



TEACHING THE TEACHERS CONFERENCE

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



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



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



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