities between men and women doing the same work. That usually means getting employee feedback through a survey, a focus group or confidential interviews.

Second, companies develop objective metrics to measure the size of the problem and set goals. In the case of pay disparities, for example, personnel records can establish the current baseline. Metrics also help leaders sort out where the problem occurs: Do the disparities crop up during the hiring process or when raises are negotiated?

Third, leaders put a bias interrupter into place. Again using pay disparities, companies that include the phrase “salary negotiable” in job ads virtually eliminate pay disparities because women then feel free to bargain at hiring time.

Finally, the firm reassesses its metrics after a period and makes more changes if necessary. Workplace experts also say a company’s state-mandated harassment prevention training should deal head-on with microaggression. Well-planned trainings can help people realize that subtle expressions of bias usually happen because of an employee’s worldview rather than malice. “Every single person has bias,” Van Dermyden says. “You can punish people all day long but not change their attitudes. It’s far better to offer training that helps people see things from another person’s perspective.” Training should target managers rather than staff, although staff can be briefed on the overall policy and the complaint process, says Jennifer Duggan of Duggan Law Corporation, which represents businesses in legal disputes.

Thomas, of Weintraub Tobin, says good training helps people recognize that we all see the world through filters. “For me, the essence of harassment prevention training is getting folks to understand that we’re coming into the workplace with unique backgrounds consisting of so many factors. There’s geography: Where were you raised? Were you raised by one parent or two? Was your home religious or not, and if so what religion? Did you grow up in a suburb or inner city? Have you traveled or lived outside the country? On top of that you add gender, ethnicity, ancestry, race — all of these factors unique to these people. And then we put them in one constrained space and we expect that they’re not going to bump up against each other? Of course they are. That’s the challenge.”

Yet it’s also possible to make the definition of microaggression so elastic that it ceases to hold anything. Employees and students in some cases have been told that saying “bless you” or wearing green and red in advance of the holidays is a microaggression, says Jonathan Segal, an employment attorney and national authority on employment issues at the Philadelphia-based Duane Morris Institute. He says cases like those trivialize the serious and persistent instances of real harassment that do injure victims and organizations. And if employees feel that anything could be a microaggression and they’re walking on eggshells, they’ll just avoid interacting with people who are different, which itself could be discriminatory, he says.

Training Yes, Company Policy — Maybe

There's no consensus about whether firms should tackle microaggression in their corporate policies. Dolkas favors it — by addressing subtle forms of bias in their policies, companies can better protect themselves from lawsuits, she says. That's because if behaviors are taking place that create a hostile work environment, they could rise to the level of sex discrimination. In that case, it's better to have a wider definition of discrimination so that those problems get reported and can be stopped early, she says.

But Van Dermyden says she's not sure companies can realistically create anti-harassment policies that address everything that could arise. "I don't even know how you'd create a policy to cover all of the different types of comments that could comprise microaggression," she says. Many comments and behaviors that could be perceived as microaggression arguably already fall within a company's anti-harassment policies, she adds.

If they do tackle microaggression in their policies, Segal says they need to use careful language; they should label examples of subtle bias as "inappropriate" or "unacceptable" instead of "unlawful." Among the risks of using a term like "unlawful": different jurisdictions have thresholds for what constitutes harassment, so if an employee is fired for "unlawful" behavior that turns out not to be, the employee could sue for defamation.

But another emerging area of gender equality may well merit changes in policy — the treatment of transgender employees. In February, the California Department of Fair Employment and Housing issued new guidance that requires employers to allow transgender workers to use restroom facilities consistent with their gender identity. Companies aren't required to have a policy covering transgender issues, says attorney Samson Elsbernd, of Wilke Fleury. Still, he advises firms to be proactive, as they may not know when they have an employee who identifies as transgender. A policy provides expectations for how other employees treat transgender coworkers and signals that the company has taken all reasonable steps to prevent harassment should a lawsuit arise.

Thomas is happy that the subtler forms of bias now have an official name. She credits the younger generation — particularly on college campuses — for raising awareness. "I don't blame young people for saying, 'No, we want to take this conversation to the next level,'" she says. "What's happening is that people are being harmed and the people doing the harming are often completely clueless that they're doing so."

(May 24, 2016 article from *Comstock's*)

Microaggression: The New Workplace Bigotry

John Fitzgerald Gates

Ask any African American professional what a white person should never say to or about them and invariably the response will be: "You're very articulate." Why, you ask? Because such a statement assumes that African American professionals generally are not in command of "the King's English," a sentiment that would rarely be associated with a white professional. It is a contemporary way of saying: "You're a credit to your race." No less insulting, racist, or unacceptable as if the person had been called "the n-word". This seemingly trivial slight is a form of bigotry called a "microaggression" — a small act of non-physical aggression based on bias and stereotypes, usually against someone racially or ethnically different than the perpetrator. Microaggressions are the negative assumptions we make about people that limit their humanity and value. As progressive as many workplaces are, we might be surprised that our everyday interactions are filled with microaggressions that undermine our self-worth and productivity.

A stark example of microaggression can be found in CNN's recent interview with embattled L.A. Clippers Owner Donald Sterling. While ostensibly attempting to apologize for his racist comments, Sterling refers to African Americans as "the blacks," a phrase embedded in the lexicon of racism, and of "owning" the players. He talks about "those AIDS" in referencing HIV-AIDS. Of Magic Johnson, a pillar of the African American community, he says: "I think he should be ashamed of himself. I think he should go into the background. But what does he do for the black people? Doesn't do anything...I just don't think he is a good example for the children of Los Angeles." Sterling — a white racist — sought to discredit an African American icon in the eyes of the African American community, a tactic often used in the Jim Crow South. In doing so, he proffered a series of microaggressions that in a work environment would negatively impact employee engagement, organizational climate, output, and the bottom line.

Women are subjected to microaggressions when they are sexualized by their male colleagues, judged harshly by female colleagues, or subjected to standards different from men. Barbara Walters, who became the first woman co-anchor of an evening news program in 1976, recalled that Harry Reasoner, her co-anchor at ABC News, refused to accept her and instead subjected her to demoralizing ridicule. Nearly forty years later, women are still burdened with workplace misogyny. Following a recent interview with General Motors CEO Mary Barra, NBC's Today show host Matt Lauer was roundly criticized for asking Barra if she could be a good mother and effective CEO of a major company. In suggesting that Barra could not balance work and motherhood, Lauer made a judgment about the competence of female executives that would never be made about male executives, like him, who are celebrated for being power players in boardrooms and great fathers at home. He advanced an erroneous and bigoted narrative that women are inferior to men. In doing so, he demeaned working mothers and damaged his own credibility on such issues.

Even more insidious, however, is when microaggressions are in play long before one enters the workplace — when hiring managers make judgments about a person's qualifications and fit for a given job prior to giving fair consideration to the person's candidacy. These microaggressions are more than blind spots, as some suggest; rather, they are attitudes and perspectives that must be changed. Microaggressions can inhabit entire sectors, such as Silicon Valley where reports indicate Hispanic and African Americans makeup 6 percent of the technology workforce, compared to more than 12 percent nationally.

Google recently attributed its poor workforce diversity demographics to “unconscious bias” that cause hiring managers to unwittingly give preferential treatment to candidates who fit a given profile. As a result, Google’s U.S. workforce is 3 percent Hispanic and 2 percent African American. But Google fails to reveal that underlying unconscious bias is a series of microaggressions that individually may seem innocuous, but as a whole are detrimental to the company. To counter public condemnation of its diversity numbers, Google is offering free computer coding lessons to women and minorities, but it has done nothing to find work for the 20,000 fewer African Americans, employed as computer programmers and systems analysts since the end of the Great Recession in 2011. Google has, in effect, eliminated those workers from its consciousness, in what may be its greatest microaggression of all.

Microaggressions diminish and stigmatize people, contributing to a \$450 billion to \$550 billion per year loss in U.S. workforce productivity, according to Gallop. The good news is that we can cure microaggressions by being self-reflective, empathetic, and willing to address our biases and their impacts on others. We must own up to the fact that microaggressions are harmful. Here’s the safe bet and most proper point of reference: if we would not assume something about, or say something to, a straight white male professional, we probably should not do or say such a thing to an African American, a woman, LGBT member or any other group. Here, the standard must be equality of respect in the workplace. We should accept nothing less.

Follow John Fitzgerald Gates, Ph.D. on Twitter: www.twitter.com/johnfgates

HOW TO HANDLE MICROAGGRESSIONS AT WORK

By: Janet Asante

You don’t have to take those not-so-subtle comments at the office—here’s how to get the upper hand.

Perhaps you’ve been told that you’re articulate for a ____ person. (Feel free to insert black/Hispanic/immigrant or any nationality that is considered foreign.) I’m sure your response was a mental eye roll if it happened in the workplace.

Did you know there is a word to describe these encounters? It’s called a microaggression. At its root, microaggressions are defined as everyday slights related to sexism, racism, or homophobia. The term was coined by Harvard University professor and psychiatrist Chester Pierce in the ‘70s, and researcher Gerald Sue also conducted extensive studies on this topic. “Microaggression” comes with a family of other micros: micro-messages, micro-invalidations, and micro-assaults.

While it's helpful to have a word that you can look up when you can't put a finger on this treatment, all the micros give me a headache. Let's focus on the actual actions that make you feel small and invisible in the workplace.

The actions are subtle snubs, dismissive looks, and a general sense of being devalued. These things can happen to anyone regardless of race. When you look at these actions as a whole, it's hard to call it out because you aren't sure if your personality is just rubbing the perpetrator the wrong way or maybe your work just isn't good enough. You wonder if you're making mountains out of ant hills. But the evidence builds up; you do the same work as your peers and your manager or teammates continue to find fault with your work. They are swift to call you out on mistakes and speak to you in condescending or dismissive manner.

When mired in this situation at work, your instinct will be to call the person out and let the chips fall where they may. It will feel great after you speak up, but the moment you use the "racist" or "sexist" word, all discussions and goodwill towards you ends, plain and simple.

There are levels to microaggressions. Here are a few tips to counter the different levels:

For the random comment: "Isn't it super easy to get into an HBCU? The standards are so low" or "You are so articulate"... Ask clarifying questions.

Beware of such managers, they like to manage in the gray and continuously move the goal line so that they never have to truly value your work. You must manage up and hold them to task by asking them to be specific.

Here's a sample script:

"I'd like to understand from you what success looks like at company X or on your team. Can you give me specific examples of what I need to do to be successful and receive recognition?"

In this question, you are asking what it takes for you to be seen and no longer invisible in his or her eyes. If he or she beats around the bush, ask them to describe someone on the team they see as successful and ask them to explain exactly why that's the case.

During the meeting take copious notes and write down everything that was said to see how you can align your goals with the information provided.

Send an email to the manager after the meeting, thanking them for the meeting and summarizing the success factors described in the meeting. Inform him or her that you are committed to meeting the success factors so you can be recognized for your achievements. Ask for monthly follow-up meetings to

review the success factors and your progress in achieving them. Keep your own personal notes on your progress and bring those examples to your one-on-one meetings.

For the blatant racist or sexist comment... go to HR.

Look to see if there are any witnesses. Repeat what he or she said to you back to them. Confirm that you heard them correctly. Run to HR or your ethics officer. Inform them that you would like to make a formal complaint. Report exactly what was said, share the names of witnesses, and ask for a formal investigation into the matter. It will be uncomfortable for a few weeks, but you should never be subjected to blatant discrimination.

While you can never change someone's unconscious bias towards you, you can direct them on how you want to be treated by keeping your standards clear, your goals achievable, and the metrics in check.

Janet Asante is a human resources executive with 18 years of leadership experience and a successful track record serving as trusted advisor to executive leadership team members and employees from all walks of life. She has comprehensive HR leadership experience in private, non-profit, government and information technology industries. Janet is passionate about helping people of color bring their best self to work and navigate challenges at workplaces everywhere.



Helping Courts Address Implicit Bias

Frequently Asked Questions*



1) What is Implicit Bias?

Unlike *explicit bias* (which reflects the attitudes or beliefs that one endorses at a conscious level), *implicit bias* is the bias in judgment and/or behavior that results from subtle cognitive processes (e.g., implicit attitudes and implicit stereotypes) that often operate at a level below conscious awareness and without intentional control. The underlying implicit attitudes and stereotypes responsible for implicit bias are those beliefs or simple associations that a person makes between an object and its evaluation that “...are automatically activated by the mere presence (actual or symbolic) of the attitude object” (**Dovidio, Gaertner, Kawakami, & Hudson, 2002**, p. 94; also **Banaji & Heiphetz, 2010**). Although automatic, implicit biases are not completely inflexible: They are malleable to some degree and manifest in ways that are responsive to the perceiver’s motives and environment (**Blair, 2002**).

Implicit bias research developed from the study of attitudes. Scientists realized long ago that simply asking people to report their attitudes was a flawed approach; people may not wish or may not be able to accurately do so. This is because people are often unwilling to provide responses perceived as socially undesirable and therefore tend to report what they think their attitudes *should* be rather than what they know them to be. More complicated still, people may not even be consciously aware that they hold biased attitudes. Over the past few decades, scientists have developed new measures to identify these unconscious biases (see FAQ #3: *How is implicit bias measured?*).

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Helping Courts Address Implicit Bias

2) What do researchers think are the sources of implicit bias?

Although scientists are still working to understand implicit bias, current theory and evidence indicate that it may arise from several possible sources (as listed by **Rudman, 2004**). These interrelated sources include:

Developmental History

Implicit bias can develop over time with the accumulation of personal experience. Personal experiences include not only traditional learning experiences between the self and the target (i.e., classical conditioning; **Olson & Fazio, 2001**), but also social learning experiences (i.e., via observing parents, friends, or influential others; **Greenwald & Banaji, 1995**). For example, implicit biases in children are positively correlated with the implicit biases of their parents; however, consistent with social learning theory (**Bandura, 1997**), this congruence occurs only between children who identify with their parents and not for children who do not have a positive attachment relationship with their parents (**Sinclair, Dunn, & Lowery, 2005**). Implicit biases can develop relatively quickly through such experiences: Implicit racial bias has been found in children as young as 6 years old, and discrepancies between implicit and explicit attitudes emerge by the age of 10 (**Baron & Banaji, 2006**).

Affective Experience

Implicit bias may develop from a history of personal experiences that connect certain racial groups with fear or other negative affect. Recent developments in the field of cognitive neuroscience demonstrate a link between implicit (but not explicit) racial bias and neural activity in the amygdala, a region in the brain that scientists have associated with emotional learning and fear conditioning. Specifically, White individuals who score highly on measures of implicit racial bias



Helping Courts Address Implicit Bias

also react to images of unfamiliar Black faces with stronger amygdala activation (**Phelps, O'Connor, Cunningham, Funayama, Gatenby, Gore, & Banaji, 2000; see also Stanley, Phelps, & Banaji, 2008**). Other researchers have demonstrated a causal relationship between the experience of certain types of emotions and the emergence of implicit bias, showing that inducing people to experience anger or disgust can create implicit bias against newly encountered outgroups (**Dasgupta, DeSteno, Williams, & Hunsinger, 2009**). Another study found that increased exposure to a socially valued Black instructor in the context of a diversity education course decreased participants' implicit bias against Blacks, and that a reduced fear of Blacks – in addition to other affective factors – predicted this attitudinal change (**Rudman, Ashmore, & Gary, 2001**).

Culture

People share a common social understanding of the stereotypes that are pervasive in our culture, and this knowledge can foster implicit bias even if a person does not necessarily endorse the cultural stereotype (**Devine, 1989; Fazio, Jackson, Dunton, & Williams, 1995**). One explanation is that people implicitly make associations and evaluations based on cultural knowledge in a way that “may not be available to introspection and may not be wanted or endorsed but is still *attitudinal* because of its potential to influence individual perception, judgment, or action” (**Nosek, 2007**, p. 68 [emphasis added]). Another explanation offered by Nosek (2007) is that responses on implicit measures are easily influenced by cultural knowledge, but that this cultural knowledge does not reflect the respondent's actual attitude (e.g., **Karpinski & Hilton, 2001**).



Helping Courts Address Implicit Bias

The Self

People tend to possess consistent and strongly positive attitudes toward themselves, and this positive attitude about the self can transfer very easily to other things, people, and groups that share attributes with the self (for a review, see **Banaji & Heiphetz, 2010**). This transference can occur without conscious awareness; hence, such effects are termed “implicit egotism.” For example, people demonstrate a biased preference for new products that resemble their own names (**Brendl, Chattopadhyay, Pelham, & Carvallo, 2005**). They appear to be disproportionately likely to live in locations that reflect their birth date (e.g., people born on February 2nd and residing in the town of Two Rivers, Wisconsin) and to choose careers or marry others with names that resemble their own (e.g., people named Dennis or Denise in dentistry, a marriage between two unrelated Smiths). They are also more attracted than usual to others who have been assigned an allegedly random experimental code number that matches their birth dates and whose alleged surnames share letters with their own surnames (**Pelham, Mirenberg, & Jones, 2002; Jones, Pelham, Carvallo, & Mirenberg, 2004**). Provocative and strange, this research illustrates the impressive automaticity of the human mind and the influence of implicit processes in our daily lives. Fundamental attitudes toward the self may underlie implicit racial bias by facilitating a general tendency to prefer one’s ingroup (a group with which one identifies in some way) over outgroups (any group with which one does not affiliate; see **Greenwald, Banaji, Rudman, Farnham, Nosek, & Mellott, 2002**). As **Rudman (2004)** explains, people tend to believe that “If I am good and I am X [*X being any social group with which one identifies*], then X is also good” (p. 137; italicized text added).



Helping Courts Address Implicit Bias

Judges and Jurors: Capital Punishment and Sentencing

If implicit biases can affect both the intuitive, split-second decisions of police officers and sway the more deliberate decisions of physicians and hiring managers, it stands to reason that judges and jurors may exhibit similar tendencies. Indeed, one archival study of 600 death-eligible cases in Philadelphia appears to support this possibility. Researchers identified all cases ($n=44$) in which a Black male defendant was convicted of murdering a White victim and presented a photograph of each defendant to participants, who in turn rated each defendant on how “stereotypically Black” he appeared to be. Stereotypicality of appearance predicted death penalty sentencing outcomes: 57.5% of those judged as more stereotypically Black were sentenced to death, compared to 24.4% of those who were perceived as less stereotypically Black (**Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006**). Eberhardt and colleagues explain this effect in the context of other empirical research (**Eberhardt, Goff, Purdie, & Davies, 2004**) that demonstrates a tendency to implicitly associate Black Americans with crime. Other studies further illustrate racial biases in the context of detain-release decisions, verdicts, and sentencing (e.g., **Gazal-Ayal & Sulitzeanu-Kenan, 2010; Sommers & Ellsworth, 2001**).

Voters and Other Decision-Makers

Other research also shows that implicit racial biases can predict voting intentions and behavior. In one study of 1,057 registered voters, pro-White implicit bias scores predicted reported intent to vote for McCain over Obama a week before the 2008 U.S. Presidential election (**Greenwald, Smith, Sriram, Bar-Anan, & Nosek, 2009**). Another study found that, after controlling for explicit prejudice, voters who were more implicitly prejudiced against Blacks were less likely to vote for Obama and more likely to abstain from the vote or vote for third party candidates (**Payne, Krosnick, Pasek, Lelkes, Akhtar, & Tompson, 2010**). Implicit biases may, in particular, help “tip the scales” for undecided decision-makers (e.g., **Galdi, Arcuri, & Gawronski, 2008**).



Helping Courts Address Implicit Bias

6) What can people do to mitigate the effects of Implicit Bias on judgement and behavior?

Once people are made aware of their own implicit biases, they can begin to consider ways in which to address them. Scientists have uncovered several promising implicit bias intervention strategies that may help individuals who strive to be egalitarian:

- Consciously acknowledge group and individual differences (i.e., adopt a multiculturalism approach to egalitarianism rather than a color-blindness strategy in which one tries to ignore these differences)
- Routinely check thought processes and decisions for possible bias (i.e., adopt a thoughtful, deliberative, and self-aware process for inspecting how one's decisions were made)
- Identify sources of stress and reduce them in the decision-making environment
- Identify sources of ambiguity and impose greater structure in the decision-making context
- Institute feedback mechanisms
- Increase exposure to stereotyped group members (e.g., seek out greater contact with the stigmatized group in a positive context)

For more detailed information on promising debiasing strategies, see *Appendix G* in Casey, et al. (2012).



Helping Courts Address Implicit Bias

7) Can people eliminate or change an Implicit Bias?

There is a difference between reducing the influence of implicit bias on decisions (see FAQ #6: *What can people do to mitigate the effects of implicit bias on judgment and behavior?*) and reducing implicit bias itself. Although implicit bias is malleable, many “debiasing” strategies seem to only temporarily reduce or shift it. Longer-term change might be possible only through substantial and persistent effort (for a discussion about the conditional limitations of some existing strategies for reducing implicit bias, see **Joy-Gaba & Nosek, 2010**).

If applied long-term, people may be able to reduce or eliminate implicit bias by modifying their underlying implicit attitudes. Generally, increased contact with or exposure to a stigmatized social group in a positive context may reduce prejudice toward that group over time (e.g., **Binder, Zagefka, Brown, Funke, Kessler, Mummendey, et al., 2009**) and may even reduce prejudice toward other out-groups in general (**Tausch, Hewstone, Kenworthy, Psaltis, Schmid, Popan, et al., 2010**). Reductions in implicit bias, specifically, have occurred as a result of longer-term exposure to minorities in socially valued roles (**Dasgupta & Rivera, 2008; Dasgupta & Asgari, 2004**), in the context of diversity education (**Rudman, Ashmore, & Gary, 2001**), and even as a result of simply imagining (rather than actually encountering) counter-stereotypes (**Blair, Ma, & Lenton, 2001**). In addition, some research indicates that people who have developed chronic egalitarian goals may be able to beat implicit bias at its own game by automatically inhibiting implicit stereotypes (e.g., **Moskowitz & Li, 2011; Moskowitz, Salomon, & Taylor, 2000**).