



Federal Bar Association

Seventh Annual Ethics, Competence, and Elimination of Bias All-Day MCLE Event

**January 26, 2021
9:00 a.m. to 3:35 p.m.**

2:35pm-3:35pm

Did You Just Say That?

Recognizing and Interrupting Microaggressions

(Elimination of Bias)

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DID YOU JUST SAY THAT? RECOGNIZING AND INTERRUPTING MICROAGGRESSIONS

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A dark blue, semi-transparent banner at the top of the slide features a city skyline at night. The buildings are illuminated with various lights, and their reflections are visible on the water in the foreground. The overall tone is professional and modern.

| GOALS

- How Unconscious Biases May Lead to Microaggressions
- Recognizing Microaggressions
- Why Microaggressions Are Harmful
- Interrupting Microaggressions

1 | UNCONSCIOUS BIAS

INTRODUCTORY EXERCISE

- Take a moment to write down one identity group to which you belong
- Then come up with three positive traits (or privileges) and three negative traits (burdens or challenges) that come with membership in that group

This exercise is taken from Chapter 6 of Margaret Reuter & Carwina Weng's book, *Navigating Cultural Differences, LEARNING FROM PRACTICE* (3d, Ed.) (2015)



INTRODUCTORY EXERCISE

Reflect & Debrief

- Take a Moment to Consider:
 - Which traits (positive or negative) came from your experience as a person in that group?
 - Which of them come from outside of that group?
- Why is That Important?

A dark blue-tinted photograph of a city skyline at night, with numerous skyscrapers illuminated against a dark sky. The buildings are reflected in the water in the foreground.

| WHAT IS IT?

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.**

A dark blue-tinted photograph of a city skyline at night, with various skyscrapers and buildings illuminated against a dark sky. The skyline is reflected in a body of water in the foreground.

WHO HAS UNCONSCIOUS BIASES?

- Everyone, including people who believe that prejudice and discrimination are wrong

woxl

hyqp

kvbi

zbpd

sdtv

glvp

xmIt

ztub

fbrm

txzp

bhwp

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yellow

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2 | RECOGNIZING MICROAGGRESSIONS

WHAT IS A MICROAGGRESSION?

- The everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, that communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership. (*Diversity in the Classroom*, UCLA Diversity and Faculty Development, 2014).

| Types of Microaggressions

Microassault: Explicit derogations and purposeful discriminatory actions (essentially explicit racism or discrimination).

Microinsult: Behavioral or verbal remarks that convey rudeness, insensitivity, and demean a person's heritage or identity. Often subtle snubs outside the level of awareness of the perpetrator, microinsults clearly convey a hidden insulting message to the recipient.

Microinvalidation: Verbal comments or behaviors that exclude, negate, or nullify the psychological thoughts, feelings, or experiential reality of a person; they are likely unintentional.

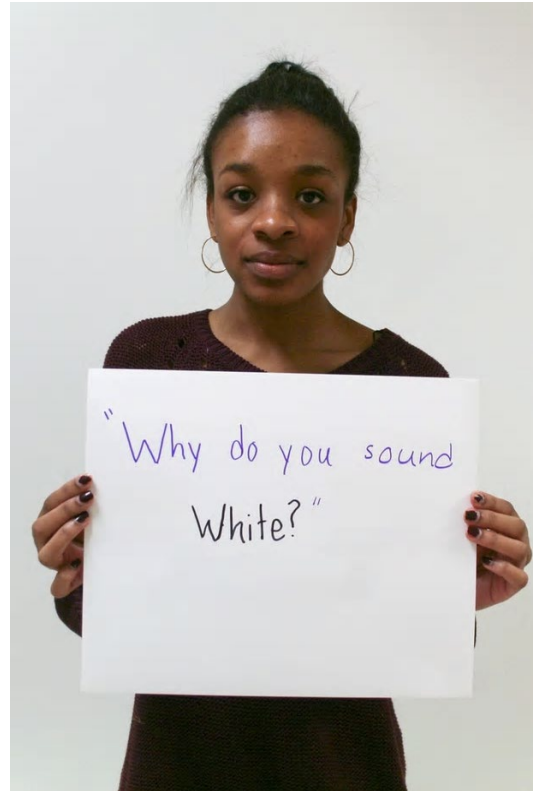


Alien in Own Land





Ascription of Intelligence



MICROAGGRESSION THEMES (Continued)

- Color Blindness
- Criminality/Assumption of Criminal Status
- Denial of Individual Racism/Sexism/Heterosexism
- Myth of Meritocracy
- Pathologizing Cultural Values/Communication Styles

3 | MICROAGGRESSIONS' HARM

INTERNAL DILEMMA

- Did I interpret that correctly?
- Did she say what I think she said?
- What did he mean by that?
- Should I say something?
- Saying something may make it worse
- They'll probably think I'm overreacting
- Speaking up is going to hurt more than it helps

A background image of a city skyline at night, with various skyscrapers illuminated against a dark blue sky. The buildings are reflected in the water in the foreground.

Psychological Impact

- Anxiety
- Depression
- Sleep Difficulties
- Diminished Confidence
- Helplessness
- Loss of Drive
- Intrusive Cognitions
- Diminished Cognition

4 | INTERRUPTING MICROAGGRESSIONS

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| Range of Responses

- Ignore it
- Use Humor
- Confront the Person

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| When You're the Target

- Consider the context
- Take care of yourself

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| When You're the Bystander

- Be an Ally
- Speak for Yourself

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| When You're the Microaggressor

- Try Not to be Defensive
- Acknowledge, Apologize and Reflect

Potential Responses

- “Ouch”
- Quizzical Look
- Ask for clarification: “What do you mean?”
- “Don’t you mean _____?”
- “Could you repeat that?”
- Focus on the event/behavior (not person)
- “That’s not my experience/the experience of many people”

Tips for Facilitating Difficult Conversations

- Understand why this is important to you
- Prepare
- Be objective and compassionate
- Use “I” statements
- Don’t take it personally
- Approach the conversation with curiosity instead of judgments

5 | LET'S PRACTICE

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Hypothetical #1

You are an attorney of Caucasian descent and you and your colleague of African-American descent have been preparing for a criminal trial for weeks. On the first day of the trial, you and your colleague enter the courtroom, both dressed in your best suits, and the judge assumes your colleague is the defendant and directs him to the defendant's seat at the table.

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Hypothetical #2

You join your supervisor in an interview of a candidate for a job. Despite the student, who is Latina, having been born in the U.S., your supervisor expresses admiration for her command of the English language, “complimenting” her for being so articulate and well spoken.

How to Avoid Perpetuating Microaggressions

- Slow Down
- Be Willing to Talk About It
- Apologize When Necessary
- Educate Yourself

THANKS!

ANY QUESTIONS?