

DEFINITIONS & PRONUNCIATIONS:

Cisgender	Refers to a person whose gender identity corresponds to the sex they were assigned at birth (sometimes referred to as “cis”)
Gender Expression	A person’s gender expression refers to the characteristics in one’s personality, appearance, mannerisms and behaviour that express their gender identity. Gender expression can vary from social norms of feminine, masculine, or androgynous. Gender expression is independent from gender identity, for example a woman can express their gender in a masculine way yet still have a gender identity as female.
Gender Identity	A person’s internal perception of themselves as being male, female, neither (“agender”), a combination of genders, and/or non-binary.
Misgender	When someone is addressed using the wrong gendered language. For example, saying “Mr. Jamie Williams introduced himself” when Jamie Williams is a woman and uses Ms. and she/her pronouns or is non-binary and uses Mx. and they/them pronouns.
Mx.	A gender-neutral or genderless title that some people use instead of Mr. or Ms. Pronounced like “mix.”
Non-Binary	An umbrella term used to describe gender identities that are not exclusively male or exclusively female. This includes those who identify as neither (“agender”) or a combination of genders.
They/Them	Gender-neutral pronouns that can be used in singular or plural form. In the singular, it is used when someone’s pronouns are unknown, by people whose gender identity may be transgender, non-binary or agender, or people who do not use gendered pronouns. Using they as a pronoun avoids assuming a person’s gender and misgendering.
Transgender (or trans)	An umbrella term used to describe people whose gender identity is different than, or doesn’t conform to, the norms prescribed for people of the sex they were assigned at birth, whether or not they have changed or plan to change their legal sex marker, and/or have gender affirming surgery or treatments.
Ze/zir	A pronoun used instead of they/them. Ze sounds like “zee.” Zir sounds like “zere,” rhymes with “here

EXPLANATIONS/ADVICE

Why would I start stating my pronouns or title?

We frequently use pronouns to refer to people in the English language (for example, they, she, or he) and often use titles to show professionalism or respect (for example, Ms. Jones, Mr. Jones, or Mx. Jones). Sharing the pronoun and title you want people to use when referring to you is a way to make sure that people refer to you appropriately. If a person does not share their pronoun or title, people will make assumptions about which ones to use, which can lead to misgendering. Misgendering is harmful. It harms the individual who is misgendered and it harms the integrity of our justice system. For the individual, it can literally and figuratively take you out of the proceedings. It is a distressing and distracting signal that you and your identity – unlike that of everyone else in the room – are not respected and recognised. Though everybody deserves to be referred to correctly, people who are transgender are disproportionately impacted by misgendering. People are unintentionally misgendered because others make assumptions about their gender. If you are cisgender, you probably take your pronoun for granted because you are used to being identified properly. People who are transgendered are forced to advocate to be properly identified every single day. Sharing pronouns normalizes correct pronoun use and is an acknowledgement that gender cannot be assumed. By sharing your pronoun, you also ensure that people who are transgender are not alienated when they share theirs. The simple act of sharing your pronoun is an important step toward a more inclusive profession and community. Creating a safer space for all colleagues will undoubtedly lead to a better, more inclusive profession as a whole, which benefits everyone.

Why would I share my pronouns or title first before someone shares that with me?

Many people have names that might be traditionally associated with male and female genders or names not commonly recognized by unilingual English speakers. In an age where court proceedings are conducted by phone, a person's voice alone does not reveal their gender. There are no universally agreed traditions on style of dress among genders. Proactive sharing prevents misgendering in those circumstances as well. When cisgender people offer their pronouns first, it also reduces the stigma that comes with talking about pronouns in general. Cisgender people have the privilege of normalizing pronoun sharing without facing the same risks that people who are transgender face. Pronoun sharing is an easy way that someone can use this privilege in a positive way. By sharing your pronouns first, you remind those around you that they should not be assuming how others want to be identified. You also show gender-diverse people that you are an ally.

What if someone doesn't want to share their pronouns or a title in court?

Understanding why the question is asked is important and can help counter someone's reservations about sharing their pronouns or title. The basic rationale is simple: pronouns are used in place of a person's name, and the courts want to get it right. In court, parties and lawyers are usually referred to with a title, and their last name (i.e., Ms. Jones) instead of by first name. Courts have always provided direction for how lawyers engage with the justice system. We're told how to dress, where to stand, how to refer to colleagues, and how to refer to court staff and judges. Just like how the court asks for correct spelling of our name, the courts are now asking for the right language to use when they refer to us. That said, the Ontario's Courts' new direction to all court staff informing them about the importance of inviting court participants to share pronouns and prefixes allows people to use pronouns or titles in the courtroom that may differ from what they use in other areas of their lives. They may choose to do this for many reasons, including personal safety if they are transgender. If you do not know what pronouns someone uses, we recommend avoiding the use of pronouns (referring to them using their name) or using the neutral "they/them" pronouns rather than making an assumption. If you do not know what title someone uses, state their full name instead of assuming a title.

What if someone's legal name is different than what they want to use in court or have to use in legal documents?

There could be a number of reasons why someone's legal name is different from what they use in court, or are required to use in legal documents. For example, people might change their name when entering into a partnership, upon divorce/separation, a desire to hyphenate names, to reflect a parent's surname, or simply a general desire to be identified by a different name. The motivation behind someone's name change should not dictate whether you should be respectful in how you identify them. In some cases, someone's legal name may not be representative of their identity. For example, a person who is transgender may have a legal name perceived to belong to a gender that is not their own. It is important that we refer to people how they want us to refer to them. A name honours who that person is and we should be mindful and respectful of their identity.

What if someone doesn't know what pronoun or title to use because they aren't sure about their gender identity?

Gender identity and expression are not stagnant. Gender identity and expression can change over time, and a person's pronouns may change and evolve with their identity. The Ontario's Courts' new direction to all court staff informing them about the importance of inviting court participants to share pronouns and prefixes supports someone using whatever pronouns they would like to be used in the proceeding, each time they are asked to introduce themselves. This might include a combination of pronouns or forms of address that are correct for them. It may also be different pronouns from what they use in other areas of their lives. For example, a person who is transgender may not be out to the people in the courtroom and choose to use different pronouns there than in their personal life. Ontario's Courts' new direction to all court staff helps to avoid us making assumptions about each other's identities and provide the space for us to state how we wish to be referred to and addressed in court.

How do I explain the court's directions to clients and witnesses?

In the same way you explain basic courtroom procedure with clients and witnesses, explain that identifying the correct forms of address is part of regular court decorum. Sharing correct forms of address simply lets the other parties, the judge and court clerk know how you wish to be identified during your participation. For example, you can say: "When it's our turn in court, I'll stand up and introduce us by spelling our names and letting the court know how to address us. It is formal in court, so they will want to call you Mr. Jones, rather than Bob. And I know you use he/him pronouns. So when I introduce you, I'll say "Bob Jones, J-O-N-E-S, who goes by Mr. and he/him pronouns."

Introductions including the title and pronouns specifically "to be used in the proceeding" allows individuals to disclose whichever terms they are safest and most comfortable with in the courtroom setting, regardless of what they use in other areas of their lives. It avoids assumptions about forms of address based on name, appearance, and voice, towards asking all persons how they should be respectfully addressed.

I want my firm to move towards sharing pronouns in email signatures and on our website. What points should I make?

Ontario's Courts' new direction to all court staff informing them about the importance of inviting court participants to share pronouns and prefixes are aligned with jurisprudential evolution in support of respectful forms of address (and respect of trans and non-binary persons generally) and better conform with the Canadian Charter of Rights and Freedoms equality rights and Ontario Human Rights Code protections for diverse gender identities and gender expressions. The Ontario's Courts' new direction to all court staff creates safer spaces within our judicial systems that can and should be extended to all aspects of our work and life.

Sharing pronouns and titles in email signatures, on websites and in face-to-face interactions normalizes discussions around gender and creates safer spaces. It is a simple step towards respect and inclusivity. It also signals to clients, especially trans and non-binary clients, that your firm is aware of these issues and will respect people with diverse gender identities. Of course, following through with this requires more than an email signature. We recommend you begin with training for lawyers and staff on why these practices are being introduced and identify best practices in this area and continue that training as part of your ongoing professional development.

I've heard someone say that asking someone to share pronouns is "compelled speech." How do I respond?

Ontario's Courts' new direction to all court staff informing them about the importance of inviting court participants to share pronouns and prefixes is focused on courtroom decorum. Courts have always provided direction on how participants must conduct themselves within the justice system. Stating and spelling your name, swearing or affirming prior to testimony, bowing before a judge are all part of court decorum. Similarly, as attendees at the courthouse, we are required to answer COVID-19 screening questions in order to enter the building, or may be asked to step through a metal detector to enter a courtroom. Some proceedings are subject to a publication ban. These measures are meant to protect the health and safety of courtroom participants and the integrity of the proceedings themselves.

Ontario's Courts' new direction to all court staff is simply an extension of that protection with the aim to make the courtroom experience more welcoming and safe for its participants in an already intimidating environment. People are not compelled to provide personal information, and may choose to state a pronoun or title that either aligns with, or doesn't align with, that which they use in their private life

What are gender-neutral ways to write to someone who hasn't directly disclosed their pronouns or title to you?

- Dear Colleague
- Dear [first and last name]
- Dear Counsel
- Hello [first name]
- Good morning/afternoon
- All [if a group of individuals]

What are some gender-neutral ways to greet a group of people or call a room to order?

- Colleagues
- Counsel
- Good morning everyone
- Welcome all