



*For 25 Years...*

The California Business Lawyer's Diversity Partner

# **IMPLICIT BIAS**

**Following up with action after  
Walk the Walk Screening & Discussion  
Orange, CA  
January 20, 2015**

# *Definition of “Diversity”*

- The condition of having or being composed of differing elements
- Variety
- Especially the inclusion of different types of people

Source: Merriam-Webster

# *“Inclusion” is about...*

Promoting an environment where people from different cultural backgrounds:

- Are welcomed and treated with respect
- Feel included and integrated
- Are given equal access to opportunities
- Are given opportunities to contribute their ideas and concerns

# *Implicit Bias*

- Everyone has biases, many of which are implicit – that is, attitudes, memories, and stereotypes that are outside of “conscious, attentional control”
- Our biases affect everyday interactions
- Our biases result in unintentional exclusion

# *How Implicit Bias Shows Its Face*

## **Some examples:**

- Perceptions of contributions/performance – attribution of success to the attorney versus external factors
- Level of focus on mistakes
- Remembering mistakes of outsiders longer than insiders
- Excusing mistakes by insiders due to unconscious natural affinity “(more likely to personally identify with the fledging attorney and get to “I did that once”)
- Avoiding feedback on mistakes

# *Impacts of Implicit Bias in Law Firms*

- Fewer client contacts and development opportunities – formal and informal
- Fewer invitations to social events where opportunities may begin to be developed
- More instances of “soft” evaluations which keep mistakes and negative perceptions hidden from the attorney
- Higher incidents of reports that mistakes are held against diverse attorneys while overlooked when committed by non-diverse attorneys
- Fewer opportunities for inclusion on committees and among leadership

# *Law Firm Best Practices*

- Involve firm senior management in diversity efforts – buy-in from the top is key to success
- Expand recruitment beyond box criteria
  - Interview for leadership and judgment skills, not just top grades
  - Challenge assumptions about law school credentials – broaden the pool of schools where you recruit
  - Include attorneys of color & women in the interviewing and hiring process
- Create and enforce inclusion policies
- Give credit for diversity-related work, and conversely reduce credit for exclusionary behavior



# *Law Firm Best Practices*

- Consistently include diverse attorneys in pitches and staffing
- Use outside consultants to generate objective exit interview data on women & minority attorneys who leave the firm
- Make partnership track/promotion expectations and skills matrices transparent
- Cross-sell all partners including women & attorneys of color – make sure all know what they do

# ***Law Firm Best Practices***

- Involve women & attorneys of color in all levels of firm leadership
- Make certain associates have both mentor & sponsor opportunities
- Promote work-life balance
- Support diversity activities inside & outside the firm

# *Law Firm Best Practices*

Take advantage of the diversity dollars you already spend:

- Promote the organizations you already support
- Encourage participation by everyone in diversity events
- CMCP's programs & activities help “level the playing field”

# ***Diversity & Inclusion***

## ***Belong to Everyone***

### Individual Actions Count...

- If you see an attorney you don't know, introduce yourself
- Take someone from another practice area who doesn't look like you, or who has a different style, for coffee or lunch just to get to know them better
- Step out of your comfort zone -- attend a diversity event for a group of which you are not a part
- Watch those with different styles in action

# *Diversity & Inclusion*

## *Belong to Everyone*

- Listen – There's a reason we have two ears & one mouth
- We're all either part of the problem or part of the solution...

Make a conscious decision about  
which part you play