

The Law is Not Blind: Bias in the Legal System



What Studies Show

Research shows that the gender of the attorney can influence the outcome of a trial. Studies indicate that defendants represented by male attorneys are more likely to be acquitted than those represented by female attorneys. This bias is attributed to various factors, including societal gender roles and the perception of authority.

IMPLICIT "RACIAL" BIAS IS EVERYWHERE
 Every person who touches the case will impact it.
 And every person will bring their biases to bear on it.

Police
 Prosecutors
 Defense Counsel
 Witnesses
 Juries
 Forensic Experts
 Judges

What Can We Do?

While we cannot eliminate bias entirely, we can take steps to minimize its impact. This includes providing bias training for legal professionals, ensuring diverse representation, and being vigilant in identifying and challenging biased information.

In the law, we aren't exempt. Biases color every step of the legal process:

- Focus of investigation
- Gathering evidence
- Documenting evidence
- Forensics
- Court/Arbitration Proceedings
- Defencing
- Community Support



Every minute of every day, we operate with cognitive bias.

179 identified cognitive biases: behavioral, social, memory error, decision-making biases

- Schemas/Affect heuristic - subjective good/bad impressions and mental "templates" are source of fast judgement, emotional response takes the lead
- Attentional bias - perception impacted by recurring thoughts
- Confirmation bias - seeking only information that confirms pre-existing belief
- Focusing effect - placing undue value on one aspect of an event
- Stereotyping - judging an individual based on perception of a group
- False memory - misattribution where imagination is mistaken for memory
- Misinformation effect - less accurate memory because of past-event information
- Suggestibility - ideas suggested by questioner mistaken for memory
- Conjunction fallacy - believing specific, multiple conditions are more probable than general ones
- Ingroup bias - giving preferential treatment to people of "your group"
- Outcome bias - judging a decision based on outcome instead of quality of the decision

In The Courtroom & Media

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The Correction & Sentence

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The Investigation

The investigation process is often flawed due to various biases. These include confirmation bias, where investigators seek only evidence that supports their initial theory, and memory errors, where details are forgotten or distorted over time. These biases can lead to wrongful convictions.

Also, identification of images, witness testimony, and other evidence can be influenced by cognitive biases. This can lead to wrongful convictions and a loss of trust in the legal system.

CITATIONS

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Between hindsight bias, fake causality, positive bias, anchoring priming, et cetera et cetera, and above all the dreaded confirmation bias, once an idea gets into your head, it's probably going to stay there.

(Eliezer Yudkowsky)

SMS
Forensic Experts
Juries
Judges

• Court/Appellate Proceedings
• Sentencing
• Community Support



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PEOPLE
GENERALLY SEE
WHAT THEY LOOK FOR
AND HEAR
WHAT THEY LISTEN FOR

TO KILL A MOCKINGBIRD

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[The Law is Not Blind: The Danger of Biases in the Legal System](#)

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