

**2023 MCLE
SPECTACULAR**

**Refresh &
Reimagine**

CCCBA proudly presents...

Lose the Mask! Put on a Cape!
Eradicating Implicit Bias

Tristan E.H. Higgins
Metaclusive LLC

AGENDA

1. Introductions & Psychological Safety
2. Defining Bias
3. Classifying Bias
4. Superheroes!
5. Results of Bias
6. Interrupting Bias



Contra Costa County
Bar Association

**2023 MCLE
SPECTACULAR**

**Refresh &
Reimagine**

PROGRAM MATERIALS



Contra Costa County
Bar Association

**2023 MCLE
SPECTACULAR**



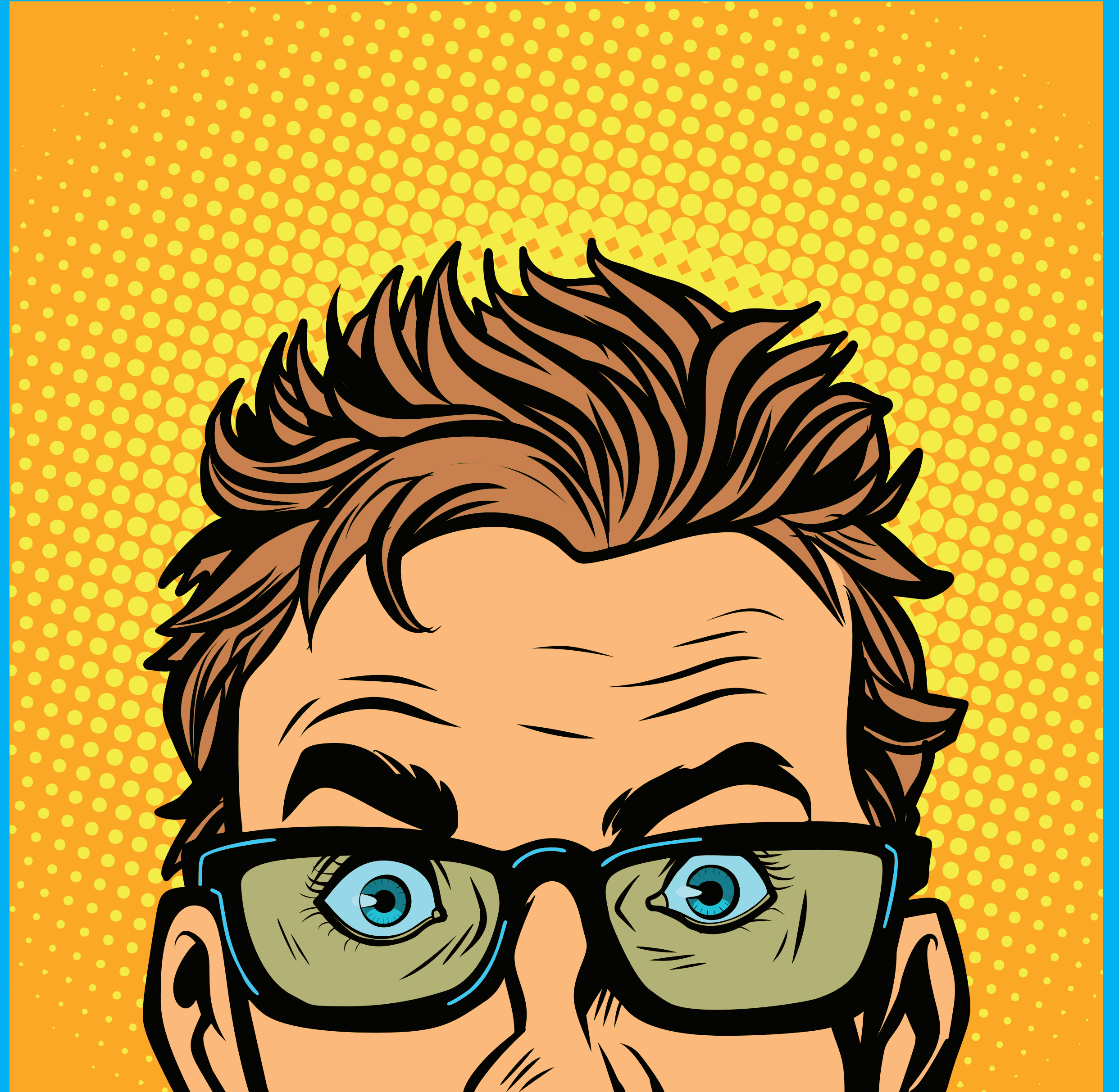
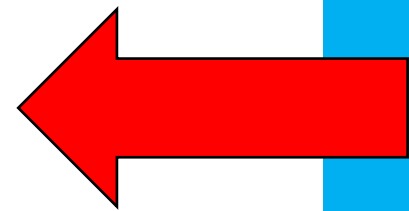
**Refresh &
Reimagine**

LOSE THE MASK! PUT ON A CAPE! ERADICATING IMPLICIT BIAS

**TRISTAN E.H. HIGGINS
CEO FOUNDER SUPERHERO
METACLUSIVE LLC**

SYLLABUS

- 1. INTROS & SAFETY***
- 2. DEFINING BIAS***
- 3. CLASSIFYING BIAS***
- 4. SUPERHEROES!***
- 5. RESULTS OF BIAS***
- 6. INTERRUPTING BIAS***





HI THERE!

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THEATER DEGREE

ATTORNEY FOR 25 YEARS

- PROSECUTOR

- ENTERTAINMENT LAWYER

***- HIGH TECH (AI,
ROBOTICS, DRONES)***

SEGA & SONY

SPEAK INTERNATIONALLY

FOUNDED METACLUSIVE '19

TRAINED DEPT OF LABOR



WIFE



KIDS



HAPPY CAMPER



HEY DJ



UBER GEEK



INVISIBLE

METACLUSIVE®

***A SENSE OF BELONGING
THAT TRANSCENDS DIVERSITY
AND INCLUSION WHERE
ALL ARE REPRESENTED,
VALUED, AND ACCEPTED.***





THE METACLUSIVE[®] HERO

***UNLESS YOU ARE INVINCIBLE
IT'S HARD TO TALK ABOUT BEING
METACLUSIVE
IF YOU DON'T FEEL SAFE, SO...***

PSYCHOLOGICAL SAFETY TODAY

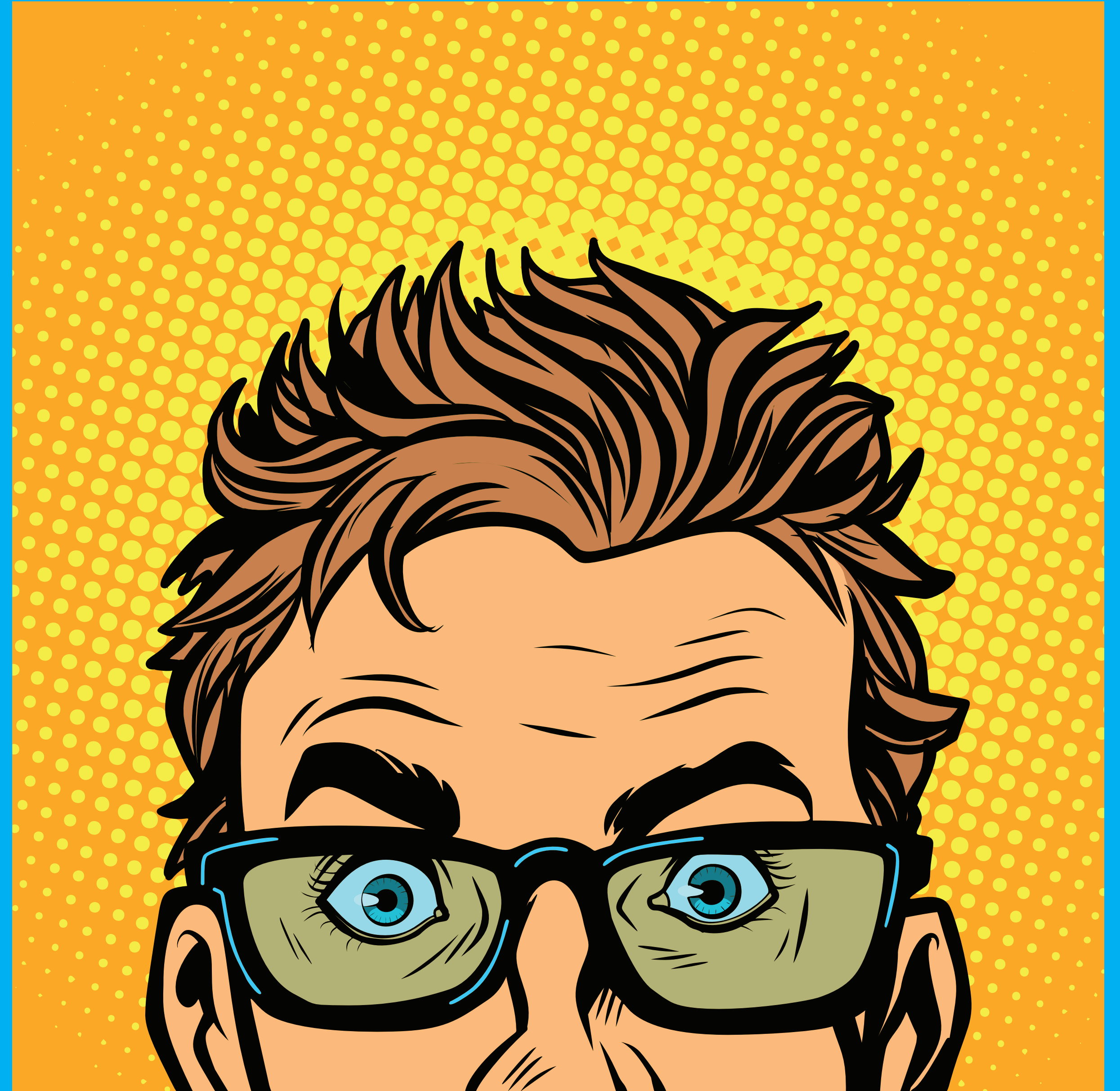
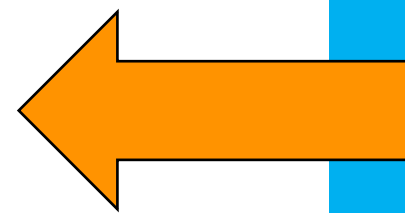
- ✓ ***GET COMFORTABLE BEING UNCOMFORTABLE***
- ✓ ***GIVE YOURSELF PERMISSION TO NOT KNOW EVERYTHING***
- ✓ ***GIVE YOURSELF AND YOUR COLLEAGUES THE GRACE OF FORGIVING A MISTAKE***
- ✓ ***IF YOU HAVE A QUESTION AND FEEL SAFE, PLEASE ASK. IF NOT, PLEASE EMAIL ME.***
- ✓ ***I WILL NOT CALL ON ANYONE***
- ✓ ***IF SOMEONE SAYS SOMETHING LESS THAN IDEAL, REMEMBER THEY ARE TRYING***
- ✓ ***I WILL KEEP US ON A SAFE PATH TODAY***



DO WE ALL AGREE?

SYLLABUS

- 1. INTROS & SAFETY***
- 2. DEFINING BIAS***
- 3. CLASSIFYING BIAS***
- 4. SUPERHEROES!***
- 5. RESULTS OF BIAS***
- 6. INTERRUPTING BIAS***





***"UNCONSCIOUS BIAS IS THE THUMBPRINT
OF THE CULTURE ON OUR BRAIN."***

DR. MAHZARIN BANAJI, HARVARD

DEFINITION

AN IMPLICIT STEREOTYPE OR BIAS IS THE UNCONSCIOUS ATTRIBUTION OF PARTICULAR QUALITIES TO A MEMBER OF A CERTAIN SOCIAL GROUP. IMPLICIT STEREOTYPES ARE INFLUENCED BY EXPERIENCE, AND ARE BASED ON LEARNED ASSOCIATIONS BETWEEN VARIOUS QUALITIES AND SOCIAL CATEGORIES, INCLUDING RACE OR GENDER.

EXPLICIT V. IMPLICIT

**DIRECT, CLEARLY EXPRESSED,
READILY OBSERVABLE, OR
LAID OUT IN FULL.**

**IMPLIED, UNSTATED, OR EXPRESSED
INDIRECTLY. NOT BASED IN FACT,
WITH NO QUALIFICATION OR
QUESTION. IT IS BASED ON WHAT
OUR BRAIN BELIEVES TO BE TRUE.**

***ONCE YOU KNOW (OR SHOULD KNOW) ABOUT IT,
IT IS CONSCIOUS BIAS.***

ARGUABLY, AFTER TODAY, YOU WILL ALL KNOW.





**BRAIN SORTS BILLIONS OF
STIMULI IN THE AMYGDALA --
THREAT AND FEAR**

LAYER ON OUR OWN EXPERIENCES

**WE PREFER SAMENESS:
NEUROLOGICALLY UNCONSCIOUS,
BYPASS RATIONAL THINKING.**

INSTINCT / SELF PROTECTION / USEFUL

SAFE & FAMILIAR

DANGEROUS

BIAS / STEREOTYPING / DISCRIMINATION

GOOD

BAD

**YOU ARE A ZEBRA
ALL ZEBRAS ARE SAFE**

DINOSAURS ARE DANGEROUS

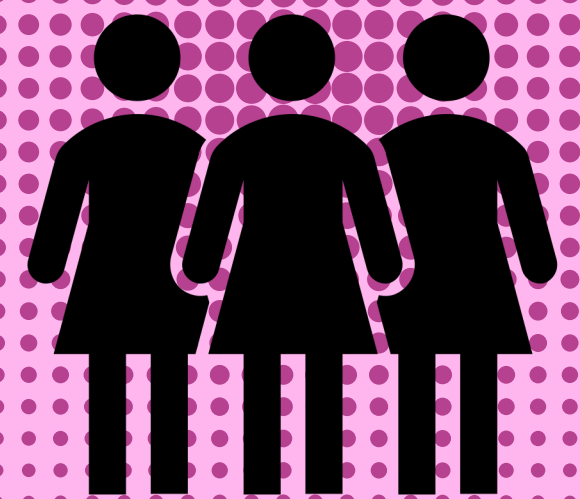
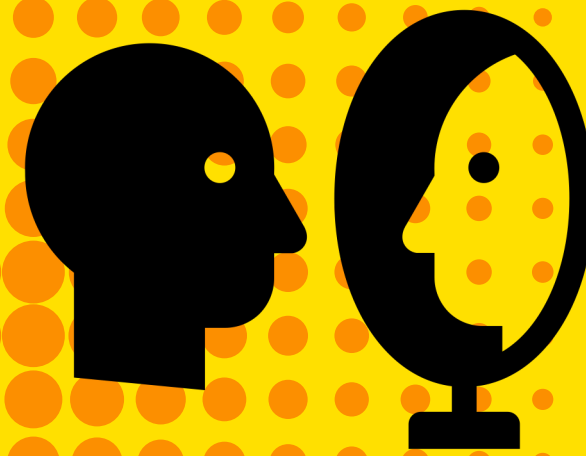
**YOU ARE MALE
ALL MALES ARE SAFE
MALE = SAFE/GOOD
ALL NOT MALES ARE UNSAFE
NOT MALE = UNSAFE/BAD**

**"THEY" ARE NOT MALE
THEY = UNSAFE/BAD**

INSTINCT / SELF PROTECTION / USEFUL



BIAS / STEREOTYPING / DISCRIMINATION

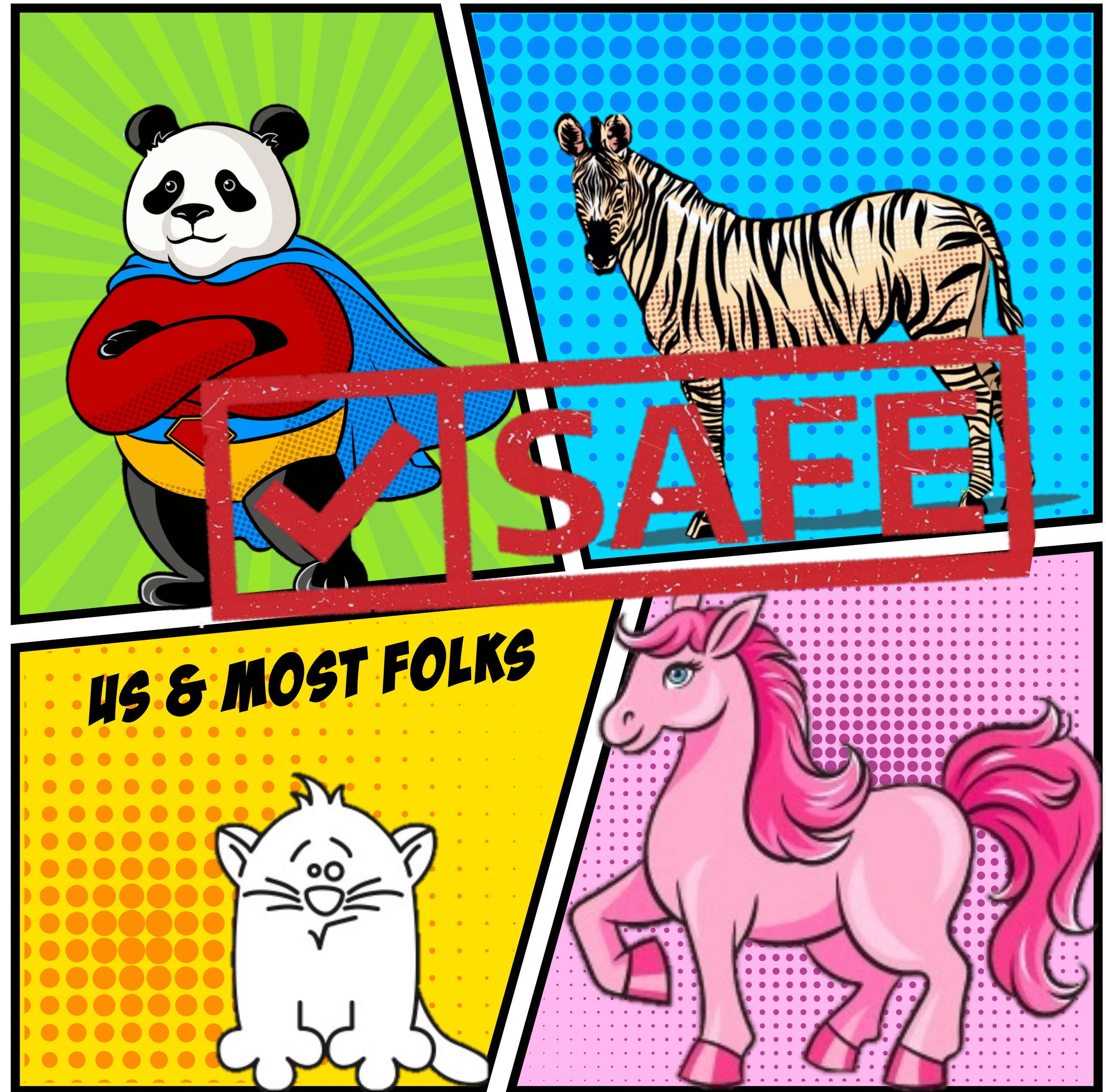


IT SHOULD LOOK LIKE THIS...

DANGEROUS PREDATORS



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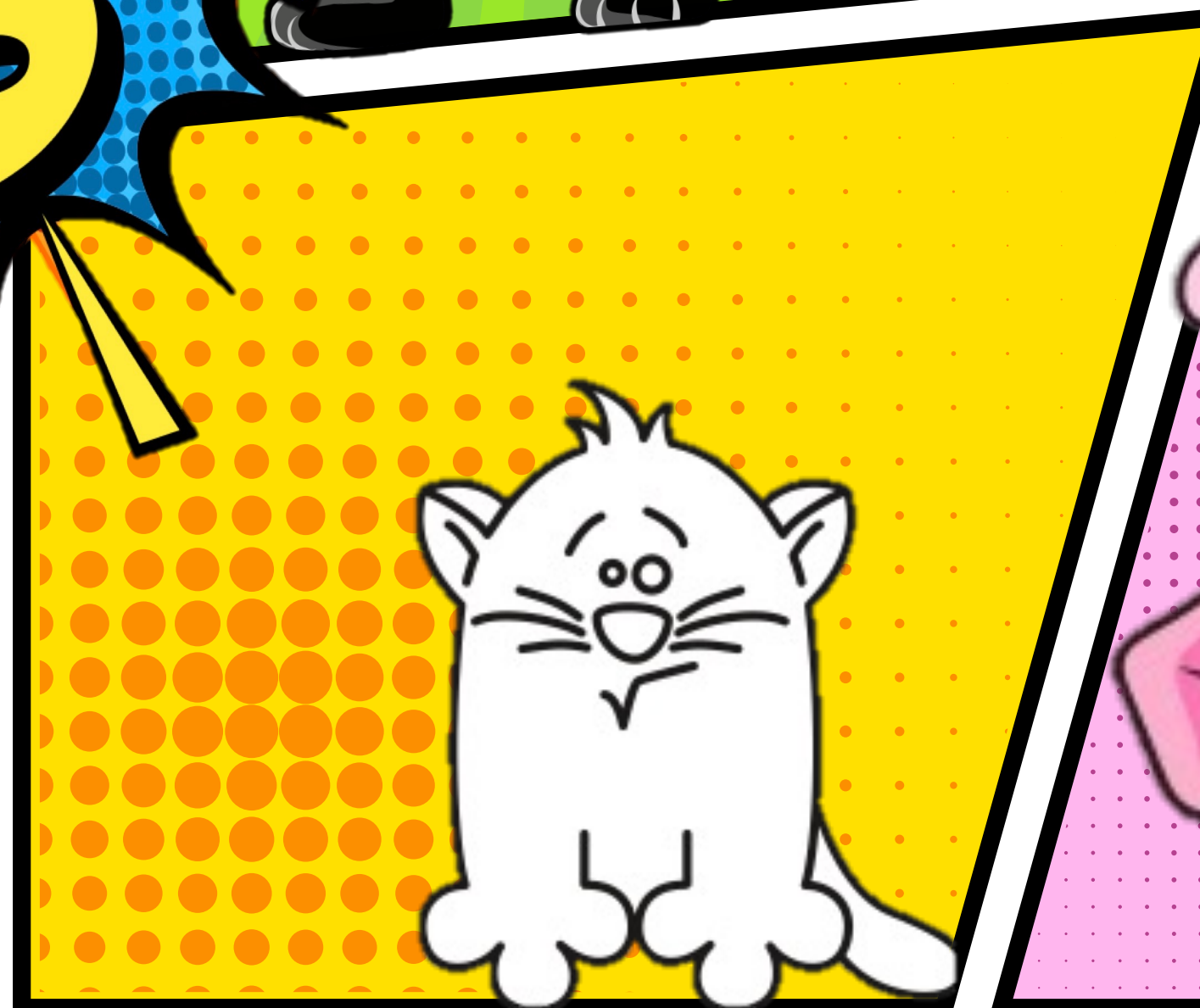


*BUT... JUST LIKE A ZEBRA,
WE SEE THE WORLD AS **BLACK/WHITE**,
ZEBRA/NOT ZEBRA, RATHER THAN
SAFE/NOT SAFE*



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VS



DIVERSITY



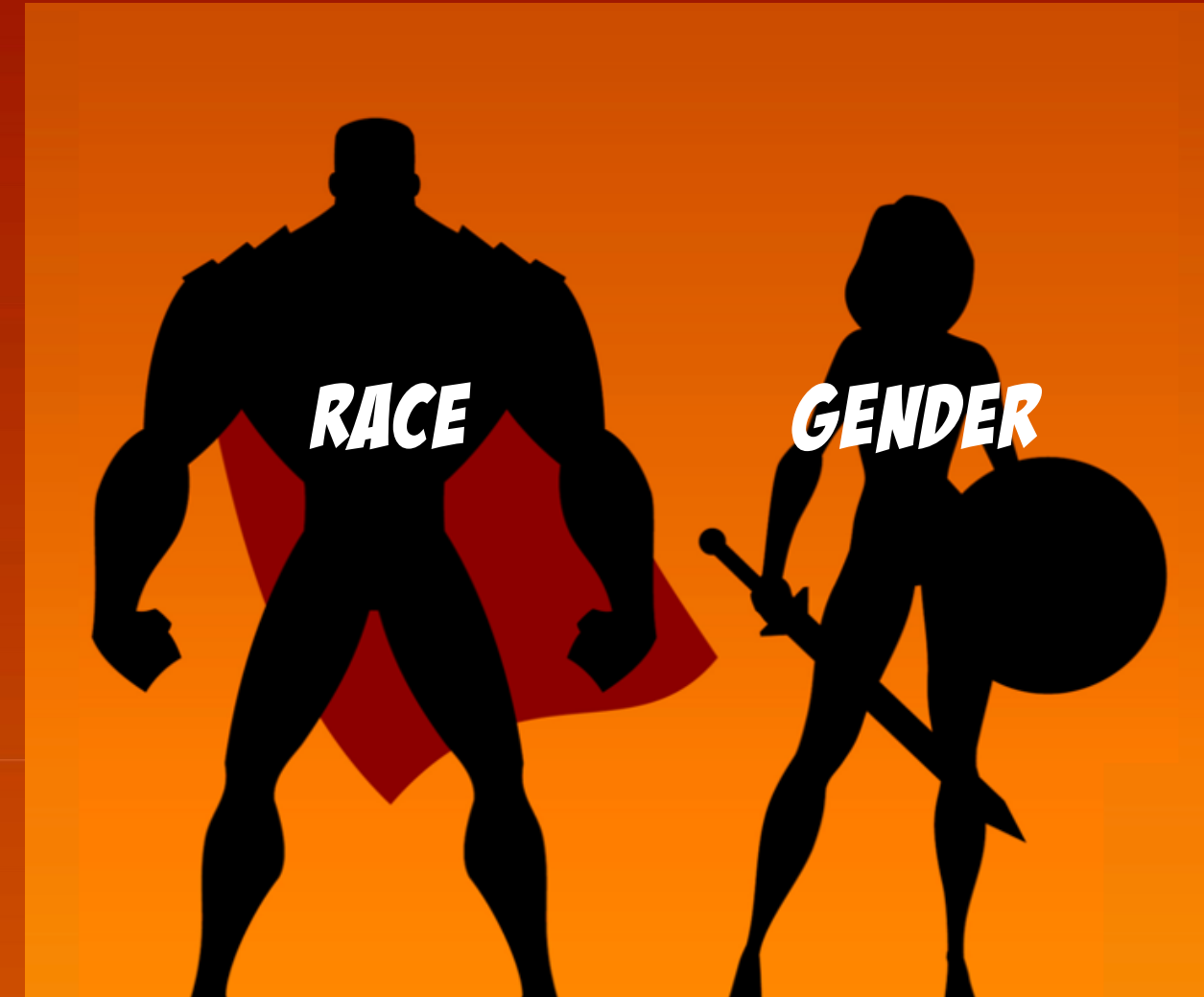
***MANY PEOPLE FORGET ABOUT THE WHOLE TEAM
AND FOCUS ON RACE AND GENDER ALONE***



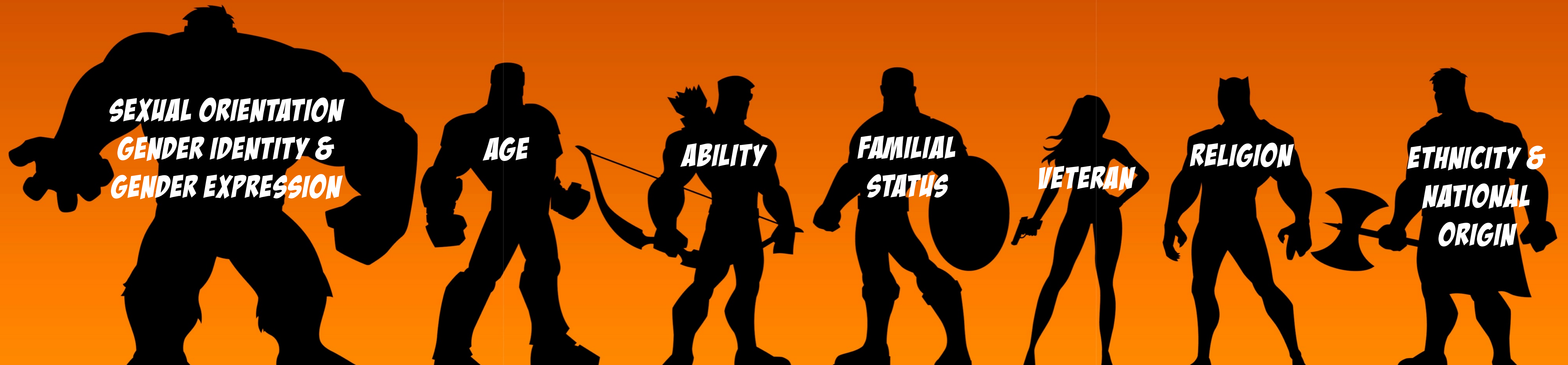
A CAMPUS FILLED WITH DIVERSE PEOPLE WHO FEEL LIKE THEY BELONG IS LIKE A LEAGUE OF SUPERHEROES.

WHO WOULDN'T WANT TO LEARN WITH A LEAGUE OF SUPERHEROES?





***DIVERSITY IS MUCH BROADER
THAN RACE AND GENDER...***



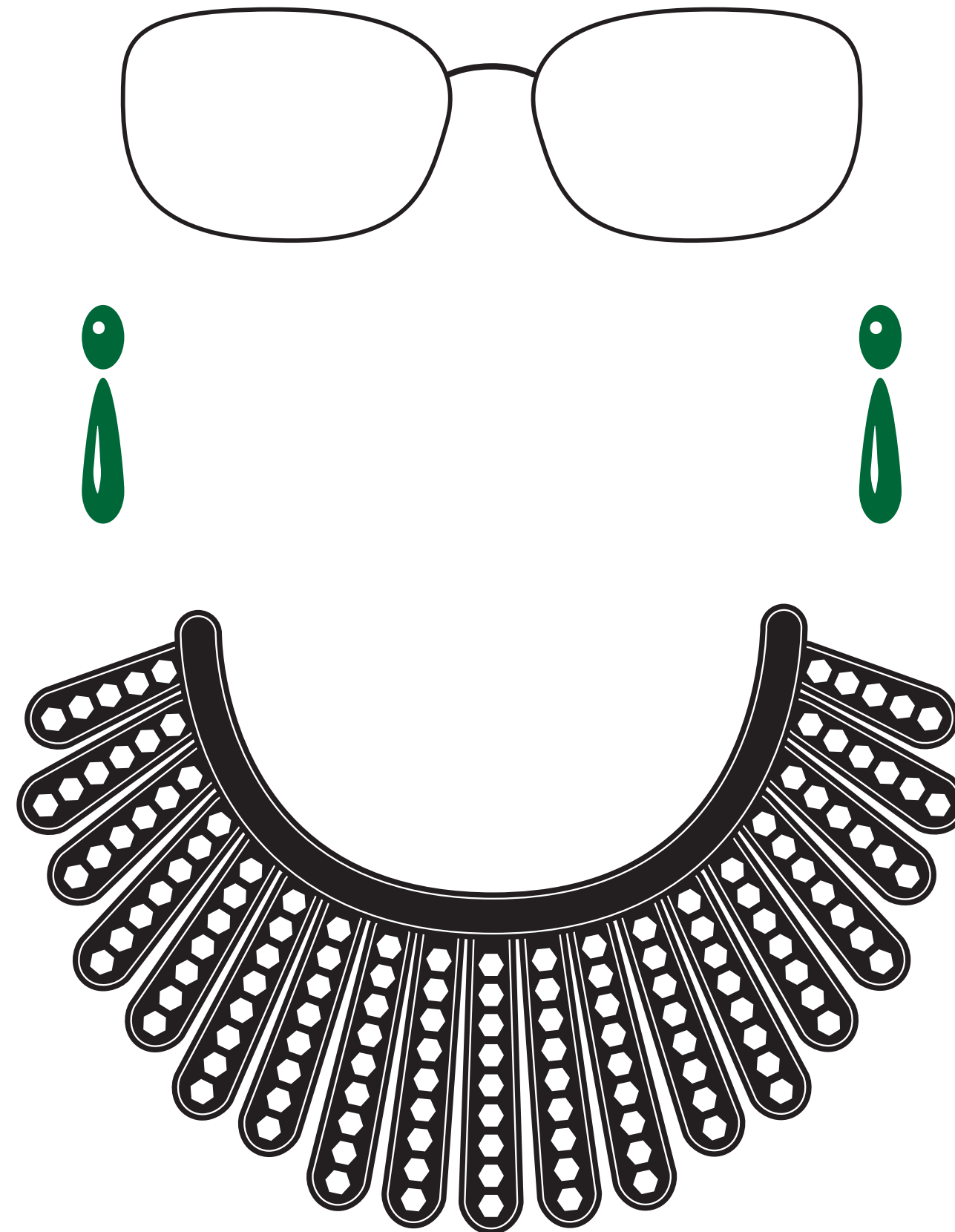


INCLUSION



BELONGING:

***A SENSE OF FITTING IN OR
FEELING LIKE YOU ARE AN
IMPORTANT MEMBER OF A
GROUP.***



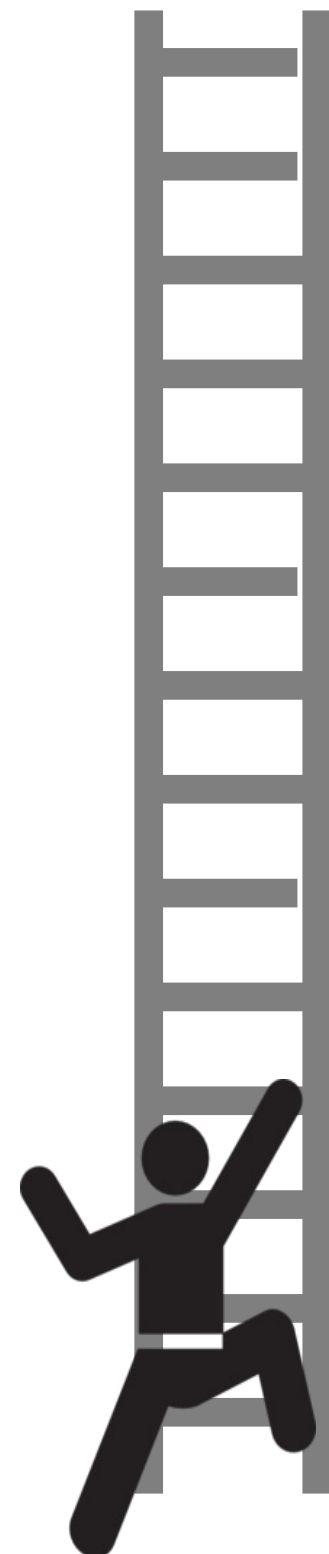
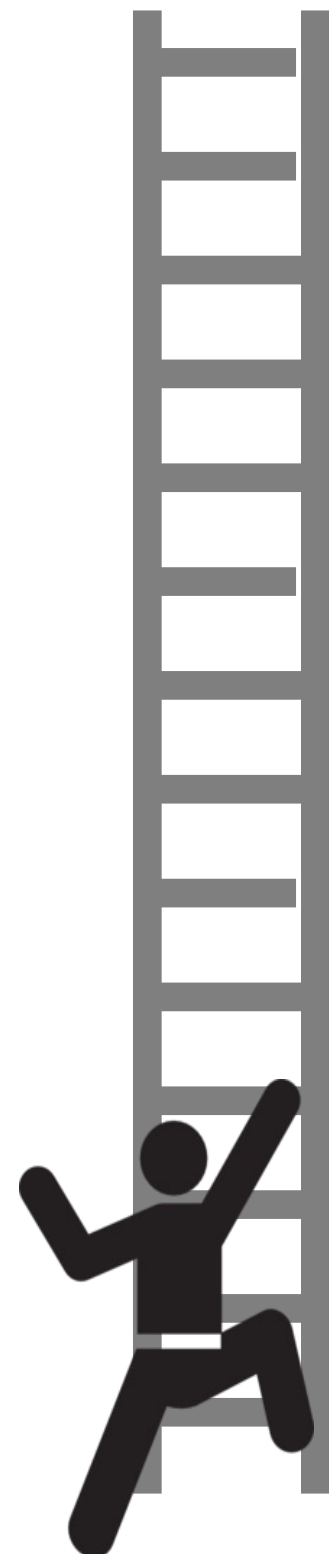
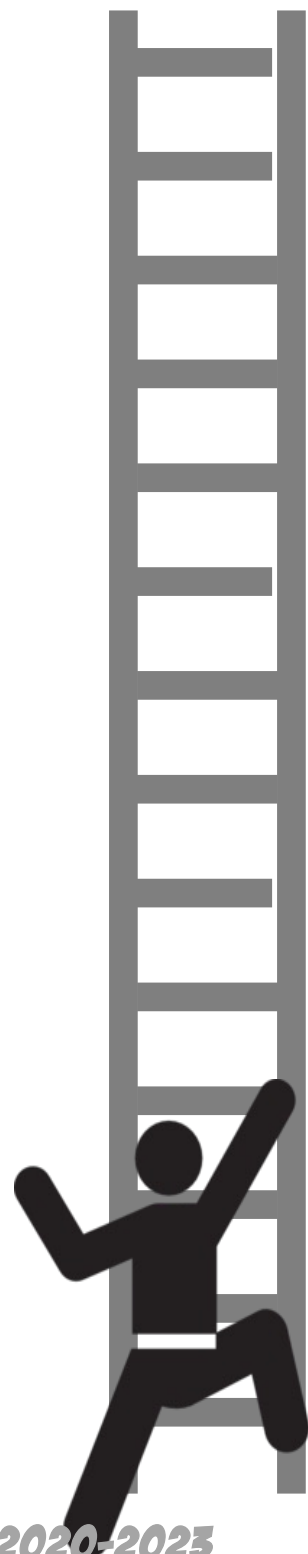
**WOMEN
BELONG
IN ALL
PLACES
WHERE
DECISIONS
ARE
BEING
MADE**

EQUALITY

VS

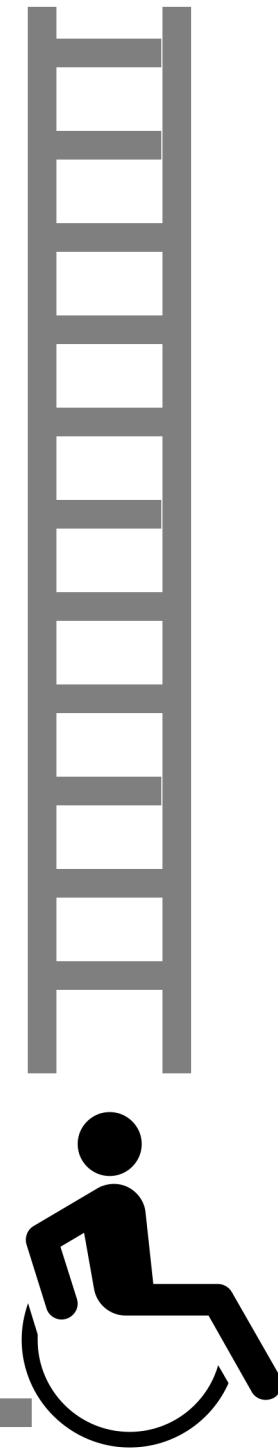
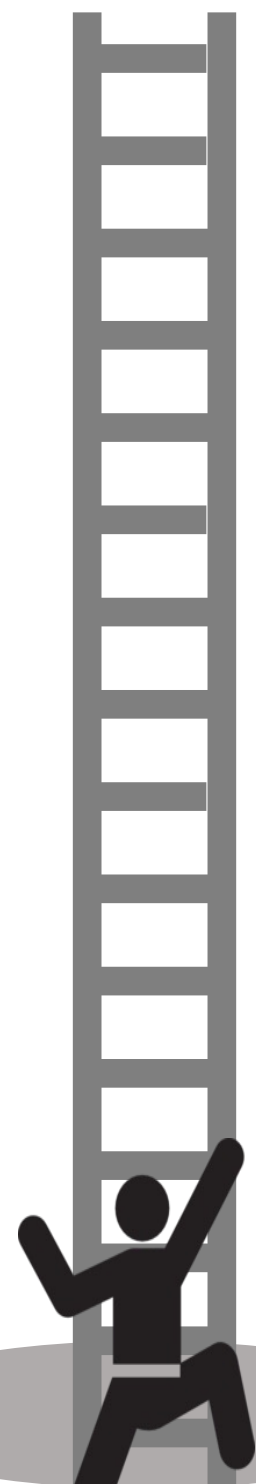
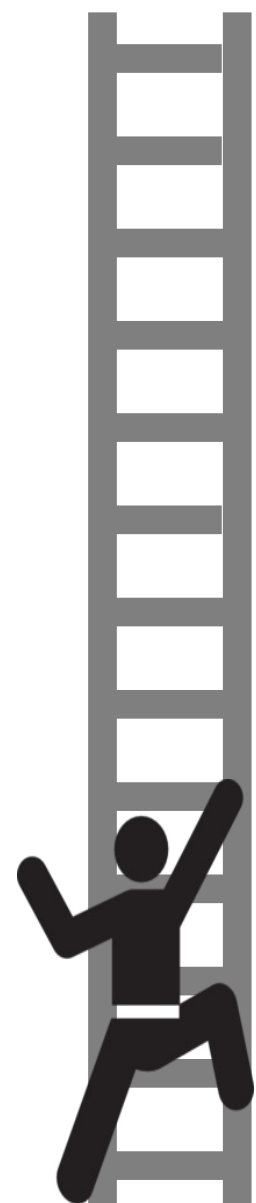
EQUITY

EQUALITY



***SAME STARTING POINT
SAME START TIME
SAME ABILITIES
SAME RESOURCES
SAME GOAL***

INEQUALITY



**DIFFERENT STARTING POINT
DIFFERENT ABILITIES
DIFFERENT RESOURCES
SAME GOAL**

**THE STEPS WERE BUILT, THE HOLE
WAS INTENTIONALLY DUG, AND THE
LADDER PLACED TOO HIGH**

**SYSTEMIC RACISM
& BIAS**

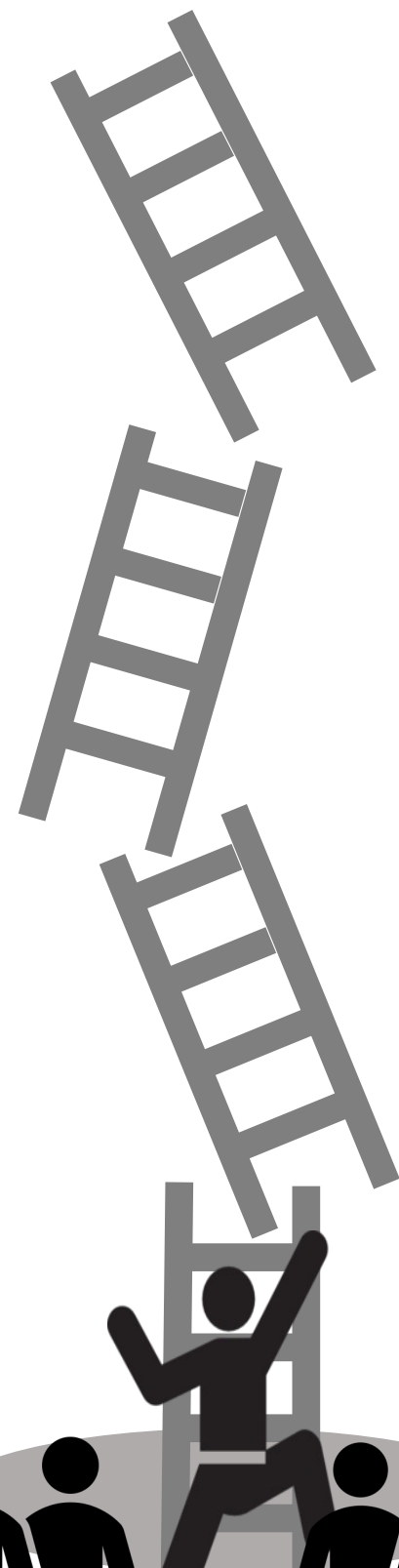
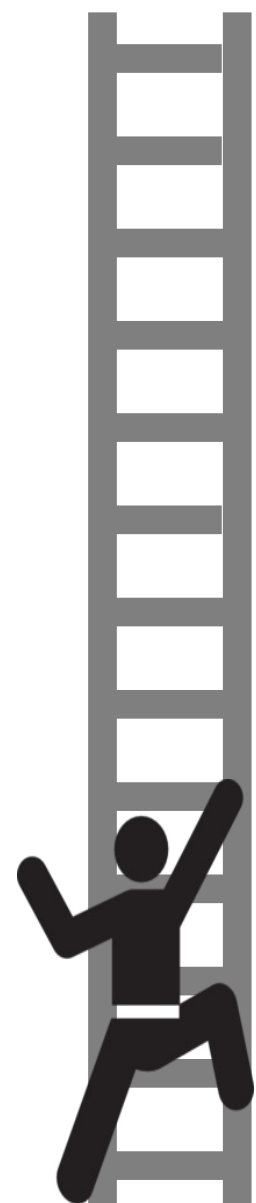
SYSTEMIC RACISM & BIAS



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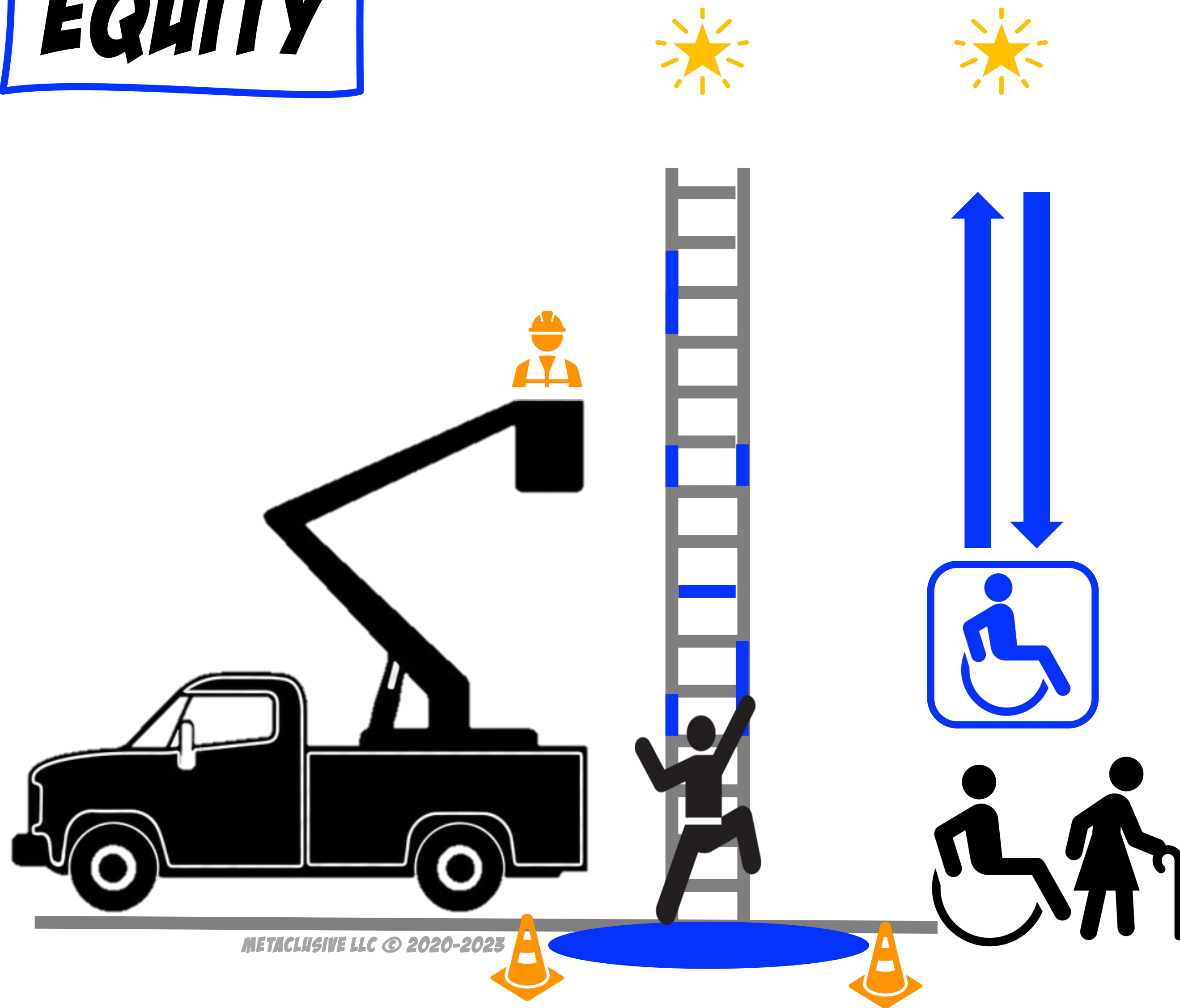
***REDLINING
VIOLENCE
ACCESS TO CREDIT
EDUCATION DEFICIT
PHYSICAL BARRIERS
HIGHER STANDARDS
LAW ENFORCEMENT***

DIVERSITY



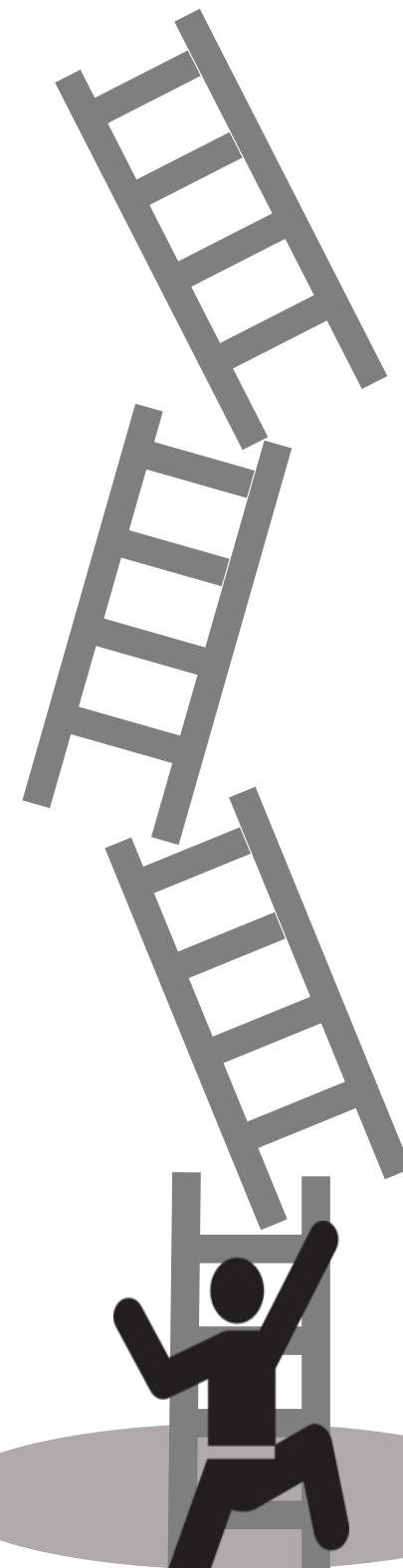
***BRINGS MORE PEOPLE INTO THE
UNEVEN PLAYING FIELD ALREADY
COMPLICATED BY INEQUALITY &
SYSTEMIC BIAS***

EQUITY



***REDIRECTS RESOURCES TO FIX
BARRIERS AND INTENTIONALLY
SUPPORT THOSE WHO NEED IT
TO ACHIEVE EQUALITY***

BIRTH LOTTERY



***IF IT IS NOT YOUR FAULT
THAT YOU ARE PRIVILEGED***

***...THEN IT IS NOT "THEIR" FAULT
THEY ARE NOT PRIVILEGED***






SYSTEMIC RACISM & BIAS

PRIVILEGE CHECK LIST:





- ✓ **WHITE**
- ✓ **MALE**
- ✓ **CISGENDER**
- ✓ **HETEROSEXUAL**
- ✓ **CHRISTIAN**
- ✓ **MIDDLE-CLASS**
- ✓ **ABLE-BODIED**
- ✓ **NATIVE ENGLISH SPEAKER**
- ✓ **AMERICAN CITIZEN**
- ✓ **TALL**
- ✓ **THIN**
- ✓ **FAMILY SUPPORT**
- ✓ **EDUCATED**
- ✓ **FOOD/HOUSING STABLE**



***THE MORE PRIVILEGE YOU HAVE,
THE HARDER IT IS TO SEE YOUR OWN BIAS***

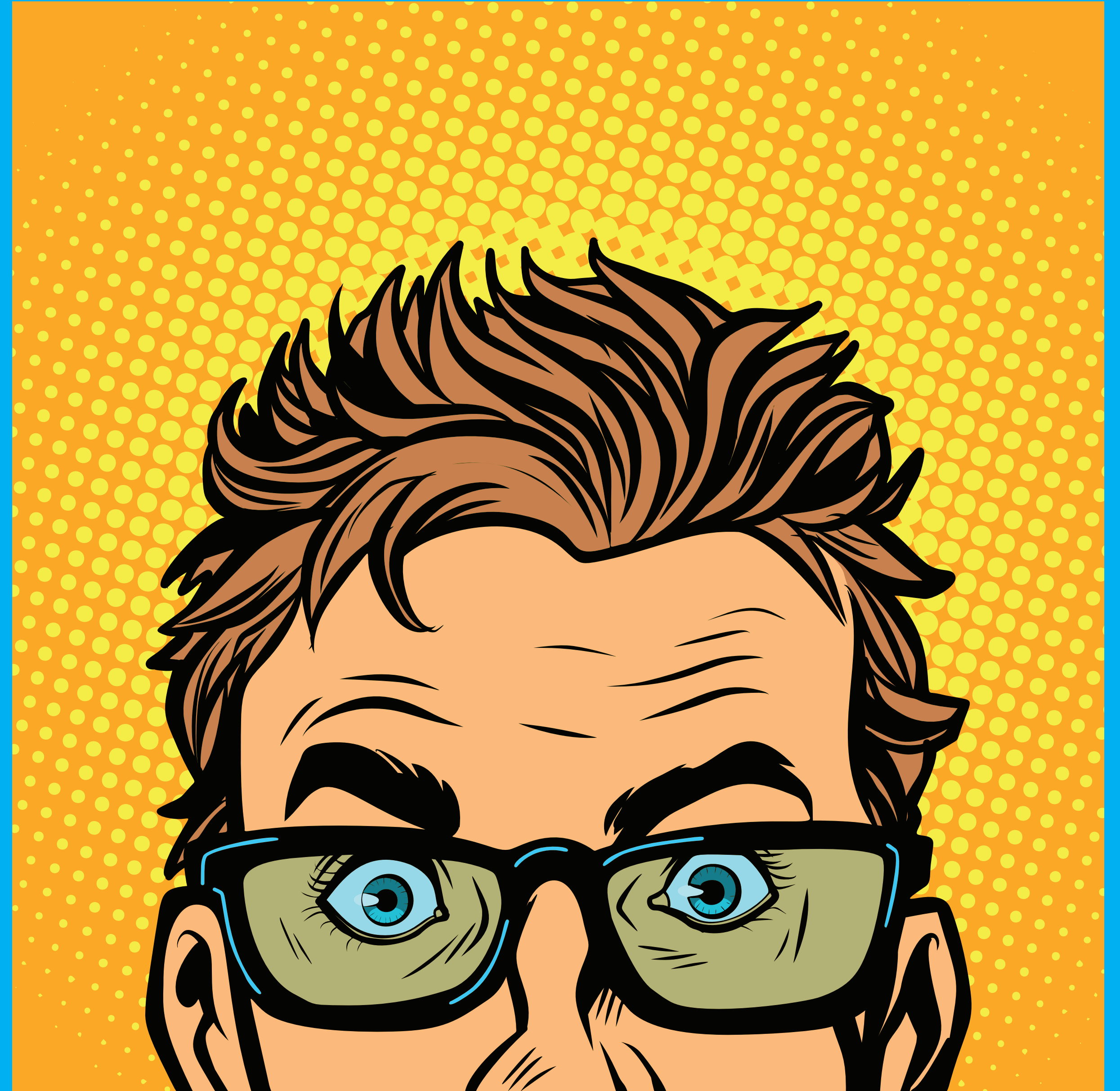
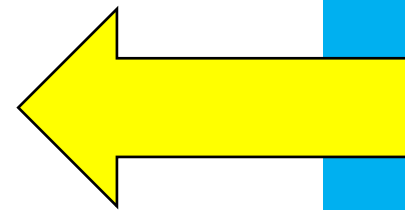


***REGARDLESS OF WHETHER YOU ARE
PART OF THE PROBLEM, YOU CAN BE A
PART OF THE SOLUTION***



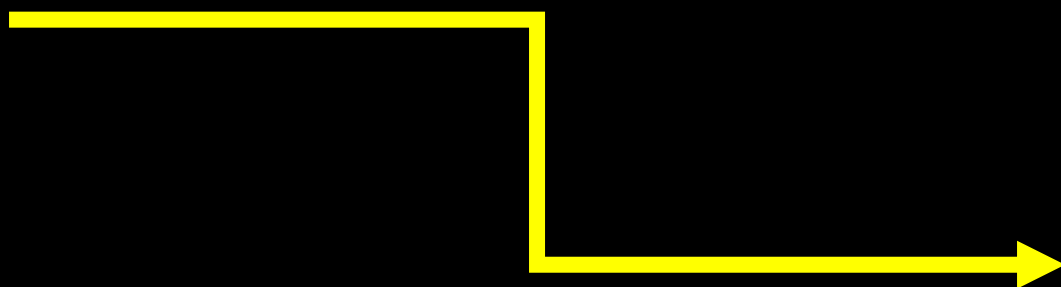
SYLLABUS

- 1. INTROS & SAFETY***
- 2. DEFINING BIAS***
- 3. CLASSIFYING BIAS***
- 4. SUPERHEROES!***
- 5. RESULTS OF BIAS***
- 6. INTERRUPTING BIAS***



CLASSIFYING BIAS

THERE ARE MANY TYPES OF UNCONSCIOUS BIAS, BUT IF YOUR DECISION-MAKING & ACTIONS ARE IMPACTED BY FACTORS YOU AREN'T AWARE OF, DOES IT MATTER WHICH KIND OF BIAS IT IS?



HANDOUT

UNUSUAL BIASES

HANDSHAKE BIAS?

CANDIDATES WITH BETTER 'HANDSHAKE SCORES' CONSIDERED MORE HIREABLE, MEANING DECISIONS MADE IN THE FIRST FEW MINUTES [GREG STEWART, UNIVERSITY OF IOWA] → NONVERBAL BIAS

LOW VOICES?

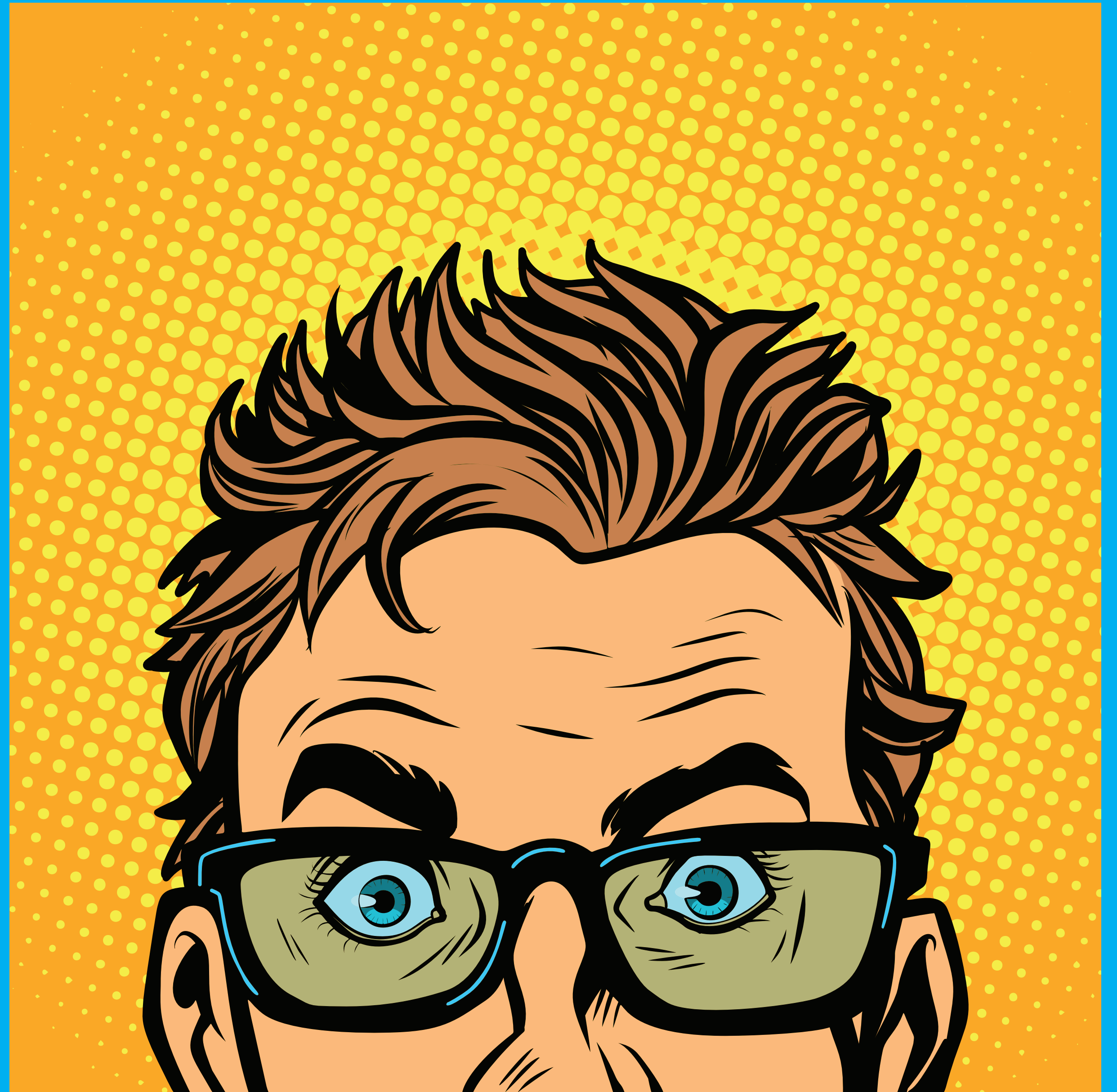
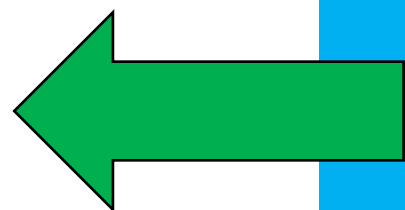
PEOPLE WITH LOWER VOICES MANAGED LARGER TEAMS AND MADE MORE MONEY [DUKE UNIVERSITY 2013] CANADIAN STUDY FROM 2009 SHOWED THAT PEOPLE PREFER POLITICAL CANDIDATES WITH LOWER VOICES.

GENTLEMEN PREFER BLONDES?

THE SALARIES OF BLOND WOMEN ARE 7% HIGHER THAN THOSE OF WOMEN WHO ARE BRUNETTES OR REDHEADS [QUEENSLAND UNIVERSITY] → HAIR COLOR BIAS

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EVERYONE HAS A SUPERPOWER...

**WHAT'S YOUR
SUPERPOWER?**



- 1. BELONGING***
- 2. HUMOR***
- 3. VULNERABILITY***

HOW I USE MY SUPERPOWERS...

- 1. BE MYSELF***
- 2. GENUINE INTEREST IN WHAT PEOPLE SAY, THINK, FEEL, AND DO***
- 3. TRULY "SEE" PEOPLE AND VALUE THEM AS THEY ARE***
- 4. USE HUMOR APPROPRIATELY***
- 5. OPENNESS TO PEOPLE WHO ARE DIFFERENT FROM ME***
- 6. WILLING TO BE VULNERABLE AND SHARE MYSELF***
- 7. USE PRONOUNS CORRECTLY***
- 8. USE GENDER INCLUSIVE LANGUAGE***



***DO ENCOURAGE USE OF PROPER PRONOUNS
(NOT CHOSEN OR PREFERRED)***

DO USE GENDER-INCLUSIVE LANGUAGE



HEY GUYS, GALS

FOLKS, FOLX, FRIENDS, PEOPLE, HEY FRIENDS, HEY Y'ALL

**LADIES AND GENTLEMEN, MEN
AND WOMEN**

**FRIENDS, FOLKS, FOLX, GUESTS, COLLEAGUES, Y'ALL, ALLIES, PEOPLE,
EVERYONE, COLLABORATORS, PATRONS, ALL ASSEMBLED, OR USE AUDIENCE
ROLE (STUDENTS, GUESTS)**

**HIS, HERS, HE, SHE, HIM, HER,
HIMSELF, HERSELF**

THEIRS, THEY, THEM, THEMSELVES → YOU IS ALSO PLURAL!

**HUSBAND, WIFE, BOYFRIEND,
GIRLFRIEND**

SPOUSE, PARTNER, SIGNIFICANT OTHER

DUDE, BRO, BROTHER

**DON'T USE IN A BUSINESS OR WORK CONTEXT, UNLESS, OF COURSE, YOU ARE
ACTUALLY TALKING TO YOUR BROTHER**

GIRLS

DON'T USE THIS UNLESS REFERRING TO WOMEN UNDER THE AGE OF 18

10 COLOR PAGES!

metacclusive

YOU BELONG

THE METACLUSIVE THESAURUS OF GENDER INCLUSIVE LANGUAGE

METASAUURUS

ROAR!



SPECIAL EDITION
INVALUABLE!

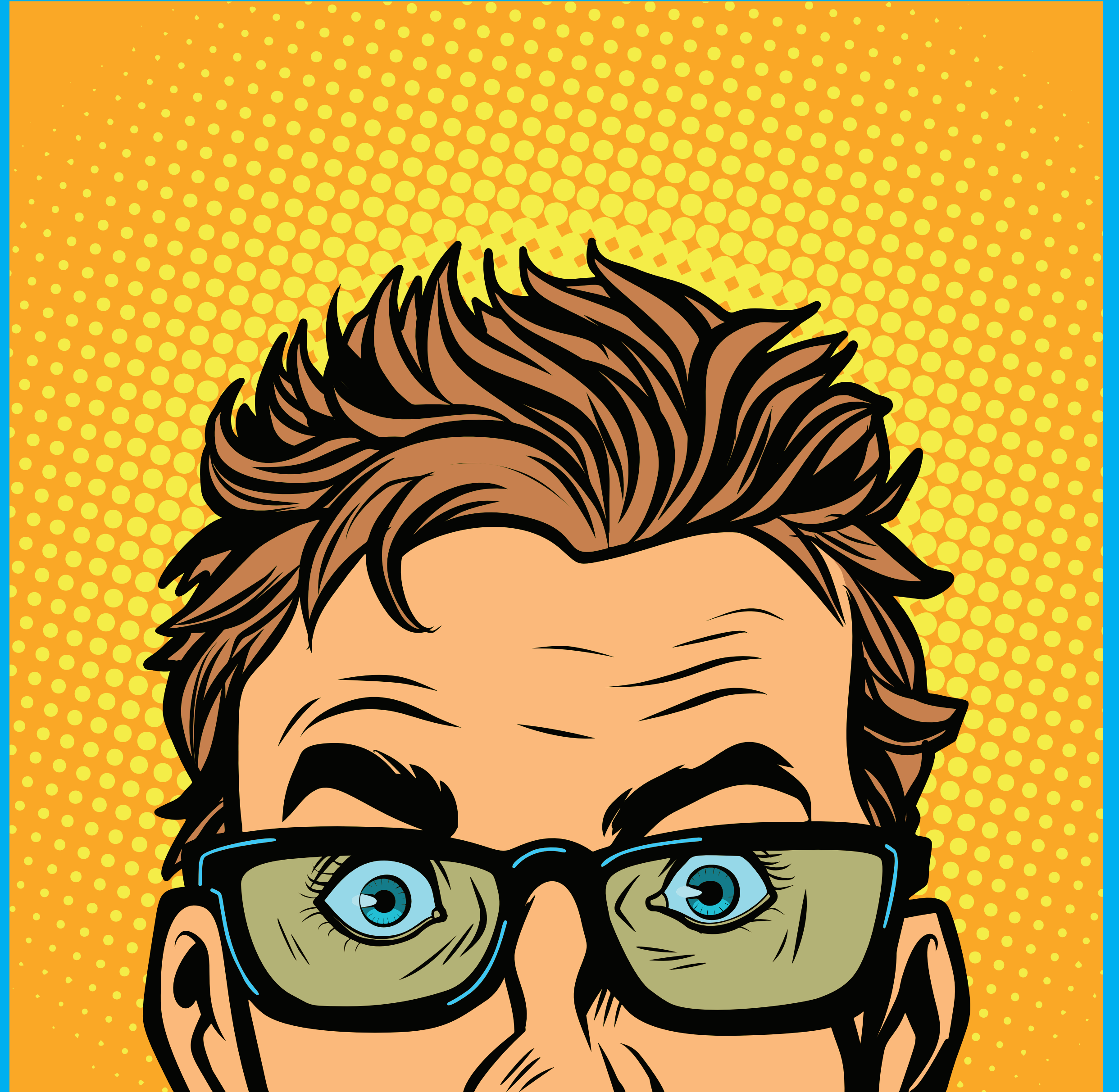
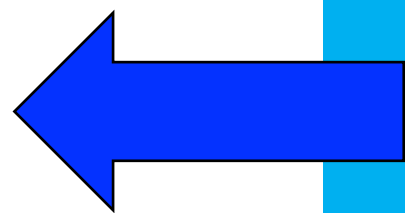
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HEY, CAN I
GET A COPY
OF THAT?

YES!
EMAIL ME.

SYLLABUS

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RESULTS OF BIAS

- 1. GOOD PEOPLE PASSED UP FOR POSITIONS, ASSIGNMENTS, TEAMS**
- 2. BEING PASSED UP → HURT FEELINGS, FEELING EXCLUDED**
- 3. EXCLUDED EMPLOYEES = LESS PRODUCTIVE**
- 4. WHEN E'EES ARE LESS PRODUCTIVE, OTHERS MUST WORK HARDER**
- 5. UNHAPPY E'EES LEAVE OR SUE**
- 6. WHERE DO THEY GO WHEN THEY LEAVE?**
- 7. LITIGATION IS VERY EXPENSIVE**

COSTS OF BIAS

\$550 BILLION

- 1. EXCLUDED EMPLOYEES = 50% HIGHER TURNOVER RATE [10M/YR PER 10K E'EES]; E'EES WHO PERCEIVE BIAS 31% PLANNING TO LEAVE WITHIN A YEAR [VS. 10%]***
- 2. E'EES WHO FEEL EXCLUSION TAKE 75% MORE SICK DAYS & HAVE 56% DECREASE IN JOB PERFORMANCE***
- 3. E'EES WHO PERCEIVE BIAS 3X > LIKELY TO BE DISENGAGED. GALLUP SAYS ACTIVE DISENGAGEMENT COSTS BETWEEN 450B - 550B/YR***

COSTS OF BIAS

\$550 BILLION

- 5. E'EEES WHO PERCEIVE BIAS 2.6X > LIKELY TO WITHHOLD IDEAS AND MARKET SOLUTIONS [34% V. 13%] IN PAST 6 MOS***
- 6. GAP: 79% OF WOMEN AND 65% OF MEN CARE ABOUT CULTURE & BELIEVE IT CRITICAL TO HELPING THEM THRIVE V. 63% OF LEADERS***
- 7. GAP: 51% OF WHITE MALES RATED DIVERSITY PROGRAMS FAVORABLY V. 21% OF WOMEN OR PEOPLE OF COLOR***

COSTS OF BIAS

\$550 BILLION

- 8. 1% OF THE NATION'S FORTUNE 500 CEOs ARE BLACK, 4% ARE WOMEN, ONLY ONE IS OPENLY GAY***
- 9. AS MANY AS 50% OF WOMEN WORKING IN SCIENCE, ENGINEERING AND TECH WILL LEAVE BECAUSE OF HOSTILE WORK ENVIRONMENTS [HBR 2008]***

HARVARD IMPLICIT ASSOCIATION TEST

76%

***MORE READILY ASSOCIATE
MALES WITH CAREER AND
FEMALES WITH FAMILY***

GENDER

76%

***HAVE AN IMPLICIT
PREFERENCE FOR ABLE
BODIED PEOPLE***

DISABILITY

70%

***MORE READILY ASSOCIATE
MALE WITH SCIENCE AND
FEMALE WITH THE ARTS***

GENDER-SCIENCE

75%

***HAVE AN IMPLICIT
PREFERENCE FOR WHITE
PEOPLE OVER BLACK
PEOPLE***

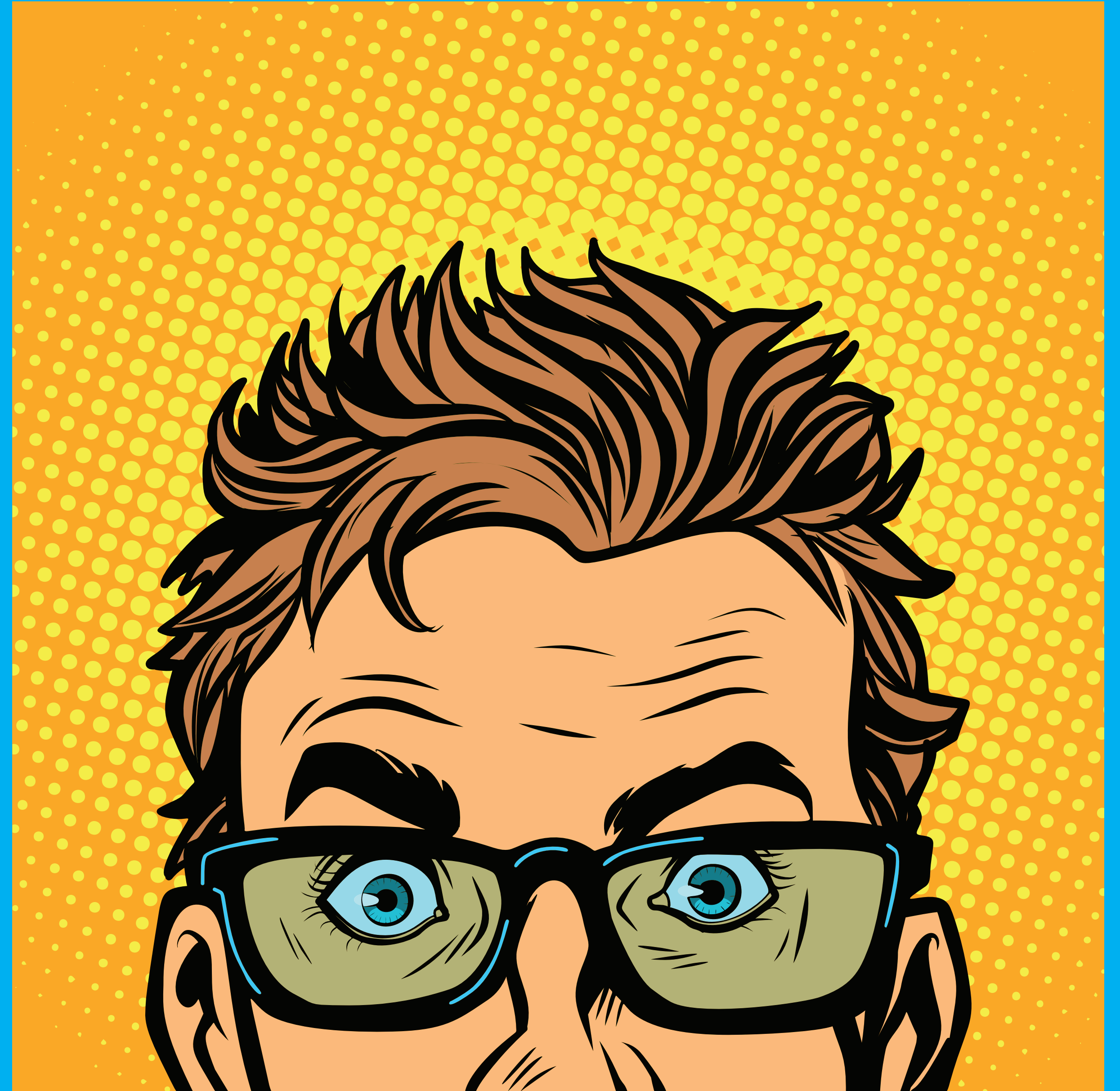
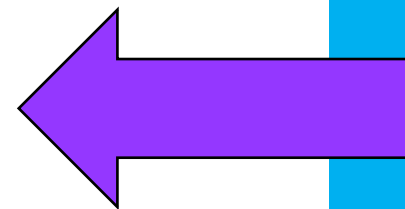
RACE

COMMON WAYS BIAS SHOWS UP @ WORK

- 1. WHO GETS HIRED***
- 2. HOW PAY IS ASSIGNED AND INCREASED, BONUSES***
- 3. WHO GETS PROMOTED***
- 4. SPECIAL ASSIGNMENTS & TRAINING OPPORTUNITIES***
- 5. WHO IS INTERRUPTED IN MEETINGS***
- 6. CLIENT TIME AND OPPORTUNITIES***
- 7. INCLUSION OR EXCLUSION OF E'EES***
- 8. MACRO-AGGRESSIONS (NOTHING MICRO ABOUT THEM TO YOU)***

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HOW TO INTERRUPT BIAS

- 1. ACKNOWLEDGE THAT YOU HAVE BIAS***
- 2. TALK ABOUT BIAS, NORMALIZE IT***
- 3. AGREE THAT HAVING BIAS IS NOT ACTING ON BIAS***
- 4. ENCOURAGE FRIENDS & COLLEAGUES TO POINT THINGS OUT***
- 5. ADOPT BIAS INTERRUPTION TECHNIQUES: HIRING, DAY-TO-DAY***

ADOPT BIAS INTERRUPTION: HIRING, DAY-TO-DAY

INSIST ON A DIVERSE POOL

- 1. VETTE JOB DESCRIPTIONS FOR GENDER NORMING**
- 2. ACCEPT DEGREE OR EQUIVALENT WORK EXPERIENCE**
- 3. BAN THE BOX IN APPLICATIONS**
- 4. BOUNTIES FOR DIVERSE REFERRALS; NO REFERRALS**
- 5. REDACT RESUMES, CHECK YOUR AI**

ADOPT BIAS INTERRUPTION: HIRING, DAY-TO-DAY

BE KNOWN FOR INCLUSION

- 6. RECRUIT WHERE YOU ARE LACKING -- UCI, CSUF, UCSD**
- 7. SUPPORT PROF ORGS - BLACKS IN TECHNOLOGY, SOCIETY OF HISPANIC ENGINEERS, WOMEN IN TECHNOLOGY, OUT IN TECHNOLOGY**

IN INTERVIEWS

- 8. PANEL REVIEW, CONSISTENT QUESTIONS**
- 9. QUESTIONNAIRES FOR FEEDBACK STANDARDIZATION**
- 10. AUDIT THE PROCESS -- LOOK FOR BIASED OUTCOMES**

ADOPT BIAS INTERRUPTION: HIRING, DAY-TO-DAY

- 1. SET UP ROTATION FOR OFFICE HOUSEWORK, NOT VOLUNTEERS**
- 2. MINDFULLY DESIGN TEAMS AND SPECIAL PROJECTS -- ROTATION**
- 3. VALUE DEIB WORK, MENTORING, COACHING/SPONSORSHIP**
- 4. EVALUATE TEAM DYNAMICS AND INTERPERSONAL COMMUNICATION**
 - A. WHO GETS INTERRUPTED IN MEETINGS?**
 - B. WHERE DO PEOPLE SIT IN MEETINGS? WHO EATS LUNCH TOGETHER?**
 - C. MANSPLAINING, CREDIT STEALING...**
 - D. SOLICIT INPUT FROM ALL -- EVEN INTROVERTS & SHY FOLKS**

THINGS YOU CAN DO



- 1. LISTEN MORE THAN YOU TALK***
- 2. SPEAK UP FOR ANYONE BEING HARASSED***
- 3. SPEAK OUT WHEN YOU HEAR IST/ISM***
WHAT DO YOU MEAN BY THAT?
WHY WOULD YOU SAY THAT?
WOULD YOU HAVE SAID THAT TO ME?
- 4. IMAGINE IT IS YOUR BEST FRIEND***

THINGS YOU CAN DO



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- 5. ASK HOW TO REFER TO SOMEONE:
BLACK, AFRICAN AMERICAN, CARIBBEAN?
LATINX? MEXICAN? LGBTQ+? PRONOUNS?***
- 6. USE GENDER INCLUSIVE LANGUAGE***
- 7. REMEMBER THIS IS A JOURNEY: IF YOU
THINK YOU ARE TIRED, IMAGINE HOW
YOUR COLLEAGUES FEEL***
- 8. APPRECIATE COLLEAGUES MAY HAVE
TROUBLE SHOWING UP FULLY TO WORK
AFTER HIGHLY PUBLICIZED EVENT --
MURDER, TRIAL, ATTACK, LAWS***

THINGS YOU CAN DO



- 9. OFFER MENTAL/EMOTIONAL HEALTH DAY OR DAYS IN THE WAKE OF SUCH EVENTS***
- 10. PARTNER WITH DIFFERENT PEOPLE AT WORK TO DEFEAT THE TENDENCY TO BE WITH PEOPLE WHO LOOK LIKE YOU***
- 11. THE WORK NEEDS TO BE DONE BY ALL OF US, IT IS NOT UP TO THE INTENTIONALLY MINIMIZED COMMUNITIES TO MAKE THESE CHANGES***

TODAY, WE COVERED

- 1. INTROS & SAFETY**
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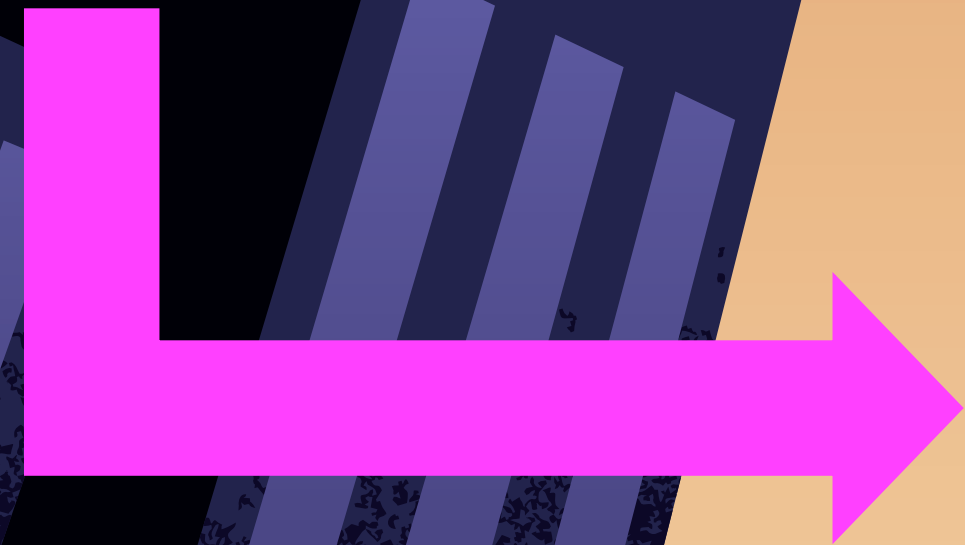
***BY CREATING SPACE WHERE PEOPLE FEEL
LIKE HEROES, YOU'LL SAVE YOUR ORG
MONEY, INCREASE INNOVATION & IMPROVE
PROFITABILITY.***

DOESN'T THAT MAKE YOU A SUPERHERO?



TRISTAN E.H. HIGGINS
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BUILDING AN ORGANIZATION OF SUPERHEROES



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THE END