Diverse Interactions: Addressing Race and Implicit Bias in Legal Research Instruction
Presenters

Shamika Dalton  
Associate Director for Public Services  
Professor of Legal Research  
University of Florida Levin College of Law  
Legal Information Center

Michelle Rigual  
Library Director  
Professor of Law Librarianship  
University of New Mexico Law Library

Clanitra Stewart Nejdl  
Research Services Librarian  
Lecturer-in-Law  
Alyne Queener Massey Law Library  
Vanderbilt Law School

Raquel Gabriel  
Professor &  
Director of the Law Library  
City University of New York (CUNY) School of Law
Implicit Bias

- Attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner

- We generally tend to hold implicit biases that favor our own in-group

- Do not necessarily align with our declared beliefs

- Are malleable
Implicit Biases in the Law

• **Attorney bias.** Prosecutors have a great deal of discretion in how they manage cases and who they select to serve on jurors. Implicit biases can influence each of these decisions, potentially having a significant impact on the lives of defendants.

• **Judicial bias.** Studies have found that trial court judges "rely extensively on intuition, more than deliberative judging, in deciding matters before the bench."

• **Jury Bias.** Attorneys have biases when they select jurors. Jurors bring their own biases into the trial and deliberations.

• There has been research detailing the **unreliability of eyewitness testimony**, particularly as to cross-racial identification.
Why is cultural competence important in legal research?
How do we incorporate cultural competence in our curriculum?
Group Exercise (20 minutes)

• News article to each table
• Work on creating a legal research exercise based on news article
• Panelists will work with tables and offer assistance if needed
• Appoint someone who will report back to larger group at end of discussion who can briefly sum up in 2 minutes:
  • 1) What did the news story involve?
  • 2) What kind of legal research exercise did you create?
Tips for Incorporating Cultural Competence in the Classroom

- Include a diversity statement and class rules in your syllabus
- Have a discussion about the importance of cultural competence in legal research on Day 1
- Inform students that they will be asked to perform research on diversity-related topics on Day 1
- Before you discuss sensitive topics in your class, remind students of the class rules
- Treat the classroom like a court (i.e. remind students that their analysis must be supported by law, not personal opinion)
- Don’t avoid issues; address them