

# Using Gender-Inclusive Language in Court

*This bench card offers language that affirms and respects everyone.*

The Model Rules of Judicial Conduct, Rule 2.3 states, "A judge shall perform the duties of judicial office... without bias or prejudice," "shall not by words or conduct manifest bias or prejudice... based upon gender..." and "shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, based upon attributes including ... gender."

- *ABA Judicial Rules of Conduct Rule 2.3,*  
(2020)

## Maintain Civility:

**You are responsible for maintaining civility.** You set the precedent with your introduction and the terms and language you use.

- If a lawyer, party, or witness refuses to respect someone's gender identity, **you have the authority and discretion to act.**
- If someone says that using gender affirming language is against their principles, **you can help find a solution.** For example, if an attorney says they are uncomfortable using opposing counsel's identified pronouns, **you can instruct them to call them "counselor" instead.**

## Set the Precedent:

**In your introduction or videoconferencing platform name, you may include your pronouns.** For example, **"I'm Judge Doe and I use she/her pronouns, but you can call me 'your Honor.'"** This creates a welcoming space for others to share their pronouns, if they wish.

## How to Address People:

**You can always ask someone, "How may I address you?"** To avoid singling anyone out, ask this question to all present parties.

**Use the gender-neutral singular "they" pronoun to reference someone unless they have previously identified their gender.**

- After a person has identified how they wish to be addressed, **use their indicated pronouns, honorific, title, or name.**
- **When giving instructions you can remove gendered language by saying things like, "The defendant should state their full name for the record,"** or, **"Please state your full name for the record,"** instead of "The defendant should state his or her full name for the record."
- **When addressing groups, use terms like "folks," "members of the jury," "counselors," "everyone," etc.** instead of "ladies and gentlemen," "you guys," or "sir" or "ma'am."
- **For self-represented litigants, you can use their name or role in the case, "Plaintiff."**

## Respect Everyone:

Sharing pronouns and gender identity can be uncomfortable and some may not wish to be “out” in a court setting, or in general. Think carefully about whether asking about someone’s gender identity is necessary. If it is, make sure to ask in a way that will not harm or stigmatize the individual.

- **You might consider discussing gender off the record, or by having someone approach the bench.** For example, you may need to know a youth’s gender identity to place them in a safe program, however, that youth may be uncomfortable sharing in front of others or on the record.
- You can help avoid putting an attorney in a situation where they may have to out their client.

**The gender-neutral honorific is Mx. and can be used in lieu of Mr. Ms. or Mrs.** However, some people may prefer that you just call them by their first name, title, or role in the case.

**The purpose of honorifics is to show respect. Refusing to use a requested manner of address shows disrespect.**

### Learn more at the links below

- [NCSC Toolkit](#)
- [Harvard Law School LGBTQ+ Advocacy Clinic & Beyond Binary Legal Guide](#)
- [NALP Non-Binary Resources](#)

## Be Accurate:

The record must include accurate information, including a person’s identifiers (if relevant). **You may consider including a line to list pronouns on court orders and court forms.**

- A person’s pronouns and gender expression may change.
- **Use a person’s indicated gender identity, even if the events in question happened before they transitioned.** By honoring someone’s identity, you ensure that they are treated with the dignity and fairness required by the judicial system.

**If you or someone in your courtroom makes a mistake, simply correct the error and continue.**

- Do not make a big deal about it. **If it becomes a pattern of disrespect, you can progressively discipline** the offending party as necessary.
- It may be helpful to **clarify errors in a footnote.**

Some people use “mixed pronouns,” for example (she/they). This means they are okay with either and you may use them interchangeably.

## Professionalism:

A person’s appearance, clothing, voice, and name cannot be used to make a determination about their gender or gender identity. **It is best to avoid commenting on a person’s attire or the way they look.**