

NCWBA Outstanding Member Program Award Nomination:

Colorado Women's Bar Association's *Interrupting Bias: Feedback, Due Diligence, and Reference Checks*

Submitted on behalf of the Colorado Women's Bar Association

About the Organization Being Nominated:

1. Name of women's bar association being nominated:

Colorado Women's Bar Association

2. Association's address:

**P.O. Box 1918
Denver, CO 80201**

3. Name of contact person for purposes of award notification:

Kim Sporrer

4. Telephone number of contact person: **(303) 831-1040**

5. Email of contact person: execdir@cwba.org

6. Approximate number of members in the association: **1,500**

7. Year the association was established:

1978

8. Tell us about the organization -- give a brief overview of the organization's growth and development, its major contributions to the legal community or community at-large, and the scope of its current membership.

The CWBA is the largest diversity bar association in Colorado and is one of the biggest and most influential women's bar associations in the country. The CWBA even has its own lobbyist to promote the rights of women and children in Colorado.

The CWBA's mission has remained the same since its inception in 1978: to promote women in the legal profession and the interests of women generally. The vision of the CWBA's founders has resulted in decades of work promoting gender equality in the legal profession, preserving history, influencing legislation related to women and children, mentoring, granting scholarships for women law students through the CWBA Foundation, fighting discrimination, influencing the selection of judges, and providing training and education.

In addition to promotion of women in both the legal profession and across Colorado, generally, diversity and inclusion are also core values for the CWBA, and we strive to incorporate these values into all aspects of our work including advocacy, communications, workplace environment, vendor selection, hiring, promotion and retention. We appreciate and value ideas that come from a diverse legal environment and want to bring diversity of thought, experience and expertise to everything we do. We believe that an inclusive bar provides an atmosphere that allows all individuals to attain their greatest potential and achieve the greatest benefits for clients.

About the Project Being Nominated:

9. Name of the project, program, or service being nominated:

[Interrupting Bias: Feedback, Due Diligence, and Reference Checks](#)



10. Describe the project in one sentence (*i.e.*, a sound bite):

In a time-starved world where so much feedback about others – whether it is for a judgeship or job – is relayed in the quick, quiet spaces of confidential reviews, the *Interrupting Bias* program focused on the tools and processes necessary for lawyers to improve how we deliver, receive, and process that feedback.

11. Describe the project in detail. Include information on how and why the project was initiated, historical information about the project, program, or service, give the number of women attorneys involved, the number of people impacted, and overall results achieved. Copies of photographs, news clippings, or other supporting documentation may also be submitted:

Purpose of the Project:

Success or failure within the legal industry is almost entirely driven by one thing: feedback. Whether it comes from partners evaluating associates, clients evaluating outside counsel, executives evaluating inside counsel, or even committees evaluating potential judicial nominations and government appointments, feedback plays a crucial role in every lawyer's career.

That feedback is oftentimes delivered in casual and confidential circumstances. But the consequences of such feedback can be enormous. It impacts whether someone gets a raise or promotion, whether someone will be considered for a judgeship or leadership position within their organization, and even whether someone improves or simply withers on the vine. It is

therefore imperative that we, as a profession, ensure not only that the feedback we give is fairly delivered, but also that those who receive feedback on others are educated about the research and scientific studies associated with the biases that can oftentimes saturate those reviews.

It was with this goal in mind that the Colorado Women’s Bar Association (CWBA) presented [Interrupting Bias: Feedback, Due Diligence, and Reference Checks](#), a free program attended by over 660 participants, including Jurists from all levels of the federal and state court system, representatives from the Governor’s legal office, state and federal prosecutors and public defenders, law firm partners and associates, and in house counsel and businessmen and women from a wide range of companies and industries.

Background on the Project

The legal profession, like many others, has been working hard to recruit, train, and hire more diverse candidates. And the good news is, it is making strides in the right direction. According to NALP’s most recent [Report on Diversity at U.S. Law Firms](#), “[the 2021] summer associate class was the most diverse ever measured in every way, and it holds the promise of a law firm world that is truly more diverse, equitable, and inclusive.” But there is still more work to do. As the NALP report acknowledged “*the challenge for the industry is to retain, train, develop, and promote this talented and diverse pool of new lawyers* so that 5 years from now the associate ranks as a whole reflect similar diversity and representation, and 10 or 15 years from now we can celebrate a partnership class that is similarly diverse” (emphasis added).

The challenge of retaining, training, developing, and promoting talented diverse lawyers is not unique to law firms and is nothing new to the legal profession. Colorado’s Office of Attorney Regulation Counsel collects demographic data annually to better assess the make up of our Colorado bar, and each year that data shows a much more precipitous drop off of women lawyers by age than their male counterparts:

CHART C-1: COLORADO FEMALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE

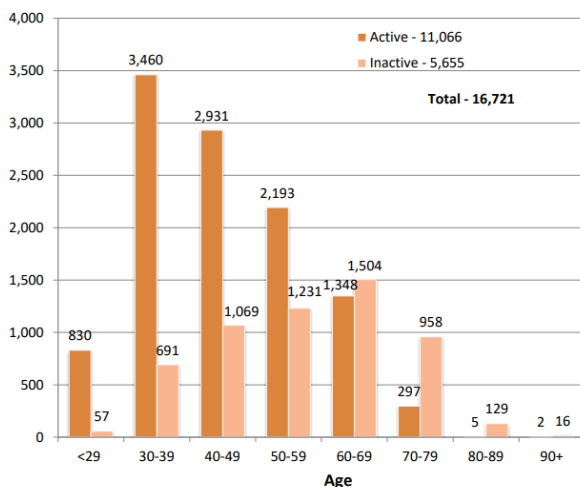
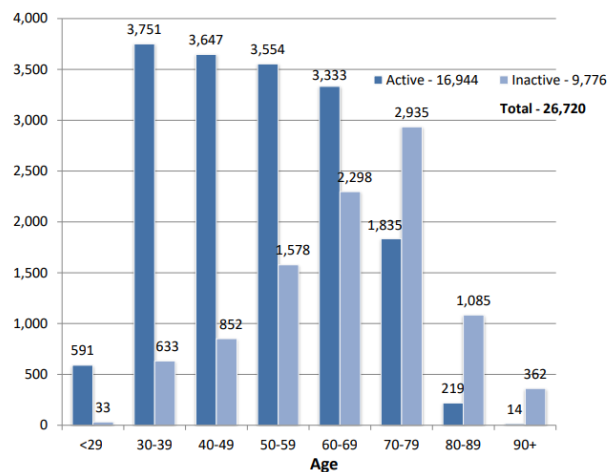
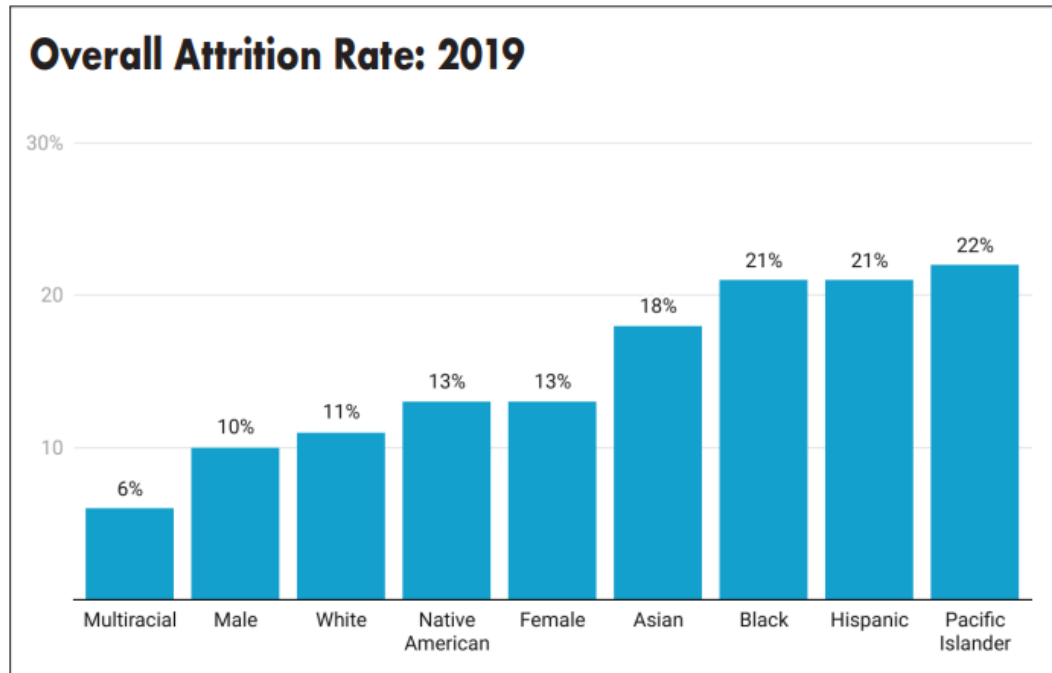


CHART C-2: COLORADO MALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE



Similarly, according to the 2020 ABA Model Diversity Survey, lawyers of color are twice as likely to leave U.S. law firms during a typical year as white lawyers:



To better retain women and diverse lawyers, the legal profession must therefore learn how to better train, develop, and promote women and diverse attorneys. Recognizing this fact, the CWBA has implemented several programs meant not only to recruit more diverse and women lawyers *to* the profession, but also to ensure that diverse and women lawyers advance *within* the legal profession:

- The CWBA’s Diversity, Equity, and Inclusion Committee has added a “Pipe Up” Pipeline subcommittee, dedicated to examining the pipeline to leadership, not only in the CWBA but in the legal profession as a whole, from elementary school through law school and beyond.
- The CWBA’s [LIFT Mentoring Program](#) creates a forum to mentor an attorney or to find a mentor.
- The CWBA’s “[Storming the Bench](#)” program provides lawyers with strategies and practical advice for becoming a judge. Highlighted in the Colorado Judicial Diversity Outreach Program’s [Annual Legislative Report](#), “Storming the Bench,” along with its sister programs “Storming the Ballot” and “Storming the Board,” was awarded the [Outstanding Member Program Award](#) by the National Conference of Women’s Bar Associations in 2019, and has since added an additional “Storming the Commissions” program about how to apply and interview for state, judicial, and municipal commissions and boards.
- The CWBA Professional Advancement Committee identifies opportunities for its members to achieve recognition and accolades through various awards both within and outside the state.

In addition to these significant efforts and programs, a major component of the CWBA's work over the last few years has been to engage with the issue of implicit bias in attorney feedback.

This focus arose out of the CWBA's role in conducting [due diligence reviews](#) of all "short list" judicial candidates for both state and federal appointments. In that role, the CWBA's Judicial Committee gathers feedback from current and former colleagues, opposing counsel, judges, and others who know and work with judicial nominees to consider endorsements. As part of that process, the Judicial Committee noticed certain implicit biases seeping into candidate comments and reviews. As described by CWBA Vice President and Judicial Committee Co-Chairwoman, [Hetal Doshi](#), Acting Deputy Assistant Attorney General, U.S. Department of Justice, CWBA members conducting due diligence checks of judicial nominees noticed that negative feedback—like a nominee not being "polished" or "professional"—was disproportionately provided about nominees from disadvantaged backgrounds.

This prompted the CWBA's participation in a larger coalition led by the [Center for Legal Inclusiveness](#) and Colorado Supreme Court Justice Monica Márquez that helped create an [orientation video](#) to train new judicial nominating commissioners on implicit bias and on their important role in selecting finalists for judicial vacancies. And in 2019, the CWBA followed the lead of the [Asian Pacific American Bar Association \(APABA\)](#) and participated in a meeting with the diversity bar associations and Governor Polis's staff to discuss the barriers that judicial candidates from diverse backgrounds face and ways for our community to effectively give feedback during the selection process.

But the CWBA's leadership recognized the problem of implicit bias in attorney feedback is not limited to due diligence on judicial nominees. Bias makes its way into feedback on all fronts in the legal profession, including compensation and partnership considerations, award and speaker selections, referrals, and even one-on-one feedback from colleagues on performance. So, in an effort to bring the research, science, and solutions relating to implicit bias to a broader legal community audience, the CWBA created a working group led by Ms. Doshi and CWBA Inclusion Officer, [Leila Hock](#), which was charged with creating an exceptional, fully accessible, two-hour virtual program with a national expert as the speaker that would give lawyers the tools necessary to "interrupt" that bias.

Acknowledging the importance of the topic and recognizing the broad impact such programming could have on our legal community if delivered correctly and broadly, the CWBA board also agreed to fund in full an unprecedented speaker budget so that the program could be available not only for free to attendees, but also in perpetuity online. This meant the CWBA needed to make sacrifices in other expenditures for the year; but it was more than worth it. With over 660 registrants and since then almost 100 views online, ["Interrupting Bias: Feedback, Due Diligence, and Reference Checks"](#) had the largest attendance of any program the CWBA has ever offered and has been one its most lauded presentations to date.

Program Summary

The CWBA executive committee and staff, as well as the program's organizers and speaker, were all very intentional about wanting to make the presentation and discussion non-judgmental and practical. Along those lines, the approach was less about all the ways in which we are biased (a separate and very useful [presentation](#) the CWBA had already put together the year prior), and instead focused more on the science behind bias, why it exists,

and how people can identify biases in both their own reviews and others' so that they can shift conversations about feedback into more productive and helpful directions.

The event's keynote speaker, [Siri Chilazi](#), a research fellow at the Women and Public Policy Program at Harvard Kennedy School was the perfect choice for this goal. She was energetic, engaging, and thoughtful, and her presentation artfully distilled her complex research findings into practical, real-world solutions.

Ms. Chilazi's presentation started by highlighting several examples of unconscious bias from the research she and her colleagues have conducted. In one study, for example, a law practice's internal evaluations showed that the word "leadership" was mentioned in 80% of white women's evaluations but in only 9.5% of employees' of color evaluations. And "errors" were mentioned more frequently in employees' of color evaluations than in white employees' evaluations without reference to specific examples.

Such bias cuts across industries and the professional hierarchy. And as Ms. Chilazi explained, unconscious bias is natural because our unconscious brains regularly rely on patterns and experiences to fill in gaps. Unfortunately, we are more likely to rely on patterns when we're stressed, pressed for time, or cognitively overwhelmed – states that lawyers regularly find themselves in. While that's not inherently bad, problems arise when these unconscious biases affect our decision-making. And merely being aware of our own unconscious bias isn't enough. We need to shape our environments and decision-making processes to overcome it.

It was at this point of her presentation that Ms. Chilazi transitioned from the research to real world solutions to counteract the unconscious biases that we, as humans, are so prone to include in our feedback and reviews of others. One-off trainings about the existence of bias, she said, make only a short-term impact, doing very little to change medium- or long-term behavior. Instead, the key is to set up a process that enables you to avoid giving feedback in a way that allows biases to creep in. To do this she utilized the acronym SMART to describe the type of feedback that is less prone to unconscious bias. Taking the SMART approach, reviews should be:

- **Specific** – based on specific, behavioral examples (not personality or opinion)
- **Measurable** – tied to actual results and/or achievements
- **Achievable** – based on a consistent, fair, and objective standards
- **Realistic** – tied to examples of actual impact
- **Timely** – reasonably recent, because more time leaves more room for biases to saturate our memories of the event/circumstances

Then, beyond just providing guidelines to give less biased feedback, Ms. Chilazi also identified tools to *spot bias in feedback from others*, including looking out for "blurring" comments that blur the line between subjective and objective (e.g., "I'm not sure this candidate is qualified to serve on the bench. They come across as closed-off and standoffish... I'm concerned that this candidate is not polished enough"). To detect blurring comments, we can ask ourselves: is this comment stereotypical? Could it be interpreted differently by different people? Is it about skills and abilities or personality? Is it a generalization?

Finally, Ms. Chilazi encouraged attendees to *interrupt bias* by asking those giving feedback to "show your work." In response to blurring comments, for example, reviewers should

consider asking for specific behavioral examples, with a focus on results or achievements or to ask the feedback providers to compare the candidate against similar people they are evaluating.

Then, in a particularly engaging and unique part of the presentation, participants of the program were given the opportunity to see Ms. Chilazi's tactics put into practice with role-plays using real (but anonymized) feedback examples. The role plays – performed by CWBA members - included judicial due diligence checks, conversations about partnership promotion, and one on one feedback opportunities. This portion of the program encouraged participants to identify “blurring” in sample feedback discussions and included demonstrations of ways to interrupt bias and focus more on objective performance rather than subjective impressions. It also provided ways for attorneys to advocate for themselves and cultivate better mentoring/training relationships with the attorneys they work with.

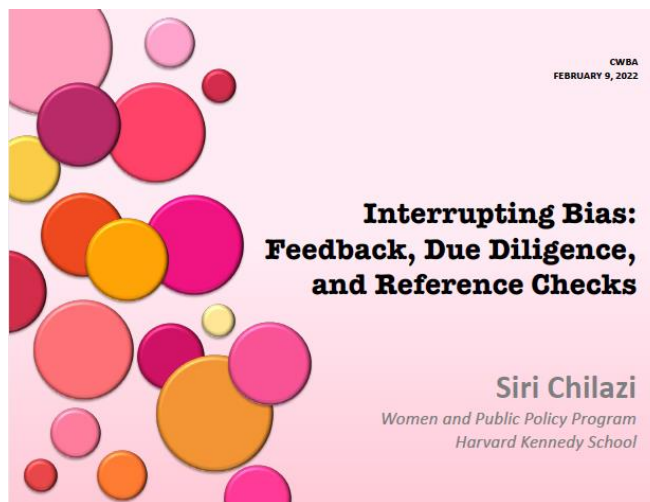
Participants were then encouraged to check out a *Harvard Business Review* article titled “[How One Company Worked to Root Out Bias from Performance Reviews](#),” and to print out, share, and utilize Ms. Chilazi's [checklist](#) for feedback and interrupting bias.

The CWBA's [Interrupting Bias: Feedback, Due Diligence, and Reference Checks](#) was an outstanding program that provided concrete solutions and non-confrontational strategies to address implicit bias in feedback and reviews. The largest program the CWBA has ever put on, over 660 participants attended the initial presentation and almost 100 people have viewed it since then online – reaching a wide range of practitioners and judges and enabling them to issue spot feedback to truly “interrupt” bias. With feedback being the cornerstone of any lawyer's success and a new wave of eager attorneys with diverse backgrounds entering the profession, this program could not have come at a better time.

12. Give us your “Blueprint for Success” in a bullet format. Give sufficient detail so that another women's bar association wishing to do a similar project could use your bullet points as an outline of their action plan. We will include these bullet points in the Awards handout at the summit.
 - It is important to not let the perfect be the enemy of good progress. This presentation was never intended to ferret out and eradicate biases in feedback and reviews. To the contrary, Ms. Chilazi recognized and acknowledged that it is likely impossible to get rid of all of our biases in light of the science behind human thought. The goal instead was to convert the best of intentions into small, discrete actions to counteract bias in the – admittedly necessary – confidential reviews of colleagues. This made the program more understandable, accessible, and actionable.
 - Work with and obtain sponsors to provide the program to participants for free and make the video available online for future use. This program was supported with sponsorships from the Colorado and Denver Bar Associations to help pay for Zoom and speaker costs, and by Proof Law to fund the ASL and closed captioning services for the webinar. Participants and invitees were encouraged not only to invite friends and non-CWBA members to the event itself, but to also use the video for future training within their organizations. Lawyers are busy and even those with the greatest of intentions cannot always make it to events like these. By publishing the full video online, we continue to reach a broader audience on this important topic.

- The program organizers personally conducted outreach to federal and state judges and the head stakeholders at the Office of Legal Counsel for the Governor, the Attorney General's office, the U.S. Attorney's Office, the Federal Public Defender, the City Attorney's Office, and other bar associations and law firms to generate buy in and explain how this program was going to be different than others before it. This helped tremendously with turnout, as the leaders of these offices and organizations helped to spread the word and hype up the program internally.
- Think about opportunities for CLE credits associated with the program. The CWBA was not only successful in obtaining approval for 2 CLE credits for attending the two-hour presentation, the program also qualified for Colorado's new EDI (equity, diversity and inclusivity) credit requirement. The program's length – 2 hours – coincided with the 2 EDI credits required of Colorado bar members each compliance period.
- Focus on how the program will provide practical and productive techniques for people to implement in their daily lives. [Materials promoting](#) the event made sure to include the fact that the program would provide tips and practical suggestions on how to approach the problem of bias in feedback and not just talk about the fact that it exists.
- Include written materials that are easy to use and hand out to others. Many participants commented that the single-page [checklist](#) was easy to keep on their desk and a great conversation starter with others who had not seen the program.
- Add role play examples to the program to demonstrate the techniques and processes learned in the more formal presentation. This not only put the methods provided by Ms. Chilazi into practice, it provided for significant audience involvement despite being virtual, and gave opportunities for multiple CWBA members to be highlighted and participate in the program.
- Consider inclusivity measures for the program. As mentioned above, this particular presentation included an ASL interpreter and closed captioning, a service which was sponsored by a local law firm.

MEET OUR KEYNOTE SPEAKER




Siri Chilazi is a Research Fellow at the Women and Public Policy Program at Harvard Kennedy School whose life's work is to advance gender equality and diversity, equity, and inclusion (DEI) in the workplace through research and research translation. She operates at the intersection of academia and practice, both conducting research on how organizations can become more inclusive, and bringing those research insights to practitioners through speaking, training, and workshops.

As an advisor and scholar, Siri frequently collaborates with organizations ranging from start-ups to Fortune 500 companies and leading professional service firms in order to close equity gaps. She has presented at numerous conferences around the world, and her work has appeared in media outlets including *Harvard Business Review*, *The New York Times*, BBC, *Fast Company*, and *Forbes*. Siri has an MBA degree from Harvard Business School, a Master's degree in public policy from Harvard Kennedy School, and a BA degree in Chemistry and Physics from Harvard College.

siri.chilazi@gmail.com

<https://scholar.harvard.edu/sirichilazi/home>



CWBA
FEBRUARY 9, 2022

Interrupting Bias: Feedback, Due Diligence, and Reference Checks

Siri Chilazi

*Women and Public Policy Program
Harvard Kennedy School*

PART 1

The Research

*Bias in Feedback &
Evaluations*

PART 2

The Solution

*What Works to
Overcome Bias*

PART 3

The Practice

*Interrupting Bias in
Due Diligence*

PART 1

The Research

Bias in Feedback & Evaluations

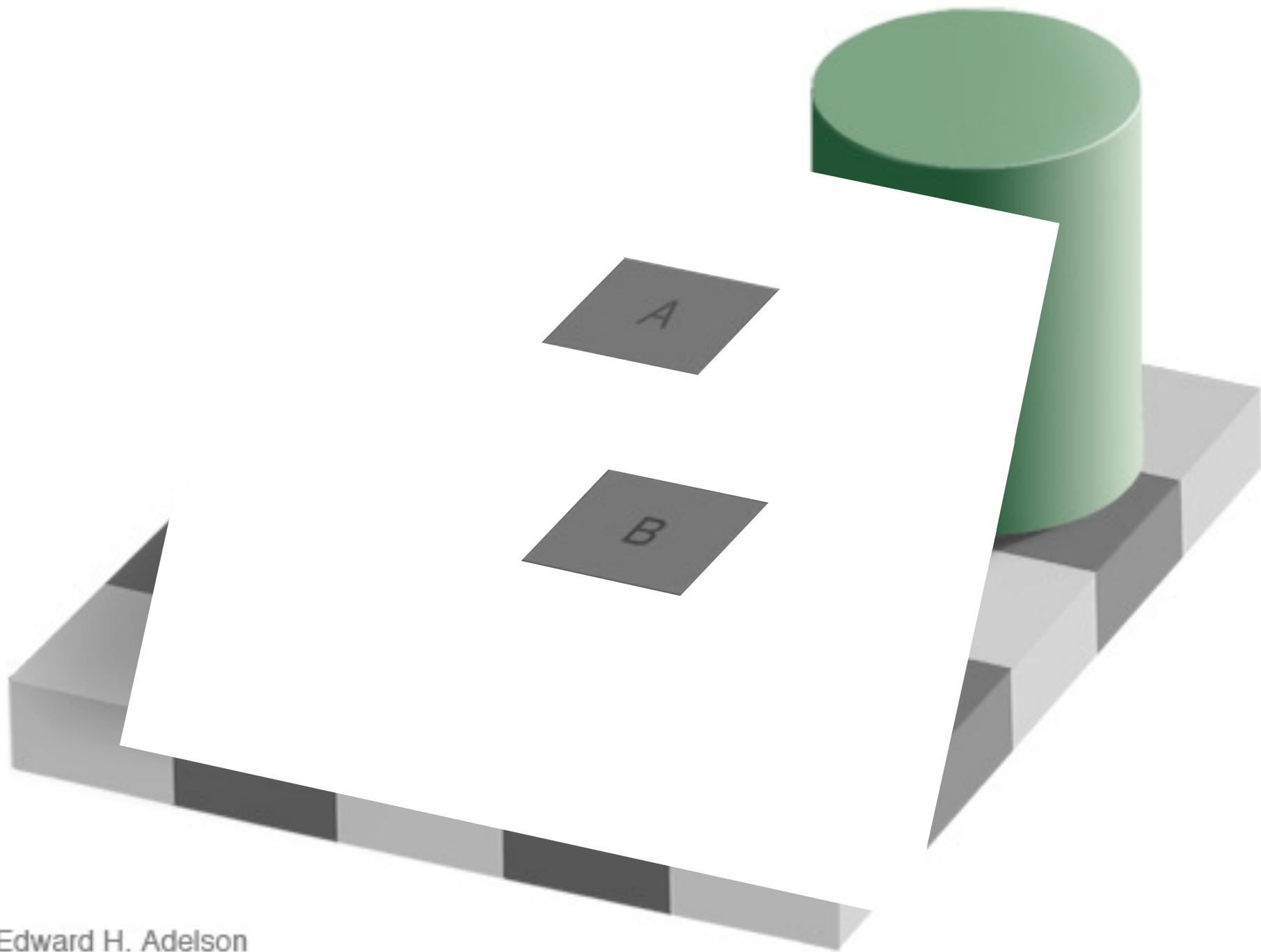


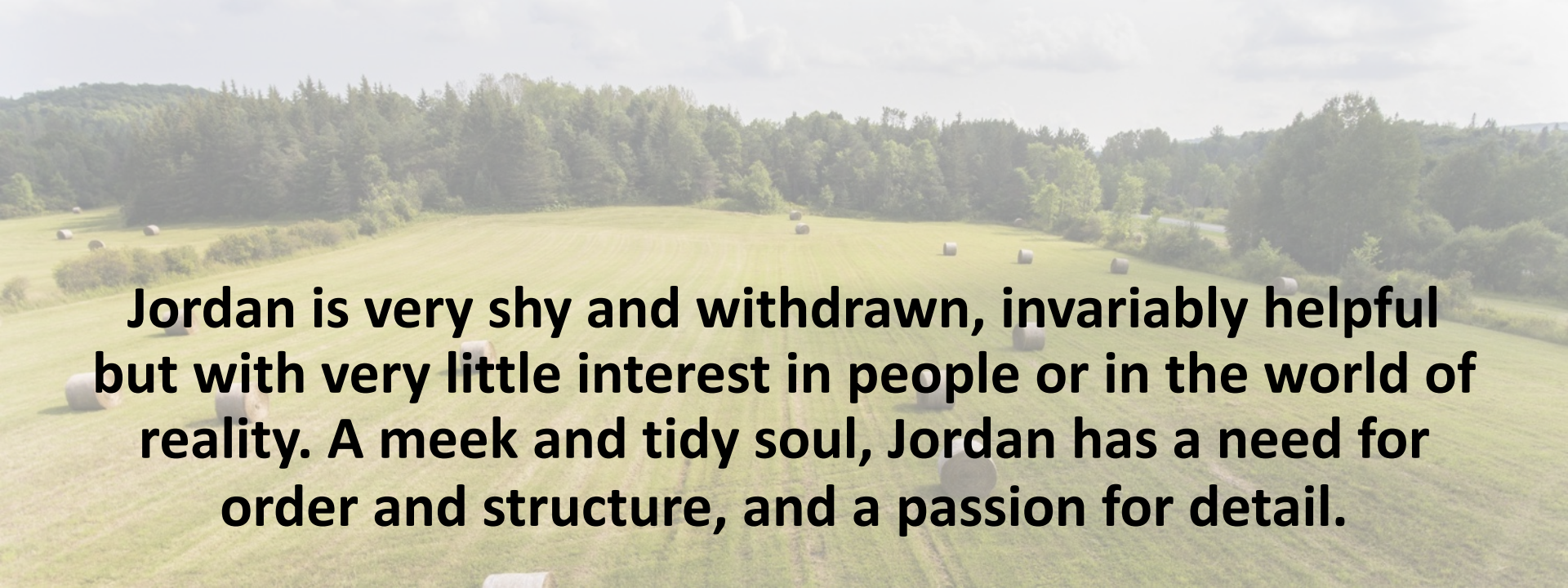
QUESTION FOR YOU



**How big of a problem is
unconscious bias in
feedback, due diligence,
and reference checks?**







Jordan is very shy and withdrawn, invariably helpful but with very little interest in people or in the world of reality. A meek and tidy soul, Jordan has a need for order and structure, and a passion for detail.



Is Jordan more likely to be a farmer or a librarian?



THE IMPLICIT ASSOCIATION TEST (IAT)

<https://implicit.harvard.edu/implicit/>



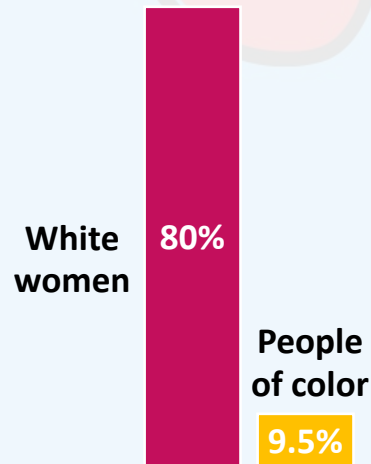


Bias in How We Judge

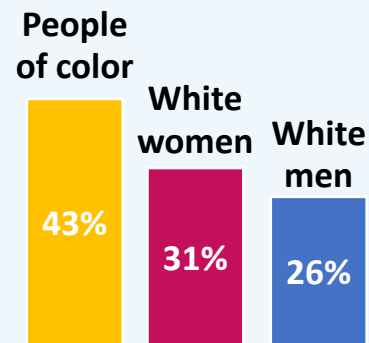
PERFORMANCE VS POTENTIAL

Bias in What We Say

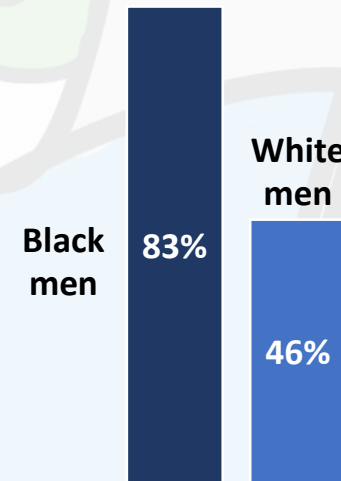
Mentions of leadership



Mentions of mistakes



Praise for “good attitude”



Bias in How We Say It

Masculine / Male-coded

Adventurous

Aggressive

Ambitious

Analytical

Confident

Independent

Intellect

Leader

Persist

Self-reliant

Feminine / Female-coded

Affectionate

Communal

Compassionate

Empathetic

Honest

Interpersonal

Loyal

Polite

Sensitive

Trust

Bias in How We Say It

Words used to describe men

Analytical	
Competent	

Words used to describe women

Compassionate	
Inept	

- Women are 1.4 times more likely to receive **subjective critical feedback** than men (as opposed to either positive feedback or objective critical feedback)
- Women and men are described using **different words**

	Irresponsible
Logical	
Practical	

POSITIVE

NEGATIVE

	Excitable
	Vain
	Panicky
	Temperamental
	Indecisive

POSITIVE

NEGATIVE

Bias in How We Say It

Working with others

“Dana shrinks around others. Especially around clients, she needs to be more self-confident.”

vs.

“Jim needs to develop his natural ability to work with people.”

Decision making

“Ayisha seems paralyzed and confused when facing tight deadlines.”

vs.

“David hesitates in making decisions, yet he is able to work out multiple alternatives and determine the most suitable one.”

Bias in the Questions We Ask



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MARQUETTE UNIVERSITY		DATE	AUGUST 10, 2018
1ST50K Awardee		AMOUNT	\$ 50,000
FIFTY -THOUSAND AND 00/100		DOLLARS	50,000
BANK			
MEMO: GRANT AWARD		1st50K Competition Committee	
NO 000 20140000		4554567890	

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QUESTIONS?

PART 2

The Solution

*What Works to
Overcome Bias*



QUESTION FOR YOU



**What do you think is the
MOST effective way
to combat
unconscious bias?**



Specific

Based on specific
behavioral examples
(not personality)

Achievable

Reasonably recent

Timely

Consistent, fair, and
objective standard

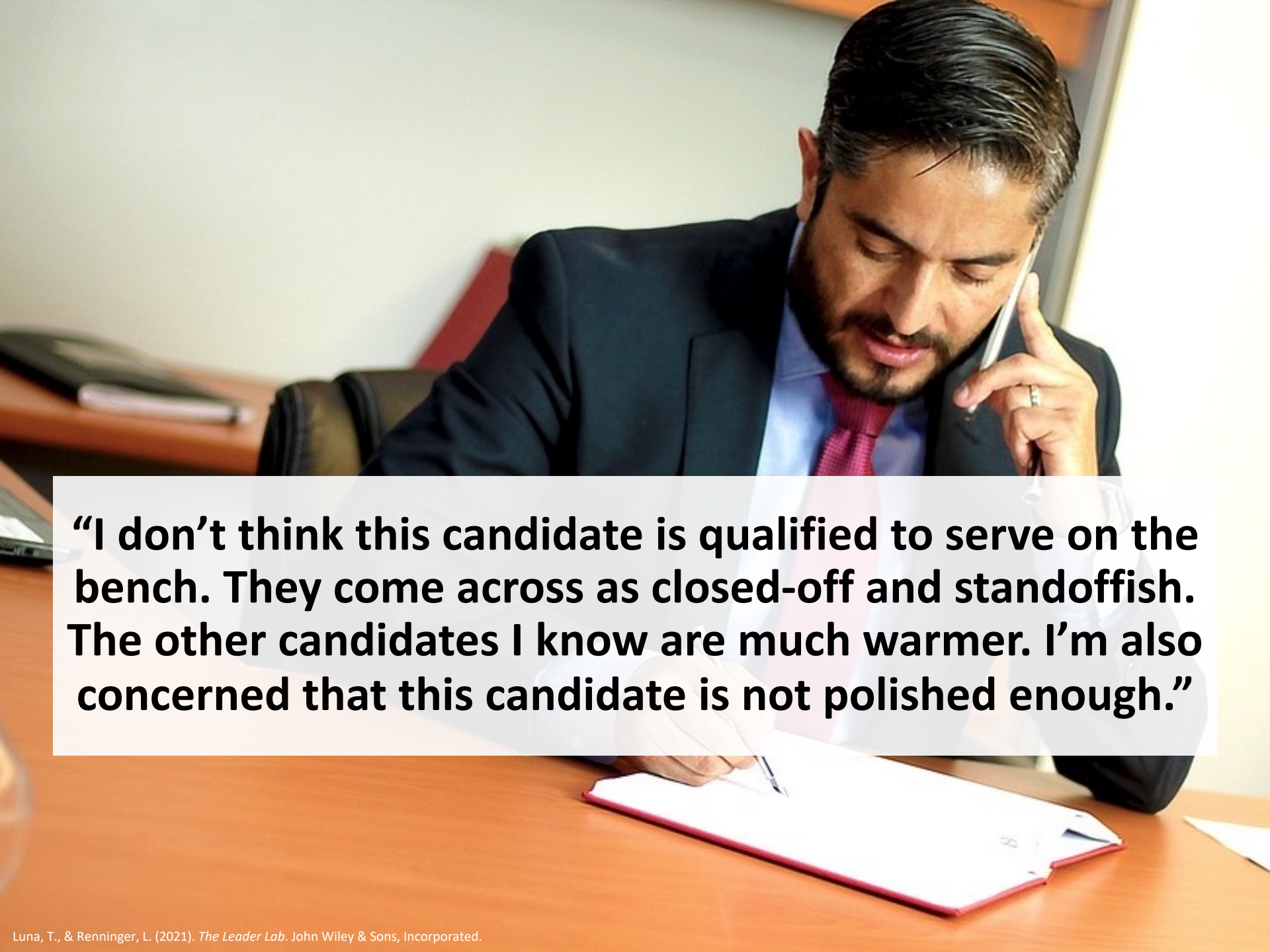
Examples of impact

Measurable

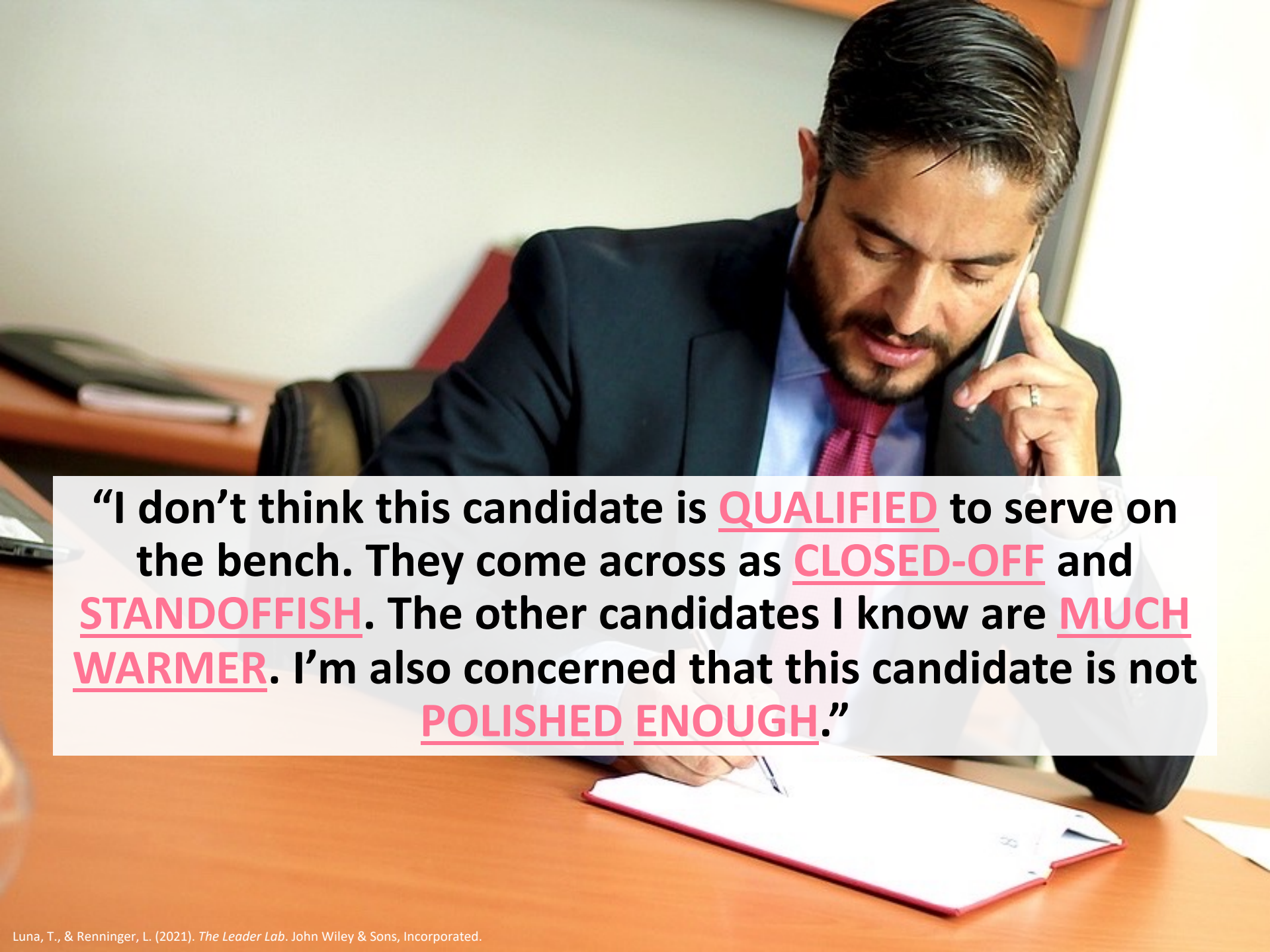
Tied to results and/or
achievements

realistic

SMART

A man with dark hair and a beard, wearing a dark suit, light blue shirt, and red tie, is seated at a wooden desk. He is holding a white smartphone to his ear with his left hand and writing in a red notebook with a pen in his right hand. The background is slightly blurred, showing an office setting.

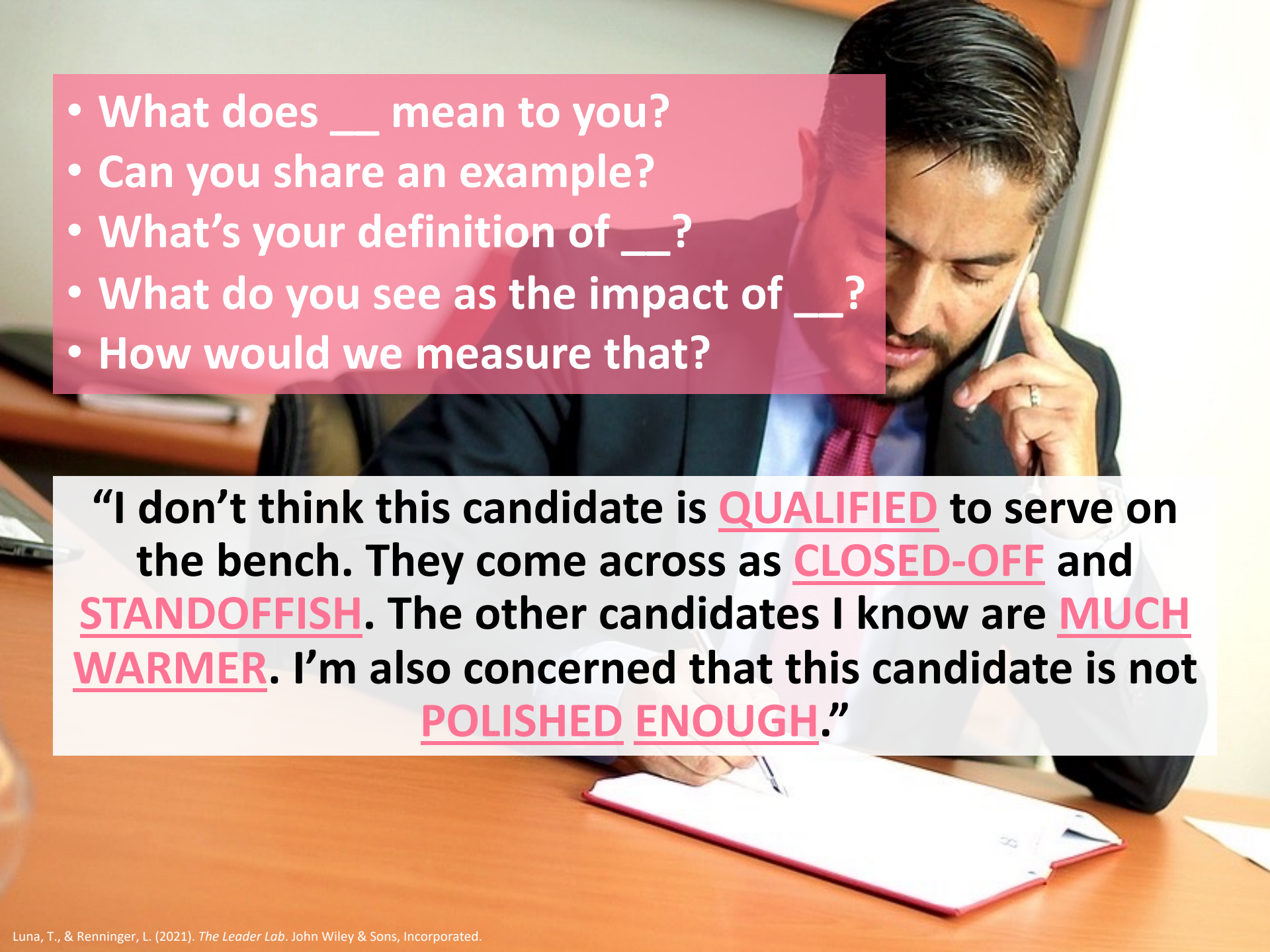
“I don’t think this candidate is qualified to serve on the bench. They come across as closed-off and standoffish. The other candidates I know are much warmer. I’m also concerned that this candidate is not polished enough.”

A man with dark hair and a beard, wearing a dark suit, light blue shirt, and red tie, is sitting at a wooden desk. He is holding a white smartphone to his ear with his left hand and looking down at a red notepad on the desk with his right hand. The background is slightly blurred, showing an office setting.

“I don’t think this candidate is QUALIFIED to serve on the bench. They come across as CLOSED-OFF and STANDOFFISH. The other candidates I know are MUCH WARMER. I’m also concerned that this candidate is not POLISHED ENOUGH.”

Checklist to Detect “Blur” Comments

- ✓ Could this word be interpreted differently by different people?
- ✓ Is this comment stereotypical?
- ✓ Does the comment seem out of place when applied to another person (woman vs. man, younger vs. older colleague, U.S.-born vs. foreign-born individual, etc.)
- ✓ Is the comment about skills/abilities or personality?
- ✓ Is the comment a generalization?

- 
- A man in a dark suit, blue shirt, and red tie is sitting at a wooden desk. He is holding a white smartphone to his ear with his left hand and has a pen in his right hand, which is resting on a red notebook. He appears to be in a professional setting, possibly an office.
- What does __ mean to you?
 - Can you share an example?
 - What's your definition of __?
 - What do you see as the impact of __?
 - How would we measure that?

“I don’t think this candidate is QUALIFIED to serve on the bench. They come across as CLOSED-OFF and STANDOFFISH. The other candidates I know are MUCH WARMER. I’m also concerned that this candidate is not POLISHED ENOUGH.”



Show Your Work



Interrupting Bias: What You Can Do

1. Ask for **specific behavioral examples** of positive and negative comments
2. Direct Interviewee to focus on **comments pertaining to results and/or achievements**
3. Ask Interviewee to compare candidate against other similar people they know to encourage **fair and consistent** comments
4. Probe for **examples of impact**
5. Confirm that feedback pertains to **relatively recent observations**
6. In the face of biased comments, **ask de-blurring questions**
7. Calibrate your own **impressions across multiple calls**
8. Aim to ask Interviewees the **same questions in the same order**

Think like a lawyer!



QUESTIONS?

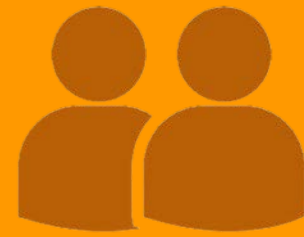
PART 3

The Practice

*Interrupting Bias in
Due Diligence*




INTERRUPTING BIAS IN ACTION



Three role play scenarios:

1. Judicial due diligence
2. Partnership promotion discussion
3. Feedback conversation



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CWBA
FEBRUARY 9, 2022

THANK YOU!

siri.chilazi@gmail.com



Interrupting Bias: Feedback, Due Diligence, and Reference Checks

A Checklist for Success

*Courtesy of Siri Chilazi, Research Fellow at the Women and Public Policy Program
at Harvard Kennedy School*

Ensure the feedback you receive or provide is SMART:

- ✓ **Specific:** Based on specific, behavioral examples (not personality)
- ✓ **Measurable:** Tied to results and/or achievements
- ✓ **Achievable:** Based on a consistent, fair, and objective standard
- ✓ **Realistic:** Incorporates examples of impact
- ✓ **Timely:** Reasonably recent (more time leaves more room for bias!)

Look out for “blurring” words and comments:

- Could a word be interpreted differently by different people?
- Is a comment stereotypical?
- Does a comment seem out of place when applied to another person?
- Is a comment primarily about personality?
- Is a comment a generalization?

When you hear blurring comments, dig deeper, with questions like:

- What does _____ mean to you?
- Can you share an example?
- What’s your definition of _____?
- What do you see as the impact of _____?
- How could we measure that?
- Can you explain how that is different from [another candidate]?