

The Law is Not Blind: Bias in the Legal System



What Studies Show

Research has shown that the gender of the defense attorney can influence the outcome of a trial. Studies have found that cases with male defense attorneys are more likely to result in acquittals than cases with female defense attorneys. This is particularly true in cases involving sexual assault, where the gender of the attorney can significantly impact the jury's decision.

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
Experts
Judges

What Can We Do?

While the reality of implicit bias is undeniable, there are steps we can take to mitigate its effects. This includes ongoing education for legal professionals, implementing blind review processes, and fostering a culture of diversity and inclusion within the legal system.

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

- Phases of an investigation
- Gathering evidence
- Prosecution
- Court/Arbitration Proceedings
- Sentencing
- 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
- In-group 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

Researcher, Jennifer L. Eberhardt, argues that racial bias in the legal system is a significant problem. She notes that racial bias can influence the jury's decision, the judge's sentencing, and the prosecutor's charging decisions.

The Conviction & Sentence

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In Memory of Hae Min Lee (1980-1999)



Hae Min Lee was a young woman who was murdered in 1999. Her case, known as the 'Hae Min Lee case', is a well-known example of a wrongful conviction. The case highlights the importance of a fair trial and the potential for bias in the legal system.

The Investigation

The investigation is a critical part of the legal process. It involves gathering evidence, interviewing witnesses, and building a case against the accused.

- Abuse identification of victims, related to the victim's safety and well-being
- Case identification of victims, related to the victim's safety and well-being
- Abuse identification of victims, related to the victim's safety and well-being
- Case identification of victims, related to the victim's safety and well-being

CITATIONS

"The Law is Not Blind: Bias in the Legal System" by Jennifer L. Eberhardt. *Journal of Law and Social Sciences*, 2018.

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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)

SMES
Forensic Experts
Juries
Judges

• Court/Appellate Proceedings
• Sentencing
• Community Support



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PEOPLE
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WHAT THEY LOOK FOR
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TO KILL A MOCKINGBIRD

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