



25TH ANNIVERSARY
MCLE SPECTACULAR!
Friday, November 22, 2019



The Contra Costa County Bar Association
proudly presents...

Afternoon Plenary Speaker

Tirien A. Steinbach,

Chief Program Officer of the
ACLU of Northern California

JUST BELONGING:

***Advancing Equity, Diversity and
Inclusion in the Legal Profession***

Tirien Angela Steinbach

Chief Program Officer



Tirien Steinbach is the Chief Program Officer at the ACLU of Northern California. In this capacity, she provides support and guidance to the four programmatic departments: Legal & Policy, Communications, Organizing, and California Advocacy & Policy (statewide legislation).

Prior to joining the ACLU in 2019, Tirien was the executive director of the East Bay Community Law Center (EBCLC), the community-based clinical program for Berkeley Law School and largest provider of free legal services and policy advocacy in Alameda County. As a lawyer at EBCLC, Tirien founded the Clean Slate Clinic, the nation's first reentry clinic. During her 11-year tenure as executive director, Tirien oversaw the creation or expansion of EBCLC's programs, including community economic justice, consumer justice, education advocacy, immigration, and youth defender clinics.

Tirien also conducts classes and trainings on increasing mindfulness and cultural responsiveness in the law and legal profession. In 2017, she launched the Coalition for Equity and Inclusion in Law (CCEIL), a Bay Area regional cohort of law and policy organizations dedicated to advancing greater cultural equity, inclusion, and diversity in the sector. Tirien serves on the executive advisory boards for Transforming Justice: Center for Mindfulness and Criminal Justice and the People's Conservatory.

Tirien received her bachelor's degree from UC Santa Cruz (1992) and her law degree from Berkeley Law School (1999), where she served as president of the Berkeley Law Foundation and vice president of the Law Students of African Descent. She has been recognized for her social justice legal work, receiving both Equal Justice Works and Berkeley Law Foundation fellowships, the inaugural Thelton E. Henderson Social Justice Prize, the 2015 Berkeley Law Young Alumna Award, and the 2017 Alameda County Woman Lawyer of Distinction Award.

Tirien is a lifetime East Bay Area resident who loves cooking, crafting and hanging out with her family, and she will always cherish the memory of the night she got to dance on stage with Prince.

Disrupting Bias and Advancing Equity, Diversity and Inclusion in the Legal Profession: A Bibliography

BOOKS

Robin DiAngelo & Michael Eric Dyson, *White Fragility: Why It's So Hard for White People to Talk About Racism* (2018).

Eduardo Bonilla-Silva, *Racism Without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (4th ed. 2016).

Margaret Reuter & Carwina Weng, *Navigating Cultural Differences*, in *Learning from Practice* (3d ed. 2015).

Howard J. Ross, *Everyday Bias: Identifying and Navigating Unconscious Judgments in Our Daily Lives* (2014).

Leonard Mlodinow, *Subliminal: How Your Unconscious Mind Rules Your Behavior* (2013).

Mahzarin R. Banaji & Anthony G. Greenwald, *Blind Spot: Hidden Biases of Good People* (2013).

Justin D. Levinson, *Implicit Racial Bias Across the Law* (2012).

Verna A. Myers, *Moving Diversity Forward: How to Go from Well-Meaning to Well-Doing* (2011).

Deborah L. Rhode, *The Beauty Bias: The Injustice of Appearance in Life and Law* (2011).

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010).

Gregory Parks et al., *Critical Race Realism: Intersections of Psychology, Race, and Law* (2010).

Shankar Vedantam, *The Hidden Brain* (2010).

Derald Wing Sue, *Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation* (2010).

Sarah E. Redfield, *Diversity Realized: Putting the Walk with the Talk for Diversity in the Pipeline to the Legal Profession* (2009).

Malcolm Gladwell, *Blink: The Power of Thinking Without Thinking* (2005).

Linda Gayle Mills, *A Penchant for Prejudice: Unraveling Bias in Judicial Decision-Making* (1999).

Virginia Valian, *Why So Slow? The Advancement of Women* (1999).

Thomas Ross, *Just Stories: How the Law Embodies Racism and Bias* (1997).

ARTICLES

Russell G. Pearce et al., *Difference Blindness vs. Bias Awareness: Why Law Firms with the Best of Intentions Have Failed to Create Diverse Partnerships*, 83 *Fordham L. Rev.* 2407 (Apr. 2015).

Ronald Wheeler, *We All Do It: Unconscious Behavior, Bias, and Diversity*, 107 *Law Libr. J.* 325 (Spring 2015).

Disrupting Bias and Advancing Equity, Diversity and Inclusion in the Legal Profession: A Bibliography

Robert J. Smith et al., Implicit White Favoritism in the Criminal Justice System, 66 Ala. L. Rev. 871 (2015).

Traci Burch, Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Sentencing, 12 J. Empirical Legal Stud. 395 (Sept. 2015).

Michele L. Jawando & Chelsea Parsons, 4 Ideas That Could Begin to Reform the Criminal Justice System and Improve Police-Community Relations, Center for Am. Progress (Dec. 18, 2014).

Anthony Greenwald et al., With Malice Towards None and Charity for Some: Ingroup Favoritism Enables Discrimination, 69 Am. Psychol. 669 (2014).

Vivia Chen, The Diversity Crisis: Time to Call It Racism?, Am. Law. Mag. (June 5, 2014).

Adam Hahn et al., Awareness of Implicit Attitudes, 143 J. Experimental Psychol. 1369 (2014).

Govind Persad, When, and How, Should Cognitive Bias Matter to Law?, 32 Law & Ineq. 31 (Winter 2014).

Nicole E. Negowetti, Navigating the Pitfalls of Implicit Bias: A Cognitive Science Primer for Civil Litigators, 4 St. Mary's J. Legal Malpractice & Ethics 278 (2014).

Cynthia Lee, Making Race Salient: Trayvon Martin and Implicit Bias in a Not-Yet Post Racial Society, 91 N.C. L. Rev. 1555 (2013).

Patricia Devine et al., Long-term Reduction in Implicit Race Bias: A Prejudice Habit-Breaking Intervention, 48 J. Experimental Soc. Psychol. 1267 (Nov. 2012).

Jerry Kang et al., Implicit Bias in the Courtroom, 59 UCLA L. Rev. 1124 (2012).

Jonathan Feingold & Karen Lorang, Defusing Implicit Bias, 59 UCLA L. Rev. 210 (2012).

OTHER RESOURCES:

<https://www.calbar.ca.gov/About-Us/Our-Mission/Promoting-Diversity>

<https://www.americanbar.org/groups/diversity/>

<http://kirwaninstitute.osu.edu/>

<http://perception.org/>

<https://implicit.harvard.edu/implicit/>



25TH MCLE SPECTACULAR!

JUST BELONGING: ADVANCING EQUITY, DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION

TIRIEN ANGELA STEINBACH

1

ROADMAP FOR PLENARY:

- Introductions
- Communication Agreements
- Cultural Prism Exercise
- Cultural Bias
- Framing the Issues
- Check Out: Take aways



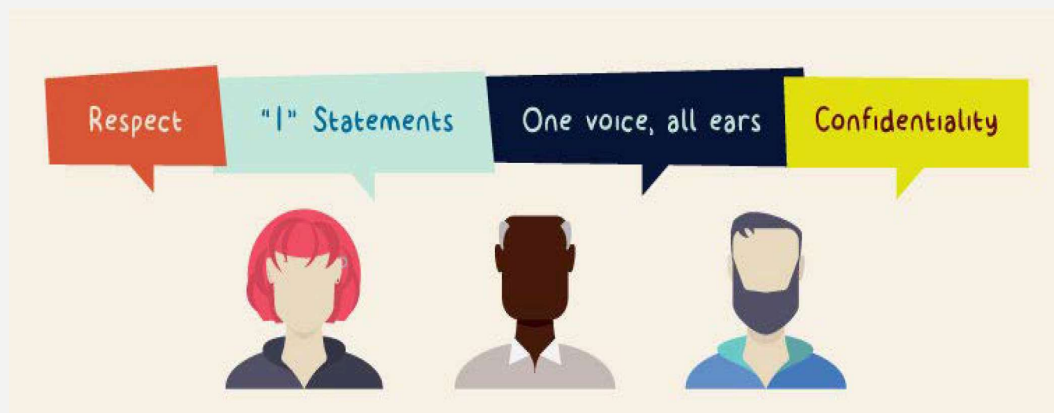
2

COMMUNICATION AGREEMENTS

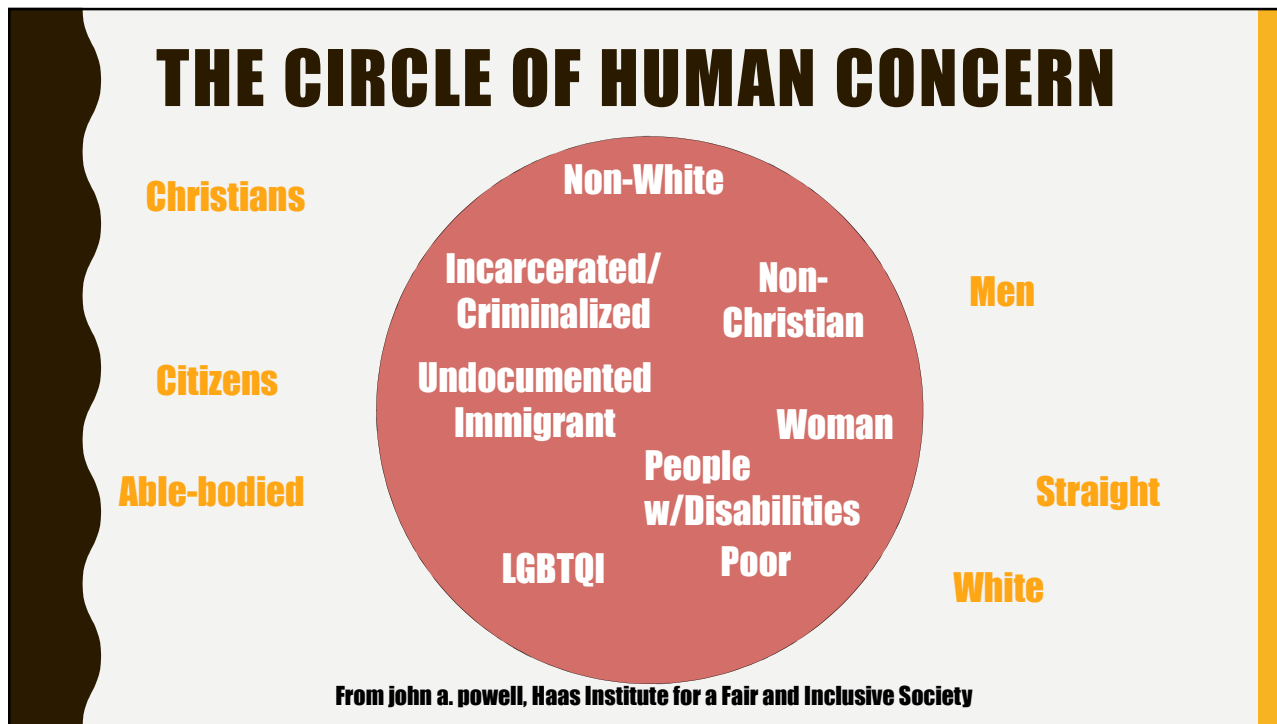
- TRY IT ON
- PRACTICE SELF FOCUS (“I” STATEMENTS)
- UNDERSTAND DIFFERENCE BETWEEN INTENT & IMPACT
- PRACTICE “BOTH/AND”
- REFRAIN FROM BLAMING OR SHAMING SELF & OTHERS
- MOVE UP/MOVE BACK
- PRACTICE MINDFUL LISTENING
- CONFIDENTIALITY
- RIGHT TO PASS

3

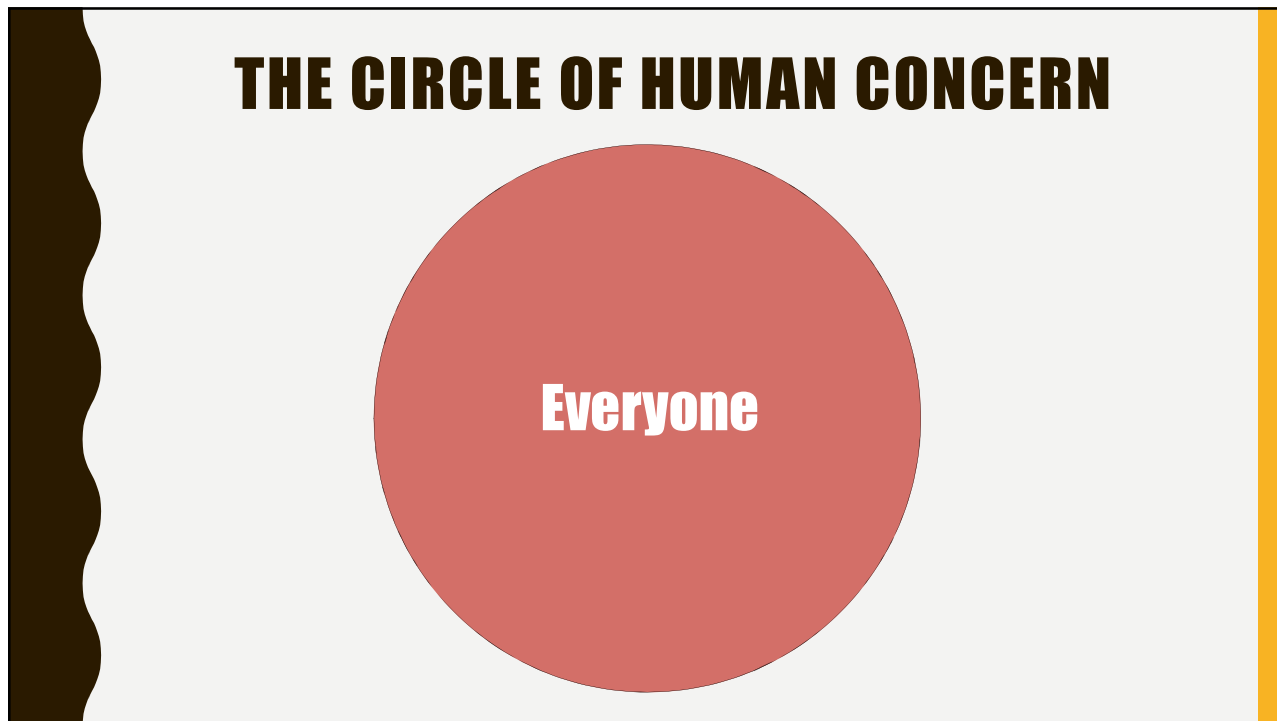
COMMUNICATION AGREEMENTS



4

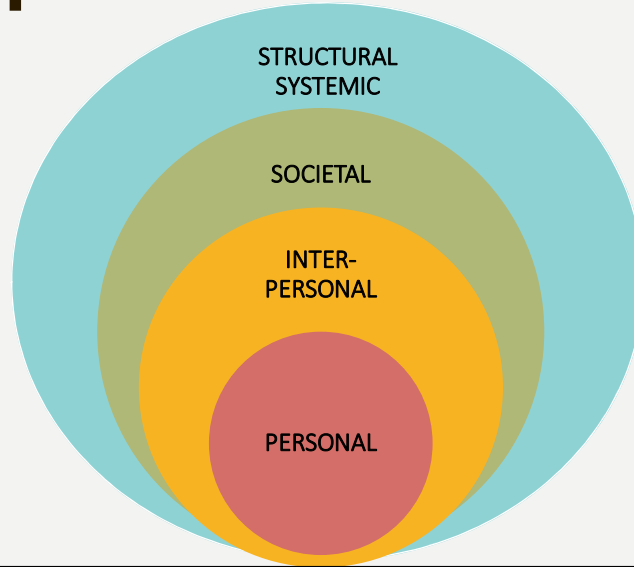


7



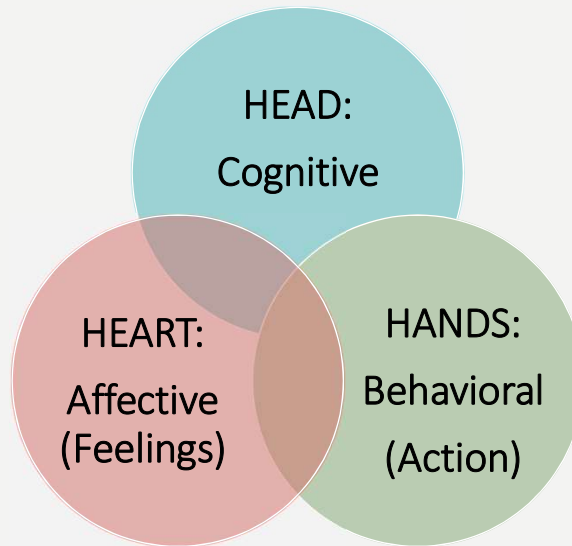
8

OPERATION OF CULTURE & CULTURAL INEQUITY



9

IMPACT OF CULTURE & CULTURAL BIAS



10

AT WHAT AGE DO WE LEARN TO RELIABLY IDENTIFY RACIAL DIFFERENCES?

SIX MONTHS OLD



11

AT WHAT AGE DO WE START EXPRESSING BIAS BASED ON RACE?

BETWEEN 3-5 YEARS OLD



12

IMPLICIT BIAS



Brooks, David. *The Social Animal: A Story of How Success Happens*.
<http://www.guardian.co.uk/science/2011/may/08/david-brooks-key-to-success-interview>

- The human brain can take in 11 million pieces of information in any one moment
- We're only consciously aware of maybe 40 of these - at best.
- Only 2% of emotional cognition is available to us consciously
- Racial bias tends to reside in the unconscious network
- Messages can be framed to speak to our unconscious

13

SCHEMAS

- They help us organize information into broader categories and conserve mental resources
 - objects (e.g., “chairs”)
 - behaviors (e.g., “ordering food”)
 - human being (e.g., “the elderly”)
 - Situational cues
- Schemas and the unconscious are social.
- They exist in and our shaped by our environment.
 - Experiences with other people
 - Perceptions of structures
 - Narratives
 - Stories, books, movies, media, and culture



The human mind must think with the aid of categories. . . Once formed, categories are the basis for normal prejudice. We cannot possibly avoid this process. Orderly living depends on it.

- Gordon Allport

14

14

ABOUT IMPLICIT BIAS....

- Proven by science
- Proven by observation & evidence
- Inconvenience for some, deadly for others, bad for all of us
- Every day we contribute
- Every day we can combat

**IMPLICIT BIAS IS LIKE
GLOBAL CLIMATE
CHANGE:**

THEY BOTH EXIST



17

“Cultural racism—the cultural images and messages that affirm the assumed superiority of Whites and the assumed inferiority of people of color—is like smog in the air. Sometimes it is so thick it is visible, other times it is less apparent, but always, day in and day out, we are breathing it in.

None of us introduce ourselves as “smog-breathers” (and most of us don’t want to be described as prejudiced), but if we live in a smoggy place, how can we avoid breathing the air?”

- Beverly Tatum, *Why Are All the Black Kids Sitting Together in the Cafeteria? and Other Conversations About Race*

**THE SMOG
OF
CULTURAL
RACISM (OR
RACIAL BIAS)**



18

“I visualize the ongoing cycle of racism as a moving walkway at the airport. Active racist behavior is equivalent to walking fast on the conveyor belt... The person engaged in it has identified with the ideology of White supremacy and is moving with it. Passive racist behavior is equivalent to standing still on the walkway. No overt effort is being made, but the conveyor belt moves the bystanders along to the same destination as those who are actively walking. Some of the bystanders may feel the motion of the conveyor belt, see the active racists ahead of them, and choose to turn around, unwilling to go in the same destination as the White supremacists. But unless they are walking actively in the opposite direction at a speed faster than the conveyor belt—unless they are actively antiracist—they will find themselves carried along with the others.” - Beverly Tatum

THE MOVING WALKWAY OF WHITE SUPREMACY CULTURE



19

PRIVILEGE GRID

Identity Category	Downside of Privilege	Upside of Privilege
Race/Ethnicity	People of Color	White people
Economic Class	Poor, working class	Middle, owning class
Gender/Gender Identity	Women, Trans, Gender-Nonconforming	Men
Sexual orientation	Lesbian, gay, bisexual	Heterosexual (or Heteronormative)
Ability	People with disabilities, neurodivergent	People without disabilities, neurotypical
Religion	Non-Christian/Secular	Christian
Age	People over 40 or under 20	People between 20-40
Education level	People without college and/or advanced degrees	People with college and/or advanced degrees
Immigrant status	Immigrant	U.S.-born
Language	Non-English speaking/ESL	English speaking
Geographic location	Rural	Urban, Suburban
Skin Color	Darker spectrum	Lighter spectrum
Body Type	Larger or smaller than “average”	“average or normal” weight

How does this land? What do you notice? What questions?

20

MY PRIVILEGE GRID

Identity Category	Downside of Privilege	Upside of Privilege
Race/Ethnicity	People of Color	White people
Economic Class	Poor, working class	Middle, owning class
Gender/Gender Identity	Women, Trans, Gender-Nonconforming	Men
Sexual orientation	Lesbian, gay, bisexual	Heterosexual (or Heteronormative)
Ability	People with disabilities, neurodivergent	People without disabilities, neurotypical
Religion	Non-Christian/Secular	Christian
Age	People over 40 or under 20	People between 20-40
Education level	People without college and/or advanced degrees	People with college and/or advanced degrees
Immigrant status	Immigrant	U.S.-born
Language	Non-English speaking/ESL	English speaking
Geographic location	Rural	Urban, Suburban
Skin Color	Darker spectrum	Lighter spectrum
Body Type	Larger or smaller than "average"	"average or normal" weight

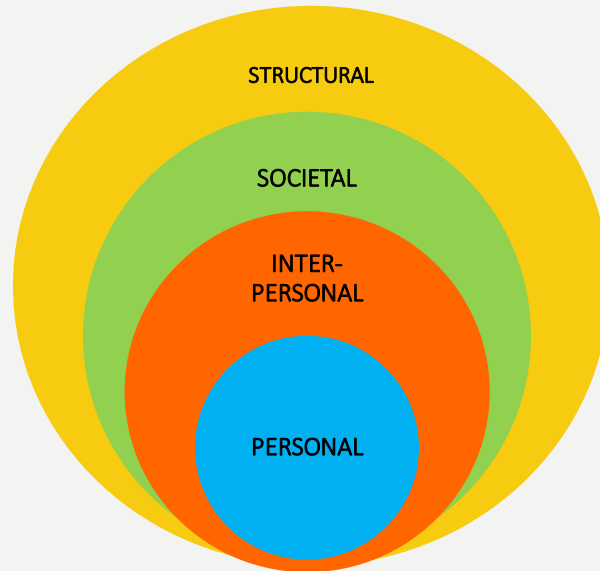
21

NOTES ON PRIVILEGE GRID EXERCISE

**Becoming aware of
PRIVILEGE
should not be viewed as
a burden or source of
guilt, but rather, an
OPPORTUNITY
to learn and be
responsible so that we
may work toward a more
just and inclusive world.**

22

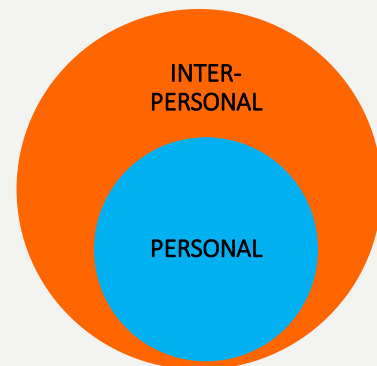
HOW DO WE DISRUPT BIAS?



23

HOW DO WE DISRUPT BIAS?

- Acknowledge bias and White supremacy culture
- Situate ourselves culturally
- Trainings on Implicit Bias – IAT, exercises, studies
- Social Contact – Meaningful intergroup interactions
- Counter-stereotypic training/exposure
- Building Empathy - Perspective taking
- Engaged Processing- Making the implicit explicit, more focus and time
- **Mindfulness Practices – Attention, focus, intention, empathy, compassion, retention**



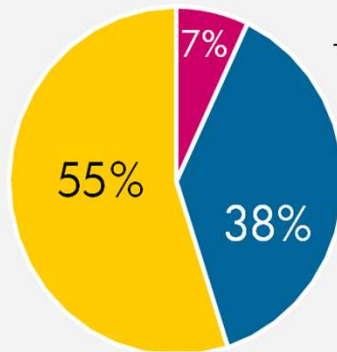
24

24

EXPLICIT & IMPLICIT COMMUNICATION

Not exactly true...

...We're often communicating a lot more than we think!



Dr. Albert Mehrabian's 7-38-55% Rule

Elements of Personal Communication

- 7% spoken words
- 38% voice, tone
- 55% body language

25

Attention: Commit time, effort and resources to understand and address barriers to cultural equity and inclusion

Intention/Impact: Work to align our intention and impact – actively notice and counter our implicit bias; learn from experience

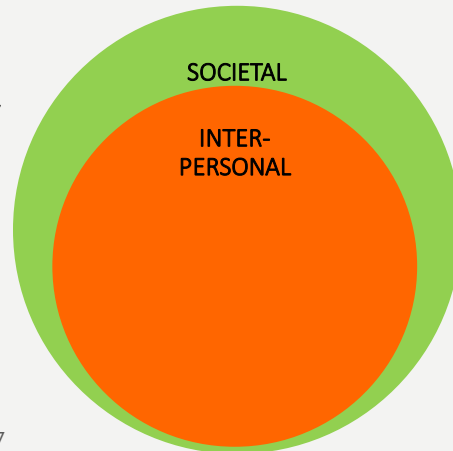
Retention: Retain practices and support policies that increase equity, diversity and inclusion



26

HOW DO WE DISRUPT BIAS?

- Work towards greater inclusion –
*Who is in the room? Who is not?
What may be barriers? How can
you reduce/eliminate them?*
- Work towards greater equity – *How
is power distributed? Who occupies
places of power and who does not?
How could this change?*
- Work towards greater diversity
(centered on equity) at every level
of decision-making.



27

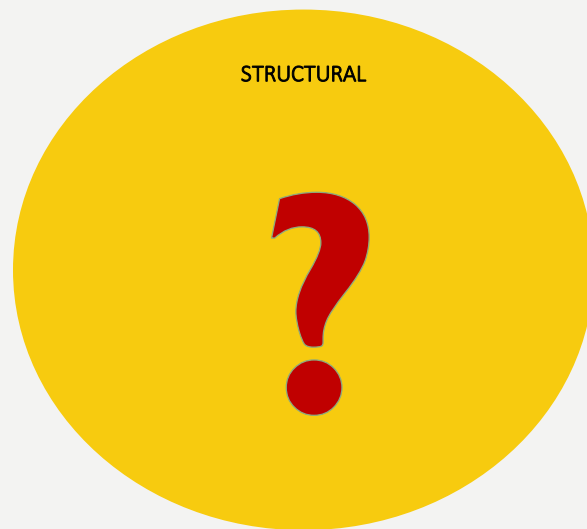
27

HOW DO WE DISRUPT BIAS?

- Lawyers have power to shift laws,
policies, practices & culture!
- The legal profession needs greater
diversity!
*Law is the LEAST DIVERSE
PROFESSION IN THE U.S.*

- **RESIST!!**

Be the part of the inclusive,
equitable, diverse, just future
that is being resisted!



28

28

CENTERING EQUITY IN EDI WORK



29

RECAP AND TAKE-AWAYS

- We all want to feel like we belong.
- We all have ways we identify as belonging – we all have culture(s) (and often cultural baggage!).
- We all have biases, and collectively, we are all exposed to common cultural biases that can “other.”
- Our biases can arise and be communicated intentionally and unintentionally and can cause harm.
- It takes attention, intention and retention to disrupt, mitigate, and change our biases over time.
- By reducing bias, we can create greater belonging, equity, diversity and inclusion!

30

THANK YOU!

“Nothing that is worth doing can be achieved in our lifetime;
therefore we must be saved by hope.

Nothing which is true or beautiful or good makes complete sense
in any immediate context of history;
therefore we must be saved by faith.

Nothing we do, however virtuous, can be accomplished alone;
therefore we must be saved by love.

No virtuous act is quite as virtuous from the standpoint of our friend or foe
as it is from our standpoint.

Therefore we must be saved by the final form of love which is forgiveness.” - *Reinhold Niebuhr*

“Between stimulus and response there is space.
In that space is our power to choose our response.
In our response lies our growth and freedom. - *Viktor E. Frankl*

“Under duress, we do not rise to our expectations, we fall to our training level.” - *Bruce Lee*