



There Is No Bias In
Bankruptcy,
Said Nobody Ever

17th Annual Conference On
Consumer Bankruptcy

Hon. Audrey Moorehead
Dallas Criminal Court #3

1

WHAT IS IMPLICIT BIAS

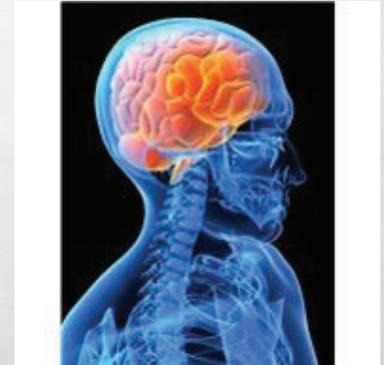
- **UNCONSCIOUS BIAS VS. “CONSCIOUS BIAS”**
- **ATTITUDES/STEREOTYPES THAT AFFECT OUR UNDERSTANDING, ACTIONS, AND DECISIONS**
- **INCLUDES: RACE, ETHNICITY, AGE, GENDER, LANGUAGE, CULTURE, SOCIOECONOMIC STATUS**
- **ALSO: HEIGHT, WEIGHT, ATTRACTIVENESS, DISABILITY, POLITICAL VIEWS, MARITAL STATUS, GENDER IDENTITY, PROFESSION, APPEARANCE, ETC.**



2

HOW IMPLICIT BIAS WORKS

- **HOW DOES IMPLICIT BIAS WORK?**
- **BRAIN PROCESSES LOTS OF INFORMATION**
 - **CONSCIOUS: 40 BITS PER SECOND**
 - **UNCONSCIOUS: 11 MILLION PER SECOND**
- **KEY TAKEAWAY:**
 - ❖ **WE ALL ENGAGE IN IMPLICIT BIAS**
 - ❖ **AND WE ALL ARE VICTIMS OF IT**

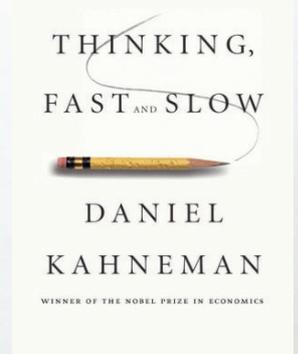


3

THINKING FAST & SLOW

**OUR CONSCIOUS BRAINS OFTEN JUSTIFY A
SUBCONSCIOUS EMOTIONAL CONCLUSION ALREADY
REACHED**

- **SYSTEM ONE: EMOTIONAL JUDGMENTS MADE
INTUITIVELY AND NEARLY INSTANTANEOUSLY**
- **SYSTEM TWO: THE COGNITIVE BRAIN, WHICH
ACTIVATES LATER**



4

IN-GROUP/OUT-GROUP

- **“IN-GROUP” – PEOPLE WHO ARE LIKE US, PEOPLE WITH WHOM WE IDENTIFY**
- **“OUT GROUP” – PEOPLE WITH WHOM WE DO NOT IDENTIFY**
- **THE TWO ARE JUDGED IN DIFFERENT PARTS OF THE BRAIN**
 - **OUT-GROUPS ARE JUDGED MORE HARSHLY**
- **MORAL FAILINGS JUDGED DIFFERENTLY:**
 - **IN-GROUP: DUE TO CIRCUMSTANCES, “HAD NO CHOICE”**
 - **OUT-GROUP: DUE TO POOR MORAL CHARACTER**

5

THOMAS MEYER STUDY

- **60 PARTNERS PARTICIPATE IN “LEGAL ANALYSIS STUDY” OF A MILLENNIAL’S LEGAL WRITING SKILLS**
- **LEGAL MEMO HAD 22 ERRORS “BAKED IN”**
 - **FACTS, GRAMMAR, LEGAL ANALYSIS, ETC.**
- **PURPORTEDLY WRITTEN BY 3RD YEAR ASSOCIATE NAMED THOMAS MEYER, NYU GRAD**
- **HALF WERE TOLD HE WAS BLACK**
- **HALF WERE TOLD HE WAS WHITE**

RESULTS?



6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: There Is No Bias In Bankruptcy, Said Nobody Ever

First appeared as part of the conference materials for the
17th Annual Conference on Consumer Bankruptcy Practice session
"There Is No Bias In Bankruptcy, Said Nobody Ever"