

Gender-neutral English in legal documents (online seminar)

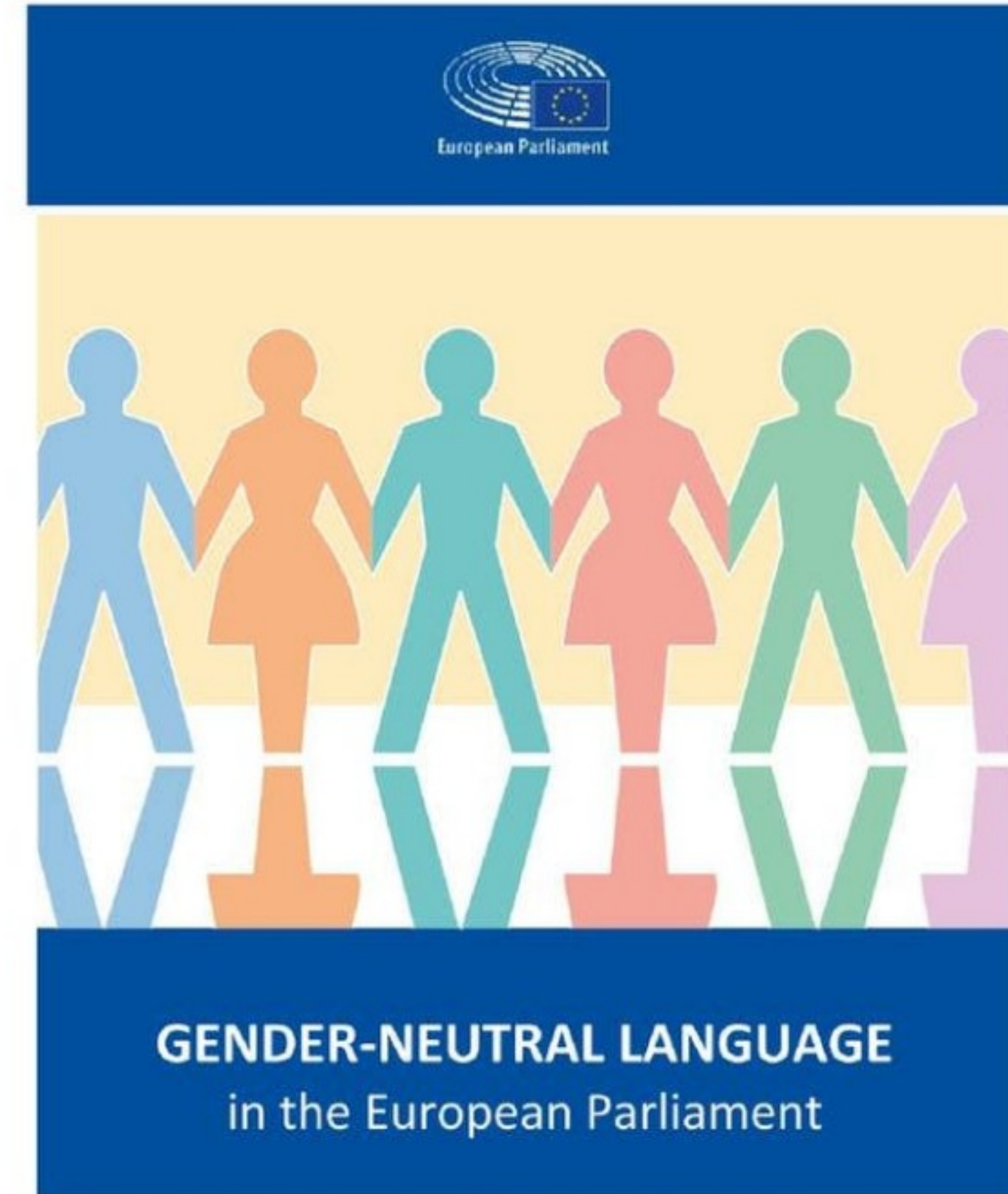
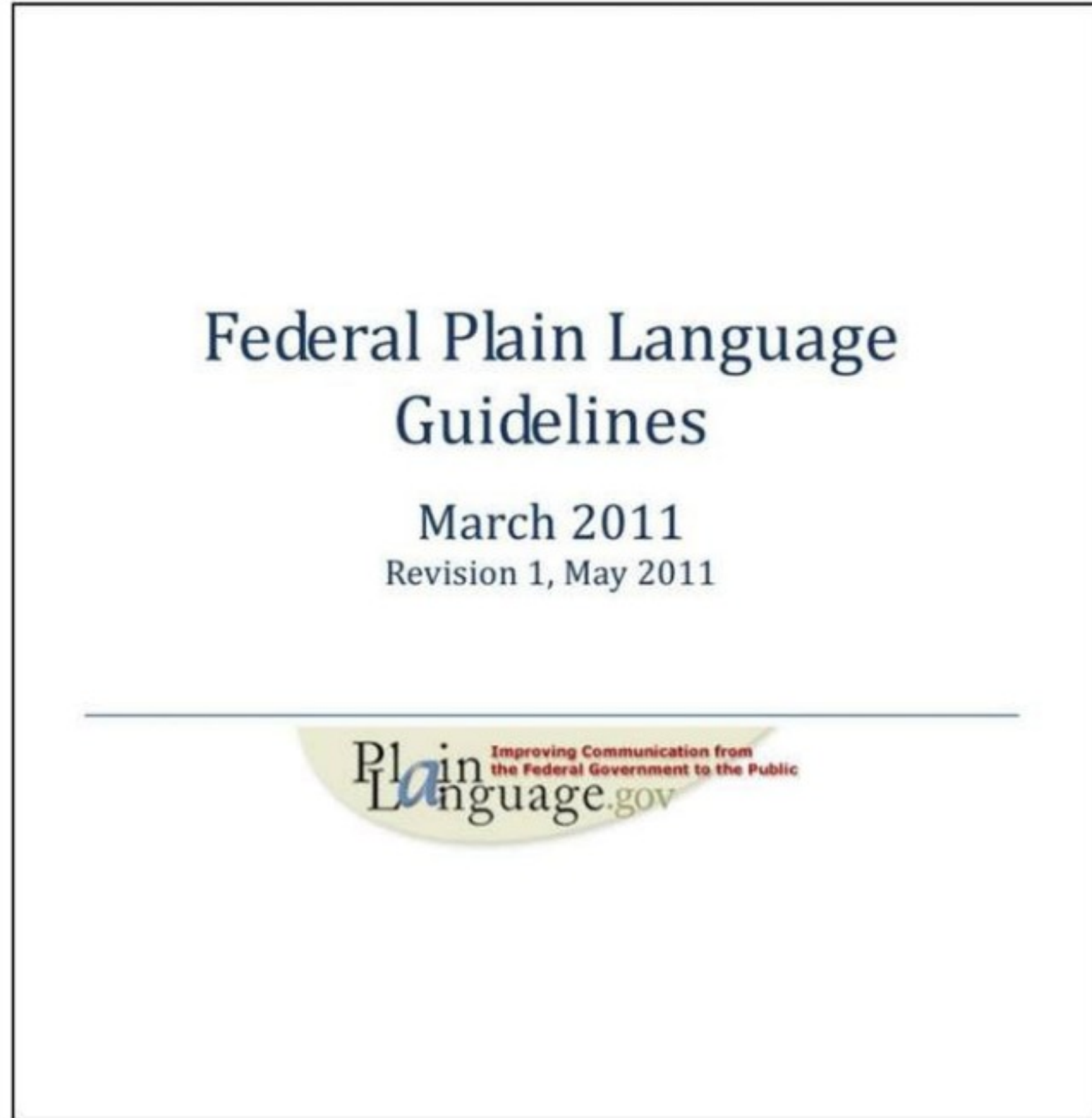
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OUTLINE

1. Importance of gender-neutral language
2. Four reasons to use gender-neutral language
3. Six problem areas Legal and Academic writers face
4. Salutations
5. Generic use of “Man”
6. Pronouns
7. Gender-neutral job-titles
8. Sexist modifiers
9. Other sexist language



Importance of gender-neutral language



Four reasons to use gender-neutral language

1. Reader reaction
2. Fairness
3. Clarity
4. Precision



Six problem areas Legal writers face

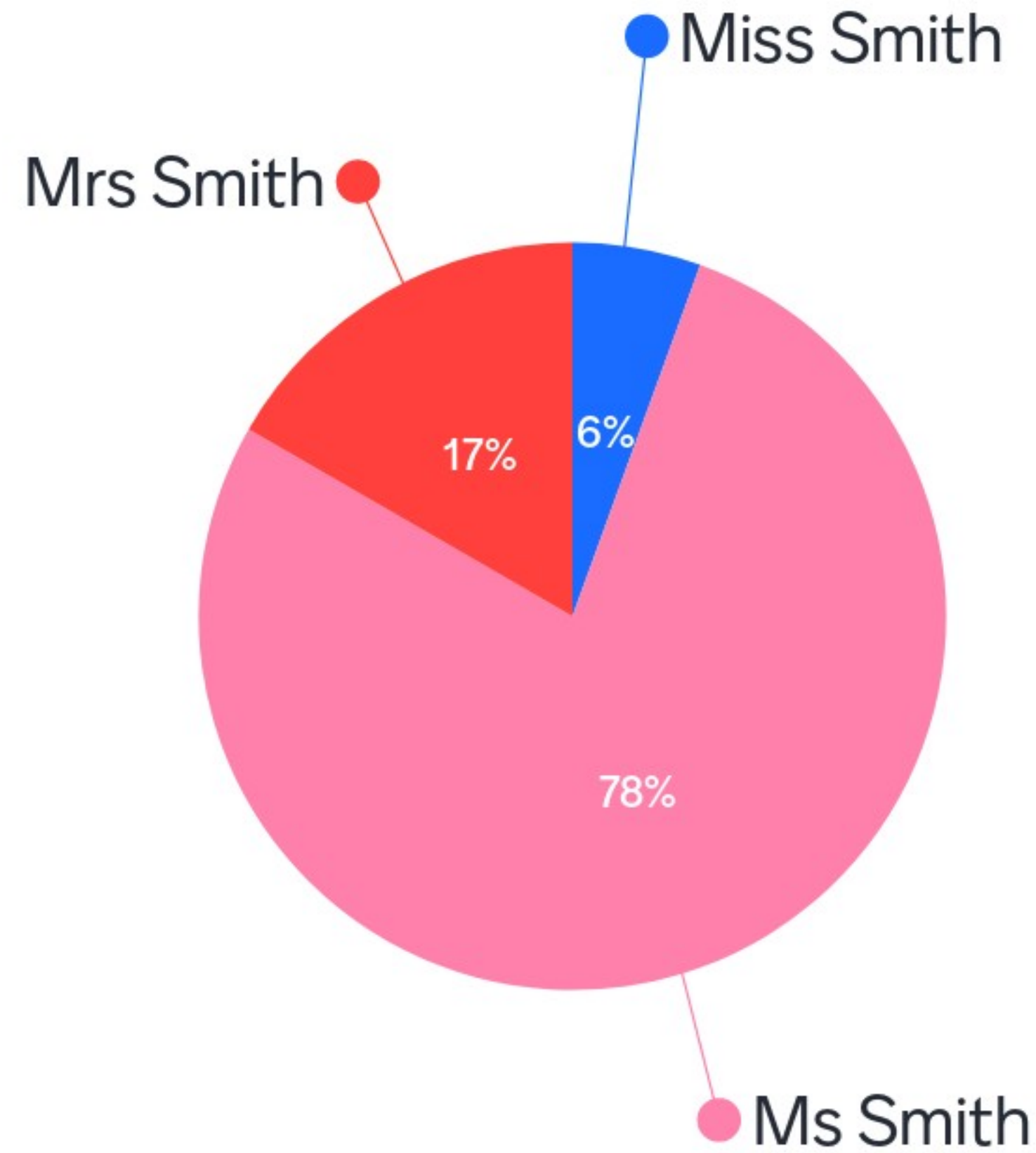


1. Salutations
2. Generic use of “Man”
3. Pronouns
4. Gender-neutral job-titles
5. Sexist modifiers
6. Other sexist language

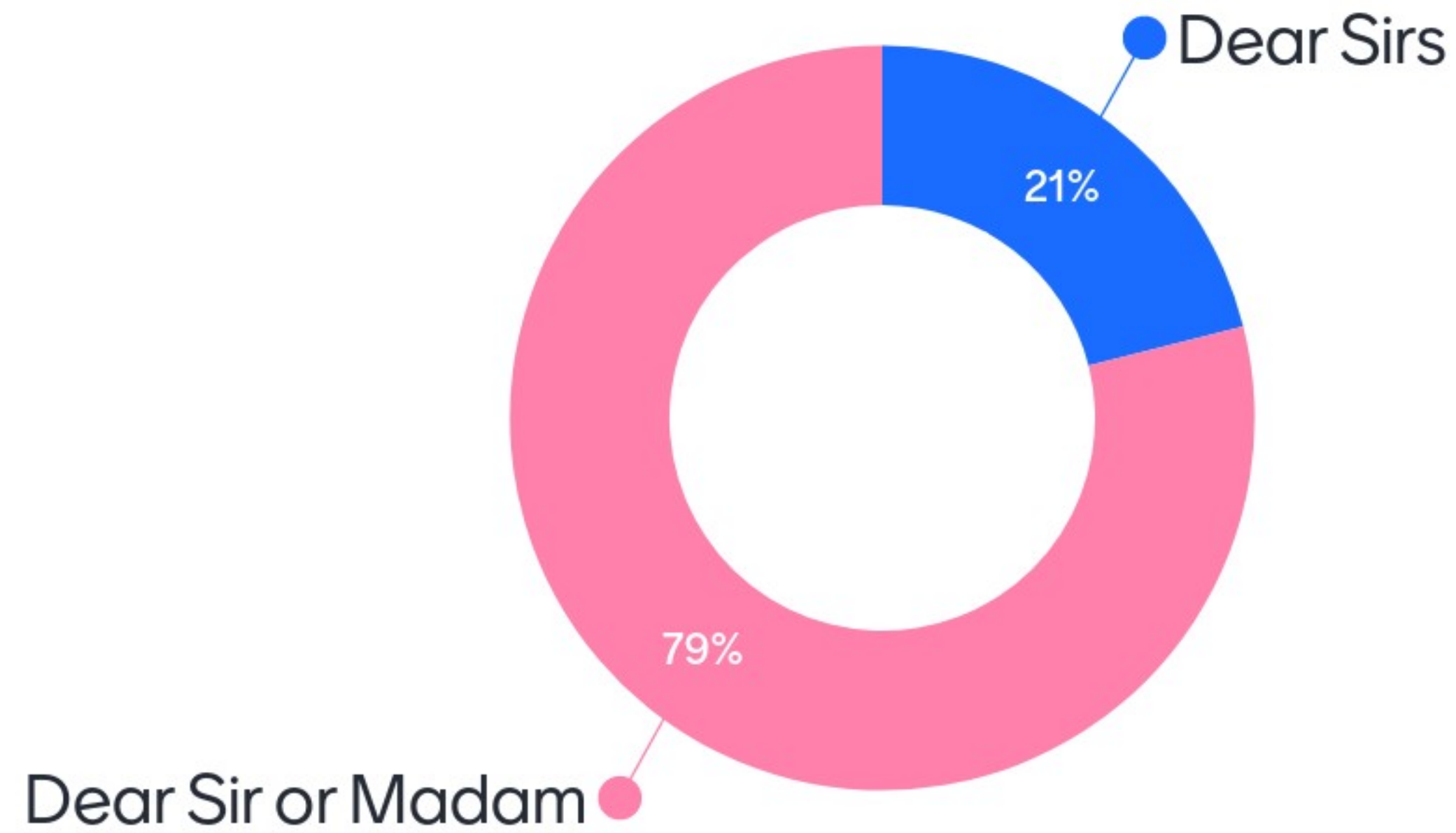
1. SALUTATIONS



You are writing to a lawyer who is a woman. You do not know whether she is married or not. Choose the best option for salutation



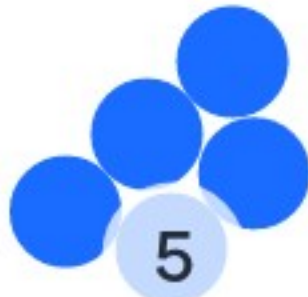
You are writing to a law firm 'Lowe and Steele LLP' (you do not know which lawyer is going to be dealing with your case)



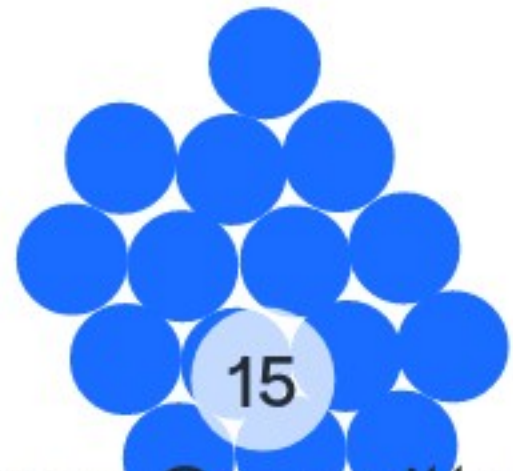
You are submitting an application with some committee. This committee consists of several people

0
Dear Mr

0
Dear Sir



Dear Sir or Madam



Dear Committee

Salutations

- Dear [name]
- Dear Mr [Last name]
- Dear Ms [Last name]
- Dear Mrs [Last name]
- Dear All or Dear all
- Dear colleagues
- Dear Sir / Madam (Dear Sir or Madam)
- Dear Dr [Last name]
- Hi (semi-formal emails)



2. PRONOUNS



Pronouns

Can a lawyer be disciplined for something **she** does outside the state in which **she** is licensed to practice?

Yes. The lawyer may be disciplined for violation of the rules regardless of whether the violation occurs in the state in which the lawyer is admitted. So, for example, if a lawyer admitted in Idaho commits a crime in Nevada, **she** could be disciplined in Idaho for the criminal act in Nevada.³⁷

If a lawyer violates a rule in a state in which **he** is not licensed, can **he** be disciplined by the authorities in that state?

It depends. Most ethics codes subject only lawyers admitted to practice in that state to discipline for violation of the rules. However, the ethics rules of California, the District of Columbia, and Maryland allow discipline of any lawyer who violates a rule of the jurisdiction, regardless of whether the person is licensed to practice in that state.³⁸

What if a lawyer is admitted to practice in several states but is suspended or disbarred in one of those states? Can the lawyer continue **her** practice in the other states?

* Extract from: *Ethical Problems in the Practice of Law* by Lisa G. German and Philip G. Schrag (Wolters Kluwer, 2008)

Pronouns

1. Use gender-neutral pronouns and adjectives
2. Use 'their'
3. Delete the pronoun
4. Change the pronoun to an article
5. Use 'who'
6. Repeat the noun
7. Use plural of the noun
8. Use the infinitive form of the verb
9. Use the passive form of the verb



Every competent lawyer must ensure that HIS legal knowledge is kept up to date



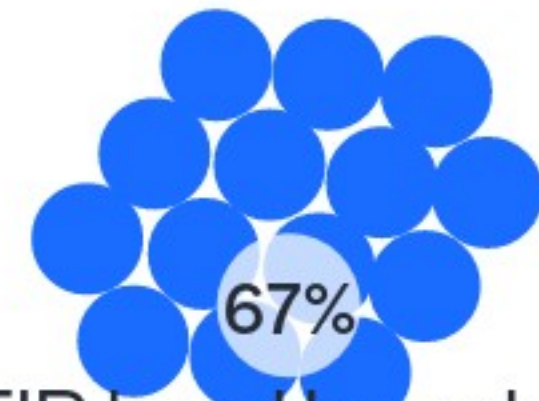
5%

HER legal knowledge



29%

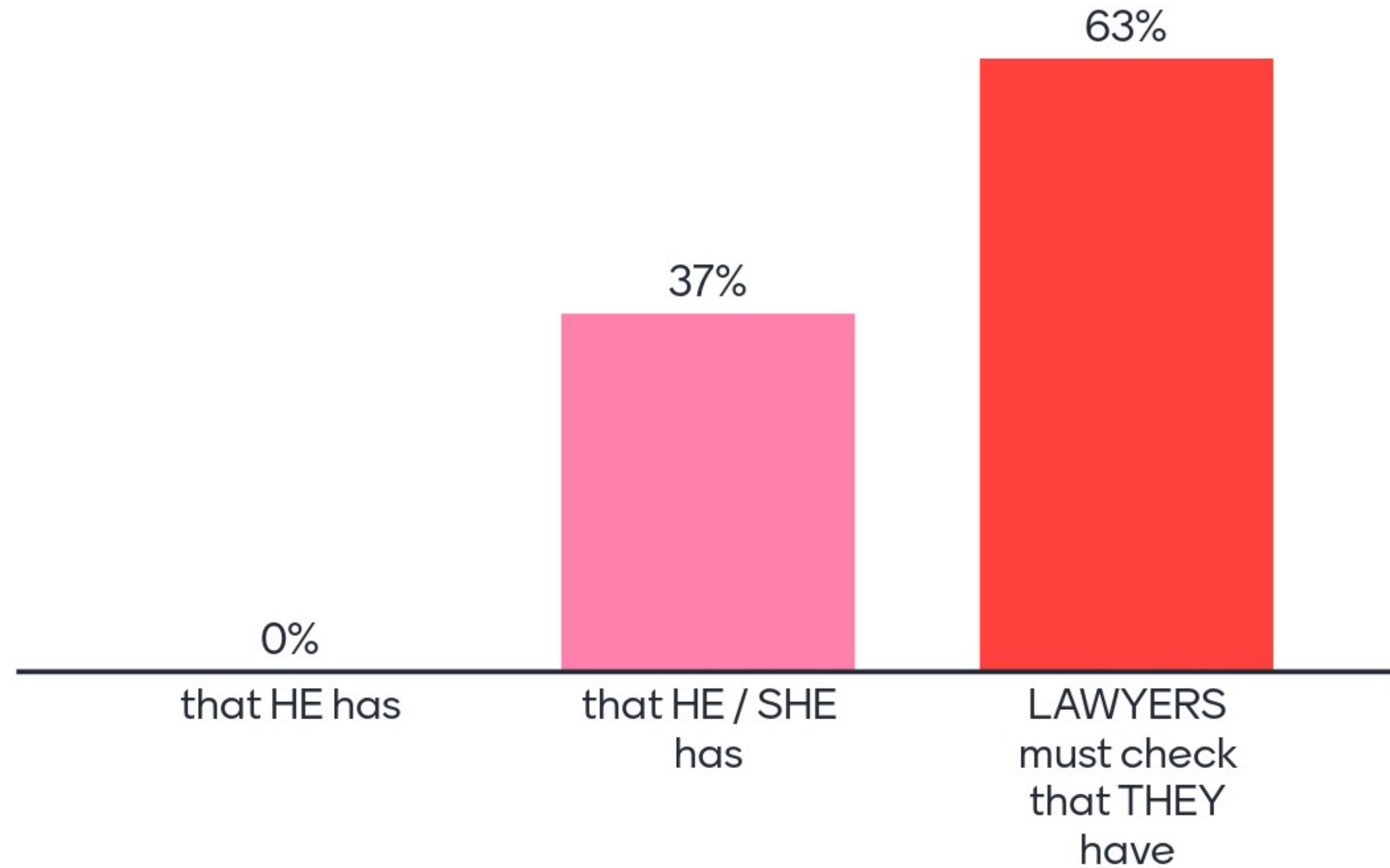
HIS/ HER legal knowledge



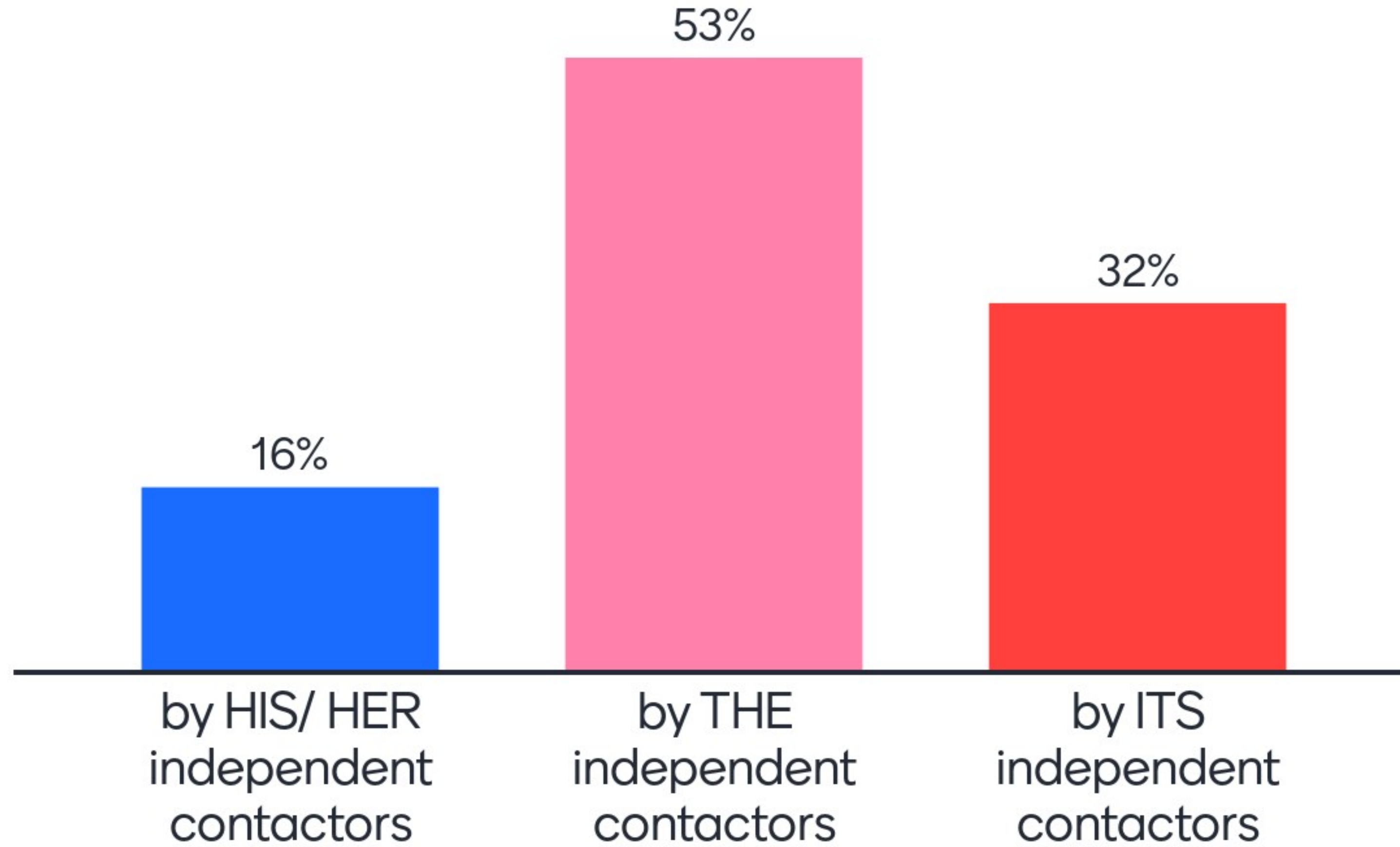
67%

THEIR legal knowledge

A lawyer must check that SHE has all the relevant papers before attending court



As a general rule, an employer is not liable for the work performed by HIS independent contactors



3. SEXIST LANGUAGE, SEXIST MODIFIERS

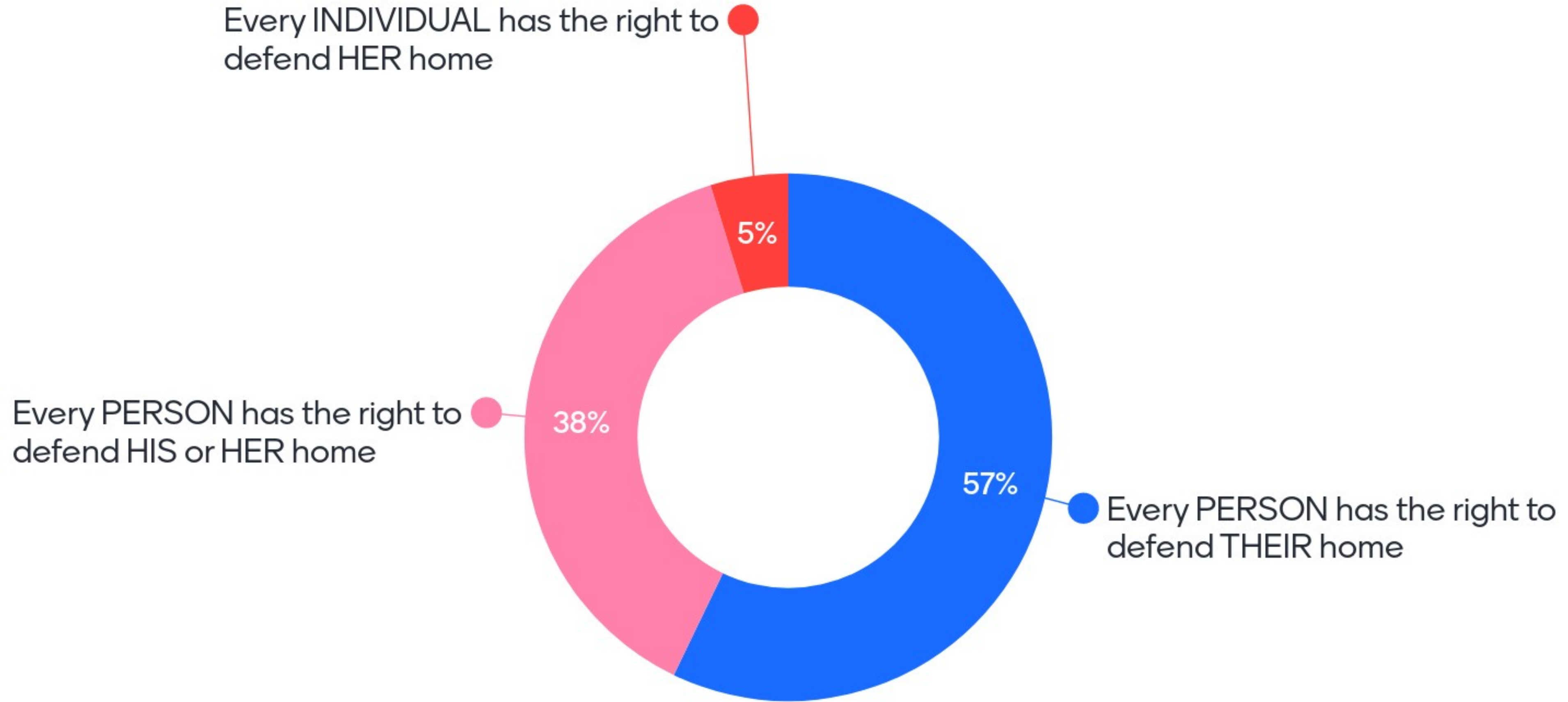


Generic use of “man”



Sexist Language	Gender-neutral substitutes
man (noun) or mankind	people, humanity, human race, human beings, human population, <i>homo sapiens</i>
a man who...	an individual who..., a person who..., one who..., someone who...

Every man has the right to defend his home.

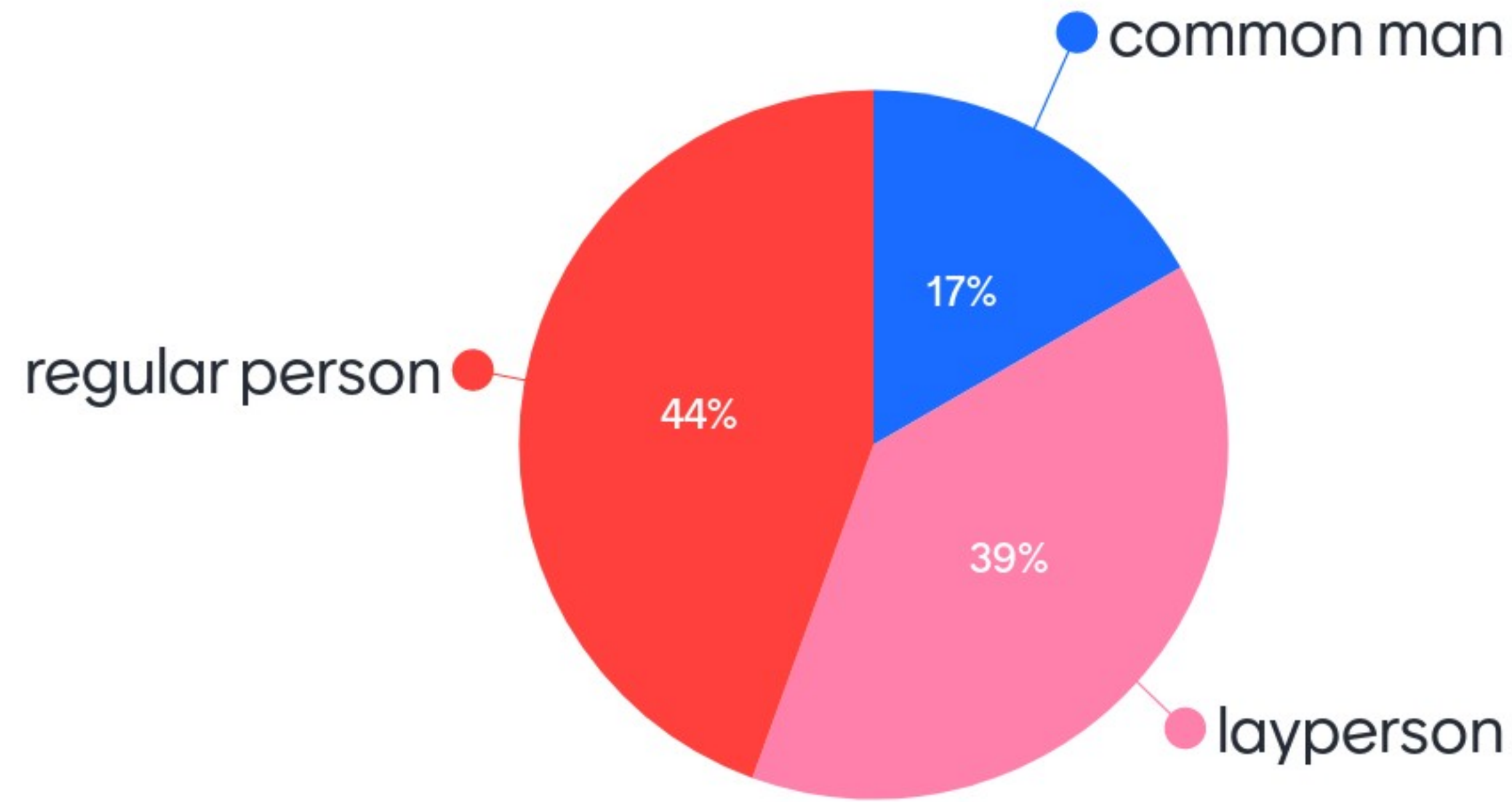


Gender-neutral job titles



Old-fashioned term	Nonsexist equivalent
Air hostess/stewardess	Flight attendant
Anchorman	Anchor
Businessman	Business executive, manager, entrepreneur, presiding officer
Cameraman	Camera operator, photographer
Chairman	Head, Chair
Congressman	Member of Congress, Senator
Councilman	Council Member
Craftsman	Artisan
Deliveryman	Courier, messenger, delivery driver
Draftsman	Drafter
Fireman	Firefighter
Foreman (as the head of a group of workers)	Supervisor, head worker, section chief

A lawyer knows better than a LAYMAN that knowledge of where to find the law is at least as useful as knowledge of specific legal provisions



Sexist modifiers

Sexist Modifier	Edited
female judge	judge
lady lawyer	lawyer
male nurse	nurse
woman attorney	attorney

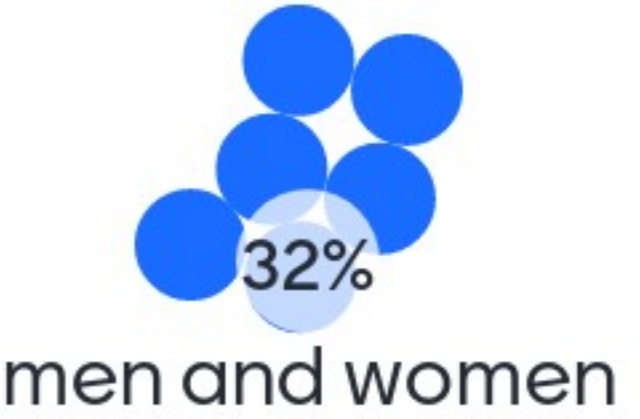
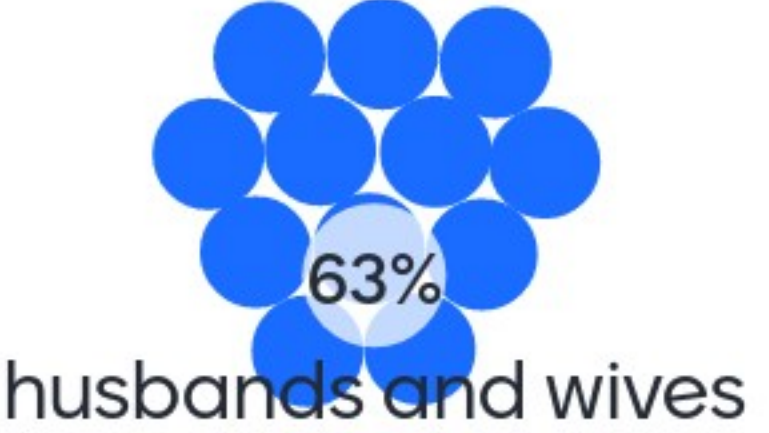


Other sexist language



Sexist term	Gender-neutral substitute
coed	student
divorcee	divorced person
forefathers	ancestors, forerunners, forebears
girl or girls (when applied to adult females)	woman or women
housewife, househusband	homemaker
man and wife	man and a woman, husband and wife
old wife's tales	superstitious belief or idea

The statute gives MEN and THEIR WIVES more freedom to independently dispose of their property by contract, free from court supervision



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