



# INCLUSIVE LANGUAGE IN THE JUDICIARY

JUNE 2026

# STATEMENT OF PURPOSE

A principal mission of the New York State Unified Court System (UCS) is to deliver equal access to justice under the law. As such, the New York State Supreme Court, Appellate Division, Second Judicial Department, is committed to operating with integrity and transparency, ensuring that all who enter or serve in our courts are treated with dignity and respect. Judges and lawyers alike are entrusted with the responsibility to communicate with clarity, precision, and care. Perhaps more than most professions, the legal community recognizes that words and language matter and that they evolve over time. How legal professionals choose to use language has consequences, shaping our interactions with litigants, court personnel, and the communities we serve. What is communicated in orders, decisions, and even in inter-personal interactions may either reinforce individual dignity or take it away, and the way in which things are written can substantively impact people's lives, even beyond the specific parties involved.

The New York State Supreme Court, Appellate Division, Second Judicial Department, in partnership with the New York State LGBTQ+ Judges Association, has prepared this guide as a reminder that inclusive language is an aspect of equal access to justice, and as a tool to aid judges and legal professionals who wish to incorporate inclusive principles into their work to ensure that court users are respected, meaningfully included, and welcome. In order to support that endeavor, this guide provides recommended best practices for the usage of inclusive language in communications and provides examples of neutral terms that can be substituted for non-inclusive language. Adopting these recommendations will assist in ensuring that verbal and written communications generated by or within the Second Judicial Department eliminate an unnecessary focus on non-inclusive language, thereby reinforcing the mission of the court system to deliver equal access to all.



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# OBJECTIVES

Non-inclusive language is an unnecessary barrier to equal justice. Historically, practitioners wrote under the assumption that men were the primary actors in the legal system. In response to the growing presence of women in the field, practitioners adopted new techniques such as "he or she" formulations in an effort to be more inclusive. By moving beyond the binary view of "woman" and "man," we can take the next step in ensuring that people of all gender identities see themselves reflected in the law that governs them. From court users' initial contact with the Second Judicial Department throughout the pendency and resolution of their cases, the adoption of inclusive language steps beyond mere recognition that diverse gender identities exist. Rather, inclusive language promotes focusing legal communications on the material issues and, when relevant, respecting and referring to people by their expressed gender identity.

This guide seeks to:

- Provide guidance for courts to generate/amend public-facing documents, including decisions, forms, and part rules;
- Identify non-inclusive terms in statutes and bodies of law;
- Provide examples of neutral terms and frameworks as alternatives for such language;
- Encourage legal professionals to adopt inclusive verbal and written best practices; and
- Connect legal professionals with colleagues and resources to help implement the goals of this guide, in furtherance of our access to justice objectives.

For further information, resources, and contact information, please refer to the links at the end of this document. We encourage feedback from our community.



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# GLOSSARY OF TERMS

## SEX AND GENDER

### **Sex**

A biological status assigned to a person at birth. Male, female, and intersex are sexes. This is also known as a person's "sex assigned at birth," historically referred to as "biological sex."

### **Sexual Orientation**

A person's physical, romantic, or sexual attraction to other people.

### **Intersex**

A term used to describe variations of reproductive anatomy other than those commonly associated with the exclusively male or female anatomy, which may include but are not limited to external genitalia, hormones, internal anatomy, or chromosomes. Intersex people may identify as any gender.

### **Gender**

The traditional social expectations and cultural norms associated with a particular sex, but which may be different than the physical features of sex. An individual's gender does not necessarily correspond to their sex.

### **Gender Nonconforming**

Describes a person whose gender identity does not conform to others' expectations of their perceived gender.

### **Cisgender**

A person whose gender identity aligns with the sex they were assigned at birth. For example, a woman who was assigned female at birth or a man who was assigned male at birth.

### **Transgender**

A person whose gender identity differs from the sex assigned at birth. A transgender man is a man who was assigned female at birth but presents as a male, and a transgender woman is a woman who was assigned male at birth but presents as a female. Being transgender does not imply that the person has any specific sexual orientation.

### **Transitioning**

The process by which an individual changes from one gender to another. This is a lifelong process that may include social (name, pronouns, attire), medical (hormones, surgery), or legal (name change on documents) aspects.

### **Gender Binary**

The classification of gender into two distinct categories, man and woman, as it relates to the traditional expectations of men and women.

### **Nonbinary**

Individuals who do not identify as men or women, i.e., the gender binary. Instead, they may identify as both or neither. Some nonbinary people use singular they pronouns. Some, but not all, nonbinary people identify as transgender.

### **Misgendering**

Labeling an individual by pronouns, honorifics, or other gendered terms or titles that do not align with their gender identity or expression, often due to assumptions regarding that individual's physical appearance.

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# GLOSSARY OF TERMS

## COMPONENTS OF GENDER

### **Gender Identity**

A person's sense of self as male, female, both, neither, or somewhere in between. A person's gender identity may or may not correspond to the sex assigned at birth and may also change over time.

### **Gender Expression**

A person's public presentation of gender through clothing, hairstyles, mannerisms, voice, etc. It may differ from gender identity.

### **Pronouns**

Words used to refer to a person without using their name, such as she/her, he/him, they/them, or another set of pronouns. Pronouns may reflect a person's gender identity and should be used as provided by the person whenever possible.

## NAMES

### **Chosen Name**

A name chosen by a person. A chosen name may or may not be the person's legal name.

### **Birth Name or Given Name**

The name assigned to a person at birth. It may or may not be the person's legal name, e.g., a person who marries may use their spouse's name.

### **Deadname**

A prior name that a person no longer uses.

### **Legal Name**

A person's name as reflected in government documents.

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# SUGGESTED BEST PRACTICES

## HOW TO MAKE GENDER-INCLUSIVE LANGUAGE PART OF THE COURT'S ETHOS

Inclusive language helps the Second Judicial Department communicate in a way that respects and acknowledges the diversity of the community it serves. With that in mind, the following are suggested best practices for legal professionals to incorporate inclusive language in all types of communication, both oral and written. While the best practices suggested here are examples, the possibilities are many. Each of us has the opportunity to identify and implement inclusive models for our own interactions with the community. As leaders, the steps we take to promote inclusivity can have a meaningful impact on the legal profession.

### **Gender-Inclusive Etiquette**

#### *Respecting People's Expressed Gender Identity*

- When a person expresses their gender identity, referring to them as they request can help them avoid the real distress that may arise from being misgendered and minimized. Many people realize later in life that their gender identity differs from their sex assigned at birth or they may choose to outwardly express their gender identity at different times in life. A person's expressed identity might change while interacting with the Court, attorneys, or other Second Judicial Department personnel as well. For example, someone may begin their transition during the pendency of an action, and the Court's response to this change may impact a person's experience.
- A best practice is to be mindful and aware, to remain open to learning new information, and to respect other people's preferences, even if the preference differs from what was originally expressed and even if that change occurs in a short period of time. For example, if an attorney presents their name in the following format, "First Name (Chosen Name) Last Name," their chosen name would be in the parentheses and referring to them by that name may be appropriate; e.g., "John (Jane) Doe."
- Although attorneys who practice law are ethically required under the rules of professional conduct to practice law under the name pursuant to which they were admitted, unless and until a motion for a name change is made and approved by the appropriate court, accommodating that person's preference in oral communications may be allowed.

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### *Pronouns*

- Pronouns include but are not limited to: He/him/his; She/her/hers; and They/them/theirs. Some people are comfortable being referred to by more than one set of pronouns (i.e., you may switch between he and they or they and she, etc. when referring to them) and sometimes pronouns shift over time. Some individuals may prefer or be identified by constructed pronouns such as ze/hir or ey/em, which are designed to be gender neutral. These constructed pronouns differ from the commonly used pronouns above, and as such, may be unique to the person. Pronouns may not match the speaker or writer's expectations based on the person's name, appearance, or other characteristic.
- A best practice is to refer to the RJI or notice of appearance, or to ask the person how they would like to be referred to. While judges are generally referred to as "Judge," judges may, if they wish, introduce themselves with their own pronouns before asking others to share theirs. Unless necessary, there is no ongoing obligation to inquire about a person's pronouns. In the event of a correction or change to a person's pronouns, adhering to the requested alteration is a best practice.

### *Honorifics*

- Honorifics are courtesy titles such as Mrs., Ms., Mr., or Mx. (pronounced "mix"). Mx. is an inclusive honorific which does not confer any gendered status or association. It serves the same function as other honorifics (e.g., Ms. Juárez, Mr. Rosa, Mx. Chafin). The use of honorifics may also be avoided by referring to people by a title or legal term of identification (e.g., Counselor Williams, Attorney Pratt, Officer Wan, Plaintiff Fajardo, etc.).
- A best practice is to use a person's chosen honorific if known or if requested, or in the alternative, a title or legal term of identification.

### *Group Greetings*

- Greetings that are intended to be inclusive, such as "Ladies and Gentlemen," may inadvertently exclude people who identify as nonbinary or a third gender.
- A best practice is to use inclusive substitutes, which include greetings that are gender-inclusive (e.g., "good morning, everyone," "have a great weekend, folks," or "welcome, all") or that reflect a common role or title (e.g., "happy Monday, counselors," or "have a great weekend, members of the jury").

### *Relational Terms*

- Relational terms describe the relationship between people. For example, a person may identify as somebody's sister, or they may instead identify as a sibling. A person may identify as a father, or they may identify as a parent.
- A best practice is to incorporate gender-inclusive language and to respect the relational terms used by the person being described.

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### Addressing Mistakes

- Mistakes happen. A judge, a colleague, a coworker, an attorney, or a client may use an incorrect pronoun or name to describe a person.
- A best practice may be to acknowledge the mistake with a brief apology, correct the mistake, and move on (e.g., "I apologize, that was a mistake. Thank you for letting me know your preferred name/honorific/pronoun"). If a judge or court personnel recognizes that another person uses the incorrect pronouns or name of a person, that person may also correct the error.

### Inclusive Language in Written Communication

Legal writers can incorporate inclusive principles into all manner of written communications, including published decisions, confidential memoranda, forms, and part rules. Although the language of statutes, rules, regulations, and case law does not uniformly incorporate gender-inclusive terminology, this handbook encourages writers to balance the dual obligations of accurately setting forth the law while ensuring that the court system delivers equal access to all. Thus, the following suggestions do not imply that a writer cannot or should not refer to a person's gender when it is relevant or necessary to the information being communicated. These suggestions provide alternatives for referring to people for when gender is either unknown or irrelevant.

#### Nouns

Writers can make their language gender-inclusive by avoiding gendered nouns when gender is immaterial.

<b>Gender-specific</b>	<b>Gender-inclusive</b>
Man or woman	Person or individual
Chairman	Chair or chairperson
Businessman or businesswoman	Businessperson
Husband or wife	Spouse
Father or mother	Parent
Brother or sister	Sibling
Dear sir or dear madam	To whom it may concern

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### *Using the Singular "They"*

"They" can be used as either a singular or plural pronoun. The singular "they" can be used to refer to people whose gender is not known, who do not identify with the gender binary, or as a useful alternative to the generic use of gendered pronouns such as "his or her." The singular "they" is used with the plural verb ("they are" instead of "they is").

<b>Gender-specific</b>	<b>Gender-inclusive</b>
The movant must satisfy his or her prima facie burden.	The movant must satisfy their prima facie burden.
If a defendant wishes to avoid a default, he is required to answer the complaint.	If a defendant wishes to avoid a default, they are required to answer the complaint.

### *Pluralizing the Noun*

When discussing hypothetical people, pluralizing a noun can help avoid singular gendered pronouns.

<b>Gender-specific</b>	<b>Gender-inclusive</b>
The applicant must submit his papers.	Applicants must submit their papers.

### *Eliminating or Replacing the Noun*

Pronouns can often be removed from a sentence entirely with definite articles ("the," "a," "an") or a relative pronoun ("who," "whose").

<b>Gender-specific</b>	<b>Gender-inclusive</b>
If a party is dissatisfied with the court's decision, he may take an appeal.	A party who is dissatisfied with the court's decision may take an appeal.
The expert must submit his affidavit.	The expert must submit an affidavit.

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### Removing the Possessives

A possessive may be removed to avoid a gendered term.

Gender-specific	Gender-inclusive
The party must appear for her deposition.	Parties must appear for depositions.
When driving her car.	When driving.

### Statutes and Case Law

Statutes or case law frequently use gendered language or default to male terms, such as the default “he/his” or “man.” While only the legislature can amend statutes, legal writers have the opportunity to use gender-inclusive principles while quoting or discussing them. For example, a writer can use brackets and substitute the singular “They” or a non-gendered term such as “person” or “party.”

Gender-specific	Gender-inclusive
“[T]he officer making the sale shall file with the clerk his report under oath of the disposition of the proceeds of the sale” (RPAPL 1355[1]).	“[T]he officer making the sale shall file with the clerk [their] report under oath of the disposition of the proceeds of the sale” (RPAPL 1355[1]).
“Justification has . . . an objective requirement[] that [the] defendant’s reactions were those of a reasonable man acting in self-defense” ( <i>People v Castillo</i> , 42 NY3d 628, 631 [2024] [internal quotation marks omitted]).	“Justification has . . . an objective requirement[] that [the] defendant’s reactions were those of a reasonable [person] acting in self-defense” ( <i>People v Castillo</i> , 42 NY3d 628, 631 [2024] [internal quotation marks omitted]).
“Dead Man’s Statute” (CPLR 4519).	[Decedent]’s Statute” (CPLR 4519).

## RESOURCES

[New York State Unified Court System, Mission Statement](#) [2026]

[Richard C. Failla LGBTQ Commission, Best Practices for Using Trans-Inclusive Language: A Bench Card](#) [2026]

[The National LGBTQ+ Bar Association & Foundation, LGBTQ+ Inclusion From the Bench: A Best Practices Guide for Judges](#) [2025]

[Trans Journalists Association, Stylebook and Coverage Guide](#) [2026]

[Canadian Association of Professional Employees, Inclusive Writing Guide](#) [2023]

[Law Department City of Philadelphia, Inclusive Language Guide](#) [2024]

[British Columbia Law Institute, Gender Diversity in Legal Writing: Pronouns, Honorifics, and Gender-Inclusive Techniques](#) [2022]

[UNC Greensboro Division of Student Affairs Office for Intercultural Engagement, Neopronouns Explained](#) [2024]

## CONTACT INFORMATION

**For any feedback related to this Guide**, please contact the Hon. David Fried at [dfried2@nycourts.gov](mailto:dfried2@nycourts.gov).

**For additional information related to the LGBTQ+ community in the law**, please visit the New York State LGBTQ+ Judges Association website at <https://www.nylgbtqjudges.com> or [nylgbtqjudges@gmail.com](mailto:nylgbtqjudges@gmail.com); the LGBT Bar Association of New York may be reached at [www.lgbtbarny.org](http://www.lgbtbarny.org) or [info@lgbtbarny.com](mailto:info@lgbtbarny.com); the International Association of LGBTQ+ Judges at [www.lgbtqjudges.com](http://www.lgbtqjudges.com) or [lgbtqjudges@gmail.com](mailto:lgbtqjudges@gmail.com); and the Richard C. Failla LGBTQ Commission of the New York State Courts at [www.nycourts.gov/richard-c-failla-lgbtq-commission](http://www.nycourts.gov/richard-c-failla-lgbtq-commission) or [lgbtqcommission@nycourts.gov](mailto:lgbtqcommission@nycourts.gov).

**For additional information related to judicial ethics**, please contact the Advisory Committee on Judicial Ethics at [part100@nycourts.gov](mailto:part100@nycourts.gov) or 1-866-795-8343, or visit the Advisory Committee's website at <https://www.nycourts.gov/advisory-committee-judicial-ethics>.

**For additional information related to attorney name changes**, please contact the Appellate Division, Second Judicial Department's Attorney Matters at [AD2-AttorneyMatters@nycourts.gov](mailto:AD2-AttorneyMatters@nycourts.gov), or visit the Attorney Matters website at [https://www.nycourts.gov/courts/ad2/attorneymatters\\_NameChangeApplications.shtml](https://www.nycourts.gov/courts/ad2/attorneymatters_NameChangeApplications.shtml).

*Supreme Court of the State of New York*  
**Appellate Division**  

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*Second Judicial Department*

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