



DISRUPTING (IMPLICIT?!) BIAS ON THE GO

Fairuz Abdullah, *Director of Employer Relations*, UC Hastings, School of Law
Kori Carew, *Chief Inclusion & Diversity Officer*, Seyfarth Shaw LLP
Molly Stafford, *Assistant Dean of Career Services*, McGeorge School of Law

What will we
cover today?

Today's discussion will focus on interrupting bias in our roles as professionals in law firms, organizations and law schools.

We will...

1. Frame today's conversation around GREY AREA BIAS which encompasses Implicit Bias, Micro Triggers and Microaggressions.
2. Discuss how these play out in the workplace.
3. Give you some strategies for how to interrupt bias, be an ally and develop a structure for a bias response within your organization.

Why did we
decide to
do this
program?

Grey Area

Can't quite put your finger on it.

You know what it is, but can't articulate it.



Where does bias show up for law students?



What is Grey Area Bias?

How do you navigate the grey area, where it's not so clear that bias has occurred?

Implicit Bias lives in your subconscious. It is outside of your awareness. It can be in direct contradiction to what you think your beliefs and values are. It comes from messages, attitudes and stereotypes we pick up from the world.

Micro Triggers are subtle issues that may seem insignificant to one person but matter a lot to another.

Microaggressions are remarks, questions, or actions that are painful because they have to do with a person's membership in a group that's discriminated against or subject to stereotypes. They happen casually, frequently, and often without any harm intended, in everyday life.



THEY HAPPEN
CASUALLY,
FREQUENTLY,
AND OFTEN
WITHOUT ANY
HARM INTENDED

Microaggressions are like mosquito bites



How Does *Grey Area* Bias Play Out in the Workplace?

A student or new associate may feel the expectations for their conduct are different...

- Acting outside of those expectations can hurt them
- They may be held to a lower standard
- They may be asked to do things others are not
- They may get discounted
- Bias can come across as “well-meaning”
- They may feel like they cannot voice their discomfort
- Others may make them feel like “they are making a big deal out of nothing”

How does Bias Impact Students and Newly Minted lawyers?

Bias is reinforced in Law School

- Impacts students in the application process - implicit bias comes up in recruiting and retention
- Impact on your grade from class participation and/or attending office hours
- Faculty false belief that white students and/or “Model Minorities” are more capable
- Negative views associated with programs to help minority students excel
- Affinity group affiliation is supportive but also contributes to “othering”
- False belief that diversity programs are not for qualified students
- Imposter syndrome is higher among marginalized and minority groups and gets worse in law school

Impact of Bias is carried into the workplace

- **Lack of confidence from grades and/or faculty support that impacts confidence at work.**
- **Lack of diversity in the workplace highlights “minority” status that impacts a feeling of safety and growth.**
- **No longer having a supportive safe haven of an affinity group or school staff to turn to in times of doubt.**
- **Being considered a “diversity hire” in the workplace, undermines belonging and proliferates imposter syndrome**

Various points of bias response and responsibility

As law firm and law school professionals, we have the opportunity to respond to student and associate reports of bias.



How we respond can significantly impact a person's experience of a bias incident.

How to Interrupt Bias for Just Belonging

- Listen differently
- Cultivate curiosity
- Negotiate with your vulnerability
- Stand up, speak up
- Redefine belonging

Source: Just Belonging: Finding the Courage to Interrupt Bias, TEDx



Not so clear that a
Microaggression has
occurred?

It feels like bias, looks
like bias, sounds like
bias? ITS BIAS

How do you articulate it?

How do you name it?

How to Handle a Microaggression . . .

When It Happens to You

- Gut response*
1. Feels racist, homophobic, sexist or about a disability, etc.
 2. A slight, indignity, putdown
 3. Nonverbal behavior
 4. You feel the discomfort

- What to do?
1. Respond now
 2. Respond later
 3. Let it go = Emotional tax

Use the 4 D's

1. Discern
2. Disarm
3. Defy
4. Decide

Adapted from "When and How to Respond to Microaggressions" by Ella F. Washington, Alison Hall Birch and Laura Morgan Roberts, Harvard Business Review

When you observe a micro-aggression

How to Handle a Microaggression . . .

When it Happens to Others

- Inquire
- Reflect or paraphrase
- Reframe
- Use “I” statements
- Re-Direct
- Use Strategic Questions
- Revisit

Organizational Solutions



How to Handle a Microaggression . . .

- Education and awareness
- Address the issue with the individual
- Connect the dots between values and accepted behavior
- Address the recipient of the bad behavior
- Is there a place for policy change?
- Model interrupting bias and using the correct language

Creating Structures of Accountability

How can we work with our school/firm administration or firm hierarchy on handling bias complaints?

Let's draw out some ideas for establishing a structure of accountability and communication between law firms and law schools on issues of bias, including implicit bias that might be occurring at the interview level.

How can we respond in a positive, proactive manner that does not have the effect of silencing the student or diminishing their experiences?

How do we reflect back to the student/associate that we have truly heard their complaint?

OCI Gone Wild

Associate arrives for an OCI interview after George Floyd's murder and weekend of protests internationally.



Molly Stafford (she/her/hers)

Let's practice.

How can Rydder respond to Mr. Adams that is authentic but doesn't ruin his chances at getting hired?

What more could have interviewer #2 said to interrupt the bias? Did she say enough?

Should interviewer #2 talk with her colleague about this after the interview? If yes, how would she go about having this conversation?

Would Rydder report this incident after the interview? And to whom?

In the age of masks

Tim arrives for a team meeting as a summer associate. But they don't discuss business.



Let's practice.

What should Associate do? What should Tim do? Nothing? Go to HR or speak with Partner? What are the risks?

How would you address partner's view that Tim is too sensitive and needs to toughen up to survive in a law firm? She feels she endured sexism, pay inequity and had to fight to get to where she is today.

Should Tim talk to someone about this? Does he let it go? What is the impact on him? What would you name Tim's experience?

What is the impact on Associate or Tim if HR comes to speak to Partner and she knows that one of them turned her in?

Resources

UC Hastings – Center for Work Life Law, <https://biasinterrupters.org/>

Bias Interrupter Toolkits

Tools for Your Organization

Tools for Your Team

Tools for You

When and How to Respond to Microaggressions, Harvard Business Review

<https://hbr.org/2020/07/when-and-how-to-respond-to-microaggressions>

Stop Telling Women They Have Imposter Syndrome, Harvard Business Review

<https://hbr.org/2021/02/stop-telling-women-they-have-imposter-syndrome>



Contact Information

Fairuz Abdullah, *Director of Employer Relations*, UC Hastings, School of Law
(415) 581-8867 abdulah@uchastings.edu

Kori Carew, *Chief Inclusion & Diversity Officer*, Seyfarth Shaw LLP
(312) 460-6848 kcarew@seyfarth.com

Molly Stafford, *Assistant Dean of Career Services*, McGeorge School of Law
(530) 305-0337 mstafford@pacific.edu