



## Establishing a Shared Language in the State Courts

Critical conversations about racial justice can be derailed when people do not have the same understanding of terms or do not use them in a consistent way. Terms like equality, equity, diversity, and inclusion, for instance, have a historical and current context that impacts their meaning and usage. And language continues to evolve over time. This can make it harder to engage in discussions about race and ethnicity, such as those on implicit bias, disparities, and fairness. A shared language means that we are referring to the same thing when we use the same term. Ultimately, the lack of a shared language can impede progress.

Effectively communicating about the meaning of terms used within the courts is important. Developing a shared language acknowledges harmful terms, minimizes biases, and promotes fair treatment. Once established, legal and court practitioners will be better equipped to use language that is free of bias – that is, language that perpetuates negative stereotypes or prejudicial beliefs or attitudes ([APA 2022](#)). They can also improve awareness and fairness by establishing common understanding of goals around procedural and racial justice. This is particularly relevant as courts consider the implications of equity and equality in administering justice. Moreover, a shared language can anchor other areas of work to advance racial justice.

### Shared Language Audiences

Court communities can establish a shared language within their organization to better facilitate conversations on racial justice among court personnel and improve interactions with people who come to the court. This shared language can also serve as a starting point for engaging in conversations with other organizations, the media, and the broader public.

***Within the court workforce***, use of a shared language among colleagues can mean the difference between a productive and respectful work environment and negative professional and personal interactions and outcomes. Establishing guidance on when and how to use certain terms can support this improved communication. Many courts have established resources around implicit biases and cultural sensitivity for their personnel. These efforts can be anchored by a shared language resource to advance common understanding of racial justice terms. This resource might also outline restrictions on use of offensive terms.

***In the courtroom***, judicial officers must make individualized or person-centered decisions based on accurate information, and they must do so in a fair manner. A shared language can help achieve these goals. At the same time, explaining why a term is being used or what it means in that case can improve procedural justice for the people involved, such as when communicating about a risk assessment. Identifying terms to avoid can also facilitate goals of restorative justice and rehabilitation while reducing social stigmas. In the criminal context, avoiding terms like “offender” and “inmate” can reduce the negative impacts of labeling. Regardless of the type of case being heard, more precise, person-centered language can improve communication and the quality of interactions in court.



## Where Do We Start?

### 1. Recognize that language matters.

The first step to developing a shared language is to recognize why it matters in the courts. To improve both organizational communication and customer service, courts can consider how language matters in their day-to-day. Racial disparity is one example of a term that is not always well understood or communicated within the justice system. Defining it and describing how it compares to other terms like racial bias, disproportionality, and inequality can help move the conversation forward. There are additional benefits of defining potentially sensitive terms that are relevant to the courts:

- ✓ Shows respect for others
- ✓ Improves awareness of other perspectives and reduces misunderstandings
- ✓ Reduces reliance on opinions or personal biases
- ✓ Communicates non-judgmental nature (even where there is disagreement of opinion)
- ✓ Allows for more clear, specific, and accurate information sharing

At a systems level, it:

- ✓ Improves transparency in operations and decision making
- ✓ Advances shared purpose, problem solving, and organizational success
- ✓ Demonstrates commitment to equal justice

### 2. Lay the groundwork for establishing a shared language.

It will take time and commitment to establish shared language guidance for the court. Part of that process may involve asking different stakeholders about terms that may be priorities to address at both an organizational and an individual level. As with all communication, it is important not to assume that terms are being used in the same way and to engage in open dialogue about how they will be defined and shared with different groups, including court divisions or departments, outside agencies, and the public. Courts can look to existing legal, scholarly, and community resources to advance this development.

### 3. Use specific and accurate terminology.

Those who work in the courts should strive to use language that is more specific, accurate, and relevant. Describing a person of low income as “poor” can be stigmatizing and may not be pertinent information. In describing a person’s ability to pay a fine or fee, however, a court may find that a person’s income is below a set threshold. Likewise, knowing that a person is experiencing homelessness or housing instability may be relevant for referring them to services. Using time-bound, person-centered language would be most accurate for describing their current situation and how it applies to decision making.

Overall, a shared language allows for more substantive conversations and meaningful action around racial justice.

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