



There Is No Bias In  
Bankruptcy,  
Said Nobody Ever

17<sup>th</sup> Annual Conference On  
Consumer Bankruptcy

Hon. Audrey Moorehead  
Dallas Criminal Court #3

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## WHAT IS IMPLICIT BIAS

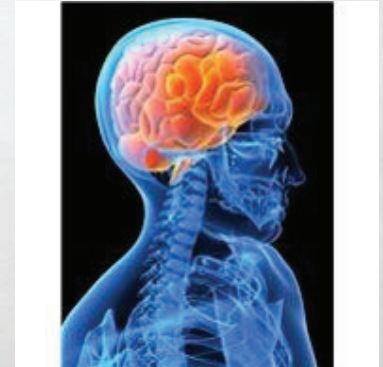
- **UNCONSCIOUS BIAS VS. “CONSCIOUS BIAS”**
- **ATTITUDES/STEREOTYPES THAT AFFECT OUR UNDERSTANDING, ACTIONS, AND DECISIONS**
- **INCLUDES: RACE, ETHNICITY, AGE, GENDER, LANGUAGE, CULTURE, SOCIOECONOMIC STATUS**
- **ALSO: HEIGHT, WEIGHT, ATTRACTIVENESS, DISABILITY, POLITICAL VIEWS, MARITAL STATUS, GENDER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



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# HOW IMPLICIT BIAS WORKS

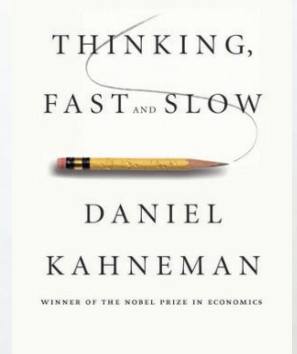
- **HOW DOES IMPLICIT BIAS WORK?**
- **BRAIN PROCESSES LOTS OF INFORMATION**
  - **CONSCIOUS: 40 BITS PER SECOND**
  - **UNCONSCIOUS: 11 MILLION PER SECOND**
- **KEY TAKEAWAY:**
  - ❖ **WE ALL ENGAGE IN IMPLICIT BIAS**
  - ❖ **AND WE ALL ARE VICTIMS OF IT**



# 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**



# 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**

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# 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 3<sup>RD</sup> YEAR ASSOCIATE NAMED THOMAS MEYER, NYU GRAD**
- **HALF WERE TOLD HE WAS BLACK**
- **HALF WERE TOLD HE WAS WHITE**

**RESULTS?**



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17<sup>th</sup> Annual Conference on Consumer Bankruptcy Practice session  
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