Unconscious Influences on Judicial Decision-Making: The Illusion of Objectivity

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“The more one sees of human fate and the more one examines its secret springs of action, the more one is impressed by the strength of unconscious motives and by the limitations of free choice.”

—Carl Gustave Jung

Most people, especially members of the judiciary, strive to make decisions that are correct, fair, ethical, and that are free from the influence of biases and prejudices. For members of the judiciary, the very notion of impartial decision-making is codified in the Judicial Code of Conduct.² It is in the very nature of

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* "The Illusion of Objectivity" is a phrase attributable to Yale Assistant Professor David A. Armor. YALE.EDU, Department of Psychology Faculty Information, http://www.yale.edu/psychology/FacInfo/Armor.html (last visited June 23, 2010).

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1. Although Jung’s concept of the unconscious as a psychoanalytic notion might be decidedly different from modern concepts of unconscious thinking, this statement demonstrates how timeless are the notions of unconscious and implicit influences on human thought process.


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being a judge to be an impartial and unbiased arbiter of the cases presented to the court for disposition. Most judges expend significant energy and thought consciously avoiding personal biases and prejudices in the decision-making process.

When considering biases and prejudices that influence decision-making, what most readily comes to mind is conscious bias and prejudice. But in recent years the subject of implicit bias—unconscious or subconscious influences on decision-making—has reemerged in a variety of psychological and social science venues and has potentially significant ramifications in judicial decision-making. This Article introduces the concept of implicit bias in useful terms and then points the reader to deeper and more nuanced discussions of the subject and its ramifications across the social science spectrum. This Article will then consider some aspects of implicit bias’s role in judicial decision-making, both in terms of quick, heat-of-trial decisions (known as “blinking”) and in terms of carefully considered and weighed decisions (known as “staring”). Finally, this Article proposes some avenues of thought for future consideration about implicit bias’ potential influences and possible steps toward minimizing whatever harmful effects it might have on judicial decision-making.

I. INTRODUCTION TO IMPLICIT BIAS

The concept of implicit bias is based on the science of implicit cognition, which “suggests that actors do not always have conscious, intentional control over the processes of social perception, impression formation, and judgment that motivate their actions.” Rather, there are many implicit mental processes that function outside of one’s conscious attentional focus, including implicit memories, implicit perceptions, implicit attitudes, and implicit stereotypes. In this setting, the term “bias” need not have a pejorative connotation, as it more accurately “denotes a displacement of [one’s] responses along a continuum of


5. Id. at 947.
possible judgments.” Indeed, “biases can [just as readily] be either favorable or unfavorable.”

Implicit biases are unconscious mental processes based on implicit attitudes or implicit stereotypes which play an often unnoticed role in day to day decision-making. Implicit biases are rooted in the fundamental mechanics of the human thought process, where people learn at an early age to associate items that commonly go together and to logically expect them to inevitably co-exist in other settings: “thunder and rain, for instance, or gray hair and old age.” Implicit biases can be particularly problematic in judicial decision-making because “they can produce behavior that diverges from a person’s avowed or endorsed beliefs or principles.” They can be particularly challenging in the legal world, for example, because the entire concept of discrimination law is, to some degree, premised on underlying notions that “human actors are guided by their avowed . . . beliefs, attitudes, and intentions.”

“In the mid-1990s, Tony Greenwald, a professor of psychology at the University of Washington, developed an experimental tool called the Implicit Association Test (IAT) to study unconscious bias.” The test asks subjects to rapidly classify words or images displayed on a computer monitor as “good” or “bad.” “The IAT’s general method can be adapted to measure a wide variety of the . . . group-trait associations that underlie attitudes and stereotypes.” Subjects taking the IAT “must make split-second ‘good/bad’ distinctions between words like ‘love,’ ‘joy,’ ‘pain,’ and ‘sorrow’ and at the same time [must] sort images of faces that are (depending on the bias in question) black or white, young or old, fat or thin, and so on.” The test purports to “expose implicit biases by detecting subtle shifts in reaction time that can occur when test takers are required to pair different sets of words and faces.” Test takers who believe that they do not have negative biases toward, for example, a particular race, gender, or age group, “are nevertheless likely to be slower to associate” the “good” words with those groups, than they are to associate other groups with “good” words.

Greenwald, along with Mahzarin R. Banaji, a professor of social ethics in the department of psychology at Harvard University, and Brian Nosek, an associate professor in the psychology department at the University of Virginia, put the IAT

6. Id. at 950.
7. Id. at 951.
8. Id.
11. Id.
12. Banaji et al., supra note 9, at 58.
13. Id.
15. Banaji et al., supra note 9, at 58.
16. Id.
17. Id.
on the Internet in 1998, and since that time people from around the world have taken several million tests. Those tests have confirmed "and extended the findings of more traditional laboratory experiments" and have "show[n] implicit biases to be strong and pervasive." Data gathered suggests that more than seventy-five percent of test takers demonstrate some implicit biases in favor of "the young, the rich, and whites[;]" conscious desires or conscious reports against being biased do not eliminate the presence of implicit biases; "[minority group members tend to show less [significant] implicit [biases] for their own group[s] than majority group members show for theirs[;]" and "those who show higher levels of implicit bias [when taking] the IAT are also [more] likely to behave in ways" consistent with those implicit biases in face-to-face interactions.

The IAT has expanded into increasingly diverse domains and applied "to a wide variety of groups [of] social categories." Results of the research and analysis of the data associated with the IAT indicate that the IAT has displayed "predictive validity," meaning a significant correlation between biases suggested by test results and evaluations of actual behavior. There is substantial "evidence that implicit attitudes produce discriminatory behavior" and "[t]he dominant interpretation of this evidence is that implicit attitudinal biases are especially important in influencing nondeliberate or spontaneous discriminatory behaviors."

Implicit biases are unconscious attitudes and correlations that are formed by one's life experiences and that lurk beneath the surface of the conscious. Regardless of conscious and explicit desires for unbiased decision-making, these implicit biases often have very real impacts on the decisions one makes. In the last twenty years, a significant amount of research has been done on implicit bias in social sciences, and its repercussions for the legal community and judicial decision-making are now starting to come to the forefront of discussion.
II. BLINKING VS. STARING: JUDICIAL DECISION-MAKING

The process of judicial decision-making is not an easy one to narrow down and classify in easily managed pigeon-holes. Some historical studies of how judges reach their decisions categorized different approaches to judicial decision-making and approached the process of judicial decision—by way of the formalist and realist models—considering whether judges apply the law to the facts in a logical and mechanical manner through deliberative use of syllogistic reasoning (formalist), or whether judges follow an intuitive process to resolve disputes and then only later rationalize and deliberatively explain the intuitive decision (realist). A more recent approach to studying judicial decision-making, however, has argued that some key insights from both formalist and realist models form a more accurate model of judicial decision-making, called the "intuitive-override" model of judging.

Intuitive thought processes occur spontaneously and involve decisions that are made automatically, effortlessly, and quickly. Deliberative thought processes, on the other hand, occur through controlled processing and involve decisions that are rule-governed and made slowly with great effort. The relationship between intuitive thought processes and deliberative thought processes is complicated, and judicial decision-making can certainly be seen to involve both types of thought processes.

One way of testing and illustrating the interplay between intuitive thought processes and deliberative thought processes is through use of the "Cognitive Reflection Test" (CRT). The CRT is a three-problem test that measures the taker's ability or disposition to steadfastly resist relying on the response to a problem that first comes to mind upon a quick reading of the problem. The questions in the CRT are designed to invite an immediate, intuitive response that, upon deliberation, proves to be incorrect.

25. Id. at 3.
26. Id.
27. Id. at 7.
28. Id. at 7-8.
29. See id. at 2-3 ("Judges surely rely on intuition, rendering a purely formalist model of judging clearly wrong, yet they also appear able to apply legal rules to facts, similarly disproving a purely realist model of judging.").
30. Id. at 10; Shane Frederick, Cognitive Reflection and Decision Making, 19 J. ECON. PERSPECT. 25, 26 (2005).
32. Id.
The CRT in its entirety is as follows:\textsuperscript{33}

\begin{tabular}{|p{0.9\textwidth}|}
\hline
(1) A bat and a ball cost $1.10 in total. The bat costs $1.00 more than the ball. How much does the ball cost? \\
(2) If it takes 5 machines 5 minutes to make 5 widgets, how long would it take 100 machines to make 100 widgets? \\
(3) In a lake, there is a patch of lily pads. Every day, the patch doubles in size. If it takes 48 days for the patch to cover the entire lake, how long would it take for the patch to cover half of the lake? \\
\hline
\end{tabular}

For many people the first question in the CRT invites an intuitive and immediate response of “ten cents.”\textsuperscript{34} This intuitive response, however, is incorrect; deliberation reveals that the correct answer must be five cents—the ball costs five cents, the bat costs one dollar more at $1.05, and the two together cost a total of $1.10.\textsuperscript{35} The CRT involves problems that are easily understood when explained or deliberated over; yet reaching the correct conclusion for each of the problems often requires one to suppress an incorrect answer that impulsively seems correct immediately upon reading the question.\textsuperscript{36} Another way of categorizing this process is to consider the quick and intuitive decisions as ones that are made in the course of “blinking” at a problem, while the slow and deliberative decisions are made in the course of “staring” at a problem.

At least one recent study of judicial decision-making supports the notion that intuitive thought processes influence judicial decisions.\textsuperscript{37} In this sense, judges tend to perform on the CRT and engage in decision-making in ways comparable to other groups of well-educated adults, largely relying on intuition to make snap judgments, but also demonstrating an ability to use deliberation to override intuitive impressions.\textsuperscript{38} Another study, specifically considering judges and the IAT, suggests that judges, like any other group of people, carry implicit biases based on their various life experiences and that those implicit biases can affect judges’ decision-making, especially in contexts where judges are unaware of the need to take implicit biases into account in their decision-making.\textsuperscript{39}

\begin{itemize}
\item \textsuperscript{33}\textit{Id.; Frederick, supra note 30, at 27.}
\item \textsuperscript{34}\textit{Guthrie et al., supra note 24, at 10.}
\item \textsuperscript{35}\textit{Id.}
\item \textsuperscript{36}\textit{Id. at 11.}
\item \textsuperscript{37}\textit{See id. at 27-28 (noting that judges tend to make intuitive judgments when “awarding damages, assessing liability based on statistical evidence, and predicting outcomes on appeal . . .”).}
\item \textsuperscript{38}\textit{Id. at 28.}
\item \textsuperscript{39}\textit{Jeffrey J. Rachlinski et al., Does Unconscious Racial Bias Affect Trial Judges?, 84 NOTRE DAME L. REV. 1195, 1221 (2009).}
\end{itemize}
What does not yet appear to have been significantly studied, in the context of judicial decision-making, is just how much implicit biases impact intuitive decisions and/or deliberative decisions. To the extent that intuitive decisions are based on quick impressions made without time to fully evaluate all potential influences and ramifications, it seems likely that implicit biases could have a significant impact on a judge's first thoughts in resolving matters presented for disposition.\textsuperscript{40} To the extent that deliberative decisions are based on carefully weighing available options and factors, and are reached after the passage of time and careful consideration, it is not difficult to see how implicit biases might impact many aspects of judicial decision-making.\textsuperscript{41} As such, it seems reasonable to expect that implicit biases could have a significant impact on the decisions made by judges, regardless of whether those decisions are quick and intuitive, or slow and deliberative.

Moreover, it seems likely that implicit biases can have varying levels of influence on judicial decision-making at all levels of the judicial process. Trial judges tend to more often have a need for intuitive processing of problems arising during the course of a trial that require quick answers, but they also engage in deliberative resolution of matters submitted and taken under advisement. Appellate judges tend to more often engage in deliberative resolution of issues presented for appellate review, but their decisions are still often influenced by the intuitive first impression of arguments presented in briefs and oral arguments. As such, the potential impact of implicit bias seems likely to reach across the judicial spectrum having influence on a variety of judicial decisions, whether of the "blinking" or the "staring" variety.

Judges naturally strive to reach decisions that are both correct on the merits and correct from an ethical perspective. Implicit biases can potentially impair the ability of judges to reach correct decisions from either perspective. Simply recognizing the possible influence that implicit biases can have on judicial decision-making affords judges one more opportunity to carefully consider all aspects of the decision to reach the most correct outcome from both perspectives. Recognition of implicit biases and the way in which they can impact decision-making is the first step toward seeking to eliminate whatever improper influences they might bring to the decision-making process.

III. MOVING FORWARD

If the first step is simply recognizing that implicit biases do exist and that they do influence decision-making, even in the best intentioned and most "consciously" impartial of judges, then the next step is to begin identifying potential means of limiting the impact of implicit biases. To that end, there is certainly reason to be optimistic.

\textsuperscript{40} See supra text accompanying note 27.

\textsuperscript{41} See supra text accompanying note 28.
Research suggests that people do have the ability to compensate in order to diminish the impacts of implicit biases.\textsuperscript{42} Among possible alternatives for facilitating this compensation are specific testing and training, exposure to stereotype-incongruent models, inducement of more effective deliberative thought processing, and increased post-decision auditing.\textsuperscript{43} While not an exhaustive list, these measures have all been proposed and, to some extent, evaluated by scholars studying judicial decision-making, implicit biases, and intuitive and deliberative thought processes.

A first possible effort to minimize or counteract implicit biases is to specifically test and train judicial decision-makers about their implicit biases.\textsuperscript{44} Testing for implicit biases might help judges better understand their own potential implicit biases and the extent to which those biases might influence their decisions.\textsuperscript{45} Training about implicit biases in general, how they most likely influence judicial decision-making and how their impact can be minimized, could become an important first aspect of the ever-growing world of judicial education.\textsuperscript{46} Because there are, to a large extent, significant judicial education programs in virtually every jurisdiction of the country, there is an existing infrastructure in which to incorporate implicit bias testing and training.\textsuperscript{47} The National Center for State Courts is currently undertaking a National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts, which is directed in part, at judicial education concerning implicit bias.\textsuperscript{48}

The concept of stereotype-incongruent modeling has been proposed by a number of scholars as a viable means of reducing the presence and impact of

\textsuperscript{42} Rachlinski et al., \textit{supra} note 39, at 1202.
\textsuperscript{43} \textit{Id.} at 1226; Guthrie et al., \textit{supra} note 24, at 35.
\textsuperscript{44} Rachlinski et al., \textit{supra} note 39, at 1227; \textit{see also} Green, et al., \textit{supra} note 3, at 1237 (suggesting tests for physicians).
\textsuperscript{45} Rachlinski et al., \textit{supra} note 39, at 1228.
\textsuperscript{47} Phase II of The National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts (developing national resources and provide technical assistance on implicit bias) began in Chicago Illinois, on May 18, 2010. The attendees included judges, attorneys, and other professionals with knowledge and expertise in the area of implicit bias, including Judge Irwin. The purpose of the meeting was to white board potential strategies and tactics to lessen the influence of implicit bias in the courts. The National Center for State Courts opines that much of the existing literature concerning implicit bias is not, for the most part, particularly effective for judges or is somewhat vague in terms of implementation in a courtroom setting. See NCSConline.org, http://www.ncsconline.org/D_Researchref/ (last visited May 15, 2010) (on file with the \textit{McGeorge Law Review}) (discussing two phases of The National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts).
\textsuperscript{48} \textit{Id.} Another possible aspect of judicial education might involve the use of objectivity cards distributed at judicial education seminars. \textit{See} Appendix B (giving examples of objectivity cards).
implicit biases.\textsuperscript{49} Stereotype-incongruent modeling involves taking affirmative steps to expose decision-makers to situations and examples that specifically contradict the impressions most suggested by their implicit biases.\textsuperscript{50} For example, if a particular decision-maker has an implicit bias that prompts an unfavorable impression or response toward a particular race, increased exposure to positive examples of that race might work to diminish or counteract the negative implicit biases toward that race.\textsuperscript{51} If a judge’s sentencing decisions suggest a negative implicit bias toward black defendants, affirmative steps to expose the judge to more positive black role models, such as colleagues, could have a positive effect on the impact of the implicit biases.\textsuperscript{52} Once an individual judge’s implicit biases are identified, comparable stereotype-incongruent modeling scenarios could be proposed.

Because some research concerning the CRT suggests that increased deliberative thought processing can correct initial mistakes in intuitive judgments, it is possible that inducing more deliberative thought processing will provide some benefit to counteract the influence of implicit biases on intuitive judgments.\textsuperscript{53} While not an exhaustive list of possible steps, more effective deliberation could be increased through steps to expand the amount of time judges have to make decisions, steps to alter the frequency with which judges need to issue written decisions explaining the rationale supporting the decision, and taking steps to reallocate decision-making between judges and juries or utilizing more multi-judge panels.\textsuperscript{54} Each of these steps would foster the opportunity for more deliberative thought processing as a means of evaluating or reducing reliance on intuitive judgments.

Finally, a system of post-decision auditing could be useful.\textsuperscript{55} Judicial decisions could be reviewed by a diverse group of auditors to look for signs of implicit biases’ influences.\textsuperscript{56} Jurisdictions could adopt a sort of peer-review process to evaluate decisions for effective impartiality and provide feedback.\textsuperscript{57} Even without utilizing diverse auditors or peer-review programs, providing judges with statistical data and breakdowns concerning past decisions will allow an individual assessment of trends and influences of implicit biases.\textsuperscript{58}

\textsuperscript{50} Kang & Banaji, supra note 49, at 1105.
\textsuperscript{51} Id.
\textsuperscript{52} Id. \textit{But see} Rachlinski et al., supra note 39, at 1226-27 (“Our results, however, also raise questions about the effectiveness of this [stereotype-incongruent modeling] proposal.”).
\textsuperscript{53} See Guthrie et al., supra note 24, at 28 (noting that judges can overcome their intuitive reactions).
\textsuperscript{54} Id. at 33-40.
\textsuperscript{55} Rachlinski et al., supra note 39, at 1230.
\textsuperscript{56} Id.; Guthrie et al., supra note 24, at 39.
\textsuperscript{57} Guthrie et al, supra note 24, at 39.
\textsuperscript{58} See id. (“If peer-review process is infeasible, courts could at a minimum record and provide judges with outcome on data on relevant decisions—for example, whether a defendant released on bail actually
IV. CONCLUSION

It is human nature to desire and believe that we act free of prejudices and biases. For judges, it is also a matter of professional identity to be impartial arbiters of problems presented for resolution. Few would admit to making consciously biased decisions, especially ones motivated by negative biases. But the human mind is a complex mechanism, and research strongly suggests that regardless of conscious or avowed biases and prejudices, most people, no matter how well educated or personally committed to impartiality, harbor some unconscious or implicit biases. The degree of those implicit biases as well as their impact on either intuitive or deliberative decisions is certainly subject to debate, and likely fluctuates greatly from person to person. Nonetheless, those biases exist.

If knowledge is power, simply recognizing the prevalence of implicit bias and being open to the possibility that it is influencing our decision-making should be the first step toward empowerment. Once acknowledged and thoughtfully considered, the impacts of implicit biases can hopefully be reduced through a variety of actions. The effectiveness of steps to reduce or eliminate implicit biases’ effects on judicial decision-making has yet to be thoroughly studied. But this topic—implicit bias and its role on the judiciary—is a topic on the horizon and is likely to become an area of significant discussion and study in the very near future. John Erskine, in the Introduction to American Character and Other Essays, provided the following comment on his own essay The Moral Obligation to be Intelligent:

[T]o be as intelligent as we can is a moral obligation . . . intelligence is one of the talents for the use of which we shall be called to account . . . if we haven’t exhausted every opportunity to know whether what we are doing is right, it will be no excuse for us to say that we meant well."

appeared for trial. Armed with this feedback, judges might be better able to learn what they are doing well and what they are doing poorly.

59. See supra notes 19-20 and accompanying text.
60. See supra notes 44-58 and accompanying text.
61. John Erskine, American Character and Other Essays vii-viii (1927).
Appendix A: National Center for State Courts Campaign

IAT Studies Showing Validity with “Real-World” Subject Populations

VOTER BEHAVIOR

Among undecided voters assessed one month before a local Italian election IAT measures of implicit political attitudes successfully predicted subsequent voting behavior.


An IAT measure predicted future shift in judgments about desirability of enlarging a U.S. military base in Vicenza, Italy, for 129 residents who initially reported themselves as undecided.


Votes by self-reported undecided voters in a representative sample of Italian voters (the ITANES survey) were predicted by their IAT measures of liberal–conservative ideology.


IAT-measured White race preference, assessed in the last week before the U.S. 2008 Presidential Election, significantly predicted intention to vote for John McCain, and did so independently of political conservatism.


A natural experiment of random assignment of gender quotas for leadership positions on Indian village councils showed that presence of women leaders reduced IAT-measured stereotypes that associate male more than female with leadership.


62. To view this compilation of references to IAT predictive results in a large variety of real-world populations online see http://faculty.washington.edu/agg/pdf/37.Real-world_samples.21May2010.pdf (last visited July 10, 2010).
MENTAL HEALTH

A suicide-ideation IAT differentiated among adolescents who were nonsuicidal, suicide ideators and suicide attempters.


A self-injury IAT differentiated non-self-injuring from self-injuring adolescents and improved the prediction of self-injury beyond that achieved with demographic and psychiatric predictors.


An IAT measure of association of self with death distinguished suicide attempters from other psychiatric emergency room patients and also predicted suicide attempts by these patients in the following six months.


An IAT measure of phobic reactions to spiders differentiated spider-phobics from controls and showed reduction in phobic associations following exposure therapy.


In a sample of patients meeting DSM-IV criteria for panic disorder, an IAT measure of panic-related associations predicted severity of panic symptoms, agoraphobic avoidance, and distress in response to panic stressor.


In a sample of persons diagnosed with panic disorder, change in a panic IAT over the course of a 12-week treatment predicted subsequent change in panic symptoms.

An IAT measure of self–shame association significantly distinguished a sample of 60 women meeting diagnostic criteria for borderline personality disorder (BPD) from a comparison sample of healthy women (N = 60).


In a sample of women who met diagnostic criteria for borderline personality disorder (BPD), an IAT measure of self–anxiety association significantly distinguished 23 diagnosed with comorbid posttraumatic stress disorder (PTSD) from the comparison group (N=37) not diagnosed with comorbid PTSD.


Patients (N=75) being treated for mental illness completed a Brief IAT measure of association of mental illness with shame. Those with stronger shame associations to mental illness also believed that discrimination against the mentally ill was more justified.


Among mental health professionals judging clinical vignettes, stronger IAT-measured negative associations with “mentally ill people” predicted over-pathologizing (diagnosing mental illness for which no symptoms were present).


A study of 2,329 Dutch patients (aged 18–65) with depression and anxiety disorders establishes that IAT-measured self-depressive associations and self-anxious associations predicted these disorders differentially and independently of parallel explicit (self-reported) measures.


In the study of 2,329 Dutch patients, IAT depression and anxiety measures significantly correlated with suicidal ideation and past suicide attempt;
interactions between the IAT measures and parallel explicit beliefs explained criterion variance beyond that explained by the explicit measures.


**MEDICAL**

ER and general internal medicine resident physicians’ implicit bias against Black patients predicted fewer recommendations for thrombolysis for Black than White myocardial infarction patients.


The laboratory of Reinout Wiers in Netherlands has produced numerous results showing the use of IAT measures in understanding adolescents at risk to develop serious alcohol and other drug problems. Here are a few references to this large body of work.


An IAT measure of attitudes of 5th-grade children toward smoking showed variations as a function of parental smoking, and was responsive to effects of tobacco-prevention activities.

An IAT measure of physicians’ implicit race bias, in combination with a measure of their self-reported bias, predicted patients’ satisfaction with the patient–physician interaction.


A sample of medical doctors selected from a larger group of persons who completed Black—White race IATs on the Internet, showed an implicit preference for White Americans relative to Black Americans.


**EMPLOYMENT & JOB PERFORMANCE**

IAT correlated with hiring managers' ethnic bias in inviting Swedish vs. Arab–Muslim job applicants for hiring interviews.


An IAT measure of implicit bias against injecting drug users (IDUs) predicted intention to change jobs of nurses working with IDUs.


An IAT measure of Australian pilots’ attraction toward risk-taking behavior (e.g., low-altitude flight) was the best predictor of their engaging in risky behavior in a flight simulator test.


**DEVELOPMENT & EDUCATION**

Nation-level aggregate IAT measures of a gender–science stereotype predicted nations’ sex differences in 8th-grade science and mathematics achievement, supporting the possibility of a causal role of the stereotypes in creating the sex differences.

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Mothers’ (but not fathers’) IAT-measured Black–White race preference predicted racial preferences of their 3-to-6-year-old children, but parents’ self-reported race attitudes did not predict their children’s preferences.


A study of 247 children in 1st through 5th grades showed that, as early as 2nd grade, IAT measures showed the American cultural stereotype that math is more for boys than girls.


**FORENSICS**

Among sex offenders (N=46) living in a halfway house, those rated as in danger of relapse by their therapists, and those rated to be exclusively pedophile, showed greater child-erotic association than did their contrast groups.


An IAT measure revealed that pedophiles have an association between children and sex, whereas nonpedophilic offenders have an association between adults and sex.


The IAT method successfully distinguished truth-tellers from criminal liars, including drug users, traffic offenders, and murderers.

In a small sample (N=14) "when a doping substance was detected in the hair of an athlete who denied doping use, their self-report ... negative attitude ... contrasted sharply with a more positive estimate of their implicit doping attitude."


RELATIONSHIPS

An IAT variant (GNAT) measure of romantic attraction successfully predicted the resistance to breakup of committed relationships.


In an experience sampling study of gays, lesbians, and bisexuals (N=31), an IAT measure of anti-gay implicit attitudes predicted greater rumination, emotion suppression, and psychological distress in response to stigma-related stressors.

Appendix B: Sample Judicial Education Objectivity Cards

Perfect objectivity is an unrealistic goal; fairness is not.

Objectivity requires taking subjectivity into account.

Objectivity resides in recognizing your preferences, then subjecting them to especially harsh scrutiny.