

d. Pronouns

- i. Precision and accuracy are hallmarks of legal writing and communication. “Making assumptions that lead to inaccuracy is an avoidable mistake.” Wirkus & Zarnow, at 7.
- ii. Individuals may use the pronouns they/them/their to refer to themselves. “They” is a gender-neutral singular pronoun, recognized by Merriam-Webster and the Oxford English Dictionary. *A Note on the Nonbinary ‘They’*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/grammar/nonbinary-they-is-in-the-dictionary> (last visited May 15, 2024); Dennis Baron, *A Brief History of Singular ‘they’*, OED: OXFORD ENGLISH DICTIONARY, <https://www.oed.com/discover/a-brief-history-of-singular-they> (last visited May 15, 2024).
- iii. People who are non-binary may use other gender-neutral pronouns (ze/zim). See Ezra Marcus, *A Guide to Neopronouns*, NY TIMES (Sept. 18, 2022), <https://www.nytimes.com/2021/04/08/style/neopronouns-nonbinary-explainer.html>.
- iv. Precedent and statute supports transgender and nonbinary people’s right to be referred to by the correct pronouns at work. For instance, in *Lusardi*, the Equal Employment Opportunity Commission (EEOC) found the Department of the Army discriminated against Tamara Lusardi, a veteran and software quality assurance specialist, when her supervisors repeatedly and intentionally used her deadname, he/him pronouns, and “Sir” after she transitioned on the job. *Lusardi v. Department of the Army*, EEOC Appeal No. 0120133395 (Apr. 1, 2015). Additionally, in some jurisdictions, there are statutory protection regarding pronoun usage in employment. See, e.g., New York City Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23).

e. Honorifics

- i. Mx. is an accepted gender-neutral alternative to the honorifics Mr., Mrs., or Ms. Amy Kimmel, Nicholas Martinez, and James G. Leipold, *Mx. Is Not A Mistake*, NATIONAL ASSOCIATION FOR LAW PLACEMENT (Dec. 2021) https://www.nalp.org/mx_article.
- ii. Instead of using an honorific, you can use a person’s full name to refer to them.

f. Transgender and Nonbinary Individuals and Transition

- v. Or try repeating the noun (e.g., “The defendant argues the bill was paid by the defendant on the last day of September.”). Wirkus & Zarnow, at 12.
- b. Normalize sharing pronouns and/or honorifics.
- i. Cis folks, please share your pronouns when introducing yourself, in your email signature, on video calls, in your professional bio, and on your business card.
 - ii. If you hear someone being mispronounced, correct it in the moment. Be open to being corrected if you mispronoun someone. Apologize briefly (without over-apologizing), correct yourself, and use the correct pronoun moving forward. *Out & Equal Report*, at 8-11.
 - iii. Other transgender and nonbinary lawyers have found success petitioning federal and state courts to recognize the honorific Mx., use “Attorney” as an honorific, and to remove the use of any honorific. *See, e.g., Member Spotlight: Maxime ~~Mathew~~Matthew*, THE LGBTQ+ BAR (Sept. 12, 2023), <https://lgbtqbar.org/bar-news/maxime-matthew/> (“After discussing the issue with other trans and nonbinary attorneys, they requested that the Eighth Circuit change their honorific to Mx., which the court did.”).
- c. Adopt gender-affirming records and policies.
- i. Remove gender-specific language in policies, and include options beyond male and female when collecting employee information.
 - ii. Surveys and forms that collect demographic information should include options other than male and female, and include the option for Mx. when collecting data on titles.
 - iii. Benefits provide options for listing employee genders other than male and female. Health insurance should cover medical transition. *See Out & Equal Report*, 12-13.
- d. Expand access to all-gender restrooms and changing facilities.
- i. All single-use restrooms should be converted to all-gender facilities. Use restroom signs that do not reinforce gender binaries (i.e. with a toilet icon instead of gendered pictograms). *Out & Equal Report*, 15-16.
- e. Elevate transgender and nonbinary voices in the workplace.
- i. LGBTQIA+ Employee Resource Groups (ERGs) can elevate and include the voices and needs of transgender and nonbinary employees. Engage with and support members on: (1) building an inclusive dress code, (2) ensuring records accurately reflect genders, (3) enforcement of anti-discrimination policies in the context of misgendering or misuse of