

Is Implicit Bias Affecting Your Client and Workplace Interactions?

In the wake of a friend of mine being in a head-on collision recently, I've been revisiting the concept of implicit bias, especially in professional services firms. Given the seriousness of the accident, my friend is in good health, but she required immediate medical attention and subsequent follow-up for physical therapy. She is currently working with attorneys to collect reimbursement for her healthcare expenses. She is not a lawyer and, like most individuals who are outside the business of law, does not deal with attorneys on a regular basis, so some of the routine processes and procedures in personal injury cases are new to her, including things like medical release forms and other legalese-filled paperwork.



Jaffe Staff

While she has full faith in the competency of the professional service providers she is working with, she has expressed dismay about her interactions with them. When asking questions about the paperwork she is signing, she receives overly long and condescending explanations. This is particularly upsetting given that her attorneys are male, and this type of condescension resonates deeply with a larger societal problem often referred to as "[mansplaining](#)," or the act of men expressing their biased views of women – whether consciously or otherwise – by explaining things in a condescending manner.

What my friend is describing through her experience with her attorneys is known as implicit bias. According to [Ohio State University](#), "implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control."

Everyone has implicit biases, and they affect each of our social interactions on a day-to-day basis. For the purposes of professional service providers, this can dramatically affect the success of their abilities to [develop new business](#), [deliver quality client service](#) and [retain clients](#). In addition, as the corporate world continues to bring more awareness to issues of [diversity](#), a critical part of a business professional's success will be the ability to communicate effectively to many individuals from many different backgrounds.

Evidence of Implicit Bias in the Legal Profession

Because implicit bias affects all people, it occurs in all professional service areas. However, it is perhaps most starkly evident in the legal profession, which has been criticized for its pronounced bias.

Lawyer and consultant Kathleen Nalty wrote a fairly comprehensive paper for the ABA titled "[Implicit Bias: How to Recognize and Address It – and New Model Rule 8.4\(G\)](#)." We

highly recommend reading it, whether you're a lawyer or you're in accounting. It's especially helpful if the concept of implicit bias is new to you. The document defines implicit bias and provides compelling examples of the way this type of bias manifests itself in the legal profession. It also provides some practical tips for addressing one's own unconscious bias.

Further evidence that implicit bias is slowly but surely being acknowledged within the profession is the attention that the ABA is paying to diversity and bias. The association has published multiple articles on the topic and even hosted a webinar on "[Implicit Bias in the Legal Workplace: Moving from 'Who Is Biased?' to 'What Can We Do About it?'](#)" This presentation took a comprehensive approach to analyzing how implicit bias affects the legal profession, looking at a number of important areas in which attorneys interact, including among clients, associates and opposing counsel. The accounting profession is also focusing on this: In its *CPA Insider newsletter*, the *Journal of Accountancy* addressed ways that CPA firms can counteract implicit bias.

Overcoming Your Implicit Biases

One of the first steps in overcoming your own unconscious biases is to acknowledge that you have biases that you are not aware of. After all, we can only know what we know, but sometimes it is just as important to acknowledge that there are things we do not know. Just being open to the idea of implicit bias can help mitigate its effects.

From there, Nalty recommends other tactics to help professionals with eradicating their implicit biases, including:

- Develop the ability to be self-observant.
- Actively doubt your objectivity.
- Be mindful of snap judgments.
- Oppose your stereotyped thinking.
- Deliberately expose yourself to counter-stereotypical models and images.
- Engage in relationships with those who are different from you.
- Seek out cultural and social situations that are challenging.
- Develop empathy to view things from others' perspectives.
- Find commonalities.

Take an Implicit Bias Test

In addition to incorporating a number of tactics to help you recognize, disrupt and overcome your own implicit biases, there are several implicit bias tests that you can take to help you develop a baseline understanding of the unconscious thoughts and attitudes you might hold.

One of the more well-known tests is from [Project Implicit](#), a nonprofit organization and international collaboration between researchers who are interested in implicit social cognition. The goal of the organization is to educate the public about hidden biases and to provide a "virtual laboratory" for collecting data on the internet. The project is run by researchers from several universities, including Harvard, the University of Virginia and the

University of Washington. Visitors to its site can take an “Implicit Association Test.” For more information, visit the site’s [frequently asked questions section](#).

Professional services providers cannot simply continue to practice the same way they always have. Society is becoming more diverse, leading to more-diverse corporations and more-diverse accounting and law firms. For professionals to succeed in this changing environment, they must learn how to interact with and treat others who are different from themselves with professionalism and respect. Implicit bias shows us that, while we can have the best of intentions, we still may fall short.

Are you interested in learning more about how to identify and shape your company’s culture? Contact Terry M. Isner at tisner@jaffepr.com.