

WSR 22-08-085
RULES OF COURT
STATE SUPREME COURT
[March 31, 2022]

IN THE MATTER OF THE ) ORDER
SUGGESTED NEW GENERAL RULE ) NO. 25700-A-1425
REGARDING PRONOUNS )

A Consortium, having recommended the suggested new general rule regarding pronouns, and the Court having approved the suggested new general rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new general rule as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 31st day of March, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet

Proponents: Beverly K. Tsai (she/they)

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Purpose:

Our courts and court filing practices should establish rules and procedures that strive to be inclusive. This proposed new General Rule 40 is intended to provide a signing attorney or party with the option to identify their personal pronouns in the signature block and title page of filed documents. Under this new rule, the preparer may also designate any person's personal pronouns in the text of the document. Giving people the opportunity to self-identify their personal pronouns in court filings will help our courts be more inclusive by aiming to minimize misgendering, transphobia, trans-exclusion, and anti-LGBTQIA+ experiences in our courts.

- 1 In this cover sheet, we call them "personal pronouns" to reflect the fact that they refer to a unique and individual person. MYPRONOUNS.ORG, *What and Why*, [www.mypronouns.org/what-and-why](http://www.mypronouns.org/what-and-why). We do not call them "gender pronouns" because they do not necessarily reflect or indicate a person's gender, and we also do not call them "preferred pronouns" because pronouns are part of a person's identity, not a preference. GLSEN, *Pronoun Guide*, <https://www.glsen.org/activity/pronouns-guide-glsen>.

Personal pronouns are related to the person's gender identity. Gender identity is a person's internal sense of their own gender. While a person's sex is a biological identity assigned at birth, gender identity is unique. A person's gender identity may be male, female, both, or neither.<sup>2</sup> Some people are "cisgender," meaning their gender identity matches the sex they were assigned at birth, male or female.<sup>3</sup> Some people are "transgender," meaning their gender identity is different than what they were assigned at birth. Some people's gender identity may be "gender-expansive," meaning they do not identify as exclusively male or female. For example, a person may be "gender-fluid" or "genderqueer" if they do not identify with one gender or the other and instead have an unfixed gender identity. A "non-binary" or "gender nonconforming" person may identify as neither male nor female, both male and female, as a third gender, or something else. In some Native American cultures, people may identify as "two-spirit," meaning they identify as neither male nor female but as a different gender and fulfill a different gender role in their communities.<sup>4</sup>

- 2 Human Rights Campaign, *Sexual Orientation and Gender Identity Definitions*, [https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions?utm\\_source=GS&utm\\_medium=AD&utm\\_campaign=BPI-HRC-Grant&utm\\_content=454887071989&utm\\_term=gender%20identity&gclid=EA1aIQobChMI7seHg\\_2z8gIVAz6tBh0v8wolEAAAYASAAEgKH M D BwE](https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions?utm_source=GS&utm_medium=AD&utm_campaign=BPI-HRC-Grant&utm_content=454887071989&utm_term=gender%20identity&gclid=EA1aIQobChMI7seHg_2z8gIVAz6tBh0v8wolEAAAYASAAEgKH M D BwE).
- 3 Human Rights Campaign, *Glossary of Terms*, <https://www.hrc.org/resources/glossary-of-terms>.
- 4 Indian Health Service, *Two-Spirit*, <https://www.ihs.gov/lgbt/health/twospirit/>.

Gender expression is the external appearance of a person's gender identity.<sup>5</sup> This includes, among many other characteristics, their appearance, mannerisms, clothing, hair, makeup, and voice. A person's gender expression may be described using words such as masculine, feminine, or androgynous. A person's gender expression may or may not conform to expressions that are typically associated with a certain gender identity or sexual orientation.

- 5 Human Rights Campaign, *supra* note 2.

A person's personal pronouns are how that person wishes to be addressed aside from their name, and personal pronouns are as expansive and unique as gender identity. While they are sometimes related to gender identity, personal pronouns do not necessarily indicate a person's gender identity, nor does a person's gender expression necessarily indicate their personal pronouns. Personal pronouns are unique to each individual person and they are often very important to their personal identity. "Using someone's correct personal pronouns is a way to respect them and create an inclusive environment, just as using a person's name can be a way to respect them."<sup>6</sup> "She/her/hers" and "he/him/his" are some commonly used pronouns that are often associated with the female or male gender, respectively. "They/them/theirs"<sup>7</sup> are gender-neutral pronouns that some people use, and they are also often used if someone's personal pronouns are not known. Some people may use more than one personal pronoun,<sup>8</sup> and some may not use pronouns at all.<sup>9</sup> There are no rules about "right" or "wrong" personal pronouns except for what a person decides for themselves.

- 6 MyPronouns.org, *supra* note 1.
- 7 Other examples of personal pronouns are "ze/zem/zir," and "xe/xem/xet." These are known as "neopronouns." Shige Sajurai, *Neopronouns*, MyPronouns.org, [www.mypronouns.org/neopronouns](http://www.mypronouns.org/neopronouns).
- 8 Paige Cohen, *My Pronouns Are She/They. What Are Yours?* Harvard Business Review (June 15, 2021), <https://hbr.org/2021/06/my-pronouns-are-she-they-what-are-yours>.
- 9 Sam Krauss, *What do you do when someone doesn't use any pronouns?* PFLAG, <https://pflag.org/blog/what-do-you-do-when-someone-doesn%E2%80%99t-use-any-pronouns>.

As a society, people often make assumptions about a person's gender identity and personal pronouns based on their appearance, name, or gender expression. These assumptions are often based on gender stereotypes and gender norms. Gender identity is an internal sense of self, and we cannot know a person's personal pronouns just by looking at them. Therefore, guessing a person's personal pronouns based on assumptions can be very harmful and can create unsafe environments. Even if it is unintentional, using the wrong personal pronoun to refer to somebody can make them feel disrespected, invalidated, and dismissed, and it alienates people for not conforming to the gender-binary and expectations based on stereotypes. This results in bias and discrimination.

This proposed new General Rule 40 creates an opportunity for a person to offer their personal pronouns and also provides an opportunity for others to learn how to respectfully address them. Providing opportunities for people to identify how they wished to be addressed in addition to their name will help prevent others from acting on assumptions and using incorrect pronouns. It will also help minimize the burden of having to correct someone after they use the wrong pronouns to address someone. This proposed new General Rule 40 will allow court staff, clerks, justices and judges, and other parties and attorneys to be aware of and use the correct personal pronouns in communication, documents, discussions, and oral argument. It will improve our courts by helping to create an environment that is welcoming and respectful of people and their identities.

The proposed new General Rule 40 provides a signing attorney or party the option to indicate their personal pronouns in the signature block and title page of filed documents. If the person so chooses, they can list their personal pronouns along with their name, address, telephone number, and Washington State Bar Association membership number in the signature block and title page of filed documents. A person's personal pronouns may also be designated in the text of the document. This is not limited to attorneys or signing parties. Under this proposed new rule, providing personal pronouns is not mandatory, but merely optional. A permissive rule such as this will provide opportunities for those who wish to disclose their personal pronouns without pressuring those who may be uncomfortable or not ready to disclose their personal pronouns. It also allows the person to write in their personal pronouns and does not limit a person to the more commonly used pronouns.

**Hearing:** The proponent does not believe a public hearing is necessary.

**Expedited Consideration:** The proponent does not believe that expedited consideration is necessary.

GR 40

[NEW]

PERSONAL PRONOUNS

(a) Policy and Purpose. The purpose of this rule is to promote inclusive practices in courtrooms and court filing procedures.

(b) Scope. This rule applies to all courts of the State of Washington.

(c) Option to Indicate Personal Pronouns on Court Filings. Any person's personal pronouns may be indicated in the text of filed documents. A signing attorney or party may indicate their personal pronouns in the signature block and on the title page of filed documents.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.