

HONORABLE
MARICELA MOORE

162ND DISTRICT
COURT JUDGE

Implicit Bias:

Psychology of the Juror



IMPLICIT BIAS

▶ It's a term that describes what's happening when, despite our best intentions and without our awareness, stereotypes and assumptions creep into our minds and affect our actions.

Starbucks

On April 12, 2019, a Starbucks manager in Philadelphia called the police on two black men, leading to their arrest. The two men, who had been waiting for a friend at the store, were released without being charged.

Starbucks apologized and announced it will close more than 8,000 of its stores in the United States on Tuesday to provide “unconscious racial bias” training for its 175,000 employees.

Wells Fargo

In 2019, Wells Fargo agreed to pay the City of Philadelphia \$10 million to settle a federal lawsuit that alleged that the bank discriminated against minority borrowers.

The lawsuit alleged that African American borrowers in Philadelphia with a credit score above 660 were nearly 2.6 times more likely to receive a more expensive or risky loan than a white borrower with similar characteristics. A Latino borrower, the lawsuit alleged, was nearly 2.1 times more likely.

Delivery of Healthcare

Racial and ethnic minorities and women are subject to less accurate diagnoses, curtailed treatment options, less pain management, and worse clinical outcomes.

--National Academy of Medicine

Bias training is now prevalent in medical, nursing, and other allied health schools, as well as in hospitals and delivery systems.



Implicit Bias in Jurors



Jury Charge

Do not let bias, prejudice or sympathy play any part in your decision.

▶ Where jurors had discretion, they awarded Black plaintiffs less in pain and suffering damages than to White plaintiffs, even when controlling for total economic damages. Jurors also tended to award less to female plaintiffs.

▶ Jurors also tended to award less in lost earnings to female plaintiffs than to White men.

--2015 University of Oregon study

Do jurors allow bias to play a part in their decision?

Acknowledge and Understand

"The social science research demonstrates that one does not have to be a racist with a capital R, or one who intentionally discriminates on the basis of race, to harbor implicit racial biases." – Professor Cynthia Lee, the George Washington University School of Law.

Video Shown to Venire Panel

The District Court for the Northern District of California plays a 6-minute video entitled *Understanding the Effects of Unconscious Bias* to potential jurors before the jury selection process.

<https://www.cand.uscourts.gov/attorneys/unconscious-bias-video-for-potential-jurors/>

Jury Instruction

▶ Do not decide the case based on implicit biases. As we discussed in jury selection, everyone including me, has feelings, assumptions, perceptions, fears, and stereotypes, that is, “implicit biases” that we may not be aware of. These hidden thoughts can impact what we see and hear, how we remember what we see and hear, and how we make important decisions. Because you are making very important decisions in this case, I strongly encourage you to evaluate the evidence carefully and to resist jumping to conclusions based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your individual evaluation of that evidence, your reason and common sense, and these instructions. Our system of justice is counting on you to render a fair decision based on evidence, not bias.

▶--Judge Mark Bennett, Northern District of Iowa



VOIR DIRE

Which set of Bumper Stickers represents your belief system?



A

**BUILD THE WALL
AND
CRIME WILL FALL**

*America is a
Christian nation*

WWW.ZAZZLE.COM/WILLARD3

**PROUD
CONSERVATIVE**

**Proud to be an
AMERICAN**

B

**DIVERSITY
IS
STRENGTH**

EVOLVEFISH.COM

Welcome, Immigrants!
America is happy to have you.

Coeexist

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Profits help fight hunger, fascism, and social injustice

Questions?

Honorable Maricela Moore

162nd District Court

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