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


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


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).


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


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


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


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

ROADMAP FOR PLENARY:

• Introductions
• Communication Agreements
• Cultural Prism Exercise
• Cultural Bias
• Framing the Issues
• Check Out: Take aways
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
OTHERING AND BELONGING

“The opposite of othering is not saming, it is belonging.”
– professor jon powell, Haas Institute for a Fair and Inclusive Society

THE CIRCLE OF HUMAN CONCERN

From john a. powell, Haas Institute for a Fair and Inclusive Society
THE CIRCLE OF HUMAN CONCERN

Everyone

From john a. powell, Haas Institute for a Fair and Inclusive Society
OPERATION OF CULTURE & CULTURAL INEQUITY

IMPACT OF CULTURE & CULTURAL BIAS

HEAD: Cognitive

HEART: Affective (Feelings)

HANDS: Behavioral (Action)
AT WHAT AGE DO WE LEARN TO RELIABLY IDENTIFY RACIAL DIFFERENCES?

SIX MONTHS OLD

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

BETWEEN 3-5 YEARS OLD
**IMPLICIT BIAS**

- 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

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**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
EVIDENCE AND IMPACTS OF IMPLICIT BIAS

TRUST EXERCISE

• Write down your name and then the names of 5-7 people that you trust.

• Do not unfold paper until after this is completed.
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

“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*
"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

<table>
<thead>
<tr>
<th>Identity Category</th>
<th>Downside of Privilege</th>
<th>Upside of Privilege</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race/Ethnicity</td>
<td>People of Color</td>
<td>White people</td>
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<tr>
<td>Geographic location</td>
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<tr>
<td>Skin Color</td>
<td>Darker spectrum</td>
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How does this land? What do you notice? What questions?
# MY PRIVILEGE GRID

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## 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.
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
EXPLICIT & IMPLICIT COMMUNICATION

Dr. Albert Mehrabian’s 7-38-55% Rule

Elements of Personal Communication
• 7% spoken words
• 38% voice, tone
• 55% body language

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
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.

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!*
CENTERING EQUITY IN EDI WORK

- 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!
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