



JUDICIAL
COLLEGE

Cognitive Bias

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The aim of this seminar is to...


reduce the impact of bias and promote greater use of thoughtful and consistent approaches when dealing with others



A definition of bias (OED)

An inclination, leaning, preference, predisposition towards, preconception or prejudice.





‘As we navigate our lives, we normally allow ourselves to be guided by impressions and feelings, and the confidence we have in our intuitive beliefs and preferences is usually justified.

But not always.’

Daniel Kahneman

Thinking Fast and Slow (2011)

An example:

John was on his way to school.

He was worried about the maths lesson.

He was not sure how he would control the class again.

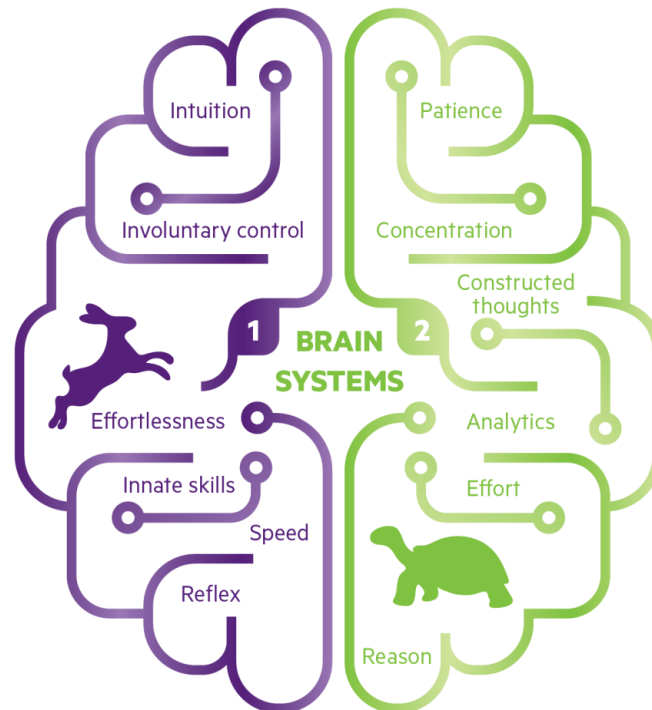
It was not the cleaner's duty.



Thinking fast and slow:

$$2 + 2 = 4$$

$$14379 / 3.9 = ?$$



‘We do not see things the way **they** are.
We see them the way **we** are’

Talmud



Blind spot



Examples of cognitive bias:

- Similar to me/Affinity
- Confirmation
- Attribution
- Stereotype
- Framing
- Anchoring



Anchoring



Is the tallest tree in the world

- More than 85 feet tall?
- More than 1000 feet tall?

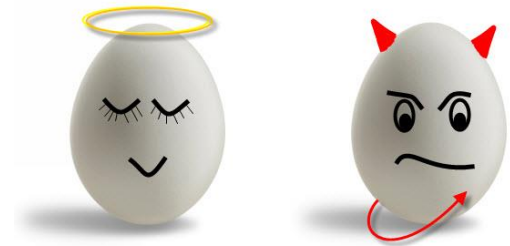
Bias in action

Stereotype: Generalisation of a person or group. A quick way to process information. We all do this; often unconsciously.
(Oxbridge graduates are highly intelligent)

Prejudice: When stereotyping goes unchallenged we are encouraged to build our beliefs; positive and negative.
(Oxbridge graduates would make good judges)

Discrimination: When we treat people differently because of our beliefs, we discriminate. *(I would consider someone with an Oxbridge degree more favourably for)*

Activity: in your table groups ...



- Discuss your judicial experiences and identify which of the various bias types may could be an issue within your judiciary and in what way.
- Please share your suggestions for reducing the effect of these biases.
- Prepare to share some examples in plenary.

Identifying your own biases

Biases can be reduced by over 50% by simply reminding oneself that they exist.

Harvard University Implicit Association Test (IAT).
<https://implicit.harvard.edu/implicit/takeatest.html>

Managing our thinking patterns: 1

- Recognise and acknowledge that we all have our own biases and preferences; after all we are human.
- Look for ways to challenge what you think you see. Seek out information from a range of sources
- Try the Harvard University Implicit Association Test.
- Don't rush decisions and be ready to ask for longer if you feel under pressure to make a quick decision
- Listen to information that contradicts established myths.

Managing our thinking patterns: 2



- Listen to hear and not to speak.
- Observe carefully and thoughtfully.
- Ask questions to test your assumptions, not to confirm them.
- Remind yourself to challenge your assumptions regularly; put a note on your fridge/notice board/desk/bench.

