

Michigan Judicial Institute and Friend of the Court Bureau Webinar

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Overcoming Personal Bias

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OVERCOMING PERSONAL BIAS

FRIEND OF THE COURT EMPLOYEES WEBINAR

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The Model Code of Conduct for Michigan Trial Court Employees canons relevant to this presentation

Canon Three: Impartially

I will provide *impartial treatment* to all persons interacting with the court.

Canon Seven: Discrimination

I will not discriminate on the basis of race, color, religion, national origin, gender, or other protected group.

Canon Nine: Duty to Serve

I will carry out my responsibilities to litigants, co-workers, and all others interacting with the court in a timely, diligent, and *courteous manner*.

Canon Three: Impartially

Definition of impartial : not partial or biased : treating or affecting all equally : treating all people and groups equally : not partial or biased : not favoring one side over another : fair an impartial referee : not partial or biased : treating or affecting all equally.

www.merriam-webster.com/dictionary/impartial

BIAS

Bias is an intentional or unintentional preference for or against a specific group or individual. It is possible to have bias without being fully aware of it.

► [Unconscious Bias | diversity.ucsf.edu](http://diversity.ucsf.edu)

“The question is not about whether you have biases, it’s a question of what is your bias,” H. Anna Han, PhD.

[Overcoming Unconscious Bias: What Works and What Doesn't | Georgetown University Medical Center | Georgetown University](#)

Father and Son activity-adapted from Pendry, Driscoll, & Field (2007)

A father and son were involved in a car accident in which the father was killed and the son was seriously injured. The father was pronounced dead at the scene of the accident and his body was taken to a local morgue. The son was taken by ambulance to a nearby hospital and was immediately wheeled into an emergency operating room. A surgeon was called. Upon arrival and seeing the patient, the attending surgeon exclaimed "Oh my God, it's my son!" Can you explain this?"

To confront the challenge of personal bias, parenting time and custody workers must identify, be mindful of, and critically examine the personal biases they bring to the work place.

Bias can exist in many ways gender, nationality, native language, accent, age, race/ ethnicity, professional background, religion, socio-economic status.

The Harvard Implicit Association Test (IAT) is a tool that allows each of us to discover hidden cognitive biases. Most people are aware of their own overt biases, but it is very difficult for us to become aware of our covert biases. The Implicit Association Test (IAT) is good for showing bias and how our unconscious drives our day to day decision making.

[Take a Test \(harvard.edu\)](http://harvard.edu)



How do Friend of the Court employees comply with the code of conduct requirements when they interact with difficult litigants?

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Challenging situations



Serving Emotional Clients



- ▶ Use of abusive language
- ▶ Multiple grievances that are determined to be unfounded
- ▶ Questioning the employees knowledge or experience
- ▶ Complaints to supervisors
 - ▶ requests to have the employee removed from the case
 - ▶ accusations of having a personal relationship with the other party
 - ▶ accusations of bias

Biases affect us and our decision-making processes in a number of different ways

- ▶ **Our Perception** - how we see people and perceive reality.
- ▶ **Our Attitude** - how we react towards certain people.
- ▶ **Our Behaviors** - how receptive/friendly we are towards certain people.
- ▶ **Our Attention** - which aspects of a person we pay most attention to.
- ▶ **Our Listening Skills** - how much we actively listen to what certain people say.
- ▶ **Our Micro-affirmations** - how much or how little we comfort certain people in certain situations.

Court employees should conduct themselves in a way that will instill public trust and confidence

A hostile or angry person wants their problems solved, they want help even if you can't help them, they want acknowledgement of their situation

- ▶ Attack the problem, not the person
- ▶ Look for the good in the people who frustrate you the most. It isn't necessary to like the person, but it is necessary to treat everyone in a *courteous manner*
- ▶ Try to understand why they are negative. They may be dealing with a serious issue that doesn't involve the FOC. Understanding *may* help you be more sympathetic and less frustrated

HEAT METHOD



H—Hear them out

Have a little (or a lot) of patience—let them talk without interruption

E—Empathize

Focus on getting the person's story

Understand another's feelings-put yourself in their shoes

A—Ask & Answer questions

Try not to discount their feelings.

Don't use "I can't give legal advice as an excuse"

Avoid using bureaucratic language (our policy requires...OCS handles tax intercepts...)

T—Take Responsibility for assisting

Problem solve

Suggest possibilities



Our ultimate goal is to provide unbiased service to the customer with empathy, compassion, and patience in a courteous and professional manner.

BIAS & STEREOTYPE BIG BANG THEORY

<https://youtu.be/Ai5AdY9W-0Y>

Sources

Misty Larthridge, Optimizing Your Public Service Skills Through Cultural Sensitivity and Diversity Awareness, Fall 2008

John Ort, De-escalating Volatile Situations Course, Trial Court Security Specialist, November 7, 2006

H. Anna Han, PhD, senior behavioral scientist and senior policy advisor at NIH Scientific Workforce Diversity

