



## Advancing Equity in the Administration of Justice through Inclusive Communications and Person-Centered Language

Inclusive communications are central to fairness and individualized decision making, and a foundational skill for judges and other court professionals. The practice of inclusive communications is a key means by which courts can interrupt the systemic effects of racially marked disparities in outcomes within the justice system and enhance equal access to courts. Inclusive communications today encompass a range of considerations intended to facilitate greater public trust in courts by incorporating key aspects of diversity, inclusion, equity, and interruption of bias principles into court communications. Inclusive communications also serve to cultivate a sense of belonging for internal and external stakeholders including the public. Inclusive communications incorporate the full range of primary aspects of identity and experience: race, ethnicity, national origin, age, gender, sexual orientation, gender identity, disability, culture, and belief systems, among others. Inclusive communications also consider people's lived experiences as related to secondary and tertiary aspects of identity such as family responsibilities, occupation, and education.

The National Center for State Courts (NCSC), together with the Fairness and Awareness Working Group of the [Blueprint for Racial Justice](#), developed this resource on inclusive communications and person-centered language specifically for courts. The Fairness and Awareness Working Group was a collaboration of judicial leaders; equity, diversity, and inclusion professionals; and NCSC staff. The working group aimed to create a series of resources relating to language and communication as tools for advancing equity and eliminating bias. The purpose of this guide is to raise awareness about the value of inclusive communications and person-centered language and the importance of mitigating stigmatizing language. This brief first defines inclusive communications and person-centered language before providing practical examples, describing the benefits and considerations for communicating with a person-centered approach, and offering steps for implementation.

### ***Why Should Courts Engage in Inclusive Communications and Person-Centered Language?***

It is important to recognize the power of language. The language used by judges and court staff matters. The language used in the courts has the potential to enable an individual to feel respected, heard, and treated fairly. On the other hand, language can create

---

This brief was produced with support from the State Justice Institute (SJI-22-P-006) by Dr. Kelly Roberts Freeman and Dr. Kelly Sutherland in collaboration with Dr. Jennifer Elek, Shawana Lachir, and the Blueprint for Racial Justice Fairness and Awareness Working Group. Special thanks to Chief Justice Richard Robinson, Judge Lucretia Clemons, and Lisa Burke for their substantive contributions to the development of this brief and their revisions to it. Any points of view or opinions expressed in this brief do not necessarily represent the official position of the State Justice Institute or the National Center for State Courts. For more information on the Blueprint for Racial Justice initiative, see [www.ncsc.org/racialjustice](http://www.ncsc.org/racialjustice).



misunderstandings, lead to inequitable outcomes, and lessen the public's confidence in the fairness of the courts. Just as people are expected to address judges and court staff respectfully with the correct titles and honorifics, community members who come to court rightly expect to be treated with respect. Judges and court staff should strive to acknowledge and respect the dignity and humanity of each person involved with the courts. For the parties appearing in court, addressing someone with person-centered language is one way to demonstrate such respect. Person-centered language also sets the tone for ensuring the parties are heard and acknowledged. It is a key component of providing quality service to the public.

Being aware of and intentional with the language used in and by courts requires minimal effort but can have important effects for the court, court users, and the community-at-large. When one becomes comfortable with the practices of inclusive communications and person-centered language, it can be widely applied. Still, while the use of person-centered language by courts can be a valuable step in advancing equity, these practices alone do not guarantee equitable outcomes.

## Person-Centered Language and the Courts

For the court community, inclusive communications, particularly person-centered language, can be an active way to eliminate the use of terms that focus on someone's adverse circumstances, condition, or status. Such terms historically used in the court context lack neutrality or precision or are associated with negative stereotypes or stigmas that are marginalizing. For instance, referring to people as *offenders*, *inmates*, *alcoholics*, *indigents*, *unfit parents*, *aliens*, *invalids*, or *minorities* can be pejorative and draw on prejudicial attitudes and beliefs about others.

There are also terms or phrases that may sound technically accurate but are insulting, demeaning, and have a biasing effect, such as addressing or referring to someone as *young lady* instead of using their name. The use of terms such as these displays implicit associations and assumptions and influences professional judgment, sometimes leading to unintended disparities in judicial outcomes. Moreover, when people feel that the courts do not treat all people with respect and as human beings, public trust in the courts to administer justice is reduced.

---

*Referring to people by an attribution can create negative experiences and perceptions of fairness in the court process and result in the perpetuation of stereotypes and implicit biases, jeopardizing the impartiality of the court.*

---

Placing emphasis on the person can help balance out these (often temporary) characteristics or conditions so that specific circumstances do not define a person or have an undue influence on judicial decision-making. Person-centered language also improves accuracy. A person is arrested or convicted of a crime or unlawful act (rather than being essentialized as a criminal). In these ways, using person-centered language in its precision and



accuracy can lead to equitably individualized decision making. Ultimately, the goal of using inclusive language is to work towards supporting fairness in the courts.

One way that court leaders and practitioners can demonstrate greater inclusivity is to think about what it means to center a person in their communications with or about people. Person-centered language can be applied as part of broader, ongoing efforts to improve the communication with and treatment of members of the public in the courts.

### **What is Person-Centered Language?**

Person-centered language, in general terms, acknowledges a person and may be followed by the relevant descriptive detail necessary in the context. It reduces the tendency to essentialize a person based on a characteristic, trait, or status that diminishes the person's humanity or is associated with social biases. For instance, rather than describing someone from some situational (e.g., *homeless*) or systemic perspective (e.g., *inmate*), person-centered language places the individual as the focus.

Person-centered language often entails referring to individuals as people and is related to the narrower concept of person-first language. **Person-centered language acknowledges that people have strengths and value while, at the same time, they might find themselves in particular circumstances in the context of their interactions with courts and the legal system.** Sometimes person-centered language requires the use of more words but that's OK. Speaking of *a person accused of a crime* rather than *the accused*, for instance, has a beneficial value in the context of inclusive communications, person-centered language, and ongoing efforts to promote public trust.

The philosophy behind being person-centered emphasizes the power of communicating in ways that recognize a person's humanity and dignity and avoids potentially harmful labels. It is a framework for being intentional in communicating with others. Person-centered language encourages ongoing consideration of how terms and expressions are used and how to, in the context of one-to-one communications, engage in a conversation about how an individual should be addressed and how to speak of them appropriately.

Person-centered language is also reflexive, adaptable, and adjustable. Words or phrases change in meaning over time or hold different meaning to different people. Person-centered language recognizes that terminology changes over time as to its appropriateness and acceptability. It suggests referring to *a person with a mental illness or mental illnesses*, for instance, rather than using outdated and harmful terms like *insane person*.

Person-centered language also recognizes that people may be comfortable using certain terms based on their familiarity and lived experiences with them. This means that what is seen as appropriate will depend on the speaker, the listener, other hearers, and the context. A person may not intend to offend but could still do so. Person-centered language works to mitigate this through open dialogue. Relatedly, person-centered language may be acceptable for an individual or used by an individual but might not be acceptable for use by an institution or organization or in reference to groups and communities.



### ***What Are Some Key Principles in Practicing Inclusive Communications and Person-Centered Language?***

- Person-centered language is a practice that supports inclusivity and conveys respect.
- Person-centered language focuses on the person rather than essentializing an individual by their circumstances, condition, traits, or a single primary aspect of identity and experience.
- Person-centered language may sound and look different depending on the context.
- Person-centered language contributes to the fundamental principles of procedural fairness, works to eliminate unnecessary barriers to courts, and promotes the interruption of implicit associations, implicit assumptions, and implicit biases in the delivery of justice through the courts.
- As one dimension of inclusive communications, the beneficial effects of person-centered language are enhanced by practices such as active listening, cross-cultural communication competency, and unspoken communications such as body language and tone.

The principles presented here are guidance for communications by courts. It is important to bear in mind that individuals might use terms to self-describe that are appropriate to them but are not optimally inclusive for systems to use about communities and groups.

Moreover, inclusive communications and people-centered language alone do not eliminate biases or systemic racism. Being cognizant about language is just one step towards understanding where and how implicit associations, assumptions, and perceptions diminish impartiality in deciding a matter. Inclusive communications contribute to systemic change in the courts but are most impactful when they occur alongside the adoption of policies, practices, and operational changes that address the specific drivers of bias, disparities, disproportionality, and barriers to justice.

### ***What Are Examples of Using Person-Centered Language in the Context of Inclusive Communications?***

Courts often assess financial means to determine whether a person qualifies, for example, for a court-appointed attorney. This has been referred to as “indigency status” or a “determination of indigency.” Yet naming someone *indigent* characterizes them by just one aspect of their situation and shifts the focus from the entirety of their personhood. Such can invoke unwarranted and negative perceptions by all involved in the court proceeding. In addition, this term tends to imply permanency to a characteristic that might be temporary or situational, leading to a whole host of implicit associations, implicit assumptions, and implicit biases.



Instead, person-centered language can be used to emphasize the person rather than defining them exclusively by their financial situation. Phrases such as a *person with limited income*, a *person with a financial need*, or a *family with low income* might be appropriate alternatives depending on the circumstances and situation. Speaking of people who are *unhoused* rather than *homeless* is another example. Such re-phrasings relay the information needed for consideration by the court while acknowledging the person's humanity and putting the condition in context – including that the circumstances might be temporary but still have relevance. The court can then apply this information while promoting procedural justice, advancing equity, and fostering trust in the courts.

Here are examples of person-centered language. These are not offered as authoritative but to support ongoing discussion.

- Instead of using the adjective *handicapped* to precede a person, consider referring to a *person with a disability* or a *differing ability*.
- Consider referring to a person's housing or financial status rather than referring to them as a *homeless person* or *an indigent* and doing so only when the information is relevant for the court.
- Avoid essentializing expressions like the terms *inmate(s)* or *prisoner(s)* and instead speak of a *person with a custodial sentence*, *people in pre-trial detention*, or *families in immigration detention*.

Courts need to consider two distinct contexts for applying these principles: organizational communications to or about the communities served and personal communications with individual court users and justice system stakeholders. Inquiring as to communities' and individual's use of terms and incorporating these into court communications through active listening is a key step in implementing person-centered language in the courts.

Considering context as well as the identity of the communicator and the one with whom the communication is shared, it is important to be mindful that there are terms and expressions used for groups of people that may further systemic marginalization and perpetuate social inequities when used by social institutions. The term *minority* is one example of a label that implies exclusion or being "lesser than" and is specifically used for people and communities of color. Some people or communities prefer to be referred to a certain way (e.g., *Latino/a/x/e* or *Hispanic*).

Likewise, in relation to a person's gender, we need to address people correctly and ensure they are spoken of accurately. The most appropriate way to do this is to ask of each individual, "How should I address you?" Sharing how one should be addressed before asking this question is an even more inviting way to share names, titles and honorifics, and pronouns and clarify pronunciation of names.



### ***What Steps Can Individual Judges, Court Staff, And Legal Practitioners Take to Advance the Use of Person-Centered Language?***

- **Consider your use of language and terms.** Be proactive in understanding whether a term or phrase has particular associations that negatively affect people in relation to their identities or communicate a stereotype. Take the time to find alternative words that promote the dignity of the person.
- **Be a model for others.** Use specific language about a condition or status when it is relevant or necessary for the specific interaction. Otherwise, leave it out of the interaction. If you do use it, explain why it is being used and also acknowledge the person first. This will create transparency, greater understanding, and a model for others to communicate in similar ways.
- **Educate people** about the purpose and benefits of person-centered language and the importance of eliminating negative and dehumanizing labels. Provide examples of how to use person-centered language. At the same time, acknowledge that the use of person-centered language does not guarantee that a person will be treated with dignity and respect.
- **Speak up constructively** to offer a more person-centered approach when language that essentializes or dehumanizes is proposed or used. Avoid using certain terms or expressions simply because someone else is using it. If it is difficult to speak up in the moment, follow up with the person at another time.
- **Recognize that it can take time and practice** to become comfortable with using inclusive communications and person-centered language. Be willing to learn and adjust.

### ***Selected Resources***

#### **Language Guides**

- Advancing Pretrial Policy and Research. 2022. [\*APPR Language Guide: Words and Phrases to Effect Positive Change in the Pretrial System\*](#)
- American Psychological Association. 2022 (updated). [\*Bias-Free Language\*](#).
- American Psychological Association. 2021. [\*Inclusive Language Guidelines\*](#).
- OHSU Center for Diversity and Inclusion. 2021. [\*Inclusive Language Guide\*](#).

#### **NCSC Publications**

- Elek, Jennifer K. and Andrea L. Miller. 2021. [\*The Evolving Science on Implicit Bias: An Updated Resource for the State Court Community\*](#).
- 2022. [\*Establishing A Shared Language in The State Courts\*](#).
- 2022. [\*Inclusive Communications to Advance Equity in the Administration of Justice\*](#) (webinar).



### State Policies

- New Jersey Judiciary. Directive #07-22. [Policy on Accessible and Inclusive Communications](#).
- District Of Columbia Courts Joint Committee On Judicial Administration Personnel Policies Policy No. 400 [Equal Employment Opportunity](#)

### Scholarly Articles

- Hill, Jr., William B. 1992. [A need for the use of nonsexist language in the courts](#), *Wash. & Lee L. Rev.* 49: 275.
- Rice, D., Rhodes, J. H., & Nteta, T. 2019. [Racial bias in legal language](#). *Research & Politics*, 6(2).
- Tran Nguyen Toan, et al. 2018. [Words matter: a call for humanizing and respectful language to describe people who experience incarceration](#). *BMC Int Health Hum Rights*. 2018 Nov 16;18(1):41.

Approved by the Blueprint for Racial Justice Steering Committee on January 13, 2023. This guidance was developed with support from the State Justice Institute, under grant number 22-P006.