



**Implicit Bias, Micro-Aggressions,
and Other Work Missteps**

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REAL TALK

• DOES THIS DESCRIBE YOU?

- I AM A _____ WOMAN/MAN
- I AM MARRIED TO A _____ MAN/WOMAN
- I GREW UP IN AN ENVIRONMENT WHERE VIRTUALLY EVERYONE PRESENTED LIKE ME
- I WENT TO COLLEGE AND LAW SCHOOL WITH PEOPLE WHO PRESENTED LIKE ME
- MY SOCIAL NETWORK PRIMARILY INCLUDES PEOPLE WHO PRESENT SIMILARLY TO ME

REAL TALK

- **ARE THESE STATEMENTS APPLICABLE TO YOU?**
 - **I HAVE WORKED IN A FIRM/OFFICE WHERE THE MAJORITY OF PEOPLE ARE LIKE ME**
 - **I HAVE LIVED AND “PLAYED” IN SETTINGS WITH PEOPLE WHO PRESENT SIMILARLY TO ME**
 - **I ONLY ATTEND FAITH SERVICES WITH PEOPLE WHO SHARE THE SAME FAITH AS ME**
 - **MY CHILDREN ATTEND SCHOOL IN A PRIMARILY HOMOGENOUS SETTING OF PEOPLE LIKE THEMSELVES.**



REAL TALK

THEN THIS PROGRAM IS FOR YOU.



“

DISCLAIMER

”

THIS PROGRAM IS NOT THE FOLLOWING

**“BEAT UP WHITE FOLKS
AND MAKE THEM FEEL
GUILTY” DAY**

**Up with the People, Down
with “The Man”**

**The Cutlers’ Mini-March on
The New Mexico Bar
This Revolution Will Not Be
Televised**

REAL TALK IS:

BASED ON A BELIEF THAT NO ONE WANTS TO MARGINALIZE OTHERS NOR BE MARGINALIZED

AND

AN OPPORTUNITY TO DIALOGUE OPENLY (*AND WITH SOME HUMOR*) ABOUT SOME VERY SERIOUS ISSUES.

GUIDEPOST FOR OUR DISCUSSION

STATES THAT HAVE ADOPTED PROVISION OR SIMILAR OR VARIATION OF 8.4(G)

California
Colorado
Connecticut
Florida
Georgia
Illinois
Louisiana
Massachusetts
Nevada

New Jersey
New York
North Carolina
Pennsylvania
Oregon
South Carolina
Texas
Washington

ABA MODEL PROFESSIONAL RULES OF CONDUCT
RULE 8.4(G)

IT IS PROFESSIONAL MISCONDUCT FOR A LAWYER TO

(G) ENGAGE IN CONDUCT THAT THE LAWYER KNOWS OR REASONABLY SHOULD KNOW IS HARASSMENT OR DISCRIMINATION ON THE BASIS OF RACE, SEX, RELIGION, NATIONAL ORIGIN, ETHNICITY, DISABILITY, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS OR SOCIOECONOMIC STATUS IN CONDUCT RELATED TO THE PRACTICE OF LAW. THIS PARAGRAPH DOES NOT LIMIT THE ABILITY OF A LAWYER TO ACCEPT, DECLINE OR WITHDRAW FROM A REPRESENTATION IN ACCORDANCE WITH RULE 1.16. THIS PARAGRAPH DOES NOT PRECLUDE LEGITIMATE ADVICE OR ADVOCACY CONSISTENT WITH THESE RULES.

REAL TALK



SO, WHAT CAN WE SHARE THAT WILL KEEP YOU OUT OF HOT WATER AT THE WORSE AND YOUR FOOT OUT OF YOUR MOUTH AT A MINIMUM?

TODAY'S DISCUSSION TOPICS

ISSUES THAT GET IN THE WAY OR CREATE MISSTEPS

- **MICRO-AGGRESSIONS**
- **BIASES**
- **WHITE PRIVILEGE**
- **WHITE FRAGILITY**

REAL LIFE EXAMPLES OF MISSTEPS & MIS-COMMUNICATION

CREATING AN ENVIRONMENT FOR SUCCESS FOR EVERYONE

- **MICRO-AFFIRMATIONS**
- **ALLYSHIP**
- **ANTI-RACISM**
- **BORDER EXPANSION**

THE BENEFITS TO YOUR FIRM

REAL TALK

WHAT IS A “MICRO-AGGRESSION”?

A STATEMENT, ACTION, OR INCIDENT REGARDED AS AN INSTANCE OF INDIRECT, SUBTLE, OR UNINTENTIONAL DISCRIMINATION AGAINST MEMBERS OF A MARGINALIZED GROUP, SUCH AS A RACIAL OR ETHNIC MINORITY.



Micro-Assaults

(Deliberate)



Micro-Insults

**(Hidden, Insidious,
Subtle)**



Micro-Invalidation

(Unconscious)

MICRO-AGGRESSIONS

REAL TALK

What does a micro-aggression look like?



FOR PEOPLE WHO STILL DON'T THINK

REAL TALK

WHAT IS “IMPLICIT BIAS”?

ALSO KNOWN AS IMPLICIT SOCIAL COGNITION, IMPLICIT BIAS REFERS TO THE ATTITUDES OR STEREOTYPES THAT AFFECT OUR UNDERSTANDING, ACTIONS, AND DECISIONS IN AN UNCONSCIOUS MANNER.

A word cloud shaped like a speech bubble, containing the words "Bias" and "Biased" in various sizes and colors (blue, orange, purple). The word "Bias" is the most prominent, appearing in large, bold letters in the center. "Biased" is also prominent, appearing in large letters around the perimeter. Smaller instances of both words are scattered throughout the cloud. The colors used are primarily blue, orange, and purple. The speech bubble shape is white with a black outline and a small tail pointing towards the bottom-left corner.

System 2

Rational Thinking



Slow
Logical
Takes Effort
Indecisive



System 1

Fast Thinking /Instinct



Unconscious
Associative
Fast
Automatic

2 Decision-Making Routes

SYSTEM 1

- FAST
- INTUITIVE
- IMPRESSIONISTIC
- IMPLICIT RESPONSES
- 95% OF DECISIONS

SYSTEM 2

- SLOW
- DELIBERATE
- SYSTEMATIC
- RULE FOLLOWING
- CONSCIOUS THOUGHT
- 5% OF DECISIONS



Overt Bias

The type most familiar to many people

Superiority/Inferiority Element

Direct outward expression of inner-feelings.

Binary Analysis of Bias

- “I’m not racist!” (*sexist, ageist, prejudiced, etc.*)
- “Doesn’t apply to me” – so no need for change
- No further discussion/action
- Nothing changes – nothing gets done.



Bias is Universal

Bias is Inescapable

Bias is Non-Binary

Examples of Bias Seen in the Workplace

Symbolic Bias

Aversive Bias

Attractiveness Bias

Conformity Bias

Name Bias

Halo/Horns Effect

Gender Bias

Affinity Bias





It is Not an All-or-Nothing Proposition

White Privilege



UN-DESERVED

- **MINIMIZES EFFORT, SACRIFICES, EXPENSE**
- **DOES NOT ACKNOWLEDGE PERSONAL WORK EFFORTS**

WHITE PRIVILEGE

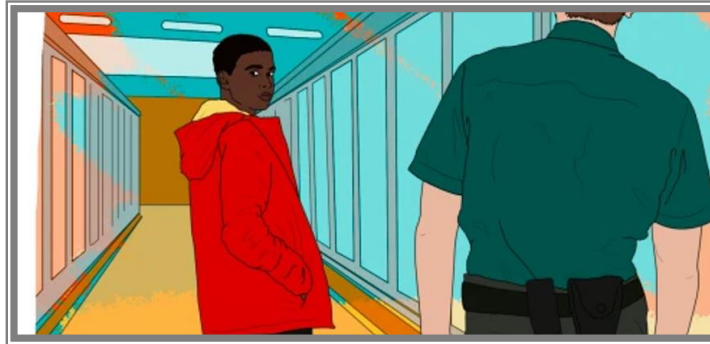
*Coined in 1988 by
white author/activist
Peggy McIntosh*

*The reality that being white
in America comes with an
array of benefits and
advantages not shared by
many people of color.*

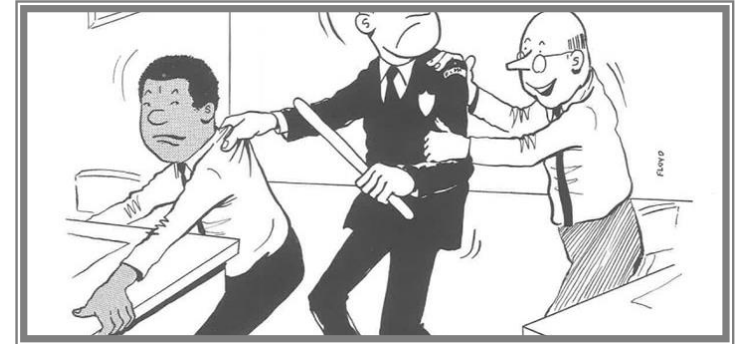
White Privilege



**Having the
presumption of
competence or
worthiness, unless
proven otherwise**



**Being able to shop
unmolested,
unquestioned and
presumed innocent.**



**Presumption that you
belong**

White privilege



Your mistakes are not regarded as an indictment of your race



Leaving Best Buy with your purchase, without a bag or a receipt



Driving through upscale neighborhoods without being subjected to an analysis (by others) of whether you should be there

WHITE PRIVILEGE

*Doesn't mean that
your life journey
hasn't been hard*

*Means that your race hasn't
been used against you on the
journey*



**Can You Listen Without
Falling Apart?**

REAL LIFE

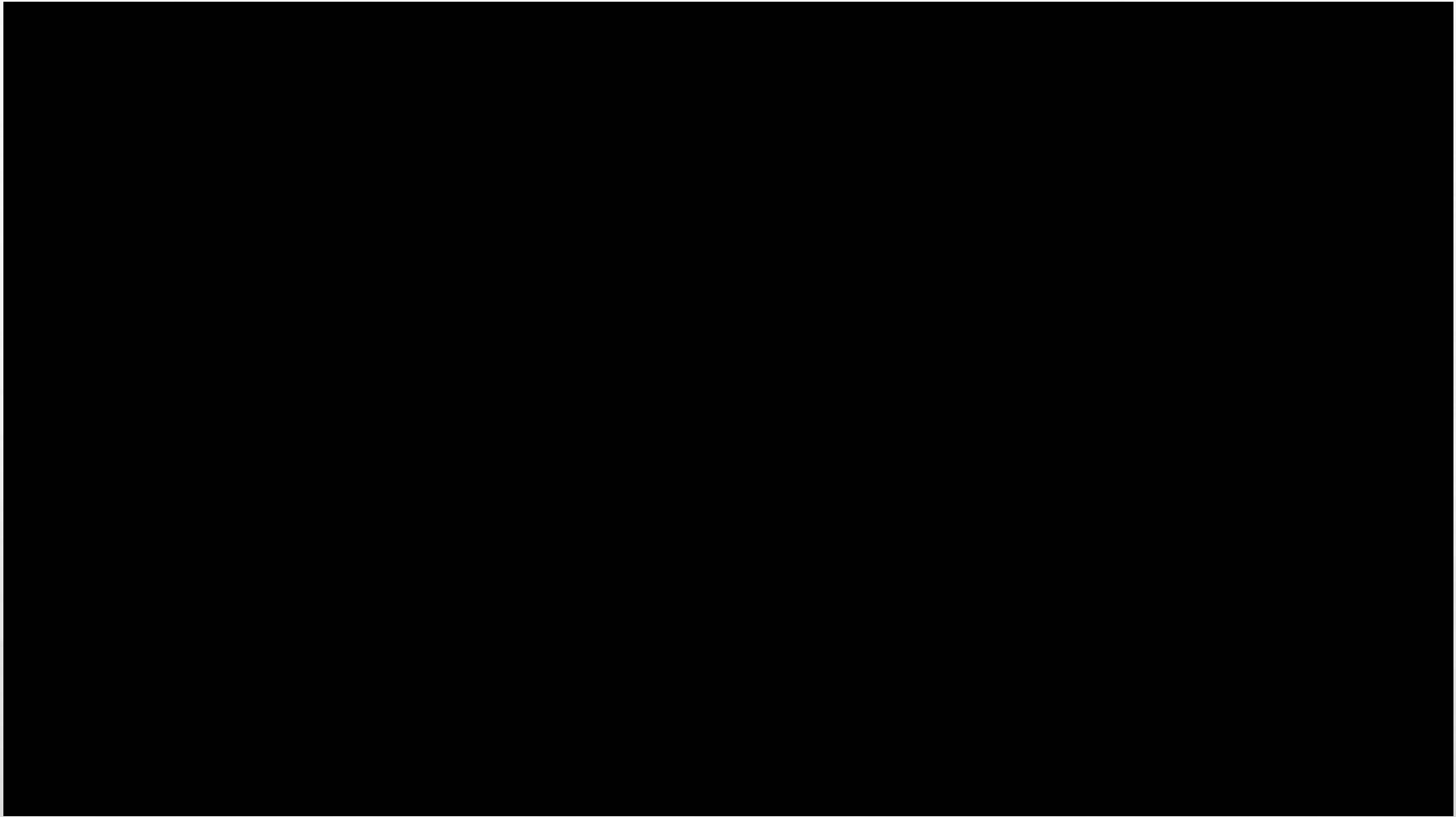




ARE YOU
THE NEW
DIVERSITY
HIRE ?

Does your client
know YOU are
representing them?





**WE HIRE ONLY
FROM THE TOP
10% OF IVY
LEAGUE
INSTITUTIONS**





Full Forecast *
Overcast Feels Like 23°



NEWS WEATHER CANCELLATIONS SPORTS VIDEOS 9.2 9.3 SHOW YOU CARE YOU NEWS CONTACT US

Three University of Iowa wrestlers arrested; burglary charges pending

By Lee Hermiston, The Gazette

Photos



Ross Lembeck, Seth Gross and Logan Ryan



Full Forecast *
33°
Overcast Feels Like 23°



NEWS WEATHER CANCELLATIONS SPORTS VIDEOS 9.2 9.3 SHOW YOU CARE YOU

Coralville police arrest four in burglary investigation

By Lee Hermiston, The Gazette

Video

Photos



Coralville burglary suspects Kwain Crawford, Milton Whitehead, Quentin D.W. Eatman and Curtis J. Johnson (left to right)



**Eh, Guess
There Are No
Seats
Available....**

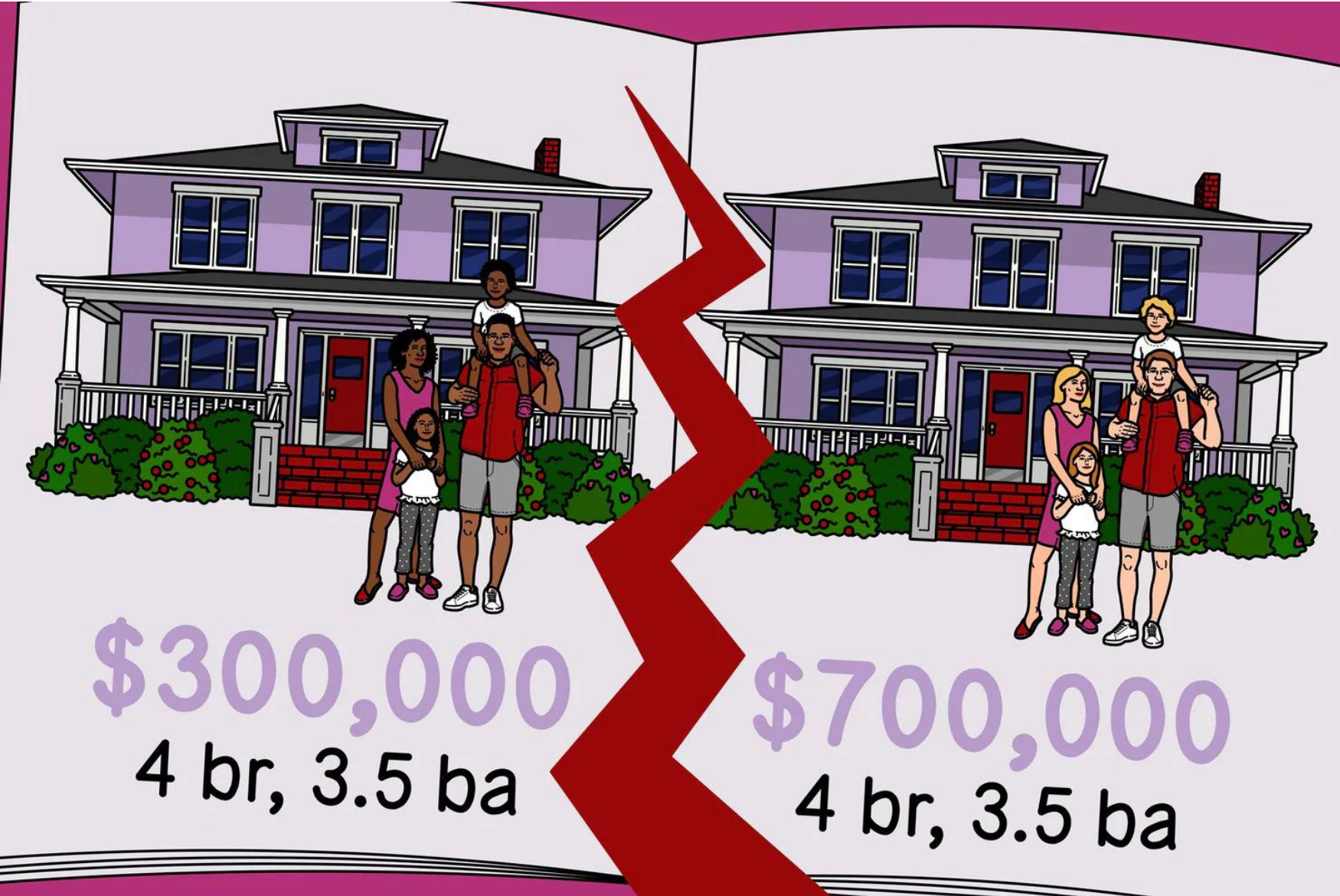
Eh. . . . No seats .



"Courtney
I never
see you as
@ black girl"
#swine
#OPEN YOUR EYES!

~~You're so
articulate~~



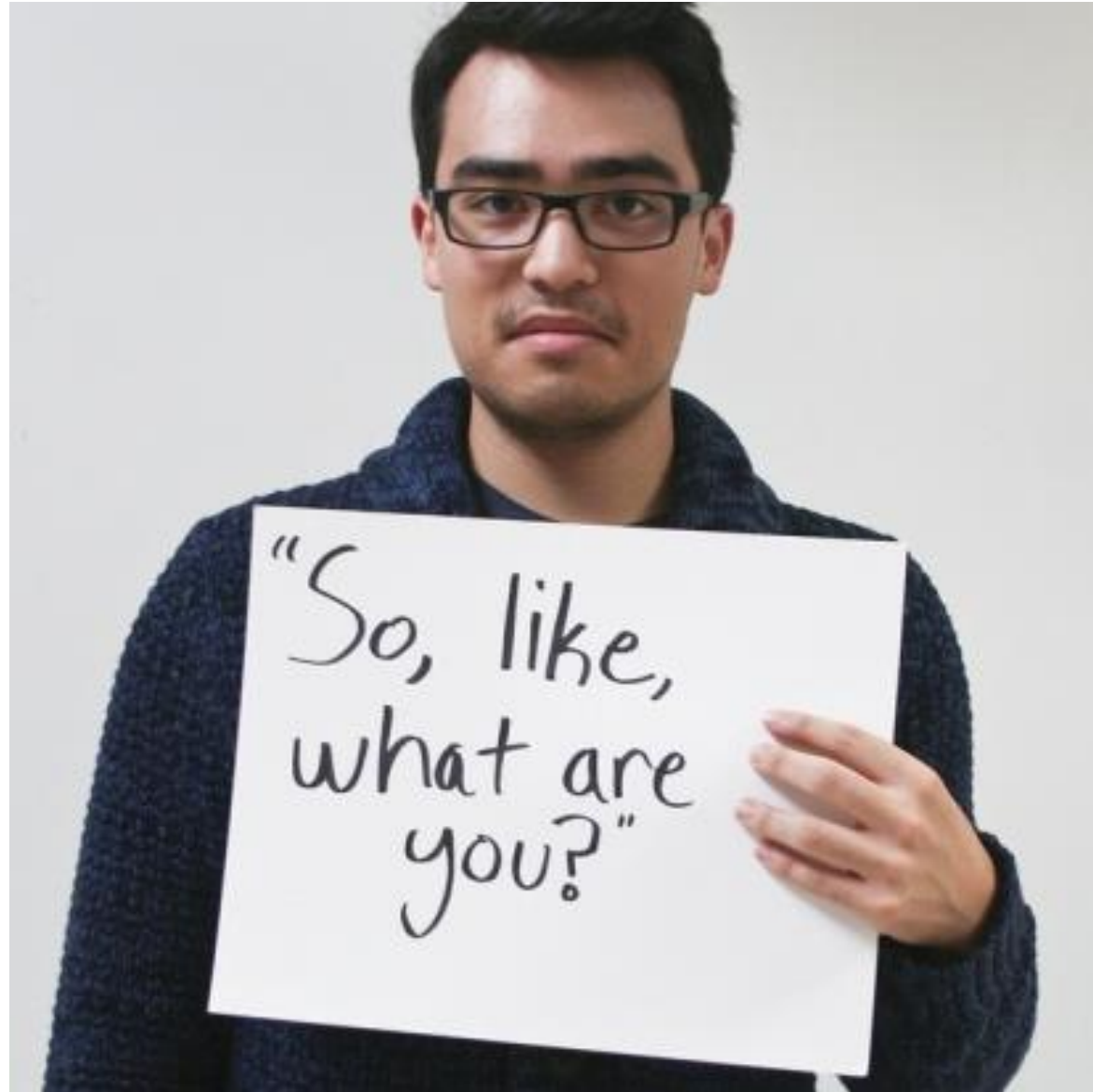


\$300,000
4 br, 3.5 ba

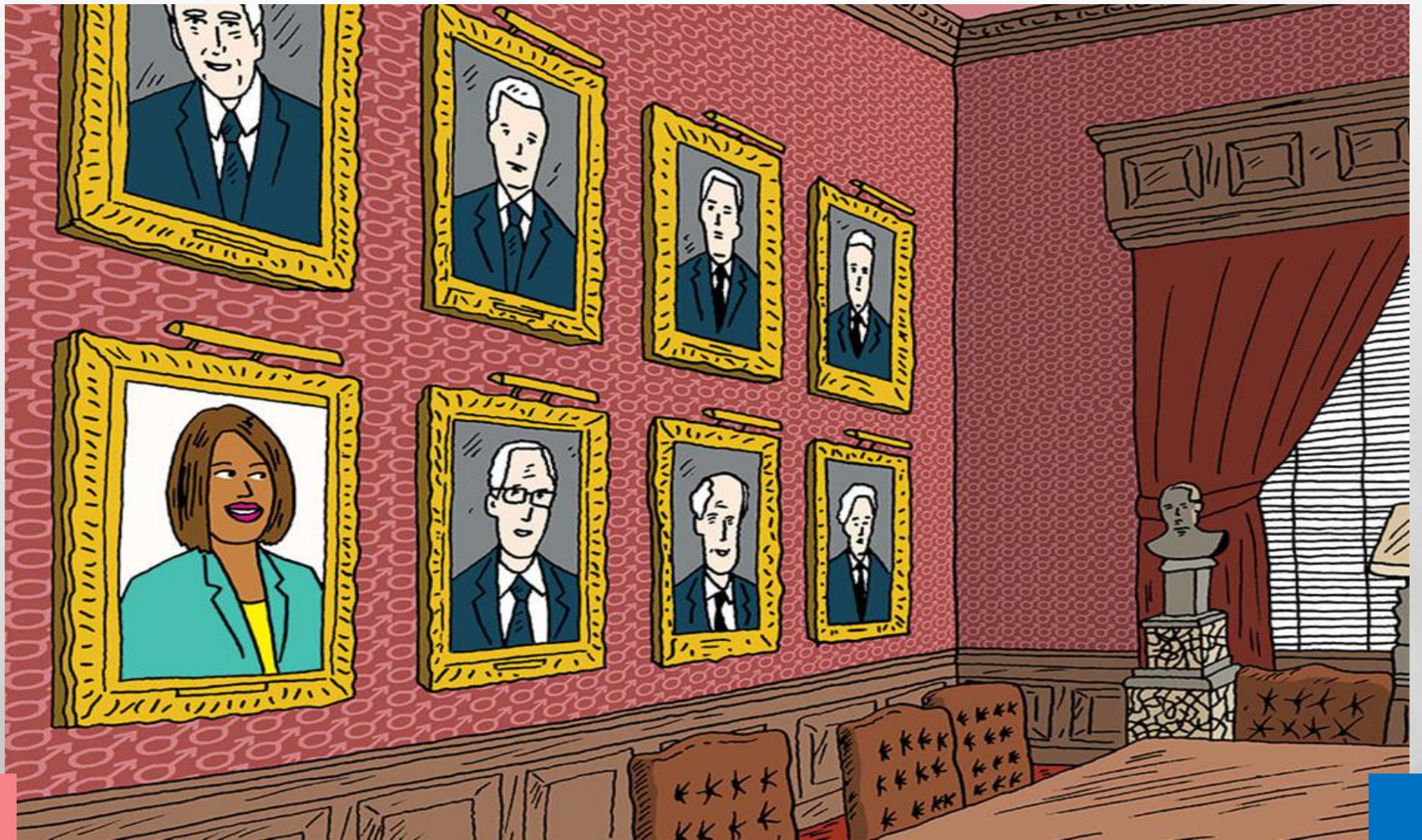
\$700,000
4 br, 3.5 ba

- 
- A close-up photograph of a hand holding a golden key, with another hand open below it, suggesting a transfer or offering. The background is a soft, out-of-focus green. The image is framed by a blue border at the bottom and sides.
- **MEMBERSHIP IN THIS ORGANIZATION IS LEGACY BASED**





"So, like,
what are
you?"

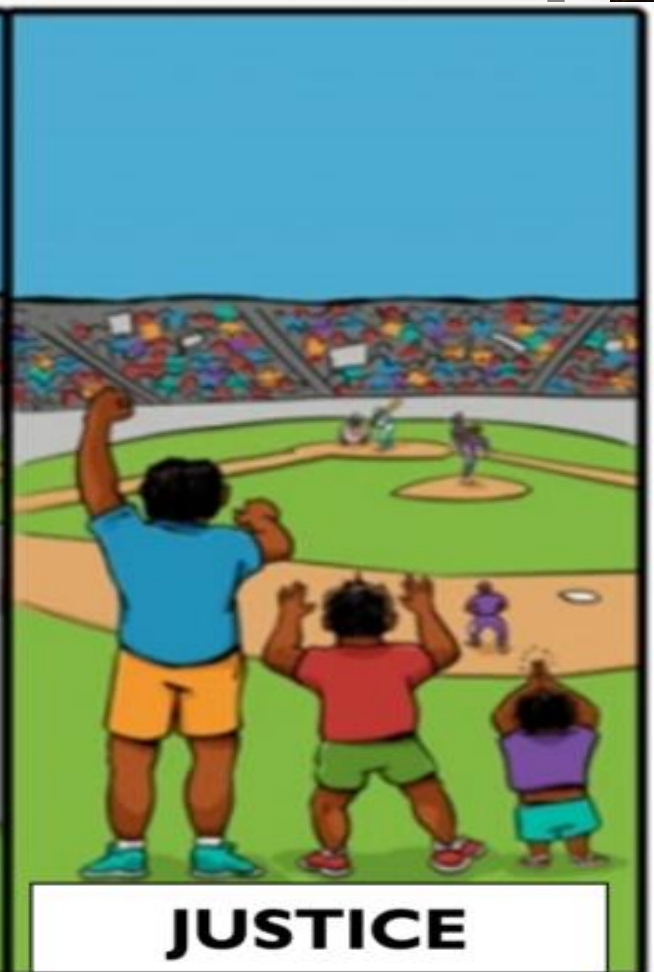
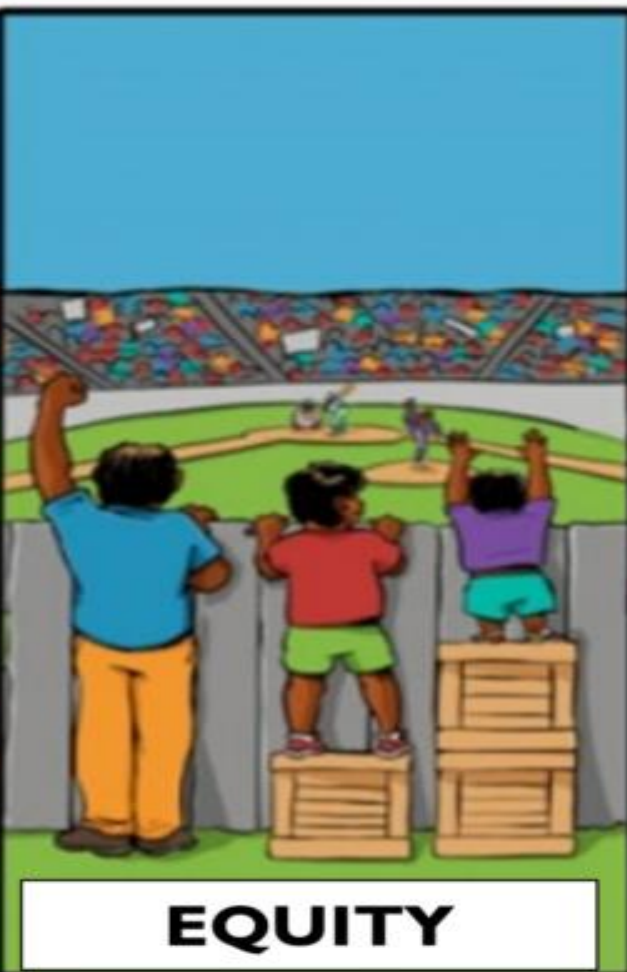
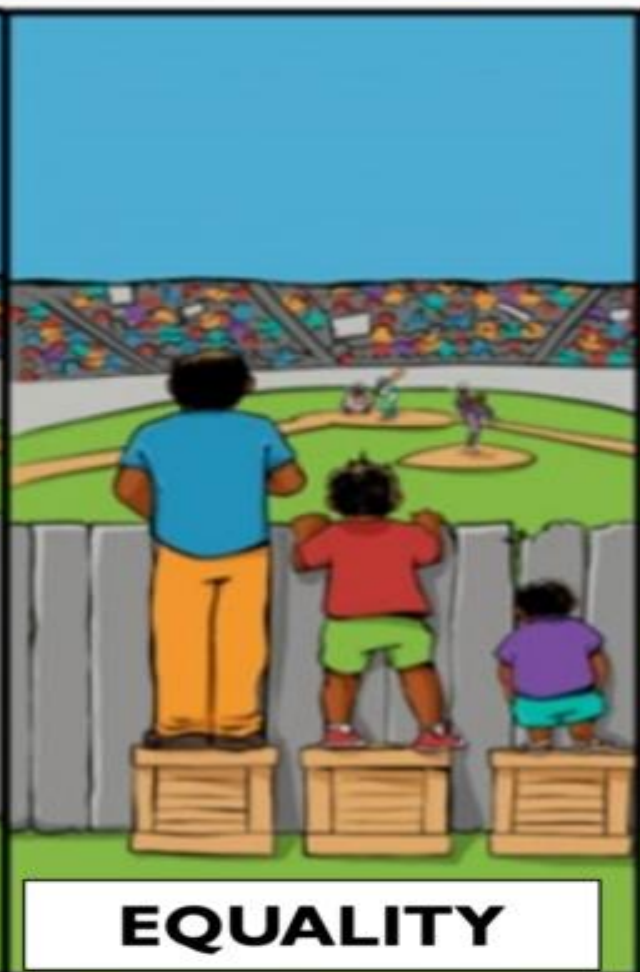


HOW CAN YOU BE THE CHANGE YOU WANT TO SEE IN YOUR WORLD?



Allyship





REALITY

EQUALITY

EQUITY

JUSTICE

One gets **more than** is needed, while the other gets **less than** is needed. Thus, a huge disparity is created.

The assumption is that **everyone benefits from the same supports**. This is considered to be equal treatment.

Everyone gets the support they need, which produces equity.

All 3 can see the game without supports or accommodations because **the cause(s) of the inequity was addressed**. The systemic barrier has been removed.

REAL TALK

BE A COURAGEOUS
COLLABORATOR



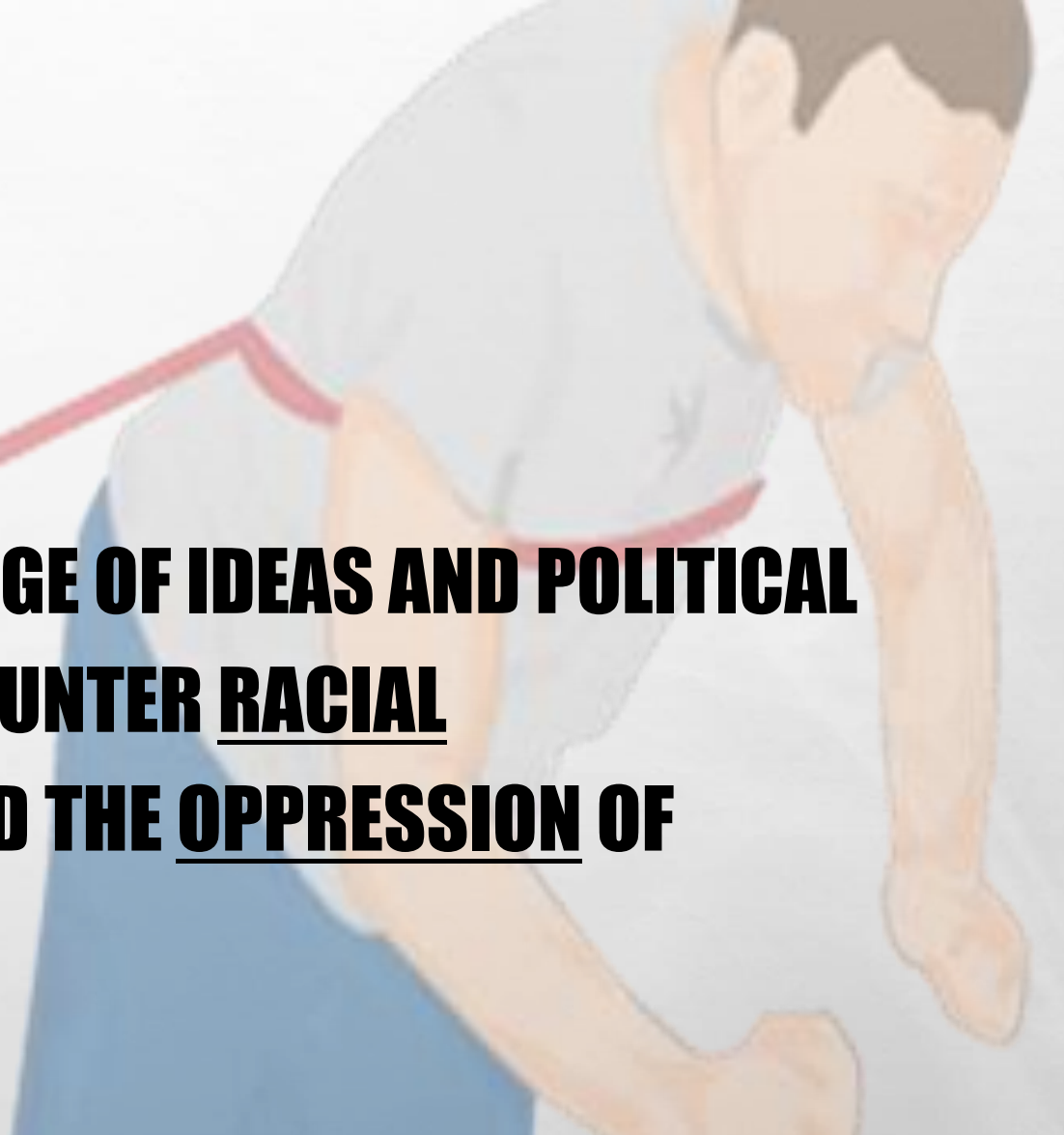
REAL TALK



- **BE GRACIOUS**
- **BE DIRECT**
- **LISTEN**
- **ENCOURAGE EXPANSION**
- **SUGGEST EXPLORATION**

- **BE AN ANTI-RACIST**

AN ANTI-RACIST ENGAGES IN A RANGE OF IDEAS AND POLITICAL ACTIONS WHICH ARE MEANT TO COUNTER RACIAL PREJUDICE, SYSTEMIC RACISM, AND THE OPPRESSION OF SPECIFIC RACIAL GROUPS.



ANTI-RACIST

WHAT ANTI-RACIST IS



WHAT ANTI-RACIST IS NOT



Micro-Affirmations

Small acts which are often ephemeral and hard-to-see, actions that can be public or private, often unconscious but very effective, which occur wherever people wish to help others to succeed.





- **Be An Ally**

THE PRACTICE OF EMPHASIZING SOCIAL JUSTICE, INCLUSION, AND HUMAN RIGHTS BY MEMBERS OF AN INGROUP, TO ADVANCE THE INTERESTS OF AN OPPRESSED OR MARGINALIZED OUTGROUP.[11]

REAL TALK



**Call it out—you be
the hero**

**Don't just Talk
about it, be about it**



HOW TO MAKE A CHANGE?

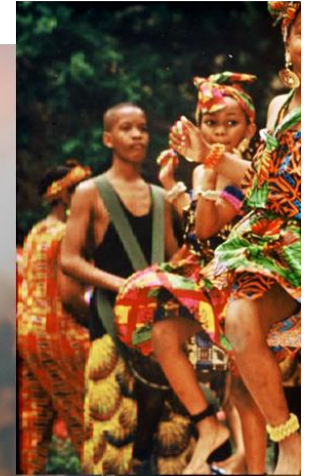
MAKE A COMMITMENT TO

- **PERSONAL GROWTH & CHANGE**
- **BEING OPEN TO DIFFERENT VIEWPOINTS**
- **LISTENING**
- **GETTING COMFORTABLE WITH UN-COMFORTABILITY**
- **LISTENING WITH YOUR HEART & HEAD**



HOW TO MAKE A CHANGE?

Expanded Cultural Experiences



dri™

Diversity for Success

Seminar and
Corporate Expo

June
14-15,
2018



National Asian Pacific American Bar Association

JOIN DIFFERENTLY



Diversity in the Legal
Profession Committee

HNBA

HISPANIC NATIONAL
BAR ASSOCIATION

Wisconsin Association

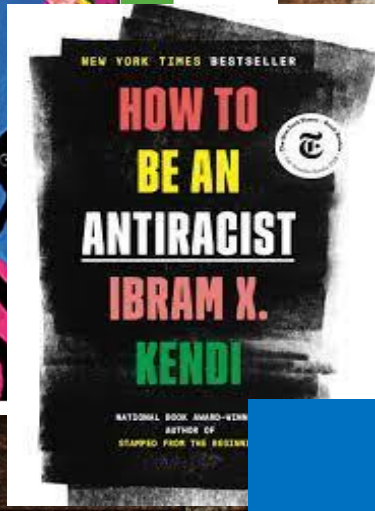
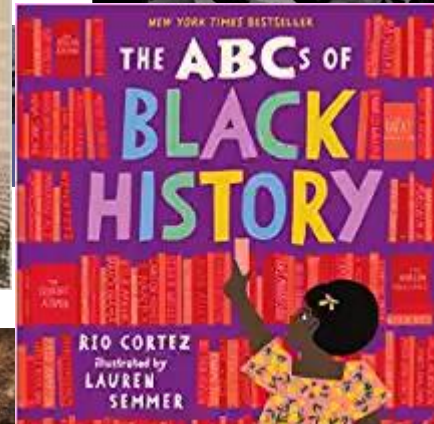
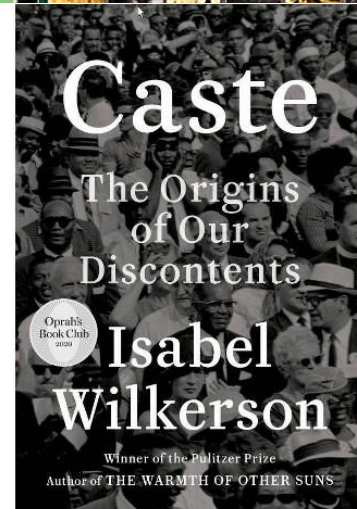
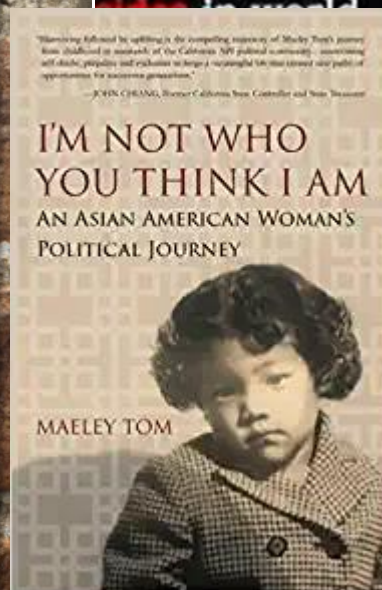
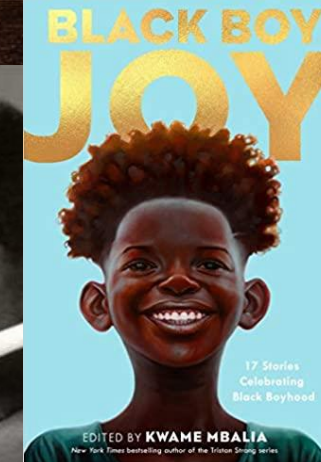
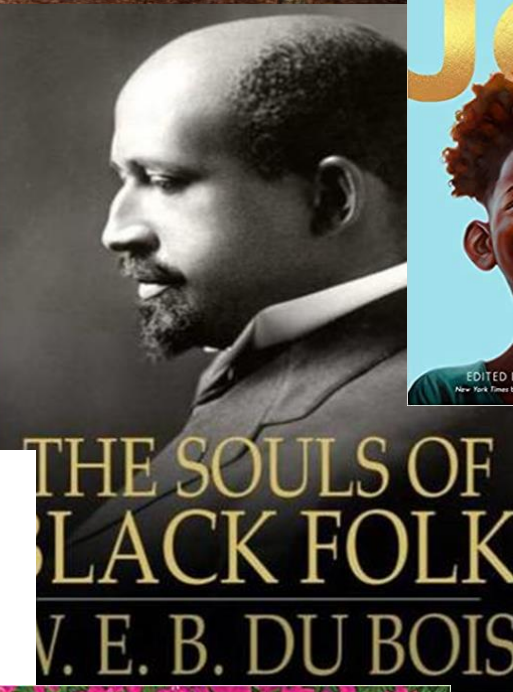
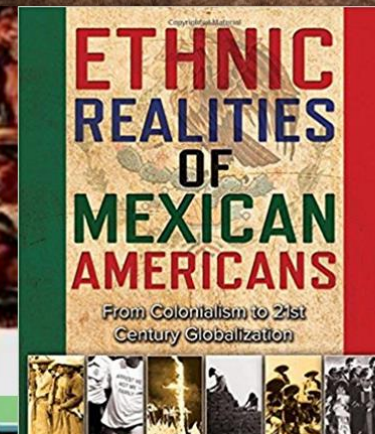
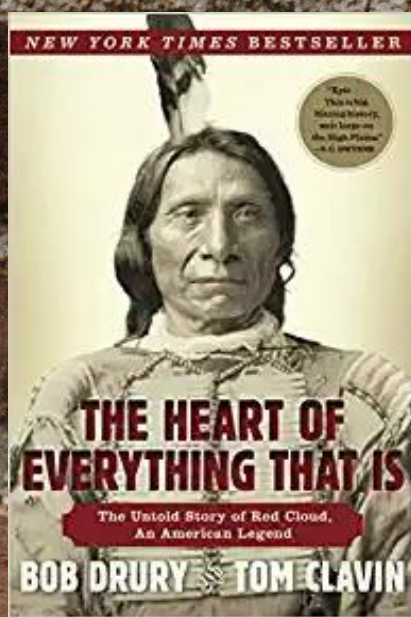
WAAL

— of —
African-American
LAWYERS

NATIONAL

HOW TO MAKE A CHANGE?

HOW TO MAKE A CHANGE?



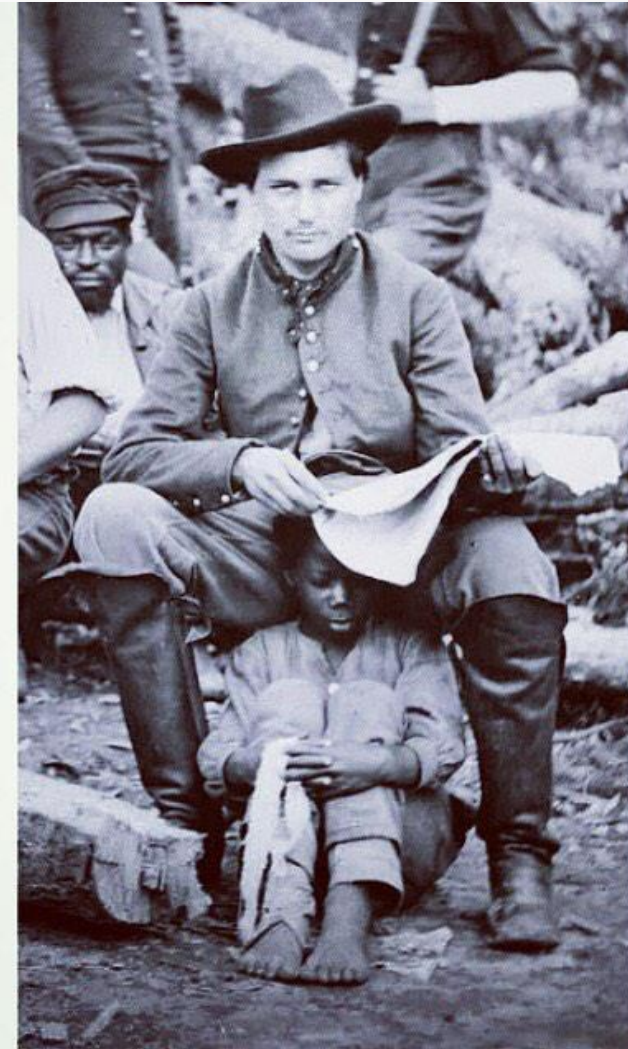
HOW TO MAKE A CHANGE



REAL TALK

- **WHAT'S THE POINT?**

Better Decision-Making



Innovation & Creativity



BROADER PERSPECTIVES



A signpost with two directional signs. The top sign is green with a white border and a white arrow pointing to the right, containing the word 'PROFIT' in white capital letters. The bottom sign is red with a white border and a white arrow pointing to the left, containing the word 'LOSS' in white capital letters. The signpost is a vertical metal pole. The background is a clear blue sky with some white clouds.

PROFIT

LOSS

Instagram



[REDACTED]

And at the grocery store, my daughter yelled at me," Look, Dad, I have a twin, "and there we understood that the world would be better if we saw it as a child sees it."



REAL TALK



**IT IS UP
TO YOU!**

THANK YOU