

Boston Municipal Court Implicit Bias Benchcard

BE AWARE OF IMPLICIT BIAS

ADDRESS THE FOLLOWING QUESTIONS IN EACH MATTER BEFORE YOU:

DO I HAVE NEGATIVE OR POSITIVE EMOTIONS PERTAINING TO THE CASE?

IF SO, DO THOSE EMOTIONS GIVE RISE TO AN IMPLICIT BIAS IN THIS CASE?

**AM I ENGAGING IN THOUGHTFUL INFORMATION PROCESSING BEFORE
REACHING A DECISION?**

DOES THE EVIDENCE SUPPORT THE CONCLUSIONS I HAVE DRAWN?

Boston Municipal Court Implicit Bias Benchcard

Be Self-Aware

- Consider whether you are requiring more or less from a person than you would from others.
- Ask yourself if your opinion of the parties, witnesses, or case would be different if the people presenting belonged to a different social/racial group.
- Consider how the person is different from others in his/her same social/racial group or gender.
- Be mindful of your decision-making process, not just the resulting decision.

Act Consciously and Deliberately

- Allow more time for cases in which implicit bias may be a concern.
- Objectively and deliberately consider the facts at hand.
- Take special care in situations when you must respond quickly to avoid making snap decisions.
- Critically review your decision-making process, and the reasoning behind it, before committing to a decision.

Create Processes to Serve as a Check on Unintended Bias

- Take notes and/or refer to the record to support your memory of the events.
 - Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.
 - Track your decisions and periodically examine them for any pattern of bias.
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DISTRICT COURT IMPLICIT BIAS BENCH CARD

Act Consciously and Deliberately

- Identify cases in which implicit bias may be a concern.
- Avoid decisions under rushed, stressed, distracted, or pressured circumstances.
- Engage in thoughtful information processing - objectively and deliberately consider the facts at hand. Avoid low-effort decisions or decisions made on auto-pilot.
- Take special care in situations when you must respond quickly to avoid making snap decisions.
- Articulate the reasoning behind your decision before committing to a decision to allow yourself to critically review your decision-making process.

Be Self-Aware

- Question your own objectivity. Remember the Implicit Bias Association Test. The test is available to be taken at: <https://implicit.harvard.edu/implicit/takeatest.html>
- Consider whether you are requiring more or less from a person than you would from others.
- Ask yourself if your opinion of the parties, witnesses, or case would be different if the people presenting belonged to a different social/racial group.
- Be mindful of your decision-making process, not just the resulting decision.

Create Processes to Serve as a Check on Unintended Bias

- Take notes and rely on those notes over memory.
 - Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.
 - Periodically examine your decision making process for any patterns of bias.
 - Discuss any issues or concerns you may have with a mentor.
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IMPLICIT BIAS BENCH CARD
Housing Court Department of the Trial Court

Be Self-Aware

- Analyze your emotional state. Do the negative or positive emotions you are feeling pertain to the case?
- Consider whether you are requiring more or less from a person than you would from others.
- Ask yourself if your opinion of the parties, witnesses, or case would be different if the people presenting belonged to a different social/racial/economic group or were a different gender or did not have a disability.
- Consider how the person is different from others in his/her same social/racial/economic group, gender or with the same disability.
- Be mindful of your decision-making process, not just the resulting decision.

Act Consciously and Deliberately

- Allow more time for cases in which implicit bias may be a concern.
- Avoid decisions under rushed, stressed, distracted or pressured circumstances.
- Engage in thoughtful information processing - objectively and deliberately consider the facts at hand. Avoid low-effort decisions or decisions made on auto-pilot.
- Take special care in situations when you must respond quickly to avoid making snap decisions.
- Articulate the reasoning behind your decision before committing to a decision to allow yourself to critically review your decision-making process.

Create Processes to Serve as a Check on Unintended Bias

- Take notes and rely on those notes over memory.
 - Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.
 - Seek feedback from others. Would others perceive or handle the situation differently?
 - Track your decisions and periodically examine them for any pattern of bias.
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IMPLICIT BIAS BENCH CARD

Act Consciously and Deliberately

- Allow more time for cases in which implicit bias may be a concern.
- Avoid decisions under rushed, stressed, distracted or pressured circumstances.
- Engage in thoughtful information processing - objectively and deliberately consider the facts at hand. Avoid low-effort decisions or decision made on auto-pilot.
- Take special care in situations when you must respond quickly to avoid making snap decisions.
- Articulate the reasoning behind your decision before committing to a decision to allow yourself to critically review your decision-making process.

Be Self-Aware

- Analyze your emotional state. Do the negative or positive emotions you are feeling pertain to the case?
- Consider whether you are requiring more or less from a person than you would from others.
- Ask yourself if your opinion of the parties, witnesses, or case would be different if the people presenting belonged to a different social/racial group.
- Consider how the person is different from others in his/her same social/racial group or gender.
- Be mindful of your decision-making process, not just the resulting decision.

Create Processes to Serve as a Check on Unintended Bias

- Take notes and rely on those notes over memory.
- Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.
- Seek feedback from others. Would others perceive or handle the situation differently?
- Track your decisions and periodically examine them for any pattern of bias.

Probate and Family Court Implicit Bias Benchcard

Acknowledge and Resist

- Acknowledge that everyone has feelings, assumptions, perceptions, fears and stereotypes (implicit biases), of which we may not be aware.
- Resist jumping to conclusions based on personal likes or dislikes, generalizations, “gut feelings,” prejudices, sympathies, stereotypes or biases.

Act Consciously and Deliberately

- Allow more time for cases in which implicit bias may be a concern. In situations when you must respond quickly, take special care to avoid making snap decisions.
- Engage in thoughtful information processing - objectively and deliberately consider the facts at hand.
- Before committing to a decision, articulate the reasoning behind your decision.

Be Self-Aware

- Analyze your emotional state when hearing and deciding cases.
- Consider whether you are requiring more or less from a person than you would from others.
- Ask yourself if your opinion of the parties, witnesses, or case would be different if the people presenting belonged to a different social/racial group.
- Take note: Is there something about the person before you that evokes negative or positive emotions that are not case related?
- Allow yourself to critically review your decision-making process, not just the resulting decision.

Create Processes to Serve as a Check on Unintended Bias

- Take notes and rely on those notes over memory.
- Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.
- Seek feedback from judicial colleagues. Would other judges perceive or handle the situation differently?
- Track your decisions and periodically examine them for any pattern of bias.

Superior Court Implicit Bias Benchcard

Revised: 2/26/16

Recognizing that implicit bias may exist in all cases, please keep the following tips in mind:

Act Consciously and Deliberately

- Identify matters or proceedings in which implicit bias may be prevalent.
- Allow more time for cases in which implicit bias may be a concern.
- Engage in thoughtful information processing – objectively and deliberately consider the facts at hand. Avoid low-effort decisions or decisions made on auto-pilot.
- When possible, avoid decisions under rushed, stressed, distracted or pressured circumstances.
- Take special care in situations when you must respond quickly to avoid making snap decisions.
- Allow yourself to critically review your decision-making process prior to committing to a decision. Consider what evidence supports the conclusions you have drawn and how you have challenged unsupported assumptions.

Be Self-Aware

- Consider whether you are requiring more or less from a person than you would from others.
- Ask yourself if your opinion of the parties, witnesses, or case would be different if the people presenting belonged to a different social/racial group.

Create Processes to Serve as a Check on Unintended Bias

- Take notes in the event your memory fails you when finalizing your decision.
- Track decisions and periodically examine them for any pattern of bias.

MASSACHUSETTS SUPERIOR COURT
