

S3 Unconscious or Hidden Bias.

I'd like to talk to you a little more about unconscious or hidden bias. Scientists studying the way our brains work have shown that, for all of us, our first responses are often like reflexes. Just like our knee reflexes, our mental responses are quick and automatic. Even though these quick responses may not be what we consciously think, they could influence how we judge people or even how we remember or evaluate the evidence.

Our system of justice requires all of us—prosecutors, defense attorneys, judges and jurors—to minimize the impact of our unconscious biases on our decision making. Researchers have identified several techniques we can use to accomplish this difficult task. I have found the following techniques helpful in lessening the impact of my own biases on my decision making as a judge, and I therefore ask you to use these techniques as you consider the evidence in this case:

First, take the time you need to test what might be reflexive unconscious responses and to reflect carefully and consciously about the evidence.

Second, focus on individual facts; don't jump to conclusions that may have been influenced by unintended stereotypes or associations.

Third, try taking another perspective. Ask yourself if your opinion of the parties or witnesses or of the case would be different if the people participating looked different or if they belonged to a different group.

Fourth, listen to the opinions of the other jurors, who may have different backgrounds and perspectives from yours.

Working together will help achieve a fair result. But keep in mind that your vote must be your own.