

HOW TO RECOGNIZE AND COMBAT UNCONSCIOUS BIAS

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Law firms face mounting client, moral, and political pressure to have demographically representative offices, attract the best talent, and reflect both their customers and potential jurors. Their diversity efforts, however, may feel stagnant. Although putting in their best efforts, there's little or nothing to show for it. You echo the popular lament, "We look for diverse candidates, but typically hire people that mirror the rest of the firm."

Part of this problem lies in unconscious bias. Twenty years of social psychological research demonstrates that a decision maker will unwittingly show preference for people who look like them, think like them, and like what they like. Furthermore, multiple studies show that in-group formation can be based on even the banalities of everyday life - what you eat for lunch, for example.

The impact of unconscious bias infiltrates myriad firm decisions. Beyond hiring, it affects compensation, performance evaluations, succession planning, promotions, terminations, networking, mentoring, charitable donations, and client development.

Understanding bias is the elemental way to combat it. Below is a quick reference to some of its common forms:

- Most obvious is *self-interest*. People will find decisions more favorable that offer them financial or social benefits.
- Bias is subtler in evidence processing. This is not advocacy: the conscious, selective use of evidence to create a persuasive argument. Unconscious bias slants the search and evaluation of information while it allows the illusion of objectivity.
- For example, with *confirmation bias*, you seek only supporting evidence for your preferred hypothesis.
- *Unconscious bias* impacts the *how long* you search for information, the *weight* you grant confirming evidence, and the *amount* of information you need to confirm your preference.
- It even impacts your *memory*. You're more likely to remember information that confirms your preferred choice.

Philosopher Francis Bacon said, "man always believes more readily that which he prefers." We do not have the unfettered ability to arrive at objective conclusions.

So, what can we do to remedy our natural predisposition? Here are six tips:

1. Recognition is the first step. Bias awareness promotes examination of your thought process.
2. Hire independent specialists for decisions in specific areas. Allow unadulterated access to information.
3. Divide the decision process. Request information without posing a question.

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4. Frame a problem multiple ways to further avoid confirmation bias.
5. Require justifications for information choices.
6. Appoint a devil's advocate to ensure oppositional arguments are considered.

Einstein said, "Problems cannot be resolved by the same level of consciousness that created them." To move firm initiatives past obstacles we need to overcome the unconscious ways we perpetuate our problems. Progress and success require that we challenge ourselves to operate beyond our natural preference for in-groups. Only then will firm diversity efforts make headway.

For more information and further reading on Diversity & Inclusion, visit our [online library](#).



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Liz is a PhD. candidate with expertise in multiculturalism in the contemporary United States. She brings targeted knowledge on the recent shifts in the U.S. demographics, changing global attitudes, and the impact this has on her clients. She partners with firms and organizations to devise diversity and inclusion strategies that fit both their values and goals.

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