

Gender Inclusivity in the Courts: How to Treat Everyone with Fairness, Dignity, and Impartiality

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Readers' Guide

The **Mustard** roman numerals are endnotes.

Anything Underlined is a hyperlink.

Sentences in **Purple** are main themes/ideas/concepts.

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Introduction



The legal profession has long valued grammatical precision and celebrates the wordsmithing ability of its field. Anecdotally, it is common for first-year law students to be told in their legal writing courses that cases have been won or lost on a comma. Contract drafting, briefs, and memoranda require exactness to hold legal authority and persuade parties to your viewpoint. Why then, has the legal field not taken the lead on gender inclusivity in all its writings?

Gender inclusivity is not a new concept for the courts and is something that they are already doing.

Now is the time to expand the work that has already happened within the binary genders and include all genders. This is a necessary step for courts to be able to be impartial, accurate, and precise triers of the law.

"Instead of allowing language to construct how we view the world, we could push in the other direction, questioning how we can reflect our world through our choice of language."

[i] Using correct pronouns is a matter of accuracy and precision, two values that the legal community holds in high priority. Courts should consider this as they update materials for accuracy.

At a minimum, when judges, court and clerk staff, and other justice system partners communicate with court users, they should use gender-inclusive language as much as practicable. Courts should make it common practice in both oral and written communications.

*** Use they/them unless you are aware of one's specific gender preferences. (It is okay to ask someone for their pronouns).**

*** Consider adding a pronouns field in standardized forms.**

*** Make writings more accurate by being inclusive and be responsive to legal changes.**

*** Consult with native language speakers to reflect inclusivity in translated court communications.**



[1] This phenomenon is known as the English Metaphorical Gender, which you can read more about [here](#).

Gender is something that is all around us and engrained in our society, culture, and language. We name and gender everything from hurricanes to ships and nations. [1] For many Americans who question how to express their gender, or are not comfortable with how others gender them, gender is something they must confront regularly. Using someone’s correct pronouns has a measurable effect on how they interact with someone and their mental well-being. It also makes a difference in society’s perception of courts.

The history of misgendering does not exclusively apply to nonbinary and transgender communities. Concerted efforts have been made to ensure that the traditionally masculinized words in English become gender-neutral to reflect an evolving world where women are increasingly represented in every field. Historically, the masculinization of society has been the norm and is even reflected in the way we talked about humans, referring to them as man or mankind. The masculine bias was also prevalent in the positions and occupations that historically were only open to men such as policeman, chairman, fireman, etc. [ii]

Say	Not
Police Officer	Policeman
Chair	Chairman
Humankind	Mankind
Staffing	Manpower
Congressperson	Congressman
Artificial	Man-made
Representative	Spokesman

Gender identity is tied to an individual's sense of being. Names and pronouns are two ways that people express this. Words have power and using the right terms can "affirm identities and challenge discriminatory attitudes," while the wrong terms can "disempower, demean, and reinforce exclusion." [iii]

"Pronouns are words that take the place of a noun and tend to correlate to gender identity in the third person: he, she, they, ze..."

Misgendering is disrespectful, causes embarrassment and humiliation, expresses social subordination, deprives individuals of privacy, threatens their safety, is dehumanizing, deflates credibility, obscures understanding, and infringes and curtails the autonomy of gender minorities. [iv] Misgendering causes a host of psychological and physiological injuries and is a form of microaggression.

The anxiety that misgendering causes when it happens builds into extreme stigmatization and causes psychological and emotional distress over time. [iv] Misgendering causes lower self-esteem and increased negative views of self, including increased rates of hopelessness, apathy, depressive symptomology, and suicidal ideation. [iv] Not using the correct pronouns trivializes a person's experience and attempts to invalidate the internal experiences one may have. This constant invalidation by way of misgendering causes emotional distress, depression, and PTSD, and is considered a form of psychological abuse. [iv]

Microaggressions are defined as "subtle forms of discrimination that communicate hostile or derogatory messages particularly to and about members of marginalized groups." [iv]

Using the wrong pronoun for somebody is just as incorrect as using the wrong name to accurately identify an individual.

Linguists deem English a “natural gender” language, meaning that there are gendered pronouns, but our nouns are not gendered as in other languages. [v] The introduction of gendered language into the lexicon reflects gendered biases.

The gender bias leads to a favoring of the “masculine.” In a recent study, researchers found that Americans are significantly more likely to perceive an illusory face (like the outlet pictured here) as male. [vi]



These associations begin to form from a young age and are reflected in English literature. In a study about the gendering of inanimate characters in children’s books, researchers found that inanimate objects were frequently masculinized unless the object had perceived “feminine” qualities. [vii] **It is important that courts do not unnecessarily gender nouns, and that they use proper pronouns.**

Because English does not naturally have gendered nouns, usage of gender-neutral nouns decreases gender bias and sexism. [viii]

The issue is not that we should never use gender/gendered pronouns. The issue is when we assume the gender of a known or unknown person. In general, “they” is a great pronoun to start with. When speaking to someone who has clearly and expressly indicated they use certain gendered pronouns, use those gendered pronouns.

Courts, as finders of fact and appliers of law, must concern themselves with the proper way to address and serve all Americans, regardless of gender. **Attorneys and judges are bound by ethical rules requiring them to treat all participants with respect and dignity.** With the multitude of state laws and approaches to gender identity, it is increasingly important that courts have a unified way to address and discuss these issues. This toolkit will inform courts on what they can do now to make all court users feel safe, seen, and heard in court proceedings.

Definitions



Definitions

For the purposes of this toolkit, we use the following definitions. However, these definitions are not all-inclusive, and some people may use words not included here to define their gender identity.

Cisgender: An adjective used to describe a person whose gender identity is aligned with the sex they were assigned at birth. [ix] Sometimes shortened to cis, but only after the use of cisgender.

Gender: The social and cultural differences rather than biological ones that are also used more broadly to denote a range of identities that do not correspond to established ideas of male and female. [x]

Gender Binary: Gender distinctions divided into two categories, namely women and men or feminine and masculine. [xi] Also referred to in shorthand as “the binary.”

Genderqueer: Denoting or relating to a person who does not subscribe to conventional gender distinctions but identifies with neither, both, or a combination of male and female genders. [x]

Gender Expression: External manifestations of gender, often expressed through a name, pronouns, clothing, haircut, voice, and/or behavior. [ix]

Gender Identity: A deeply held knowledge of one’s own gender. Gender identity is not visible to others. [ix]

Gender-Nonconforming: Denoting or relating to a person who has a gender outside the binary. [i]

Man: An encompassing adjective to describe both cisgender and transgender men.

Nonbinary: An adjective used to describe a person who experiences their gender identity and/or gender expression as falling outside the binary gender categories of “man” and “woman.” Sometimes nonbinary is shortened to enby. [ix]

Sex: The main categories that humans and most living things are divided into on the basis of their reproductive functions. [x]

Definitions

Sex Assigned at Birth: The sex assigned to an infant at birth based on their external anatomy. [i]

TGNC: An umbrella term for transgender and gender-nonconforming people. [i]

Transgender: An adjective to describe people whose gender identity differs from the sex they were assigned at birth. [ix] Sometimes shortened to trans, but only after the use of transgender.

Transgender Man: Can be used to describe a man who was assigned female at birth. [ix]

Transgender Woman: Can be used to describe a woman who was assigned male at birth. [ix]

Woman: An encompassing adjective to describe both cisgender and transgender women

Part 1:

Using Inclusive Language with the Public & Internally

HELLO

MY PRONOUNS ARE





HOW TO MAKE GENDER-AFFIRMING LANGUAGE PART OF YOUR COURT'S ETHOS

1. Make it common practice to ask everyone for their pronouns on the first encounter.
2. Never assume someone's gender.
3. When writing about or to an unknown individual or group of individuals, use gender-neutral pronouns and nouns.

1. ASKING FOR PRONOUNS

In English, pronouns can be a signifier of gender, and as such, are often a vehicle for misgendering, particularly during a first interaction. **It is always okay to ask someone what pronouns they use. It is a sign of respect and shows that you will honor their gender identity.** [xii] Do not only ask this question to people you assume do not use traditional binary pronouns. This may make a person uncomfortable, be offensive, or be discriminatory.

Whether on the phone, over zoom, or in person, ask “What are your pronouns?” or “What pronouns do you use?” Do not ask “What are your preferred pronouns?” Calling pronouns “preferred,” minimizes their validity and can erase people’s experience with gender. [xii]

Make it common practice to ask everyone for their pronouns on the first encounter, so you don't single anyone out.

One way you can make asking for someone’s pronouns less uncomfortable is by introducing yourself with your pronouns. You can also include your pronouns in your zoom display name and in your email signature. You should do this regardless of what pronouns you use. It signals safety for others to express their gender and eliminates the possibility of someone misgendering you. Note that some people may be exploring their gender identity and may not be ready to share their pronouns. That's okay too! Use they/them pronouns until they tell you what they are comfortable with.

HELLO
my name is

NAME
(Pronouns)

Introduce yourself by saying, for example, "Hi, my name is Andy and I use he/him pronouns. What's your name?"

Pronouns

Remember that there are many pronouns. Some people who do not identify along the gender binary use “they.” [2] For a great discussion on why this matters, check out [this tiny chat](#) featuring Chief Justice Gonzalez and Chief Justice Robinson on creating a shared language. Others may use neopronouns. Neopronouns include ze/hir (pronounced zee/heer) and xe/xem (pronounced zee/zem). Some people use multiple pronouns. For example, he/they, also known as rolling pronouns, which may be used interchangeably. [xii] Use these pronouns in the same way you would use “she/her” or “he/him” when speaking and in writing.

Remember: someone’s pronouns are never preferred, but rather just are. You should say someone “uses she/they pronouns” not that they “prefer she/they pronouns.” Want to learn more about pronouns? Check out, [Practice with Pronouns](#)

SHE	HER	HERS
HE	HIM	HIS
THEY	THEM	THEIR
ZIE	ZIM	ZIR
XE	XEM	XIR

As you get familiar with and make correct pronouns part of your normal practice, do not be ashamed if you mess up. **If you do make a mistake or notice that someone is being misgendered by your coworkers, politely correct the error and then move on.** Do not dwell on it or excessively apologize, as this can be uncomfortable for the misgendered individual. [xiii]

[2] Some grammarians have balked at the use of “they” as a singular pronoun, however, the [Merriam-Webster Dictionary](#) has included the use of they as a singular pronoun since 2019. Additionally, [writing experts](#) say “they” may be used to; “(1) replace he or she, (2) refer to collective nouns, and (3) respect gender identities.” These uses of they have also been recommended by the American Psychological Association, including in their writing and citation guide. [i]

2. NEVER ASSUME GENDER

Never assume someone's gender. Gender identity is not something you can see.

Some members of the TGNC community use gendered pronouns, and others prefer the gender-neutral they/them. The purpose of using gender-neutral pronouns is to accurately reflect the spectrum of gender identities that people have. **Remember, lawyers and courts need to be precise and accurate in their writing and communication, and making assumptions that lead to inaccuracy is an avoidable mistake. Don't assume gender based on the way a person's voice sounds or on their appearance.** Frontline staff, such as clerks, bailiffs, and attorneys are often the first point of contact a court user has. They set the precedent.

One reason it is important to do this early is that if you assume someone's gender and use gendered pronouns to refer to them to your colleagues, it will be even harder to break that habit. **Remember that gender-affirming language does not remove gender from everything, but honors everyone's gender.** This means once you know someone's pronouns, it is not inappropriate to use their identified pronouns.

Never make assumptions about someone's gender. When you meet someone, use they/them pronouns until you know which pronouns they use. [i]





3. USING GENDER-NEUTRAL LANGUAGE IN COMMUNICATIONS

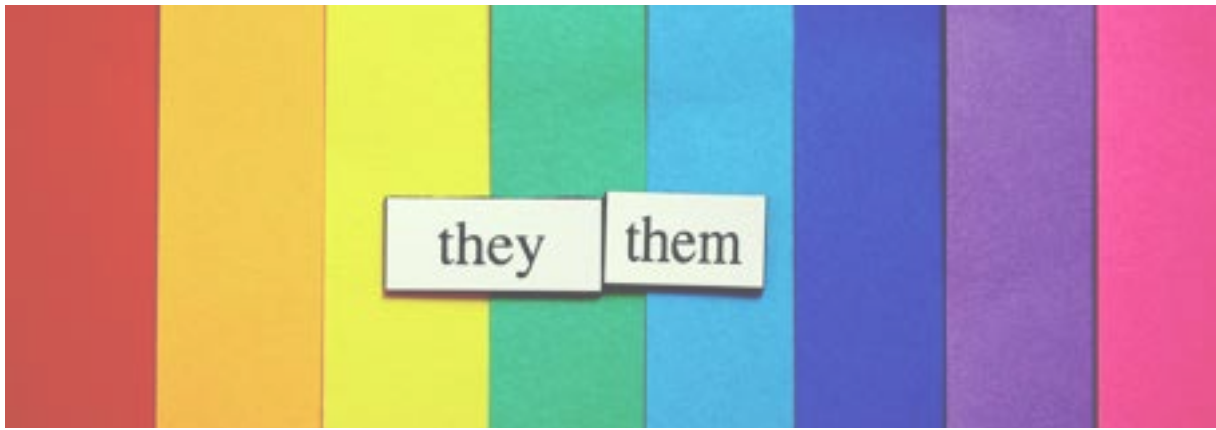
Whether the court is communicating with the public, or they are sending information internally, it is important that their communications are inclusive of all genders. When addressing a group of people, it is common to hear someone start by saying, “ladies and gentlemen.” While this has been considered a respectful way to address people, it is exclusionary of the TGNC community and reinforces the binary. Courts should be conscious of this as well as any other language that refers to the “opposite sex” or further emphasizes the binary.

When addressing someone whose gender is unknown, use the title Mx (pronounced mix) before their name. **[xiv] Changing habits of addressing someone with a new title should not be an unfamiliar practice as Ms. has widely replaced Mrs. over the past few decades.** In email salutations and at the start of calls there are many ways to make people feel welcome without using gendered language, such as “Hey All,” “Hey team,” or “Hello everyone”, which encompasses all the genders in the group email or phone call. Do not say “Hey Guys,” which is less inclusive.

Part 2:

Gender-Affirming Language in Court Practices & Proceedings





Gender-Affirming language should be used in all stages of the ethical practice of law.

1. Drafting Inclusive Legal Documents

When writing legal documents, consider the level of specificity that is needed when describing a person. Is gender relevant? If not, do not mention it. If it is necessary, use modifiers to be as specific as possible. [i] In legal drafting, there are three easy things that can be done.

1. First, simply repeat the noun (defendant on first and second reference),
 - a. "The defendant argues the bill was paid by the defendant on the last day of September."
 2. Second, pluralize the noun (saying defendant and then "they" on the second reference), or
 - a. The defendant argues that they paid the bill on the last day of September."
 3. Third, use paired pronouns (saying defendant first and then using that person's pronouns on the second reference). [xv]
 - a. The defendant argues that she paid the bill on the last day of September."
- NOTE: This version should only be used if the defendant's gender identity is known.**

To see how other countries are doing this click on them below



Canada



The UK



When drafting a form, communication, or written material that describes a group of people, consider the labels to use and the amount of specificity needed. **Do not use adjectives as nouns to label people (e.g. “the gays”).** [i] For a comprehensive style guide that addresses this and other issues, check out, [Language Please.](#)

In the fields of contract and form drafting, misgendering someone is a form of inaccuracy that could make the document void. [xvii] It is good business practice and is the future of legal drafting to use gender-affirming language, so simply ask individuals which pronouns they use in your first contact with them.

Say, “Gay men are at higher risk of eviction...”

Not: “The gays are at higher risk of eviction”

Say, “Transgender individuals face many challenges...”

Not: “The transgenders face many challenges...”

2. Respecting Gender in the Adversarial Practice of Law

According to ethical rules, which guide the practice of law, attorneys are instructed to treat their clients with respect and provide effective assistance of counsel. Attorneys do neither if they misgender their clients or other participants in the procedure. Judges should correct this behavior. [3]

Gloucester County v. G.G. is an excellent case study of how an attorney can respect a party's pronouns while not conceding any point of law. This 2016 case sought to address whether a transgender boy could use the boy's bathroom. The attorney for the school board used the pronoun "he" to refer to the boy in question in all his briefs and arguments. In a footnote, the attorney wrote that the use of male pronouns did not "concede anything on the legal question of sex for purposes of Title IX." [xvii] This attorney was able to reference the Defendant correctly and accurately while still providing the best arguments for their client.

[3] Three separate circuits have heard cases about pronoun issues, and all three have found that there is no constitutional obligation to use the correct pronoun. <https://www.virginialawreview.org/articles/some-notes-on-courts-and-courtesy/> (DEC 31, 202, 107 Va. L. Rev. Online 317) In the 5th circuit case, the issue is whether judges were required to compel lower courts to change a pronoun in a judgment and the court decided it was not necessary. <https://harvardlawreview.org/2021/04/united-states-v-varner/> However, two lawyers who submitted amicus briefs for the Supreme court case Gloucester County v. G.G., were rebuked by the court for using the wrong pronoun in the caption of the case. <https://www.edweek.org/education/a-supreme-court-rebuke-over-use-of-proper-pronouns-in-transgender-case/2017/03> They were told to refile with the correct pronoun as their briefs were inaccurate. Additionally, in the recent Bostock decision by the Supreme Court, the majority opinion authored by Justice Gorsuch used the correct pronouns for the party. This is the first time that the Supreme Court has used the correct gendered pronouns rather than gender-neutral pronouns in a decision about Transgender rights and signals to lower courts that respect and correctness should always come before personal bias. <https://www.virginialawreview.org/articles/some-notes-on-courts-and-courtesy/>

Part 3:

Gender-Affirming Language in Court Forms, Rules, and Orders

INCLUSIVITY




1. BACKGROUND

There are many steps that courts can take to make their forms, rules, and orders more inclusive. These steps are necessary to ensure the accuracy of court documents and further provide inclusion for the TGNC community. While much of the revision of statutes, codes, and constitutions will need to be done by the legislature, courts can do their part to ensure forms, documents, and orders are gender-affirming. Courts must also be prepared to reflect the changes that are being made to statutes and constitutions.

States and some federal agencies have taken steps to recognize the full spectrum of gender identity. On March 31, 2022, the federal government announced that it will issue gender-neutral passports and Social Security Cards with the "X" gender marker. [xviii] California, Colorado, Connecticut, Illinois, Maine, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, and Washington, the District of Columbia all issue US birth certificates with a "3rd gender" category, or X marker for those that don't identify on the binary.] [xix] There are currently 24 states that allow individuals to select an "X" gender marker on their driver's license or state ID. [xix]

For interactive maps and great information about the status of laws that affect the TGNC community check out, [lgbtmap](#) and the Transgender Law Center's "[Equality Map.](#)"

You can also check out the Human Rights Campaign's State Equality Index, found [here](#).



Currently, Oklahoma is the only state that forbids nonbinary gender markers on birth certificates [xix]



Many states have recognized the need to address these inaccuracies and are modifying their codes. According to the National Conference of State Legislatures, roughly half of the states have taken some steps already to ensure that their legal language is gender-neutral. These changes are happening at all levels of government and in all forms of legal documents.

New York and Rhode Island have amended their state constitutions to be gender-neutral, and states like Florida and Washington have done expansive revisions to remove gender-biased words from their laws. As of November 3, 2021, Oakland, Berkeley, Boston, Portland, Oregon, and San Diego have all passed city laws that require inclusive language in all laws and rules. The United States House of Representatives recently passed a resolution to make codes and rules gender-neutral. And, on January 20, 2021, President Biden issued an Executive Order mandating governmental agencies eliminate gender-biased language in their rules and prohibit sex discrimination.

For a closer look, in July 2021 Governor Newsom signed Senate Bill 272 (SB272) which will update parts of the California code to eliminate gender-specific references to various positions and titles within the legislature. The bill was prompted when CHP Commissioner Amanda Ray was the first woman to be appointed to the position, which was described with only masculine terms. To read more, click on California.



2. EXAMPLES OF NECESSARY REVISIONS

One area of law that has a particular need for revision is family law. When LGBTQ+ marriage was federally legalized in 2015, states that had not already legalized it had to revise marriage licenses, parenting plans, and other court materials to reflect the spectrum of couples getting married. Revising these legal documents was necessary because it was no longer accurate to only represent heterosexual cisgender couples.

The courts had to update and revise their materials to be responsive to this change in the law, as they would with any other change. This is not a new obligation for the judiciary, yet when it comes to gender inclusivity, this is an area where courts are lagging behind.

Similarly, many current court documents and forms include inaccuracies surrounding gender identity and traditional gender roles. **When describing a person's relationship with someone else, use the gender-neutral "partner," "sibling," "child," etc. instead of wife, brother, girl, etc. until you know the term the parties use. In general documents and laws, default to gender-neutral terms.**

In parenting plans and child custody matters rather than saying the "mother and father," you should default to "parents." If there is any reason to specify the role of the parent you should not assume the traditional roles of "wife," "husband," "father," "mother," etc. Instead, you can say "spouse," "partner," "parent," "parent giving birth," etc. **Once parties have self-identified, you should use the terms they have identified with.**

In July of 2021, Wisconsin passed a law that allows parents to identify simply as "parent" or "parent giving birth" on a child's birth certificate. [xix]

While family law is an obvious area of law in need of updating, all areas of the law should be revised to be inclusive and eliminate gender discrimination.

New York and California both have employment laws that mandate that employers must use an employee's pronouns and name that the employee uses. [xx]

3. PROACTIVE STEPS FOR COURTS

Courts should use plain language. All court communications, including forms and instructions, should be written in plain language. Plain language helps court users understand the purpose of the form and helps them fill out the forms more accurately. For resources on plain language, as well as a plain language glossary, visit this [NCSC site](#).

When writing about an unknown group of individuals, avoid the use of “he/she” and “he or she” because it implies a gender binary, and instead use the singular “they.” [i]

Courts should give participants an opportunity to identify their pronouns so that they are not inaccurately referred to by other participants or by the court. One approach Utah uses is to offer parties a chance to include a “Notice of Pronouns” in their court filing documents.

Say: “The defendant must bring their signed copy of the form...”
Not: “The defendant must bring his signed copy of the form...”
Say: “The defendant must bring their signed copy of the form...”
Not: “The defendant must bring his/her signed copy of the form...”

Courts should consider the right way to receive this notice in their jurisdiction, which could include providing a notice of pronouns on all court forms, not as a separate notice. Additionally, courts may wish to provide an opportunity for parties to circle their title and pronouns on forms.

Name _____
Address _____
City, State, Zip _____
Phone _____
Email _____

Check your email. You will receive information and documents at this email address.

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar # _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar # _____)

In the District Justice Court of Utah
_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner _____
v. _____
Defendant/Respondent _____

Case Number _____
Judge _____

Notice of Pronouns
 She / her / Ms.
 She / her / Mrs.
 He / him / Mr.
 They / them / Mx.

Part 4:

A Note on Translation and Gender-Affirming Language



TOLERANCJA

Languages all have unique structures and formatting, some of which make gender-affirming language a challenge. Many of the challenges stem from languages not having a gender-neutral set of pronouns and corresponding nouns. However, because courts should be using gender-affirming language in their English content, there is an imperative to keep the language inclusive when it is translated into various languages.

There are three main language types,

1. **Gendered languages, like Spanish with gendered nouns and pronouns.**
2. **Genderless languages, like Mandarin with no marked gender for nouns and pronouns, and**
3. **Natural gender languages, like English with gendered pronouns and genderless nouns. [v]**

All languages approach gender-affirming vocabulary differently and it is essential that courts consult with native language speakers to understand the best way to be inclusive in any given language. Additionally, courts should be cognizant of the colonization of language. Colonization of language occurs when cultural nuances around gender are either lost or intentionally destroyed in translation. This occurred with the erasure of identities like indigenous Two Spirits and Samoan Fa'afafine, to name only two. [v] **Courts should do their best to respect these gender identities and be mindful of them as they work on creating gender-affirming language, and as they translate documents into languages where these identities exist.**





For gendered languages, creating gender-affirming language is more difficult to achieve because their words are naturally gendered and have matching gendered pronouns. The four most spoken gendered languages are Hindi, Spanish, French, and Arabic. These languages all use the masculine form of nouns as the default grammatical gender. This means that when addressing a group, or if the gender of an individual is unknown, speakers will default to the masculine.

English is not the only language undergoing a change to be gender-inclusive and it is important that courts be aware of the proper forms of address in other languages. Sweden has created a gender-neutral pronoun of “hen.”

For example, in Spanish, the word for friend is “amigo.” If your friend is a man they are your “amigo.” If your friend is a woman, then you change the ending, and it becomes “amiga.” However, if you are addressing a group of friends with men and women in the group you use “amigos.” Only when you are addressing a group of all female friends can you say “amigas.”

The introduction and use of this pronoun have been shown to reduce gender bias according to a 2015 study. [xxi] They call this a “gender-fair language (könsmässigt spark)” and the neutral pronoun can be used instead of the “hon (feminine)” and “han (masculine)” pronouns. [xxii]

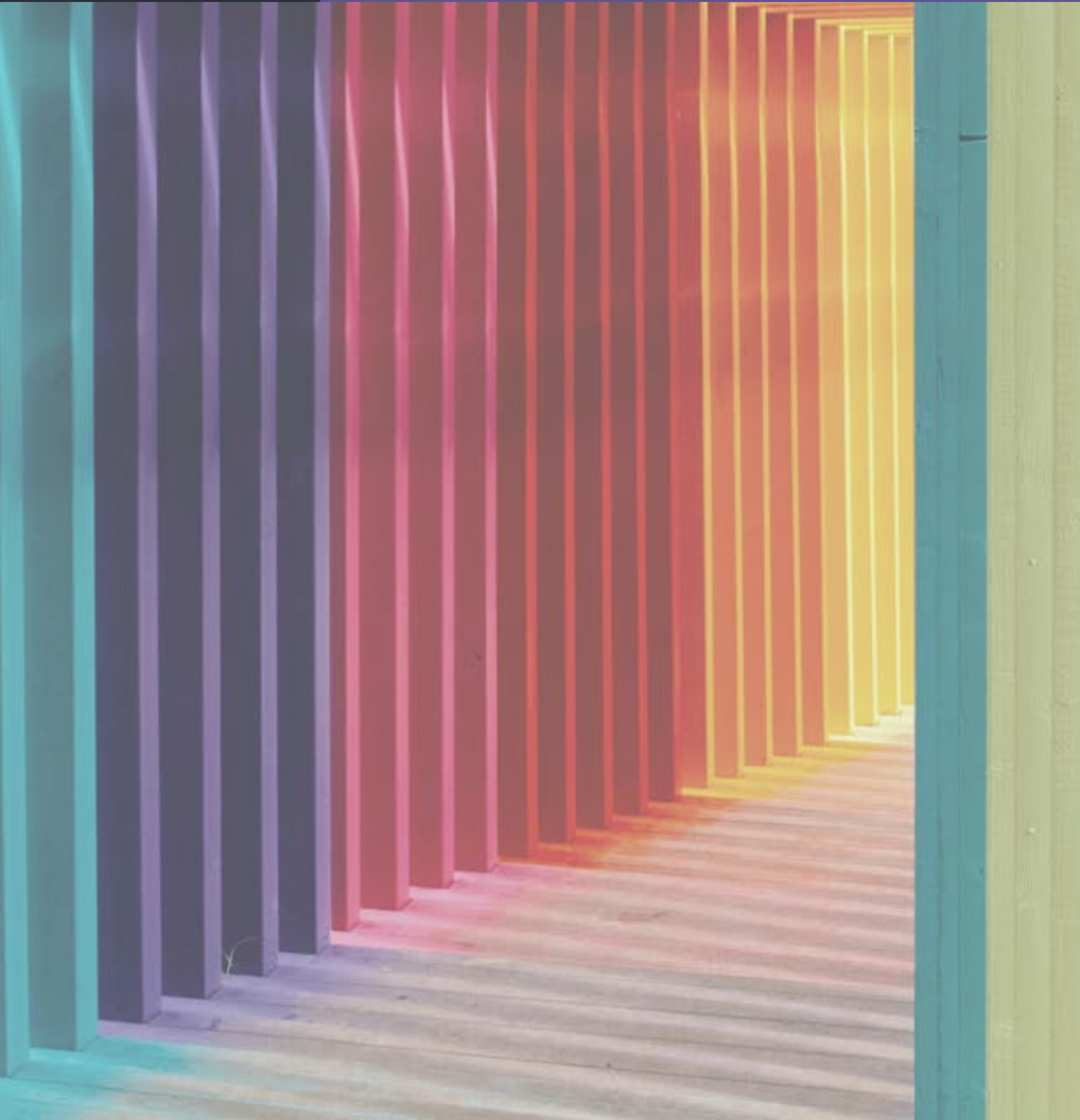
Spanish speakers have been trying to confront this issue as well, with different countries having different approaches. Young Spanish speakers in the United States have pushed for a genderless “x” ending to gendered nouns, activists in Spain are trying to get the constitution rewritten with an “@” ending to gendered nouns, and teens in Argentina are advocating for a genderless e ending for gendered nouns. [v] Issues arise with these solutions, however, because with both the x and @ endings, there is no clear or easy way for Spanish speakers to pronounce these words when speaking. **For this reason, the Real Academia Española, which is the official institution for the stability of the Spanish language, has added the genderless pronoun “elle” to its dictionary.** [xxiii] Youth in Argentina have enthusiastically adopted this change and used it for inclusion. [xxiv]

Courts should be careful, however, that they do not turn true gendered nouns genderless. Additionally, some words that are gender-neutral have colloquially been assigned a gender, so courts should be aware of that as they select the ending for the root word that is most correct. **It is always best to consult a native language speaker to know what is most appropriate.**

Following the same example above, amigo would become amige for the generic definition, a nonbinary individual, or for someone whose gender is unknown. It would also mean that you would use amigas for a group of friends, regardless of the gender of friends within that group.

The word for chicken in Spanish is gallina. This would never become gallino or galline, because there is a different word for rooster which is gallo. An example of a word that has been assigned a gender, when in reality the root is genderless, is the word for president. The official word for president is “presidente.” Spanish speakers have begun using the word “presidenta” to signal a female president. These words have been considered masculine because of gender biases and historical usage of only having presidents who are men, but in reality, should be used regardless of gender. (Some Spanish-speaking feminists argue that it is important to add the feminine ending to these genderless nouns to increase visibility, however, this erases the nonbinary and gender-non-conforming experience). [xxv]

Conclusion





CONCLUSION

Using gender-inclusive language is a matter of correctness, as much as it is a matter of respect, both of which the courts have a duty to concern themselves with.

Considering how to accurately and respectfully address court users must be incorporated into all court communication. Further, courts have an obligation to update forms, communications, and other writings to be in line with laws drafted by the legislature, which include the changing landscape of laws surrounding the TGNC community. In addition, courts should be mindful of the language they use and the perception that it gives. By continuing to make these simple changes to verbiage the courts will have the most precise language which is of paramount importance in the practice of law.



Endnotes

- i. APA Style Guide. Updated 7/2022, Retrieved 9/15/2022. From <https://apastyle.apa.org/style-grammar-guidelines/bias-free-language/gender>
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