

LGBTQ BENCHBOOK FOR THE JUDICIARY
REGARDING A GLOSSARY OF TERMS AND GENDER PRONOUNS

LGBTQ COMMITTEE OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS

1. LGBTQ DEFINITIONS

The term LGBTQ refers to Lesbian, Gay, Bisexual, Transgender, and questioning people. The term is intended to be inclusive of people with non-heterosexual orientation and transgender people. The letters will sometimes appear in a different order or with additional letters. (i.e. A for asexual or ally and I for intersex).

- a. **Transgender:** An umbrella term that refers to people whose gender identity, expression or behavior is different from their assigned sex at birth. Some transgender people have legally changed their names and pronouns. Some may have undergone hormone treatment or surgery. Not all transgender people will change their names, or take any medical intervention.
- b. **Non-Binary:** People who identify as both masculine and feminine or neither. Some will use gender neutral pronoun such as “they.” Other terms that fall under non-binary include gender-fluid, gender-nonconforming, and gender-queer.
- c. **Asexual:** The lack of sexual attraction or desire for other people.
- d. **Assigned Gender:** A decision made at birth (or before birth) about the gender of an infant based on visible genitalia.
- e. **Bi-sexual:** A person who experiences sexual, romantic, physical, and/or spiritual attraction to people of their own gender as well as another gender.
- f. **Cisgender:** A person whose gender identity is aligned to what gender/sex they were assigned at birth.
- g. **FTM:** A term for a transgender individual who was assigned female at birth and identifies as a man. See also MTF for an individual assigned male at birth that identifies as a woman.
- h. **Gender Identity:** An individual’s internal sense of being male, female, both, neither, or something else. Gender identity is internal and not necessarily visible to others. This can be the same or different from their sex assigned at birth.
- i. **Gender-Neutral/Gender-Inclusive:** A unisex or all gender inclusive space. Example- a general neutral bathroom.
- j. **Heterosexual:** A person who is attracted to someone with a different gender than they have. Also referred to as straight.
- k. **Lesbian:** A woman whose primary sexual, emotional, and romantic orientation is toward people of the same gender.
- l. **Pansexual:** A person who experiences sexual, romantic, physical, and/spiritual attraction for members of all gender identities.

How a party is addressed in court is important. The individual may share their identity and pronouns directly, through counsel, or through pleadings. The judicial officer sets the tone. The use of a transgender person’s former name or incorrect pronouns can show bias or disrespect. Title VII of the Civil Rights Act of 1964, which expressly prohibits workplace discrimination on the basis of race, color, religion, sex, and national origin. The Code of Judicial Conduct Canon 2 also requires that a judge should perform their duties without bias or prejudice.

As these terms continue to evolve, there are many online resources that are updated regularly, including the Stylebook *Supplement on Lesbian, Gay, Bisexual, & Transgender Terminology*.

2. OBERGEFELL

In 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) that every American has the constitutional right to marry the person they love. Therefore, the terms “gay marriage” and “same sex marriage” should not be used.

3. TERMS TO AVOID

OFFENSIVE

“homosexual” (n. or adj.)

Because of the clinical history of the word “homosexual,” it is aggressively used by anti-LGBTQ extremists to suggest that people attracted to the same sex are somehow diseased or psychologically/emotionally disordered – notions discredited by the American Psychological Association and the American Psychiatric Association in the 1970s. Please avoid using “homosexual” except in direct quotes. Please also avoid using “homosexual” as a style variation simply to avoid repeated use of the word “gay.” The Associated Press, The New York Times and The Washington Post restrict use of the term “homosexual” (see AP, Reuters, & New York Times Style).

“homosexual relations/relationship,” “homosexual couple,” “homosexual sex,” etc.

Identifying a same-sex couple as “a homosexual couple,” characterizing their relationship as “a homosexual relationship,” or identifying their intimacy as “homosexual sex” is extremely offensive and should be avoided. These constructions are frequently used by anti-LGBTQ extremists to denigrate LGBTQ people, couples, and relationships.

“sexual preference”

The term “sexual preference” is typically used to suggest that being attracted to the same sex is a choice and therefore can and should be “cured.”

“gay lifestyle,” “homosexual lifestyle,” or “transgender lifestyle”

There is no single LGBTQ lifestyle. LGBTQ people are diverse in the ways they lead their lives. The phrases “gay lifestyle,” “homosexual lifestyle,” and “transgender lifestyle” are used to denigrate LGBTQ people suggesting that their sexual orientation and/or gender identity (see Transgender Glossary of Terms) is a choice and therefore can and should be “cured” (see AP, Reuters, & New York Times Style).

“admitted homosexual” or “avowed homosexual”

Dated terms used to describe those who self-identify as gay, lesbian, bisexual, or queer in their personal, public, and/or professional lives. The words “admitted” or “avowed” suggest that being attracted to the same sex is somehow shameful or inherently secretive.

“gay agenda” or “homosexual agenda”

Notions of a so-called “homosexual agenda” are rhetorical inventions of anti-LGBTQ extremists seeking to create a climate of fear by portraying the pursuit of equal opportunity for LGBTQ people as sinister (see AP, Reuters, & New York Times Style).

“special rights”

Anti-LGBTQ extremists frequently characterize equal protection of the law for LGBTQ people as “special rights” to incite opposition to such things as relationship recognition and inclusive nondiscrimination laws (see AP, Reuters, & New York Times Style). As such, the term should be avoided.

“Transexual,” “Tranny,” “Transvestite,” “She-male,” “He-she,” “It,” “Hermaphrodite.”

“Sex Change”

PREFERRED

“gay” (adj.); “gay man” or “lesbian” (n.); “gay person/people”

Please use gay, lesbian, or when appropriate bisexual or queer to describe people attracted to members of the same sex.

“relationship,” “couple” (or, if necessary, “gay/lesbian/same-sex couple”), “sex,” etc.

As a rule, try to avoid labeling an activity, emotion, or relationship gay, lesbian, bisexual, or queer unless you would call the same activity, emotion, or relationship “straight” if engaged in by someone of another orientation. In most cases, your readers, viewers, or listeners will be able to discern people’s sexes and/or orientations through the names of the parties involved, your depictions of their relationships, and your use of pronouns.

“sexual orientation” or “orientation”

Sexual orientation is the accurate description of an individual’s enduring physical, romantic, and/or emotional attraction to members of the same and/or opposite sex and is inclusive of lesbians, gay men, bisexuals, and queer people, as well as straight men and women (see AP, Reuters, & New York Times Style).

“LGBTQ people and their lives”

“out gay man,” “out lesbian,” or “out queer person”

You may also simply describe the person as being out, for example: “Ricky Martin is an out pop star from Puerto Rico.” Avoid the use of the word “homosexual” in any case (see AP, Reuters, & New York Times Style).

“Accurate descriptions of the issues (e.g., “inclusion in existing nondiscrimination laws,” “securing equal employment protections”)

LGBTQ people are motivated by the same hopes, concerns, and desires as other everyday Americans. They seek to be able to earn a living, be safe in their communities, serve their country, and take care of the ones they love. Their commitment to equality and acceptance is one they share with many allies and advocates who are not LGBTQ.

“equal rights” or “equal protection”

“transgender”

Sexual Reassignment Procedures or Sexual Affirmation Procedures.

This can include hormones, surgery or other medical intervention.