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Outline & Materials

Session 17 - Bridge Over Troubled Water: The Arch of Ethics

It is easy to fall into ethically-troubled waters. Here, a series of lively skits will show us some of the daily challenges facing attorneys who practice before the fictitious Nirvana Public Utility Commission. The situations portrayed leave us to question: Will these lawyers slip into the muddy waters or steady themselves by clinging to the Model Rules of Professional Conduct?

Legal Instruction: Richard Collier, Esq.

Skit Production: Eve Moran, Esq.

Skit I - *Things Are Jumping At The Bluebird Bar & Grill*

Resources:

Ex Parte Statutes - Tennessee (Tenn. Code Ann. § 4-5-304)

Model Rule 3.5

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;
- (c) communicate with a juror or prospective juror after discharge of the jury if:
 - (1) the communication is prohibited by law or court order;
 - (2) the juror has made known to the lawyer a desire not to communicate; or
 - (3) the communication involves misrepresentation, coercion, duress or harassment; or
- (d) engage in conduct intended to disrupt a tribunal.

Model Rule 8.4

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

Skit II - *What Are You Telling This Court?*

Model Rule 3.3

(a) A lawyer shall not knowingly:

- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
 - (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
 - (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

Model Rule 4.4

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Model Rule 8.2

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge,

adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

[Lawyer bullies: What to do about it - American Bar Association
https://www.americanbar.org/publications/youraba/.../bullying-by-and-of-lawyers.htm...](https://www.americanbar.org/publications/youraba/.../bullying-by-and-of-lawyers.htm...)

[I'm a Lawyer, Not a Fighter: Conquering Lawyer Bullies | Litigation ...
https://apps.americanbar.org/litigation/litigationnews/.../080816-tips-lawyer-bullies.ht](https://apps.americanbar.org/litigation/litigationnews/.../080816-tips-lawyer-bullies.ht)

[Ninth Circuit Judges To Lawyer: Lying In Court Is Wrong, Mokay ...
https://abovethelaw.com/.../ninth-circuit-judges-to-lawyer-lying-in-court-is-wrong-mk](https://abovethelaw.com/.../ninth-circuit-judges-to-lawyer-lying-in-court-is-wrong-mk)

- Lackey, Michael E. Jr. and Minta, Joseph P. (2012) [*"Lawyers and Social Media: The Legal Ethics of Tweeting, Facebooking and Blogging."*](#) Touro Law Review: Vol. 28: No. 1, Article 7.
- *The Florida Bar v. Norkin*, 183 So. 3d 1018 (Fla. 2015) (lawyer disciplined, in part, for sending offensive and threatening emails).
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- *The Florida Bar v. Conway*, 996 So.2d 213 (Fla. 2013). A lawyer received a public reprimand after disparaging a judge in a public post online).

Skit III - Not A Happy Day At The Office.

Gift Ban statutes - Tennessee (Tenn. Code Ann. § 3-6-301 et seq.); Governor's Executive Order No. 20 (August 31, 2012)

Model Rule 8.4 (g):

It is professional misconduct for a lawyer to:

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

- *ABA Resolution 302 as amended (introduced by the Commission on Women in the Profession)*
http://www.abajournal.com/news/article/aba_takes_timely_stand_on_sex_harassment/
- *Hidden Harassment*
http://www.abajournal.com/magazine/article/hidden_harassment

- ABA Diversity and Inclusion 360 Commission Toolkits
<https://www.americanbar.org/groups/diversity/resources/toolkits/>
- Tennessee Lawyers Assistance Program

Portion of Talk on Implicit Bias & Discriminatory Behavior (EM).

Bias shows up in unexpected ways.

I have something to share that shows how unconscious bias creeps into our daily lives. That is, unless someone is aware of the situation and has the courage to bring it to the forefront.

In my hometown of Chicago, a new mayor, Lori Lightfoot, was elected to office on April 2 of this year. Shortly thereafter, Mary Schmich, a reporter for a local newspaper, wrote a column that began with these words:

In the past few weeks, I've heard a lot of people mention that [Lori Lightfoot](#) is short, and every time I do, I want to look the offender in the eye and hiss, "What does height have to do with it?"

Mary's column goes on to point out that:

In most fields of endeavor, certainly mental endeavor, physical stature shouldn't have anything to do with how anyone's aptitude is judged, and if it doesn't, why talk about it?

Obviously, Lightfoot's trailblazing qualities as a gay African-American woman have stirred more attention than the fact that she is what the world calls "short," a word often delivered with the condescension of a pat on the head.

But throughout the mayor's race, her height was an occasional low hum in the conversation.

Mary points out that, after the election, a business publication carried this line:

We've seen how, listed at 5-foot-1, she won't be pushed around, as if size matters."

Mary gives us a teaching moment:

Size shouldn't matter, and yet the impulse to mention it remains large.

Don't misunderstand. There's nothing wrong with noticing how people look. We all do it.

We notice skin color, hairstyle, body type. We notice when people are like us and, more commonly, when they're not. I notice when people are tall more quickly than I notice people my size. I don't think of my size at all until someone mentions it, which a surprising number of people feel compelled to do.

The problem isn't noticing the differences in others. It's judging and remarking on those differences when they're irrelevant, or should be.

Research shows that humans associate being tall — but not too tall — with being smarter, more authoritative, more powerful. Tall people are apt to be paid more. Many working women wear crippling high heels to appear taller and on par with men.

Mary is correct in observing that;

In the hierarchy of biases, the one against so-called short people isn't at the top. But there is a bias, one that equates physical stature with potential and achievement.

<https://www.chicagotribune.com/news/columnists/schmich/ct-met-mary-schmich-lori-lightfoot-short-20190405-story.html>

The whole of this article tells us that no matter age or height or weight or style of dress; no matter the country of origin, or gender, or color of our skin, or sexual orientation, or religion, or any other thing - no person deserves to feel less than because they are different from us. To the contrary, all of our individual differences are something to be explored, enjoyed, embraced and celebrated.

Oops! Remember when I gave you that opening quote from the movie, to wit:

We all are born with a certain package. We are who we are: where we were born, who we were born as, how we were raised. We're kind of stuck inside that person...

Well, I did not provide you with the complete last sentence.

It states, in full, that:

We're kind of stuck inside that person. and the purpose of civilization and growth is to be able to reach out and empathize a little bit with other people.

- Roger Ebert

<https://www.rogerebert.com/balder-and-dash/moving-through-empathy-on-life-itself>

There's a key word we often don't talk about: empathy. If we live with empathy, we raise up others. And, in the process, we lift up ourselves.

Other Resources:

<https://www.psychologytoday.com/us/blog/microaggressions-in-everyday-life/201011/microaggressions-more-just-race>

<https://equity.ucla.edu/know/implicit-bias/>

Skit IV - *Patricia's Dilemma*...A look at cognitive bias

Based loosely on:

Public Admonishment of Judge Gregory M. Caskey (California Commission on Judicial Performance - July 6, 1998).

https://cjp.ca.gov/wp-content/uploads/sites/40/2016/08/Caskey_98.pdf

Notes on Patricia's Dilemma: (EM)

In this skit, we see Patsy Line in the throes of making a decision. In the end, we can agree, it is not an ethical one.

Let's explore why and what happened here?

This part of the ethics program is a bit *avant garde* in that we'll look at Patsy's thinking processes more so than the ethics rules.

Research in behavioral ethics, as in behavioral economics, finds that people are far from completely rational in their decisions. Indeed, many ethical choices are made intuitively, by feeling, and in the heat of the moment.

In that moment, however, people are unconsciously influenced by cognitive biases, by unseen but real pressures, and by other situational factors.

This is why people with the best intentions, like Patsy here, can make poor ethical choices.

Common thinking biases, only some of which we'll review here, come into play in all aspects of our work. So, I submit, having an awareness of cognitive bias is highly important for all of our decision-making.

By definition, bias is a "tendency or inclination, particularly one that prevents unprejudiced consideration of a question." A cognitive bias refers to a 'systematic error' in the thinking process. Such biases are often considered a type of heuristic (essentially a mental shortcut). Heuristics allow us to make an inference without extensive deliberation and/or reflective judgment. And, as we see here, that is the problem.

Let's look at some common cognitive biases and their influence on Patsy's assessment of her ethical issue.

1. Framing the Issue

The first step in making a decision is to correctly "frame" the question at hand. This is the very point, however, where we often can go wrong.

How a person considers a situation can affect his or her understanding of the facts and influence the manner of analysis. (Economic choices, for example, can be presented in a way that highlights the positive or negative aspects of the same decision). Thus, how you set out the question for decision, is a highly critical thing.

In this skit, the only question for Patsy is whether under the professional rules and matters of fairness, opposing counsel should be copied on her response to the ALJ? But, she does not stop to analyze the situation in this manner. Patsy's mind is everywhere else. She concerns herself with pleasing the ALJ. She's focused on getting a win for her client. She wants to impress the partners at her firm. These pressures, and

other biases, muddle her thinking in such a way that she misses the ethical issue entirely.

Ethical fading (psychologist Anne Tenbrunsel) is a phenomenon that occurs when the ethical aspects of a decision disappear from our line of thinking. It happens when we, like Patsy here, focus heavily on other pressing things. By not stopping to frame the ethical issue thoughtfully and in the correct way, Patsy's analysis is skewed and will not bring about a correct decision.

Regulatory attorneys and ALJs should be very careful in how an issue for decision is being framed and argued. A good tip, is to set out the actual issue you'll be addressing in the form of a clear, precise and objective question at the very start. This will guide a strong & logical assessment of the evidence on the matter (and, as importantly, put all the parties on the same page).

2. Authority Bias

People have a tendency to try to please those in charge.

So too, psychological evidence indicates that people tend to respect and follow those whom they perceive to have legitimate authority. This, however, can lead to all sorts of ethical trouble.

The authority bias occurs when the opinions and instructions of an authority figure are unquestionably accepted and followed. Know that following people in positions of authority is, in many ways, a useful thing. It relieves us from the effort of thinking for ourselves.

A classic example of the authority bias is the famous and infamous Milgram experiment done in 1961. There, participants were asked by an authority figure (scientist) to administer an increasing level of electric shock to an individual whenever the answer to a question posited to the individual was incorrect. They were told the goal of the experiment was to see how the shock (delivered by turning up a dial) would affect learning. The alleged "learning subjects" were actors and did not really get shocked. But, they faked the pain. In this experiment, the people being directed to turn up the dial, and so administer painful shocks, were the actual test subjects. Regardless of the screaming and distress of the actors, more than 60% of participants turned the dial up, when urged by the scientist to do so.

This experiment showed that people do more uncomfortable and immoral things than they would even have imagined, if an authority figure directs them to do so. And, It has further been shown that many people can anticipate their superiors' desires and may act to please them... even without being explicitly asked.

In this skit, Patsy is dealing with an authority figure, the ALJ, and that is always a challenging thing. The ALJ has herself committed an ethical error by only emailing Patsy. But, Patsy does not acknowledge this or correct the situation. She fails to exercise her own independent thinking. Instead, Patsy makes excuses for the ethical breach and ultimately follows the ALJ's lead by replying only to her.

For our daily work, authority bias is the tendency to attribute great weight to the opinion of an authority figure (unrelated to its actual content) and be more influenced by that opinion. This extends to both experts and supervisors. So, the takeaway lesson is: Always look at the actual reasonableness of the position, argument or directive, and not to the person behind it.

3. Conformity Bias

The conformity bias is the tendency people have to behave like those around them. Instead of employing their own personal judgment, people seem to be more comfortable mimicking others.

For example, if others in our circle make good ethical choices, we follow suit. But, the opposite is also true. Psychologist Dan Ariely notes that: “Cheating is contagious. When we see others succeed by cheating, it makes us more likely to cheat as well.” The recent college admission scandal comes to mind. Were these rich folk sold on the idea that “others are successfully doing it?”

In this skit, Patsy looks to a partner at the firm, Mr. Seedy, as a model. He is an important and influential part of her circle. From what we perceive, Seedy is most concerned with relationships and less with ethics. And, Patsy certainly does not want to rock the boat. In her mind, Patsy’s question becomes “What would Mr. Seedy do in this situation? But, clearly, that is not the correct ethical standard.

In short, the conformity bias can cause people to simply follow the herd rather than use their own independent ethical judgment.

I submit that courage is often the most important value in ethical decision-making. Let’s be out front on this. It’s hard not to go along with the crowd. It’s difficult to break away from our circle. We avoid such conflict because it carries a social cost. So, in many trying situations, what we actually do, and what we actually say, depends on the courage we can muster.

The conformity bias is associated with Groupthink.

According to psychologist Irving Janis, groupthink is “a deterioration of mental efficiency, reality testing, and moral judgment that results from in-group pressures.”

People often find it difficult to think and act independently in group situations. Loyalty to the group often becomes more important than making the best choices. Indeed, dissent by group members may be discouraged and even lead to expulsion from the group. And, because people often want to avoid such punishments, they remain silent. But, this may not be a good or prudent thing.

4. Overconfidence Bias

The overconfidence bias is the tendency people have to be more confident in their own abilities, such as driving or spelling, than is objectively reasonable.

And, overconfidence bias also extends to matters of character.

In the skit, Patsy thinks to herself “I am a good person.” This thought, however, has nothing to do with the ethics of the situation.

Due to overconfidence bias, people often take ethical issues lightly. They simply assume, like Patsy here, that they have good character and therefore, will do the right thing in ethical situations.

But, and dangerously so, such overconfidence in our own “good” character can cause us to act without deep thinking about the issues. And, that is when we are most likely to act unethically.

So too, overconfidence in our abilities gets in the way that we look at evidence or conduct an analysis. Placing too much emphasis on our initial viewpoints is restrictive and may not have us arrive at the best decision.

5. Confirmation Bias

We all like ideas that are in agreement with our existing beliefs and with what we think we know.

Confirmation bias occurs when people either seek out or evaluate information in a way that fits with their existing thinking and preconceptions. This error in decision-making will have a person stop gathering information if the evidence that appears so far confirms what he or she would like to be true.

The effect of confirmation bias is that we only look for evidence that confirms what we already think or suspect and - detrimental to good and fair decision-making - we discount or ignore any piece of evidence that would support a different view.

In the skit, Patsy looks at a number of things that confirm her belief that a reply directed only to the ALJ is warranted in this situation. As such, she considers pleasing the all-important ALJ, getting a good result for her client, and the way Mr. Seedy would respond. But wait, Patsy does not take any account of the Professional rules or the State statutes governing ex parte communications. Yet, this is the very information she should seek out and reasonably rely upon in this situation.

Because of confirmation bias, we sometimes don't evaluate evidence or circumstances objectively or on the whole. We pick out those bits of data that make us feel good and smart. As Yale Law Professor, Dan Kahan reportedly put it, “People never miss evidence on their side.” But, our decisions must take complete account of the *full record* in a proceeding in both a reasonable and honest way.

6. Status Quo Bias

We don't like change.
We try to avoid it.

Status quo bias shows itself when people prefer things to stay the same by doing nothing or by sticking with a decision previously made. This is largely the case because decision-making is difficult. It requires a deep-thinking effort and who wants the extra work?

In this skit, Patsy does not add opposing counsel to her email response. She sticks with what the ALJ has done and takes no action to change the situation. For Patsy, not

copying opposing counsel is an easy, default position. It doesn't require her to assess and meaningfully weigh or consider the merits to taking a different (but correct) action.

Many of the decisions we encounter daily have a *status quo* alternative. And, a series of decision-making experiments show that individuals “disproportionately” stick with the status quo.

Two of the greatest minds in behavioral economics, Kahneman and Tversky observed that people feel greater regret for bad outcomes that result from new actions taken than for bad consequences that are the consequence of inaction.

While status quo bias is frequently considered to be irrational, sticking to choices that worked in the past is often seen as a safe and less difficult decision. And, status quo bias is also more likely to occur when we are faced with too many choices or high uncertainty in a given situation.

But, know that sticking with the status quo is detrimental to growth and innovation. As an ALJ, I often heard the attorneys to say “But we always do it this way.” This, to me, was a unreasonable argument. Now, I know why.

When things change, so must the ways in which we think about them. This means we have to do additional mental work. Hence, we try our best to avoid dealing with any change in our thinking processes. But, there will be times when we must reassess the continued value of a Commission practice, precedent-setting order or legal opinion. And, we must be prepared to meet the challenge by thinking soundly and deliberately about changing times and circumstances.

The Ways We Think

We want to do our work fast. We're often pressed into working fast by unrealistic deadlines. And, we often suffer fatigue from the countless decisions that need to be made each day - both at work and in our personal lives.

We make decisions in two different ways: intuitively and deliberatively.

Intuitive decision-making is instinctual and emotional. It is referred to at times by psychologists as System 1 reasoning. It engages the quick-thinking part of our brain.

Deliberative decision-making involves consciousness, effort, and time and is referred to at times by psychologists as System 2 reasoning. It is also sometimes called slow-thinking.

Both of these thinking models are valid but serve us in different ways.

The ability to think fast is arguably necessary for many situations. For example, we need to react automatically to a speeding car as we step off a curb.

In his 2011 book, “**Thinking, Fast and Slow**”, however, Nobel Prize recipient Daniel Kahneman asserts that most of the time people rely on swiftness — but it's actually the slowness that enables better decisions to be made. This slow-thinking occurs when we deliberately take to pencil and paper and work through an algebra problem or re-calculate data in an accountant's report.

Of course, System 2 requires that we have some clue as to our thinking bias' in order to avoid errors. This session intends to raises awareness of some of the biases we might fall victim too in our decision-making. I hope it inspires your further research of this hot and important topic.

I've mentioned Kahneman's book in most every ethics program since it's release. It's that interesting. It's that important. It is a "must read" for work and for life. And, it's now available in paperback. Further, Kahneman's work has inspired an abundance of articles, books & studies on cognitive bias and critical thinking that are found on the internet.

Another thing - Consider the Medium

In the skit, Patsy is communicating with the ALJ via email.

E-mail is a quick and easy means of communicating.

But, while email communication is widely popular, it is fraught with danger.

As one article reports, it is a quick means to "mismanage people, offend allies, embolden enemies, and cause turmoil where none is needed."

Too often, we initiate or respond to email communications with fast thinking.

So, as you already heard from Claudia Earls, be careful.

Be slow & thoughtful in all correspondence

1. Never disclose confidential information.
2. Use professional language
3. Don't criticize or attack people.
4. Never use profanity. (There are plenty of other words).
5. Watch your tone.
6. Don't employ humor (we're not as funny as we think).
7. Question what it is you are actually responding to.

Recognize too, that not every email needs a response or a response in that form. In short, we always have choices.

So:

1. Think if you really need to respond.
2. Think if you need to respond via email.

3. Never respond in kind to an angry, offensive or sarcastic email.
4. Don't respond quickly (avoid the heat of the moment)!
5. Read aloud what you wrote.
6. Review your response with trusted others.

The Perils and Pitfalls of Emailing and How to Avoid Them

<https://www.americanbar.org/groups/litigation/committees/professional-liability/practice/2017/the-perils-and-pitfalls-of-emailing-and-how-to-avoid-them/>

One Final Thing:

Let me spend a minute on yet another cognitive bias that, while not necessarily pertinent to the skit, may affect our daily lives.

Sunk-Cost Bias

A “**sunk cost**” is one that is already paid and can't be recovered. The sunk cost bias occurs when considerable time, money, or energy has been invested. So it happens that people will remain committed to an investment despite evidence showing that it is not achieving the desired result.

Because of the sunk-cost bias, we act irrationally:

1. We hold on to a ugly jacket that clutters our closet, because it was expensive.
2. We watch a bad movie right up to the end, because we spent money for the ticket.
3. We finish an unappetizing meal at a restaurant because, hey, we're paying good money for it.
4. We allow tell-tale signs of a bad relationship slide and are unable to walk away, because, after all, we've emotionally invested three years in that relationship.
5. We stick with a questionable argument or position on brief because of all the time and effort we already expended on drafting it.

The sunk cost fallacy drives the desire to “make the most” of our spent resources. Our aversion to losing, as studied by Kahneman, makes us irrationally cling to the idea of “regaining” something that is already lost.

Understanding a bit about sunk-cost bias, however, may free us to engage sound reason, know to cut our losses and, ultimately, better our lives.

- We can now walk out of a bad movie regardless of the ticket price because, hey, our time is more valuable.
- We can admit a relationship is not working and open ourselves to new possibilities.
- We can admit an argument is failing and use what we learned to draft a more reasonable and sustainable position.

Closing:

The purpose of this session is to encourage reflective judgment and slow critical thinking in both ethical situations and all our daily work. This is in our power!

Or, as Maya Angelou says:

“Do the best you can until you know better. Then when you know better, do better.”

Skit IV material sources: Cognitive bias in decision-making

- Daniel Kahneman (2010), *Thinking, Fast and Slow*.
- <https://philosophyterms.com/cognitive-bias/>
- Ethical Fading - Ethics Unwrapped
<https://ethicsunwrapped.utexas.edu/glossary/ethical-fading>
- <https://www.behavioraleconomics.com/resources/mini-encyclopedia-of-be/framing-effect/>
- Why slow thinking wins - The Boston Globe
<https://www.bostonglobe.com/ideas/2015/07/25/the-power-slow-thinking/.../story.htm...>
- <https://www.psychologytoday.com/us/blog/thoughts-thinking/201708/18-common-logical-fallacies-and-persuasion-techniques>
- 12 Common Biases that Affect How We Make Everyday Decisions | Psychology Today
<https://www.psychologytoday.com/us/blog/thoughts-thinking/201809/12-common-biases-affect-how-we-make-everyday-decisions>
- How Sunk Cost Fallacy Applies To Love : NPR
<https://www.npr.org/2015/02/13/385948508/how-sunk-cost-fallacy-applies-to-love>
- 58 Cognitive Biases that screw up everything we do
<https://www.businessinsider.com/cognitive-biases-2015-10>
- <https://www.forbes.com/sites/margiewarrell/2015/09/14/sunk-cost-bias-is-it-time-to-move-on/#5f4ddb4c3cff>

- <https://www.uclalawreview.org/pdf/60-6-6.pdf>
- <https://www.nature.com/news/modern-milgram-experiment-sheds-light-on-power-of-authority-1.19408>
- Melinda Fouts, Ph.D., *Overcome Biases And Blind Spots In Decision Making*, <https://www.forbes.com/sites/.../overcome-biases-and-blind-spots-in-decision-making/>
- When Not to Trust Your Gut: Cognitive Bias in Legal Decision-Making ... <https://www.lawpracticetoday.org> › Articles14
- Justin D. Levinson, Mark W. Bennett & Koichi Hioki, “Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes,” 69 FLA. L. REV. 63 (2017)
- Could mindfulness improve judicial decision making? <https://www.apa.org/monitor/2014/03/jn>