



Federal Bar Association

San Diego Chapter

PRESENTS:

**EIGHTH ANNUAL
ETHICS, COMPETENCE, AND
ELIMINATION OF BIAS
ALL-DAY MCLE EVENT**

**Making the Unconscious Conscious
(Elimination of Bias)
2:35 p.m. – 3:35 p.m.**

Unconscious Bias – Making the Unconscious Conscious

Carolina Bravo-Karimi is Managing Partner of Wilson Turner Kosmo and a member of the firm's Employment Law group, representing employers in a variety of employment disputes, including wrongful termination, discrimination, harassment, and wage and hour litigation. Carolina also serves as Practice Chair of the firm's recently launched Diversity, Equity, & Inclusion Practice Group. Recognizing that intentional attention to diversity, equity, and inclusion (DE&I) is essential to promote workplace cohesion, attract and retain talent, create business opportunities, and comply with the law, Carolina assists employers of all sizes in the creation, implementation, and management of their DE&I efforts. Carolina also conducts workplace investigations, including those requiring Spanish fluency and multicultural understanding. She also regularly provides implicit bias, microaggression, equal pay, and anti-harassment training. Prior to joining Wilson Turner Kosmo, Carolina served as a judicial law clerk to the Honorable Louisa S. Porter of the United States District Court for the Southern District of California.



UNCONSCIOUS BIAS – MAKING THE UNCONSCIOUS CONSCIOUS

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WILSON TURNER KOSMO LLP

1 | UNCONSCIOUS BIAS

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

| WHO HAS UNCONSCIOUS BIASES?

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

woxl

hyqp

kvbi

zbpd

sdty

glvp

xmIt

ztub

fbrm

txzp

bhwp

red

yellow

green

blue

red

blue

yellow

red

yellow

green

blue

red

blue

yellow

A dark blue-tinted photograph of a city skyline at night, with numerous skyscrapers and buildings illuminated by lights, reflected in the water in the foreground. The image serves as a background for the top half of the slide.

| WHERE DOES IT COME FROM?

- Developmental History
- Individual Narrative
- Social Learning
- Institutional Learning

A background image of a city skyline at night, with various skyscrapers and buildings illuminated against a dark sky. The image is partially obscured by a dark blue overlay.

| ARE THERE DIFFERENT TYPES?

- **Affinity**
- **Confirmation**
- **Halo Effect**
- **Horns Effect**

2 | UNCONSCIOUS BIAS IN SOCIETY

A dark blue-tinted photograph of a city skyline at night, with numerous skyscrapers and buildings illuminated by lights, reflected in the water in the foreground. The image serves as a background for the top half of the slide.

| UNCONSCIOUS BIAS IN SOCIETY

- Education
- Criminal Justice System
- Employment

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

| UNCONSCIOUS BIAS IN EDUCATION

- Race – Expectations
- Gender – Subject Matter

A dark blue banner at the top of the slide features a city skyline at night, with various skyscrapers and buildings illuminated against a dark sky. The banner is semi-transparent, allowing the city lights to be visible through it.

UNCONSCIOUS BIAS IN THE CRIMINAL JUSTICE SYSTEM

- Racial Associations With Violence
- Treatment by Law Enforcement
- Treatment in the Courts

A dark blue background featuring 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.

| UNCONSCIOUS BIAS IN THE WORKPLACE

- Studies show that **interview and selection decisions** reflect bias against minorities and women
- Studies show that **employee evaluations** reflect bias against minorities and women

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

UNCONSCIOUS BIAS IN THE WORKPLACE

- Name Bias: Resumes with stereotypical Anglo sounding names received 50% more callbacks than identical resumes with stereotypical African-American sounding names
- Height Bias: Tall men tend to move into leadership positions more frequently than shorter men
- Beauty Bias: Traditionally attractive people, both men and women, earn higher incomes.
- Weight Bias: For every 1% increase in a woman's body mass, there is a .6% decrease in family income

A dark, blue-tinted image of a city skyline at night, with various skyscrapers and buildings illuminated against a dark sky. The image serves as a background for the top portion of the slide.

WHY BIAS IN THE WORKPLACE MATTERS

Diversity is Good for the Workplace

- 61% of employees report that diversity in the workplace makes their company more successful
- Yet, 47% report experiencing discrimination and 52% name age discrimination as the most common
- Gender bias is the second most prevalent form of workplace bias at 43%, followed by race at 32%
- 1 in 6 U.S. employees complained of discrimination, 15% perceived they were the target of bias
- Workplace bias costs companies at least \$64 billion annually

3 | INTERRUPTING UNCONSCIOUS BIAS

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

| BECOME MORE AWARE OF YOUR OWN BIAS!

- Recognize it exists
- Implicit Association Test (IAT) measures attitudes and beliefs that people may be unwilling or unable to report
- <https://implicit.harvard.edu/implicit/>

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

|WAYS TO INTERRUPT BIAS (1)

- Check-in with Peers: Ask for feedback, and listen to it
- Call it out! What some take as horseplay can have profound effects
- Slow Down! Avoid making decisions of consequence when you're hungry, rushed or stressed.

A background image of a city skyline at night, with various skyscrapers and buildings illuminated against a dark sky. The image is partially obscured by a dark blue overlay at the top.

| WAYS TO INTERRUPT BIAS (2)

- Check Yourself: Ask yourself, how did you make this decision? Rely on facts and not on characterizations.
- Encourage mutual acceptance within your team. Call people by their names, not labels
- Get to know people who are not like you.
- Recognize there are multiple perspectives to situations

A background image of a city skyline at night, with various skyscrapers and buildings illuminated against a dark sky. The image is partially obscured by a dark blue overlay at the top where the title is located.

|WAYS TO INTERRUPT BIAS (3)

- Mentor! Sponsor people who are not like you
- Get to know people who defy stereotypes
- Proactively recognize people's different capabilities



WORLDS APART



WILSON TURNER ROSMO
— LLP —



We do not
see things as
they are, we
see them as
we are.

- Anaïs Nin (1961)

THANKS!
ANY QUESTIONS?