

# Judging

By Sharon J. Arkin



I've been hearing and reading a lot about bias recently. Because I am in the current MCLE compliance group, I've had to listen to MCLE presentations on bias in the law. And this edition of the *Forum* also deals with both ethics and bias.

In being immersed in the issue lately, a couple of things struck me that I think bear repeating here: Everyone – and I mean EVERYONE – has biases. It's hardwired into our brains to favor people who look like us and act like us. It's a survival mechanism. And that's fine. Nothing inherently wrong with that. The trick is not to allow that inherent bias to affect, control or impact our *actions*. As the presenter in one bias MCLE program I listened to noted, "bias"

is both a noun and a verb. Our goal should always be – in every circumstance – to avoid putting our biases (noun) into action and converting them into a verb.

Is it easy? Of course not. The hardest part of becoming civilized beings is overcoming the negative "lizard" tendencies of the primitive amygdala area of our brains. Is it worth it? Absolutely! The anger and hostility that is currently (and horribly) dividing our nation right now exemplifies the importance of doing so. Martin Luther King, Jr. explained the problem: "People fail to get along because they fear each other; they fear each other because they don't know each other; they don't know each other because they have not

communicated with each other."

And that's the key – communicating with each other; finding out who "the other" is, what they care about, what's important to them. Such communication usually results in the astonishing discovery that "they" are just like "us" – they care about family, community, taking care of those in need.

In this edition of the *Forum*, Stacey Cutting provides exceptionally clear insight into the bias in our profession from the perspective of a woman. I'm sure any number of our members, whether men or women, could give similar testimony about the effect of race, religion, national origin, and those with other "differences" on how they are perceived and treated, both in our profession and outside it.

But if we always take a step back, and make an effort to judge each person not on our stereotypes or external perceptions, but simply on their individual value as a human being – smart, hard-working, kind, funny, optimistic, inventive, creative, musical, generous, willing to learn – and if we are willing to *communicate* with them on that level, we can improve ourselves individually, as a community and as a world.

Recognize that you have biases. And the next time you evaluate a person – any person, professionally or not – remember your biases and do your best to make your evaluation on the basis of who that person actually is, not who your bias tells you they are. That's all it takes. ■

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