



Recognizing and Addressing Implicit Bias in Bankruptcy Proceedings

CHRISTOPHER M. ALSTON, U.S. BANKRUPTCY JUDGE, WESTERN DISTRICT OF WASHINGTON

FRANK W. KOGER BANKRUPTCY SYMPOSIUM

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OBJECTIVES

- ▶ Understand what implicit bias means and how it may influence our decisions
- ▶ Understand that being implicitly biased does not necessarily mean we act in explicitly biased ways
- ▶ Learn to recognize some behaviors that may suggest bias or differential treatment
- ▶ Learn some techniques that help debias perceptions and improve interactions



What are your cultural groups?

“... GROUPS OF PEOPLE WHO CONSCIOUSLY OR UNCONSCIOUSLY SHARE IDENTIFIABLE VALUES, NORMS, SYMBOLS, AND SOME WAYS OF LIVING THAT ARE REPEATED AND TRANSMITTED FROM ONE GENERATION TO ANOTHER.”

IMPLICIT BIAS

► Bias that results from the tendency to process information based on unconscious associations and feelings, even when these are contrary to one's conscious or declared beliefs.

"We don't deliberately choose our unconscious attitudes. And . . . we may not even be aware of them. The giant computer that is our unconscious silently crunches all the data it can from the experiences we've had, the people we've met, the lessons we've learned, the books we've read, the movies we've seen, and so on, and it forms an opinion."

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

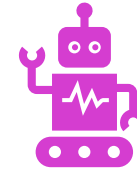
SCHEMAS



Mental shortcuts



Organize &
categorize
information



Automatic

EVERYONE HAS SCHEMA/IMPLICIT BIAS

- ▶ a preference for a group (positive or negative)
- ▶ often operating outside our awareness
- ▶ based on stereotypes and attitudes we hold
- ▶ that tend to develop early in life
- ▶ and tend to strengthen over time

Attitudes

Evaluative feelings that are positive or negative

Stereotypes

Traits we associate with a category

Implicit Bias in Bankruptcy: Examples

A 2012 study found that African Americans are much more likely to file chapter 13, as compared to debtors of other races.

As of 2015, approximately 7 percent of active bankruptcy judges were people of color and 31 percent of bankruptcy judges were women.

Could implicit bias play a role in these results?

How might implicit bias affect other aspects of the bankruptcy process?

DEBIASING

EDUCATION

Awareness

Mindfulness

EXPOSURE

Contact

Positive exemplars

Environment

APPROACH

Higher level processing, (e.g., writing)

Reduced cognitive load

Checklists

Procedural / organizational changes

“Motivation to be fair makes a
difference.”

Jerry Kang, *Implicit Bias, A Primer* (2009)

The good
news is—

What three
things will you
start doing
today to
debias?

1.

2.

3.



THANK YOU

