INCLUSION
RESPECT
2012 Survey by Lambda Legal of parties, jurors, witnesses, and attorneys:

- 19% heard a judge, attorney, or other court employee make negative comments about a person’s sexual orientation, gender identity, or gender expression
  - 66% of trans women reported comments
  - 53% of trans or gender non-conforming people of color reported comments
  - 33% of trans or gender non-conforming individuals of all races reported comments
- 6% heard negative comments about a person’s HIV status
THE FUTURE IS NOW

<table>
<thead>
<tr>
<th></th>
<th>LGBT</th>
<th>Queer</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Millennials</td>
<td>10%</td>
<td>16%</td>
<td>26%</td>
</tr>
<tr>
<td>Total Pop.</td>
<td>7%</td>
<td>8%</td>
<td>15%</td>
</tr>
</tbody>
</table>

Source: Kantar Futures (2017)
### The Future Is Now

Source: GLAAD, Accelerating Acceptance 2017 - A Harris Poll survey of Americans’ acceptance of LGBTQ people

#### Sexual orientation by age group

<table>
<thead>
<tr>
<th>Orientation</th>
<th>18-34</th>
<th>35-51</th>
<th>52-71</th>
<th>72+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strictly heterosexual</td>
<td>84%</td>
<td>91%</td>
<td>94%</td>
<td>98%</td>
</tr>
<tr>
<td>Bisexual</td>
<td>6%</td>
<td>4%</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Asexual</td>
<td>4%</td>
<td>1%</td>
<td>1%</td>
<td>&gt;0.5%</td>
</tr>
<tr>
<td>Strictly gay/lesbian</td>
<td>3%</td>
<td>3%</td>
<td>2%</td>
<td>&gt;0.5%</td>
</tr>
<tr>
<td>Pansexual</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Unsure/questioning</td>
<td>1%</td>
<td>-</td>
<td>&gt;0.5%</td>
<td>-</td>
</tr>
<tr>
<td>Queer</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

#### Gender identity by age group

<table>
<thead>
<tr>
<th>Identity</th>
<th>18-34</th>
<th>35-51</th>
<th>52-71</th>
<th>72+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cisgender</td>
<td>88%</td>
<td>94%</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>Agender</td>
<td>3%</td>
<td>&gt;0.5%</td>
<td>&gt;0.5%</td>
<td>1%</td>
</tr>
<tr>
<td>Gender fluid</td>
<td>3%</td>
<td>1%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transgender</td>
<td>2%</td>
<td>1%</td>
<td>&gt;0.5%</td>
<td>-</td>
</tr>
<tr>
<td>Unsure/questioning</td>
<td>2%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Bigender</td>
<td>1%</td>
<td>&gt;0.5%</td>
<td>1%</td>
<td>-</td>
</tr>
<tr>
<td>Genderqueer</td>
<td>1%</td>
<td>1%</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
START FROM THE VERY BEGINNING:

Terminology

- Sexual Orientation
- Gender Identity
- Gender Expression
TERMINOLOGY

- **Sexual Orientation**: Describes an individual’s emotional, physical, and/or romantic attraction to another person.
- **Gender Identity**: A person’s deeply held internal sense of being male, female, or somewhere else on the gender spectrum.
- **Gender Expression**: How a person chooses to communicate their gender identity to others through clothing, hair, styles, grooming habits, mannerisms, and social interactions that are perceived as masculine, feminine or somewhere else on the spectrum.
- **SOGIE**: Sexual Orientation, Gender Identity, & Gender Expression.

Everyone has a Sexual Orientation, Gender Identity, and Gender Expression
Identity ≠ Expression ≠ Sex
Gender ≠ Sexual Orientation

Sex Assigned At Birth
☐ Female ☐ Intersex ☐ Male

Heard Sexually Attracted to...
and/or (a/o)

- Women a/o Feminine a/o Female People
- Men a/o Masculine a/o Male People

Romantically Attracted to...

- Women a/o Feminine a/o Female People
- Men a/o Masculine a/o Male People
TERMINOLOGY: One Warning
Sexual Orientation: Describes an individual’s emotional, physical, and/or romantic attraction to another person.

- Heterosexual
- Homosexual (LGBQ+)
  - Lesbian
  - Gay
  - Bisexual
  - Queer
  - +
    - Intersex
    - Asexual
    - Pansexual
    - Two-Spirit
## TERMINOLOGY: Words Matter

<table>
<thead>
<tr>
<th>Avoid</th>
<th>Acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homosexual</td>
<td>LGBTQ+</td>
</tr>
<tr>
<td>Sexual Preference</td>
<td>Sexual Orientation</td>
</tr>
<tr>
<td>Gay/Homosexual Lifestyle</td>
<td>Openly LGBTQ+</td>
</tr>
<tr>
<td>Admitted/Avowed Homosexual</td>
<td>Out</td>
</tr>
</tbody>
</table>
**TERMINOLOGY: Gender Identity**

*Gender Identity:* A person’s deeply held, internal sense of being female, male, or somewhere else on the gender spectrum.

- Cisgender
- Transgender
  - MTF & FTM
  - MAAB & FAAB
- Agender
- Non-Binary
- Gender Fluid
- Gender Queer
TERMINOLOGY: Transgender & Gender Transition

- **Transgender**: An umbrella term that can be used to describe people whose gender expression is non-conforming and/or whose gender identity is different from their sex assigned at birth.

- **Gender Transition**: Refers to the process through which an individual begins living as the sex consistent with their gender identity rather than the sex assigned at birth. May (or may not) include:
  
  - **Medical Transition**
    - There is no one “transgender surgery”
    - Can include a variety of treatments such as:
      - Hormone therapy
      - Mental health services
      - Electrolysis and laser hair removal
      - Gender Confirming/Affirming Surgeries
    - Extent to which someone has had medical or surgical treatment has no bearing on their gender
  
  - **Social Transition**
    - Coming out to family, friends, and co-workers
    - Using new name and/or pronouns
    - Changing clothing, hairstyle, and mannerisms
    - Often the most important transition

  - **Legal Transition**
    - Changing name and/or sex on ID documents
    - Changing benefits, employment documentation, etc.
TERMINOLOGY: Words Matter

**Avoid**
- Transgenders (noun)
- A Transgender
- Transgendered (verb)
- Sex Change Operation
- Biological Male/Female
- A Person’s Deadname
- Preferred Pronouns
- When You Were a Woman/Man

**Acceptable**
- Transgender People
- A Transgender Person
- Trans
- Transgender
- Transition
- Sex Assigned at Birth
- Pronouns
- Before Your Transition
Gender Expression: How a person chooses to communicate their gender identity to others through clothing, hairstyles, make-up, mannerisms, and social interactions that are perceived as masculine, feminine, or somewhere else on the spectrum.

- Gender Conforming
- Gender Non-Conforming (GNC)
IDENTITY SPECTRUM

**SEX ASSIGNED AT BIRTH**
- Male
- Intersex
- Female

**GENDER IDENTITY**
- Man/Boy
- Non-Binary
- Woman/Girl

**GENDER EXPRESSION**
- Masculine
- Androgynous
- Feminine

**SEXUAL ORIENTATION**
- To Women
- Bisexual
- To Men
IDENTITY SPECTRUM

SEX ASSIGNED AT BIRTH
- Male
- Intersex
- Female

GENDER IDENTITY
- Man/Boy
- Non-Binary
- Woman/Girl
- Non-Binary
- Woman/Girl

GENDER EXPRESSION
- Masculine
- Androgynous
- Feminine

SEXUAL ORIENTATION
- To Women
- Bisexual
- To Men
Ask one question: What is the experience for an LGBTQ+ person in the courthouse, from the first interaction with security, staff, or a judge, through the end of the case?
THE IMPORTANCE OF PRONOUNS

- Using an individual’s correct pronouns is affirming the person’s gender identity
- Signal inclusivity: Introduce yourself with your own pronouns
- Pronouns are not a preference

**Personal Gender Pronoun (PGP):**

- Jo uses He/Him/His as the pronouns that HE identifies with.
  
  Example: HIS favorite color is purple.

- Juno, a gender non-conforming person, uses They/Them/Theirs pronouns.
  
  Example: THEY love to go bike riding with friends.

- John, a queer person, uses Ze/Zir/Zirs pronouns.
  
  Example: John loves to go bike riding, and ZE went riding with friends yesterday.
"An employer who fires an individual merely for being gay or transgender defies the law."

- Justice Neil Gorsuch

Bostock v. Clayton County
86% of LGBTQ+ students were harassed or assaulted at school

Source: 2019 National School Climate Survey

84% of trans students felt unsafe at school because of their gender

Source: 2019 National School Climate Survey

26% of LGBT youth say their biggest problems are not feeling accepted by their family, trouble at school/bullying, and a fear to be out/open. 22% of non-LGBT youth say their biggest problems are trouble with class, exams and grades.

www.hrc.org/youth

#LGBTYOUTH
LGBTQ+ YOUTH

• 40% of runaway & homeless youth identify as LGBTQ+
• 20% of children & youth in foster care system identify as LGBTQ+
• 15% of children & youth in juvenile justice system identify as LGBTQ+
• 39% of homeless LGBTQ+ youth report being involved in the juvenile justice or child welfare system
• 47% of LGBTQ+ youth report not “fitting in” in their community
LGBTQ+ FAMILIES
A NOTE ABOUT FORMS

- Mother/Father vs. Parent/Guardian
- Husband/Wife vs. Spouse/Spouse
- Male/Female vs. Male/Female/Non-Binary
- Request Pronouns
DO YOU NEED TO KNOW?

In court, before asking about an individual’s sexual orientation, gender identity, or gender expression, consider:

- Not everyone is comfortable being “out” & it may be unsafe for them.
- Do you need to know? (Sometimes it’s necessary)
- Will asking “out” the individual?
- How will you keep the information confidential?

In 2018, 46% of all LGBTQ+ employees were not out at work.
WHAT IF YOU NEED TO KNOW?

- Don’t make assumptions!
- Send cues of inclusivity
  - Use affirming, appropriate terminology
  - “Please feel free to inform the court how to properly address you, including pronunciation of your name, pronouns you wish to share, etc."
- If necessary, ask respectfully and with consideration for privacy
  - Use bench conference if necessary
- Use generic terms if you are unsure (juror number; petitioner; client; etc.)
- Keep questions gender neutral
  - “Do you have a spouse or partner?”
  - “What is the relationship between you and the respondent?”
A NOTE ABOUT BATHROOMS
Wesley D. Bizzell, Esq.
President, National LGBTQ+ Bar Association

Senior Assistant General Counsel
Managing Director, Political Law & Ethics Programs
Altria Client Services LLC

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Wesley.Bizzell@Altria.com