BIAS-RELATED TENDENCIES

Prove It Again

IT = that you belong here; that you are capable of doing this work; that you deserve recognition

- Expected to go above and beyond
- Held to higher standards
- Ideas not valued or are stolen

Tightrope

Pressure to conform to standards set by (and for) white, cis-gender, able-bodied, heterosexual males

- Social roles translated in the work environment
- Professional consequences for failure to conform
- Personal consequences for conforming

Parental Wall

Career-impacting, negative assumptions made after a woman becomes pregnant, or after a professional becomes a parent.

- Competency questioned
- Passed over for advancement, quality assignments
- Anxiety about taking available leave

Tug of War

Conflict and/or unhealthy competition created within underrepresented groups when opportunities to succeed are limited or unfairly distributed.

- Lack of camaraderie among attorneys
- Perpetuation of biases within groups
- Inauthentic conformity

Adapted from “You Can’t Change What You Can’t See: Interrupting Racial & Gender Bias in the Legal Profession,” American Bar Association and Minority Corporate Counsel Association, 2018.
RECOGNIZING THE OPERATION OF BIAS-RELATED TENDENCIES

EXAMPLE #1:

“You can’t change what you can’t see:interrupting racial & gender bias in the legal profession,” American Bar Association and Minority Corporate Counsel Association, 2018.

“Being a minority woman means your intellect is systematically discounted and Caucasian hetero men are unfailingly trusted no matter their competency. I felt like I was constantly trying to prove myself no matter how impeccable my work product was.”

Related Tendency: ________________________________________________________________

EXAMPLE #2:

“I have experienced the most push back from being an assertive and authoritative woman (and minority woman); so there is resentment of my perceived ‘masculinity’ such that people accuse me of wanting to be feared, when men [are] deemed to simply be ‘demanding’ or as having ‘high standards’.”

Related Tendency: ________________________________________________________________

EXAMPLE #3:

“Male employees are routinely questioned or viewed skeptically by firms when taking parental leave.”

Related Tendency: ________________________________________________________________

EXAMPLE #4:

“Sometimes women of color are literally referred to as ‘twofers’—i.e., they count in diversity statistics as both women and as lawyers of color. This demeans them, and reduces opportunity for white women, because the white men are using the double-counting to make the workplaces they still control look more diverse on paper than they actually are.”

Related Tendency: ________________________________________________________________

EXAMPLE #5:

“In the past year, I’ve been called ‘overconfident’ and ‘not deferential enough’ by co-counsel, another Asian American female. It was extremely frustrating as I was finally starting to feel confident and assertive and direct—acting as any normal white male attorney in a law firm would. I was subsequently removed from that case.”

Related Tendency: ________________________________________________________________

IDENTIFYING INTERRUPTERS

Your table has been assigned a specific challenge. As a group, review the challenge and identify three interrupters that might be used to change the related business process so the resulting inequity does not occur. (Hint: at least one interrupter should involve metrics.)

Challenge #1 - Interrupting Bias in Assignments

Every workplace has high-profile assignments that are career enhancing (“glamour work”) and low-profile assignments that are beneficial to the organization but not the individual’s career. Research shows that women do more “office housework” than men. This includes literal housework (ordering lunch), administrative work (scheduling a time to meet), and emotion work (“she’s upset; comfort her”). Misallocation of the glamour work and the office housework is a key reason leadership across the legal profession is still male dominated. Professionals of color (both men and women) also report less access to desirable assignments than do white men. How might a firm or organization interrupt the operation of this bias?

Challenge #2 – Interrupting Bias in Performance Evaluations

In one study, law firm partners were asked to evaluate a memo by a third-year associate. Half the partners were told the associate was black; the other half were told the identical memo was written by a white associate. The partners found 41% more errors in the memo they believed was written by a black associate as compared with a white associate. Overall rankings also differed by race. Partners graded the white author as having “potential” and being “generally good,” whereas they graded the black author as “average at best.” How might a firm or organization interrupt the operation of this bias?

Challenge #3 – Hiring

When comparing identical resumes, “Jamal” needed eight additional years of experience to be considered as qualified as “Greg,” mothers were 79% less likely to be hired than an otherwise-identical candidate without children, and “Jennifer” was offered $4,000 less in starting salary than “John.” Unstructured job interviews do not predict job success, and judging candidates on “culture fit” can screen out qualified diverse candidates. How might a firm or organization interrupt the operation of this bias?