

NALP

Guidance for Working with Trans Students and Lawyers

Gender Non-binary Workgroup of the NALP Diversity,
Equity, and Inclusion Section

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ABOUT THIS GUIDEBOOK

This guidebook is not meant to be read and digested in one sitting. We encourage you to look through as needed and take the time to think about and ask questions regarding the information included.



Transgender and non-binary people have always existed, and trans students have always existed. Though terms and social acceptance have changed over time, that does not mean these identities are new.

Terms

- **Gender identity:** One’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same or different from their sex assigned at birth.¹
- **Gender expression:** External appearance of one’s gender identity, usually expressed through behavior, clothing, body characteristics or voice, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.²
- **Transgender** is an umbrella term used by people who identify differently from the gender they were assigned at birth (AGAB is an acronym used for “assigned gender at birth”).
- **Non-binary** is an umbrella term used by people who identify outside of the gender binary (man/woman).
- **Gender non-conforming and genderqueer** are terms used by some people to describe their gender experience. Gender non-conforming may refer to appearance and not identity (for example, a cisgender female who dresses in a masculine fashion may identify as a gender non-conforming woman). Both terms can also refer to a non-binary gender identity.
- Some other common terms are “**transfem/transfeminine**” and “**transmasc/transmasculine**.” These are umbrella terms used to describe, respectively, someone who transitions into femininity, and someone who transitions into masculinity. While a term like “trans man” identifies those of a binary male gender, “transmasc” broadly includes anyone, including non-binary people, who identify with *masculinity*, not necessarily as a man.
- **Genderfluid** refers to people who feel that their gender identity changes over time and is included under the non-binary and transgender umbrella.

¹ HRC Foundation, [Sexual Orientation and Gender Identity Definitions](https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions), The Human Rights Campaign, <https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions> (last visited February 13, 2024).

² Id.

- Transgender, non-binary, and genderqueer are Venn diagram **umbrella terms** that intersect differently for different people. Though all non-binary people are *technically* not-cisgender, some non-binary people may not identify with the label of trans. Some transgender people are binary trans people, i.e. someone who identifies with a binary gender (man/woman) different from their gender assigned at birth.
- Gender labels are usually **separate from sexuality labels**. A transgender person can have any sexuality, including straight/heterosexual. However, just like race, culture, and class, one's gender experience can be impacted by their sexuality.
- Transgender, non-binary, and gender non-conforming are **adjectives** to describe people. Transgender is often shortened to trans, and gender non-conforming is sometimes shortened to GNC. For example, someone who is transgender and a woman can be called a trans woman, and someone who is gender nonconforming and a man can be called a GNC man. **Referring to someone as “a transgender” is considered dehumanizing and offensive.**
- **Out** is a term that means being open about one's LGBTQ+ identity. **Coming out** is the process of making others aware of that identity. **Closeted** means being in a state of not disclosing one's LGBTQ+ identity. Not all people are out in every area of their life or able to come out for many different reasons, and it's important to keep in mind that accommodating LGBTQ+/transgender people includes accommodating closeted individuals.
- **Transphobia** is a mindset, opinion, worldview, etc. that causes discrimination and marginalization of transgender, non-binary, and gender nonconforming people. Transphobia is often rooted in homophobia (discriminatory attitude towards gay people) and misogyny (discriminatory attitude towards women). For example, the policing of trans women in sports is directly tied to the policing of women and femininity, even if those critics do not consider trans women as women. Though transphobia is seen as external forces of discrimination, experiences of **internalized transphobia** also affect trans people regardless of if they are out or if they are not seen as trans in specific environments.
- **Transmisogyny** is the intersection of transphobia and misogyny that uniquely affects trans women and transfeminine individuals.
- **Transmisogynoir** (from transmisogyny + misogynoir) is an intersection of transphobia, misogyny, and anti-Blackness that uniquely affects trans Black women, who comprise the most historically influential and the most at-risk group in the LGBTQ+ community.
- **Deadnaming** is the use of a former birth, legal, or unused name (a name that is “dead”) of a transgender or non-binary person without the individual's consent.
- **Passing** is a term used to describe whether or not a person is perceived as a certain gender; for example, “passing as a woman” or “passing as a man.” For many transgender people, being able to “pass” as the gender they align with is important for a sense of well-being, and “passing privilege” can allow one to move safely through environments where being perceived as transgender is a danger. However, the term can be considered problematic because it implies that being perceived as cisgender is the ultimate goal for transgender and non-binary people. The word “passing” can imply that a person has to convince others of their gender, rather than being able to simply express their true self.³

³ Guide to Being an Ally to Transgender and Nonbinary Young People, The Trevor Project, <https://www.thetrevorproject.org/resources/guide/a-guide-to-being-an-ally-to-transgender-and-nonbinary-youth/> [hereinafter Trevor Project Guide] (last visited February 13, 2024).

Intersectionality/Dynamics of Privilege and Marginalization

There are dynamics of privilege and marginalization within the trans community along intersectional lines. For example, though medical settings often broadly discriminate against transgender individuals, white trans people are often privileged above trans people of color in medical settings because of racial privilege. Race, ethnicity, culture, class, and other life experiences and identities change the way trans people move through the world. For example, a transgender white man may have some privileges associated with whiteness and may have situational privileges associated with maleness depending on how others accept his masculinity, but he may also face oppression related to being transgender.

Medical and Social Transition

Some transgender and non-binary people choose to medically and/or socially transition. **Medical transitions** include making physiological changes to one's body, usually to secondary or primary sex characteristics, in order to align their body to their sense of self. This is often called **"gender-affirming procedures."** Some examples include facial feminization/masculinization surgery (altering appearance of facial features), hormone replacement therapy (also called HRT), and sex reassignment surgery (altering primary sex characteristics). Though not a form of transition, cisgender people also often undergo gender affirming procedures, such as HRT, Botox, height surgery, hair replacement, and other practices that aim to emphasize primary or secondary sex characteristics, so the person feels more comfortable in their body. In the same way not all cisgender people elect to have gender-affirming

procedures for different reasons, not all transgender people elect to medically transition.

Social transition, which can occur at the same or a different time than medical transition, entails changing how one is recognized in social spaces. This can include publicly announcing one's identity, changing pronouns, changing one's name, altering the way one dresses, and changing the official categories one is in (for example joining a Men of Color Group as a trans man, a Women's Initiatives Group as a trans woman, shifting insurance identification needs, being included in the Non-binary Lawyers mailing list, etc.)

Whether medical or social (or both), the transitioning period is a difficult and important time, and it is when a trans person may need the most support. Examples include assisting with pronoun changes, feeling judged with appearance, medical and health accommodations, coming

out to their employer/school, how to show up and what to say about it during an interview, should they disclose their identity or medical history in a cover letter, using a restroom/changing room, attending events, assistance with legal processes, and much more. As friends, allies, coworkers, and supporters, we need to check in with the person and give the assistance that they want, rather than what we think they need.



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Recommended Practices

What To Do

- In a group setting, identify people by articles of clothing instead of using gendered language. For example, the “person in the blue shirt,” instead of the “woman in the front.”⁴
- Be aware that a person who’s questioning their gender identity might shift back and forth as they find out what pronoun works for them. Be kind and respectful – this includes being respectful of their names, pronouns and bodies.⁵
- When someone is misgendered...ask the person if and how they would like support. For example, you could ask: “I heard Steve misgender you in the meeting earlier. If that happens again, would you like me to correct them? If so, I can do it in the moment, or in private. Let me know what makes you most comfortable.”
- If you do intervene with someone struggling with the right pronouns, make it a simple and straightforward intervention (at least the first time) – e.g. “FYI, Max uses they/them pronouns.”⁶

⁴ Tips for Allies of Transgender People, GLAAD, <https://glaad.org/transgender/allies/> [hereinafter GLAAD Tips] (last visited February 13, 2024).

⁵ How To Be a Trans Ally, Minus18 [hereinafter Minus18] (Sept. 6, 2022), <https://www.minus18.org.au/articles/how-to-be-a-trans-ally>.

⁶ Life Kit: Making The Workplace More Equitable for Trans People, National Public Radio (June 29, 2021), transcript available at <https://www.npr.org/transcripts/1002446490> (last visited February 13, 2024).

What To Avoid

- Don’t disclose a trans or non-binary person’s identity to others, even if they have disclosed it to you.⁷
- Don’t use someone’s pre-transition name.⁸
- Don’t ask unprompted questions about their body, medical history, plans for medical procedures, previous names, invasive details about their life prior to transition or sex lives.⁹
- Don’t say that they “pass” very well.¹⁰
- Don’t make assumptions about a transgender person’s sexual orientation. Gender identity is different from sexual orientation. Sexual orientation is about who people are attracted to. Gender identity is about one’s own personal sense of being a man or a woman, or neither of those binary genders. Transgender people can be gay, lesbian, bisexual, straight, or any other sexual orientation.¹¹
- If you mess up, don’t overcorrect or over apologize, which can make it more stressful for the trans/non-binary person. A simple “Sorry about that, thanks for the reminder” – and then moving on entirely – is a best practice.

⁷ Trevor Project Guide, *supra* note 3.

⁸ *Id.*

⁹ Minus18, *supra* note 5.

¹⁰ Trevor Project Guide, *supra* note 3.

¹¹ GLAAD Tips, *supra* note 4.

Reminder

Remember, trans and non-binary people are just like you – they are at school and work to achieve the same goals as their cisgender counterparts. There’s no need to get into personal questions – just treat trans and non-binary students and colleagues with respect.

Guidance for Counselors and Employers

Q: What happens if I use the wrong pronouns/name for someone? I didn't mean to, but I don't want to get in trouble because I did. What if I see someone else do it?

The vast majority of trans people understand that everyone, including themselves, have trouble when names, pronouns, and other labels change. Though people's comfort levels vary, generally you should not make a big deal of it, as it may embarrass the individual or make them uncomfortable. Mistakes happen, and though it is hurtful to be misgendered or deadnamed, it can be more harmful to attract unwanted attention or seem unreasonable. A quick apology and continuing with the correct name/pronouns are enough for the individual to know you mean well and support them. If you hear/read about someone else using the wrong labels for someone, you can quickly correct them in the moment, or inform them afterwards. If in doubt, and in more high-stakes situations like a business meeting or even a trial, check in with the person who's affected if you can and ask how they would like you to proceed.

Q: Trans people in the legal field must have such a difficult time. Why don't they hide who they are so they can have a better life?

It's true that the experience of a trans/non-binary law student/lawyer is very challenging. The legal field is structured against trans/non-binary students (as most fields are) and being non-binary in a binary world can be very lonely. However, trans and non-binary people also experience joy in being themselves, especially in situations where they can be authentic and are supported by others. Being marginalized is difficult, but a marginalized identity is also a source of pride and happiness. On the contrary, hiding that identity can become a source of suffering and discomfort.

Q: What honorifics should I use for non-binary people? How should students address their cover letters to avoid assuming gender/honorifics?

One gender neutral honorific that has become more common is Mx. (pronounced "mix"). However, not everyone is comfortable being addressed as Mx., so another practice is to insert the person's title if known (e.g. "Greetings Dean" or "Hello Director.") You can also encourage students to use "To [First Name] [Last Name]:" to avoid honorifics entirely.

Q: What kind of support should schools offer trans/non-binary law students?

- Policies protecting the use of preferred name and pronouns in email addresses, signature lines, and official paperwork.
- Healthcare coverage that includes gender-affirming medical care.
- Support efforts of communicating changes in names and pronouns to professors/staff.
- Encourage employers to adopt trans friendly policies.

Q: What are some considerations for advising students in the process of transitioning during recruitment?

- Ask questions to gauge their needs/desires, offer support in any decision that is easier for the student.

- Are they ready to change their name on their resume?
- If they cannot change their law school email easily, what are alternatives? Does the email system allow for aliases?
- Does the student want to come out prior to their summer job?
- Should they contact employers to inform them that they are in the process of transitioning? What are some ways the student can navigate those conversations if they want to take that route?

Q: What is an example of a pronoun signature?

Sincerely,
John Doe
(he/him/his)
Y Company

Best regards,
Jane Doe
Z and X LLP
she/her

Warmly,
June Doe
they/them
(Dr., Mx.)

Using pronouns or honorific signatures as a cisgender person can make trans people feel more comfortable stating theirs, as well as make it a norm. Cisgender people get misidentified too, especially if you have an ambiguous or ethnic name. Specifying your pronouns and titles helps everyone.

You may see people using three (he/him/his) or two (he/him) pronouns in their signature. There is no functional difference, except that the third pronoun may help clarify usage of the possessive.

Q: How can students include pronouns on a resume/cover letter header?

John Doe
he/him/his
New York, NY | john.doe@lawschool.edu | 123.456.7890

John Doe
New York, NY | john.doe@lawschool.edu | 123.456.7890 | pronouns: he/him/his

**[W]hen someone is
misgendered...ask the
person if and how they
would like support.**

Guidance for Students and Lawyers

Q: What happens if someone uses the wrong pronouns for me? How can I respond? Will I get punished if I correct them?

Your response to this depends on your comfort level and the environment you are in. If you feel comfortable addressing the act of misgendering, feel free to do so. You can inform the person who misgendered you that they used the incorrect pronouns. You can probably use the following to address the matter, “I noticed that you used (insert incorrect pronouns) pronouns for me. Just want to let you know my pronouns are (insert correct pronouns).”

If you do not feel comfortable or safe addressing the situation, it is still important to connect with those you trust to discuss and process the situation. There may be many feelings that come up whether you correct the person or not, so it is always a good practice to take care of yourself and rely on those who are there to support you.

Q: Trans people in the legal field have such a difficult time dealing with transphobia and cisnormativity. Should I hide my identity to have an easier time?

It’s true that the experience of a trans/non-binary law student/lawyer is very challenging. The legal field is structured against trans/non-binary students and professionals (as most fields are) and being non-binary in a binary world can be very lonely. However, trans and non-binary people also experience joy in being themselves, especially in situations where they can be authentic and are supported by others. Being marginalized is difficult, but a marginalized identity is also a source of pride and happiness. On the contrary, hiding that identity can become a source of suffering and discomfort. It ends up being up to you as an individual and weighing the pros and cons of your specific situation. There isn’t one right way to be trans, and hiding your identity for your safety or comfort doesn’t make you any less trans.

Q: I’m transgender/non-binary. Should I identify my pronouns or gender identity on a cover letter or resume?

This is a tricky question. For trans and non-binary students and professionals seeking employment, you are the best judge of your safety. There are different options to express your identity, and omitting pronouns or gender identity is not lying or hiding your identity. It’s important to feel comfortable in the process and ensure your safety. Unfortunately, discrimination is still very real, and sometimes omitting your identity may be the best route to take.

Q: I’m transgender/non-binary and did not identify myself before securing my current position. Should I identify my pronouns and/or gender identity now that I have the job? What issues may arise from not disclosing during the interview process?

This is another tricky question. You are again the best judge of your safety. Take some time to learn the culture of your workplace. Is it a place that celebrates LGBTQIA+ identities? Are other transgender/non-binary folx at the organization out? If your workplace seems like a place where you can come out in a safe way, perhaps chat with a Diversity, Equity, Inclusion, and Belonging (DEIB) professional (if

your workplace has one), a supervisor, or someone in HR to help you navigate coming out and who can ensure you are set up for success. Maybe you need your name updated on documents. Perhaps you need help informing others at your organization. Feel free to enlist the help of trusted individuals to help reaffirm your pronouns and gender identity.

If you determine that your workplace isn't a safe place to come out or you're just not ready, that's okay too. Make sure you are taking care of yourself to process the impact of working in a place where you are being misgendered constantly. Do you have a therapist with whom you can unpack this? Are friends and family those you can lean on? Maybe there are online or local communities you can rely on for support. Find what is right for you and utilize it.

Q: Will people assume I'm trans if I identify my pronouns, even if I'm cis?

Many cis people also identify their pronouns, whether it is because they have an uncommon name, a gender-neutral name, or they want to make trans peers more comfortable identifying their pronouns. In a space where both cis and trans/non-binary people identify their pronouns, nobody will assume your gender identity as a result of the inclusion of pronouns.

Q: Should I include my pronouns on my resume? I'm cis.

Up to you! It can signal that you are comfortable with the full spectrum of gender diversity, and that you don't expect others to assume your identity. It also normalizes pronoun sharing in a way that may make it easier for trans and non-binary individuals to share their own.

Q: Should I include my pronouns on my resume? I'm trans.

This is a tricky question. For trans and non-binary students, you are the best judge of your safety. There are different options to express your identity, and omitting pronouns or gender identity is not lying or hiding your identity. It's important to feel comfortable in the process and sharing information about yourself that may potentially out you if that is not what you want is a difficult decision to make. Think things over and do what feels right.

RESOURCES

Erin in the Morning blog

[General Coverage](#) of anti-trans proposed and enacted legislation [Anti-Trans Legislative Risk Assessment Map](#)

HRC

[Roundup of Anti-LGBTQ+ Legislation Advancing In States Across the Country](#)

[Map: Attacks on Gender Affirming Care](#)

ACLU

[ACLU Map of Anti-LGBTQ Legislative Attacks](#)

National Center for Transgender Equality

[Understanding Non-binary People: How to Be Respectful and Supportive](#)

NYT

[Defining Non-binary Work Wear](#)

NALP

[Non-binary Perspectives on Professionalism](#)

Minus18

[Online Tool for Pronoun Practice](#)

PBS

[A Map of Gender-Diverse Cultures](#)

NALP

[They/Them: We Contain Multitudes](#)

Finding Queer Owned Businesses

[Everywhere is Queer App](#)

NALP

[Beyond the Gender Binary in the Legal Profession](#)