

Bench Card¹ on Achieving Fairness Free of Unconscious Bias²

Accept that everyone carries preconceived, automatic, or unconscious biases that operate in seclusion, hidden from our awareness. Unnoticed, these biases affect our thoughts and decisions, unless you proactively take measures to minimize their effects.

To become aware of the existence of Unconscious Bias, ask yourself:

- Am I experiencing a positive or negative emotional reaction in terms of my attitude, views, or tone, knowing nothing about the parties, counsel, witnesses, or the matter before me?
- Is anything impeding or interfering with my ability to evaluate and decide neutrally and objectively?
- Am I requiring more or less from this person than I would from others?
- Am I reacting to this person based on assumptions, values, and beliefs rather than facts and evidence?
- Am I assessing or treating this person differently than I would if he or she belonged to a different racial, gender, or social group?
- Is my decision-making process, not just the decision, the same as it would be for people of other racial, gender, or social groups?

To reduce the influence of Unconscious Bias:

- Pay attention to your feelings.
- Rely on notes rather than on memory.
- Examine your thinking and reasoning process before committing to a decision.
- Slow down and think things through when deciding under stress, pressure, distraction, or cognitive overload, or when angry.
- Avoid snap judgments, “gut feelings,” generalizations or making a decision based on sympathies or personal likes or dislikes.
- Identify and correct unsupported assumptions, stereotyping, and negative perceptions.
- Review the evidence that supports your conclusions, and announce your reasoning.

To address the affects of Unconscious Bias:

- Use inclusive and welcoming language. Listen well. Keep an open mind. Learn about other cultures, and consider how your own culture may influence your perceptions or perspective.
- Discuss with colleagues how they might handle or perceive a person or situation.
- Notice, challenge, and educate yourself on words or conduct that demean, intimidate, or harass an individual or group based on personal characteristics, including race, gender, religion, ethnicity, disability, national origin, sexual orientation, age, or socio-economic status.
- Keep track of your decisions and periodically inspect them for any pattern of bias.
- Remember that the more conscious you are to the possibility of unconscious bias, the less affect it will have on your decision-making.

¹ Created by Justice Michael B. Hyman of the First Appellate District in Illinois.

² Unconscious bias is also known as implicit bias, hidden bias, unintentional bias, and automatic bias Prepared by Justice Michael B. Hyman, First District. Primary sources *Implicit Bias Bench Card*, Committee for Equality and Justice of the Minnesota Judicial Branch (April 2015), <http://www.national-consortium.org/~media/Microsites/Files/National%20Consortium/Implicit%20Bias/Implicit-Bias-Bench-Card.ashx>; Bench cards, Massachusetts Supreme Judicial Court Departmental Race and Implicit Bias Advisory Committee, <http://www.bostonbar.org/docs/default-document-library/combined-bench-cards.pdf?sfvrsn=2>; National Center for State Courts, *Helping Courts Address Implicit Bias*, available at www.ncsc.org.