

## MEMORANDUM

To: Dean Janet Steverson  
From: Joe Langerman  
Date: July 6, 2016  
Re: Implicit Bias

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### **I. QUESTION PRESENTED**

Whether understanding the neural or biological basis of implicit bias, as well as the cultural/social factors impacting one's subconscious actions, will help fashion strategies to override the automatic activation of implicit stereotypical behavior/attitudes.

### **II. INTRODUCTION/DEFINITIONS**

Bias in general “[i]s a human trait resulting from our tendency and need to classify individuals into categories as we strive to quickly process information and make sense of the world.”<sup>1</sup> There are two types of bias: explicit bias and implicit bias.<sup>2</sup> Explicit bias includes overt racism and racist comments; “individuals are aware of their prejudices and attitudes toward certain groups.”<sup>3</sup> Implicit bias “involves all of the subconscious feelings, perceptions, attitudes, and stereotypes that have developed as a result of prior influences and imprints. It is an automatic positive or negative preference for a group, based on one’s subconscious thoughts.”<sup>4</sup> One need not have hatred towards a specific group in order to demonstrate implicit bias. Rather, a person can demonstrate implicit bias via discriminatory actions by having knowledge of a stereotype that is being promoted by the specific act of implicit bias the person is committing.<sup>5</sup> Another way to refer to implicit biases are as “[a]utomatic, unconscious mental processes based on implicit attitudes or implicit stereotypes that are formed by one’s life experience and lurk

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<sup>1</sup> U.S. DEP’T OF JUSTICE, COMMUNITY RELATIONS SERVICE; UNDERSTANDING BIAS: A RESOURCE GUIDE (last updated Mar. 29, 2016). <https://www.justice.gov/crs/file/836431/download>.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

behind the surface of the conscious.”<sup>6</sup> In addition, when implicit bias is involved, the individual may not be aware that specific biases are driving their discriminatory behavior/actions.<sup>7</sup>

### III. THE RELATIONSHIP BETWEEN THE BRAIN AND IMPLICIT BIAS

“Implicit biases grow out of normal and necessary features of human cognition, such as our tendency to categorize, to form cliques and to absorb social messages and cues.”<sup>8</sup> Implicit biases can also grow out of emotions.<sup>9</sup> To illustrate this, a professor from Ohio State University measured the brain activity of Caucasian individuals as they viewed Caucasian images and African- American images for 30 milliseconds (which was too quick for the participants to notice the images).<sup>10</sup> The study found that looking at images of African- Americans resulted in more activity in the amygdala, which is the area of the brain that is associated with vigilance and/or fear.<sup>11</sup> When the subjects were exposed to the same pictures for half a second, which is a long enough period of time to consciously process the images, the images of African-Americans caused heightened activity in the prefrontal area of the brain, which is associated with detecting internal conflicts and controlling responses; this suggests that the subjects were consciously trying to suppress their implicit associations.<sup>12</sup> Psychologists analyzing this brain data theorize that cultural stereotypes that link young black men with crime, violence and danger are so engrained that the brain may automatically give preferential attention to African- Americans as a category, just as the brain does for dangerous animals such as snakes.<sup>13</sup>

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<sup>6</sup> Anthony Greenwald and Linda Hamilton Krieger, *Implicit Bias: Scientific Foundations*, 94 CA. L. REV. 945, 946 (2006).

<sup>7</sup> Understanding Bias: A Resource Guide, *supra*, at 2.

<sup>8</sup> Siri Carpenter, *Buried Prejudice: The Bigot in Your Brain*, SCIENTIFIC AMERICAN MIND, April/May 2008, at 34.

<sup>9</sup> *Id.* at 35.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

In another similar study, the visual attention of Caucasian subjects was drawn quicker to photographs of African-Americans compared to photographs of Caucasians, even when the photographs were presented so fast that the participants did not consciously recognize them; this was not the case, however, when the subjects in the photographs were looking away from the camera.<sup>14</sup> The authors noted that averted eye gaze, a signal of submission in humans and animals, extinguishes explicit perceptions of being threatened.<sup>15</sup>

The quick categorization of information, based upon our learned experiences, influences the response that is automatically generated. Implicit biases are implicated based on the way in which humans process information their brains receive daily. “Cognitive structures, called schemas, are ‘mental blueprints’ that allow an individual to understand new people, circumstances, objects and their relationships to each other, by using an existing framework of stored knowledge based on prior experiences.”<sup>16</sup> When the brain is presented with visual/auditory information, a schema is activated and brings to our cognition other information we associate with the image/information originally presented.<sup>17</sup> These mental blueprints sort the information acquired into categories that are based on one’s prior experiences.<sup>18</sup> As individual experiences create schemas, each person may interpret or perceive a particular situation differently.<sup>19</sup> When schemas are used to interpret an event/image/question, the judgment formed will be based on the assumptions upon which the schema was originally formed, not on the unique characteristics of a particular situation, with the end result being the perpetuation of implicit bias.<sup>20</sup> The effect of this can be seen with polls – for example – asking if African-Americans are treated unfairly in

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<sup>14</sup> Carpenter, *supra*, at 35.

<sup>15</sup> *Id.*

<sup>16</sup> Nicole E. Negowetti, *Navigating the Pitfalls of Implicit Bias: A Cognitive Science Primer for Civil Litigators*, ST. MARY’S J. LEGAL MAL. & ETHICS, Jun. 24, 2014, at 285.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 286.

<sup>20</sup> Negowetti, *supra*, at 287.

the workplace. A study of that question revealed that 50% of African-American respondents agreed with this perception, whereas only 10% of Caucasian respondents agreed with that perception.<sup>21</sup> The responses generated were likely influenced by the respondents' schemas, and not necessarily their reflective analysis of the question using logic and reason.

It is difficult for an individual to change perception/behavior from what he/she has been taught.<sup>22</sup> Specifically,

“[s]tereotypes are resistant to change because perceptions become impervious to new information. People give more consideration to information that is consonant with a stereotype and give less credence to information that is stereotype-inconsistent; they not only seek out information that is consonant with the stereotype, but also better remember stereotype –consistent information. We see what we expect to see. Like well-accepted theories that guide our interpretation of data, schemas incline us to interpret data consistent with our biases.”<sup>23</sup>

#### **IV. THE RELATIONSHIP BETWEEN CULTURAL/SOCIAL ASSOCIATIONS AND IMPLICIT BIAS**

Whatever the biological/neural responses generated by our implicit biases, these responses are largely influenced by our cultural and social associations, which create and reinforce such prejudice. In one study of Italian families, researchers found that the racial preferences the children expressed were not affected by the explicit racial attitudes of their parents.<sup>24</sup> However, children whose mothers had more negative implicit attitudes toward African-Americans tended to choose Caucasian playmates over African-American playmates, ascribing more negative traits to a fictional African-American child than to a Caucasian child.<sup>25</sup> If the mother showed less implicit racial bias, the children were also less likely to exhibit racial preferences.<sup>26</sup>

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 287-88.

<sup>24</sup> Carpenter, *supra*, at 35.

<sup>25</sup> Carpenter, *supra*, at 35 n 8.

Implicit associations about social/racial groups are formed during one's childhood before one is old enough to consider such implicit associations rationally. In one study, psychologists found that Caucasian preschool children had a tendency to categorize racially ambiguous angry faces as African-American rather than Caucasian; they did not do so for happy faces.<sup>27</sup>

## V. OVERCOMING/OFFSETTING IMPLICIT BIAS

If implicit bias develops early in life, manifesting both subconsciously and automatically, with actors being unaware of their behavior or its influence, how can we reshape our implicit biases?

The research on reducing implicit bias or “debiasing” is fairly new.<sup>28</sup> Some strategies that have been found to reduce implicit bias and increase awareness of implicit bias include:

- **Stereotype Replacement:** Recognizing that a response is based on stereotypes, labeling the response as stereotypical, and reflecting on why the response occurred. This creates a process to consider how the biased response could be avoided in the future and replaces it with an unbiased response.
- **Individuation:** Obtaining specific information about stereotyped group members prevents stereotypical assumptions that are not based on personal attributes but rather based on group-based qualities.
- **Perspective taking:** Imagining oneself to be a member of a stereotyped group can decrease automatic group-based evaluations and increase closeness to a stereotyped group.

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Rachel D. Godsil et.al, *The Science of Equality, Volume 1: Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat in Education and Health Care*, PERCEPTION INSTITUTE, November 2014, at 14.

- Increasing opportunities for contact: Increased contact between groups can reduce implicit bias through a wide variety of mechanisms, including altering their images of the group or by directly improving evaluations of the stereotyped group.<sup>29</sup>

When de-biasing strategies are combined with interventions to reduce racial anxiety, there is a greater success in reducing implicit bias. These strategies include:

- Direct intergroup contact: Direct interaction between members of different racial and ethnic groups can alleviate intergroup anxiety, reduce bias, and promote positive intergroup attitudes/expectations for future contact.
- Indirect forms of intergroup contact: When people observe positive interactions between members of their own group and another group or become aware that members of their group have friends in another group, reduced bias and anxiety, in addition to more positive intergroup attitudes have been reported.<sup>30</sup>
  - a. Recognition/Acceptance that there is a problem is a first step to stereotype replacement

Reducing implicit bias requires, at the outset, recognizing that implicit bias exists and may be impacting others' behavior.<sup>31</sup> "Although reliance on schemas is difficult to overcome, implicit biases caused by categories and schemas may be lessened, or even eliminated, by first recognizing that race, gender, sexual orientation, and other social categories may be influencing decision-making; in doing so we rely 'less mindlessly on a given schema and scrutinize more thoroughly the available data.'"<sup>32</sup> This concept was demonstrated in an experiment which looked

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<sup>29</sup> Godsil, *supra*.

<sup>30</sup> *Id.* at 13.

<sup>31</sup> Understanding Bias: A Resource Guide, *supra*, at 2.

<sup>32</sup> Negowetti, *supra*, at 290.

at the impact of implicit racial bias among doctors in their prescribing practices.<sup>33</sup> The doctors studied were found to act on their implicit racial bias in deciding to prescribe or not to prescribe a clot-busting thrombolytic drug.<sup>34</sup> While most doctors denied any racial bias, they demonstrated a moderate to large implicit anti- African American bias in their prescribing practice.<sup>35</sup> They were less likely to give the drug to a black patient.<sup>36</sup> When they were told what the purpose of the study was – to ferret out implicit bias – they were more likely to prescribe the drug to African American patients, suggesting that recognizing the presence of implicit bias helped the doctors offset it.<sup>37</sup>

Detecting implicit bias is one important tool in recognition. Just as an alcoholic in denial cannot help himself in having a drink, implicit bias cannot be overcome until we recognize its existence. As stated before, implicit bias does not require actual animus and is seen in those who deny having any bone of bigotry or prejudice in their body. We have seen the public racist/anti-Semitic/homophobic rants of public figures which were exposed by the media, often followed by public apologies that include express denials of explicit bias. If those who deny explicit bias could be shown their own tendencies toward implicit bias, this might help to reduce actions that are motivated by implicit bias. The most prominent methods for measuring implicit bias are the Implicit Association Tests, introduced in 1998 by Anthony G. Greenwald of the University of Washington and his colleagues.<sup>38</sup> These tests are designed to measure “attitudes and beliefs that people may be unwilling or unable to report.”<sup>39</sup> The IAT measures associations that might reflect either stereotypes or attitudes; for example, the attitude-based race IAT measures an association

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<sup>33</sup> Carpenter, *supra*, at 37-8.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Carpenter, *supra*, at 38.

<sup>39</sup> Understanding Bias: A Resource Guide, *supra*, at 6.

between African-American and Caucasian faces, in addition to good (positive) or bad (negative) words.<sup>40</sup> The IAT is considered a reliable test that reveals patterns and tendencies.<sup>41</sup> Anyone can take the IAT.<sup>42</sup>

Once an individual is confronted with how their own actions are guided by their implicit biases, they can consider their actions and how they might replace them with other, non-stereotypical responses. The Department of Justice, in its Understanding Bias Resource Guide, gives a good example of how this recognition, confrontation, analysis and replacement strategy might apply. The resource guide posits an individual meeting a hypothetical man who happens to say “I have a child who’s a math major in college”. The individual responds, “What’s his name?” The man replies that it is his daughter who is studying math. The first step to confronting the impact of implicit bias is to recognize that the gender assumption was based on stereotypes that men are better at math than women.<sup>43</sup> The next step is to reflect on the role of society in fostering such gender specific roles for males and females and how these roles are perpetuated through the media.<sup>44</sup> Lastly, replace the reaction with a non-stereotypical response.<sup>45</sup> This type of analysis is a first step in avoiding similar responses in the future.<sup>46</sup>

- b. Exposure to counter-stereotypic examples of people can diminish implicit stereotypes.

One study has found that exposure to counter-stereotypic examples of people can reduce implicit stereotypes of women and negative implicit attitudes toward gays.<sup>47</sup> The counter-stereotypic imaging strategy makes positive exemplars that are counter to stereotypical views.<sup>48</sup>

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<sup>40</sup> Godsil, *supra*, at 22.

<sup>41</sup> *Id.*

<sup>42</sup> Implicit Association Tests. <https://implicit.harvard.edu/implicit>.

<sup>43</sup> Understanding Bias: A Resource Guide, *supra*, at 7.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> Godsil, *supra*, at 45.



This strategy challenges a stereotype's legitimacy by making positive exemplars more accessible.<sup>49</sup> "The idea behind this method is to challenge the stereotype and make a positive association with the counter-stereotypic image."<sup>50</sup>

c. Personally evaluating members of a target group helps prevent stereotypic inferences

Implicit bias results in attitude formation about members of target groups that are based upon stereotypes. The strategy of individuation helps prevent stereotypic inferences by obtaining detailed information about stereotyped group members.<sup>51</sup> People thus are able to evaluate members of the stereotyped group based upon a personal, and individuated basis, rather than group-based attitudes.<sup>52</sup>

d. Assuming the perspective of a member of a stereotyped group reduces stereotypic inferences

The process of perspective taking is used in many different contexts. Perspective taking is the process by which an individual views a situation from another's point of view.<sup>53</sup> "A growing body of research provides evidence that perspective-taking, or imagining oneself in the shoes of someone from a different social or ethnic group, is a cognitive strategy that can reduce stereotyping."<sup>54</sup> In the context of implicit bias reduction, perspective taking involves assuming a first-person perspective of a member of a stereotyped group.<sup>55</sup>

A recent study demonstrates the impact of perspective taking on implicit bias reduction. In the study, before viewing a video of a black man who was being treated worse than a white man, in an identical situation, participants were asked to imagine "what they might be thinking,

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<sup>48</sup> *Id.* at 46.

<sup>49</sup> *Id.*

<sup>50</sup> Understanding Bias: A Resource Guide, *supra*, at 7.

<sup>51</sup> Godsil, *supra*, at 46.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> Negowetti, *supra*, at 291.

<sup>55</sup> Godsil, *supra*, at 46.

feeling, and experiencing if they were [the black man], looking at the world through his eyes and walking in his shoes as he goes through the various activities depicted in the documentary.”<sup>56</sup> The control group was asked to “remain objective and emotionally detached.”<sup>57</sup> These types of activities were found to decrease implicit bias as measured by the IAT.<sup>58</sup> Perspective taking has been found to increase “psychological closeness to the stigmatized group which ameliorates group based evaluation.”<sup>59</sup>

e. Intergroup contact as a means of decreasing prejudice

Another way to confront implicit bias is by positive experiences/exposure to groups subject to stereotypical bias. Research shows that contact between racial and ethnic groups can result in decreased prejudice, reduced racial anxiety and positive shifts in intergroup attitudes.<sup>60</sup> Another study found that prompting compassion toward an Asian American character (the daughter in *The Joy Luck Club*) resulted in decreased implicit bias toward Asian Americans.<sup>61</sup> By increasing positive contacts with members of groups subject to stereotypical bias, the individual seeking to overcome their own implicit biases will be exposed to information that contradicts their original implicit biases of the stereotyped group they’re seeking positive contact with.<sup>62</sup>

Intergroup contact also helps in reducing racial anxiety and underscores the role of emotion in racial interactions.<sup>63</sup> It isn’t enough to teach people that negative stereotypes are false; people need to feel a connection to others outside of their own group. This connection will decrease racial anxiety and implicit bias.<sup>64</sup> Intergroup contact can lead to many positive outcomes

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<sup>56</sup> Negowetti, *supra*, at 292.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Godsil, *supra*, at 46.

<sup>60</sup> *Id.* at 44.

<sup>61</sup> *Id.* at 45.

<sup>62</sup> Understanding Bias: A Resource Guide, *supra*, at 2.

<sup>63</sup> Godsil, *supra*, at 49.

<sup>64</sup> *Id.*

but it is important in facilitating such contacts that conditions be established that foster positive outcomes. Certain factors are particularly important, including the establishment of equal status between groups, cooperation, common goals and institutional support.<sup>65</sup> It is important to create a shared sense of identity, while acknowledging group differences.<sup>66</sup> There is a fine line that requires trust and rapport to be established before group differences are emphasized, which helps to build cross-group understanding.<sup>67</sup>

Intergroup contact may not be readily facilitated in environments that are racially segregated. Racial anxiety increases as a result of living in an environment that is racially homogenous.<sup>68</sup> As a result, researches have tried to develop strategies to facilitate intergroup dynamics even in segregated environment. One approach, called “extended contact”, refers to the idea that knowing friends in your group have friends in the other group can positively impact your own attitudes and expectations.<sup>69</sup> While direct contact tends to be more effective in improving intergroup attitudes, if there are not opportunities, indirect strategies such as “extended contact” can be impactful.<sup>70</sup>

## **VI. CREATIVE WAYS TO RAISE AWARENESS ABOUT IMPLICIT BIAS**

There are several possible avenues in which awareness could be raised about implicit bias. In terms of how awareness about implicit bias could be raised in a college campus, there was not much research I could find. However, I did find information about creative ways in which awareness of other topics was raised at college campuses. For example, a handout created by the International Justice Mission regarding how awareness about human rights abuses could

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<sup>65</sup> *Id.* at 50.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 51.

be raised on college campuses listed several ideas that could be just as effective in raising awareness about implicit bias.<sup>71</sup>

The IJM handout mentions writing an article for the school newspaper.<sup>72</sup> In terms of implicit bias, this could possibly come in the form of an article in the Lewis & Clark College school newspaper, and/or the Lewis & Clark Law School magazine (the name of which escapes me). In addition, the IJM handout mentions putting on a week-long event, similar to MLK week that all Lewis & Clark campuses participated in.<sup>73</sup> Having a week-long event on implicit bias with several events throughout the week would be a very good way of raising awareness. The IJM handout mentions bringing in a speaker.<sup>74</sup> Having a speaker event, panel and/or forum would also be a good way of raising awareness about implicit bias. The Oregon State Bar put on a CLE about implicit bias a few months back<sup>75</sup>, which could provide a good guide as to how to put on an event regarding a topic such as implicit bias. The IJM handout lists giving presentations as a way of raising awareness.<sup>76</sup> Perhaps another good way of raising awareness is having presentations for students and/or faculty members on implicit bias.

I also found some more ways of raising awareness via a handout on how to raise awareness on college campuses about prescription drug abuse.<sup>77</sup> There were several ideas on this handout that could equally be done to raise awareness about implicit bias. The prescription drug handout talks about distributing materials on campus regarding prescription drug abuse, namely

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<sup>71</sup> *Awareness Raising Activities*, INT'L JUSTICE MISSION, (2009), <https://www.ijm.org/sites/default/files/download/resources/students/Awareness-Raising-Ideas.pdf>.

<sup>72</sup> *Id.* at 1.

<sup>73</sup> *Id.* at 2.

<sup>74</sup> *Id.* (One interesting speaker might be Haben Girma, a disability rights attorney who attended Lewis and Clark. She is the first deaf and blind graduate of Harvard Law School. She has been recognized by the White house as a "Champion of Change". See her TED talk, here: <https://www.youtube.com/watch?v=Mvoj-ku8zk0>).

<sup>75</sup> *Implicit Bias CLE*, Oregon State Bar (Jan. 22, 2016). The brochure can be found at: [https://diversity.osbar.org/files/2015/11/Evite\\_8.5x10\\_1114.pdf](https://diversity.osbar.org/files/2015/11/Evite_8.5x10_1114.pdf)

<sup>76</sup> *Awareness Raising Activities*, *supra*, at 3.

<sup>77</sup> *Taking Action to Prevent & Address Prescription Drug Abuse*, NAT'L COUNCIL ON PATIENT INFO. AND EDU. (Oct. 25, 2010), [http://www.talkaboutrx.org/documents/WhatYouCanDo\\_Tips.pdf](http://www.talkaboutrx.org/documents/WhatYouCanDo_Tips.pdf).

distributing pamphlets, brochures, etc.<sup>78</sup> Creating and putting up materials about implicit bias would be another way to raise awareness, albeit a very small way. The PD pamphlet also talks about engaging with student organizations and student government.<sup>79</sup> In terms of implicit bias, these types of organizations will be critical in raising awareness. Reaching out to student governments on all three campuses and various student organizations, in particular diversity/ social justice organizations, will be a good step in the process of raising awareness about implicit bias.

The University of Kansas (KU) created the Community Tool Box, which among other things, offers strategies and activities designed to reduce racial prejudice/ racism.<sup>80</sup> The strategies/activities listed could also be useful in raising awareness about implicit bias. One of the strategies offered is organizing community leaders.<sup>81</sup> I believe this will also be useful in raising awareness about implicit bias as bringing community leaders, particularly community leaders from diverse communities, will add credibility to any awareness campaign regarding implicit bias. Another strategy offered is hiring more diverse faculty and staff.<sup>82</sup> As stated below, one of the ways to overcome implicit bias is more intergroup contact/ exposure and in turn more positive experiences with groups that are typically stereotyped, and hiring more diverse faculty and staff when vacancies arise is a way of facilitating more intergroup contact/exposure. I cannot state enough the influence I have seen faculty and staff members have on the student body. This strategy would seemingly extend to admitting more diverse applicants into the Lewis & Clark institutions as well. Also, the Community Box Tool Kit also suggests supporting events that

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<sup>78</sup> *Id.* at 3.

<sup>79</sup> *Id.* at 4.

<sup>80</sup> *Community Tool Box*, UNI. OF KANSAS (2016), <http://ctb.ku.edu/en/table-of-contents/culture/cultural-competence/reduce-prejudice-racism/main>.

<sup>81</sup> *Community Tool Box*, *supra*.

<sup>82</sup> *Id.*

celebrate the traditions of different cultural and ethnic groups.<sup>83</sup> I believe this will be helpful in raising awareness about implicit bias as these events would create and present opportunities for intergroup contact.

Facilitating intergroup activities between faculty/staff and students, is one good way to start the conversation. As an example, I purchased as an auction item a wine tasting/pizza dinner with Professor Varol. Only five students “won” the auction item. While I had met with Professor Varol in his office on a few occasions to discuss questions about the Con Law I material, having this opportunity to get to know him, outside of school, and learn about his background and experiences increased my respect for him and heightened my knowledge about his cultural background. Finding more opportunities such as this would be an easy way to continue the conversation. Perhaps there could be weekly “brown bag” lunch groups, where faculty members (of all diversities) join students at the lunch venues and “check in” with them, socialize, etc.

The Community Box Tool Kit also suggests adding anti- racism education into the curriculum.<sup>84</sup> In terms of implicit bias, this is also a good strategy in that having something about implicit bias in the curriculum would be a good start to raising awareness about implicit bias. I believe you said that implicit bias will be discussed in the Legal Methods courses; this is a great start. Another way this strategy could be implemented is having more course options that have a diversity and/or inclusion component to them. Courses of this nature would be more likely to foster conversations about topics such as implicit bias given the connection implicit bias has with diversity and inclusion. Perhaps in all first year orientations, at the undergraduate campus and in all graduate departments, could include discussion about implicit bias, a review of the science, and a homework assignment to take the IAT. As recognition that our actions are guided by

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<sup>83</sup> *Id.*

<sup>84</sup> Community Tool Box, *supra*.

implicit biases is the first step to mitigating/eliminating the consequences, maybe all students should be required to look within themselves as part of orientation activities.

## VII. CONCLUSION

Lawyers are taught to use logic and deductive reasoning to influence the actions of others, such as judges or clients. As the research suggests, however, reason and logic are not the only motivators of behavior; “our seemingly neutral, logical, and reasoned judgments are actually influenced by unconscious frameworks of thinking about the world that are triggered by our autonomic nervous system.”<sup>85</sup> Although everyone has implicit biases, “research shows that implicit biases can be reduced through the very process of discussing them and recognizing them for what they are. Once recognized, implicit biases can be reduced or “managed,” and individuals can control the likelihood that these biases will affect their behavior.”<sup>86</sup>

In this memo, I have outlined some of the research based strategies to address the issues of implicit bias and provided some creative ways to implement those strategies. The most important tool is self-recognition. Most people deny that they are acting in ways that may be influenced by implicit bias. The IAT is a research based tool to help initiate the discussion. Once people recognize that they may be subconsciously acting in response to schemas formed in childhood that are based upon their cultural upbringing and learning, the research shows that the impact on behavior is positive. Other activities can foster inter-group communication and participation, a key strategy to reducing racial anxiety and ameliorating implicit bias motivated behavior.

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<sup>85</sup> Negowetti, *supra*, at 280.

<sup>86</sup> Understanding Bias: A Resource Guide, *supra*, at 2.