

**Resource Center****RECAP: "THE ETHICAL PITFALLS OF UNCONSCIOUS BIAS IN THE LEGAL PROFESSION: AN EXPLICIT CASE FOR ADDRESSING IMPLICIT BIASES"**

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Diversity, Equity, and Inclusion (DEI) – a hot, global topic that many organizations are talking about. In December 2020, Conner & Winters Attorney Hayley Stephens presented “The Ethical Pitfalls of Unconscious Bias in the Legal Profession: An Explicit Case for Addressing Implicit Biases” at the Conner & Winters’s Connecting Women’s Annual Ethics CLE Seminar event. A crowd of approximately 80 clients and friends of the firm attended.

Stephens’s presentation explored the various cases for prioritizing DEI, such as increased efficiencies, better results or products, wider market reach, and the moral argument for eliminating long-standing social barriers. The presentation more specifically focused on the ethical obligations of attorneys and judges, encouraging them to emphasize DEI in their practices, organizations, chambers, and greater spheres of influence. There has been no shortage of articles and studies in recent years noting that much of the legal industry has failed to make meaningful inroads with DEI. Stephens hopes highlighting the ethical obligations will spark progress.

In her presentation, Stephens identified implicit bias, otherwise referred to as unconscious bias, as the number one roadblock to fulfilling DEI goals. “Because such biases are automatic, we inherently are unaware we have them. Furthermore, and because consciously we would never make decisions based on race, gender, appearances, etc., we tend to deny the existence of implicit biases, which then makes it incredibly difficult to correct them,” explains Stephens. Stephens made an explicit case for acknowledging and correcting implicit biases. She cited several rules of professional conduct for the proposition, explaining that the legal profession not only must eliminate biases

ATTORNEYS

Hayley N. Stephens

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from their practices but help eliminate social and economic barriers to the legal justice system.

"A first step in complying with these ethical obligations," according to Stephens, "is to acknowledge your own biases." Stephens recommends taking implicit associations tests to identify possible biases. She also encouraged seminar participants to doubt their objectivity, question their assumptions and first impressions, thereby deliberately exposing themselves to counter-stereotypical models and images. She reminded them to be watchful of microaggressions in everyday communications and to avoid perpetrating them.

As for mitigating institutional biases within firms and corporate organizations, Stephens explained that firms and companies with the greatest DEI imprints incorporate DEI efforts into the existing compensation structure, implement yearly mandatory education and training about the elimination of bias, and encourage underrepresented groups to speak up and participate, which requires giving value to such voices.

A 2015 graduate of Vanderbilt Law School, Stephens joined Conner & Winters as an associate in August of that same year. She frequently cites Conner & Winters's Connecting Women initiative as one of the key reasons she selected the firm. "I was just so impressed that a firm of its size, and with its record of handling sophisticated legal matters, placed such an emphasis on developing and promoting its female attorneys – especially when I didn't see that happening at other firms I considered at the time," says Stephens. In addition to representing clients in a wide range of matters, Stephens has served the firm as a member of the diversity, recruiting, and business development committees. Having graduated from the Oklahoma Center for Community & Justice's 2020 Inclusive Leadership Institute in October of this year, Stephens hopes to continue promoting DEI within Conner & Winters, counseling clients on how to improve their own DEI initiatives, and fostering change in our local legal community.