

Access and Fairness for Transgender Persons in the California Courts

Purpose of this survey:

The Judicial Council of California established the Access and Fairness Advisory Committee to make recommendations for improving access to the judicial system and fairness in the state courts. The recommendations include areas affecting race, ethnicity, gender, disability, women of color, and sexual orientation. It is also charged with recommending to the Center for Judicial Education and Research (CJER) proposals for the education and training of judicial officers and court staff that improve equal access to the courts and eliminate identified biases.

The advisory committee is seeking your assistance in its examination of how the courts interact with transgender persons. Specifically, it seeks information regarding name and pronoun usage in reference to transgender persons in the courtroom or courthouse.

Due to the difficulty in identifying transgender persons, the advisory committee is seeking information from attorneys who have represented them and others with firsthand experiences with the courts. The survey is also designed to elicit information about “best practices” that may currently be implemented in a particular court and that can easily be replicated to help ensure equal access for and fairness toward transgender court users.

Send Survey To:

Please return the survey to Cliff Alumno, Court Services Analyst, Access and Fairness Advisory Committee, by mail to the address listed below or by fax to 415-865-4317.

You may also e-mail your responses to *clifford.alumno@jud.ca.gov*.

Cliff Alumno
Court Services Analyst
Office of the General Counsel,
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688

Questions/Comments:

Please address all questions to:

Donna Clay-Conti
Senior Attorney
Office of the General Counsel,
Administrative Office of the Courts
Lead Staff Counsel, Access and Fairness Advisory Committee
415-865-7911
donna.clay-conti@jud.ca.gov

SURVEY
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The terms “transgender” and “transgender person” are umbrella terms used to describe people whose gender identity (sense of themselves as male or female) or gender expression differs from that usually associated with their birth sex. Many transgender people live part-time or full-time as members of the other gender. Broadly speaking, anyone whose identity, appearance, or behavior falls outside of conventional gender norms can be described as transgender. However, not everyone whose appearance or behavior is gender-atypical will identify as a transgender person.¹

1. Have you observed a transgender person being referred to by a name or the gender pronoun that he or she does not use to refer to himself or herself (e.g., “he” instead of “she”) anywhere in the courtroom or courthouse?
 Yes(**Proceed to question 2.**)
 No.....(**Skip to question 7.**)

2. What role did the person using the incorrect name or pronoun have in the court? (*Check all that apply.*)
 A judge or commissioner
 Jury commissioner or deputy jury commissioner
 Court clerk
 Bailiff or other court security
 Any attorney
 Party, witness, or juror
 Other (*please describe*):

3. Did the transgender person request that the person(s) you indicated above refer to him or her by a different name or pronoun?
 Yes(**Proceed to question 4.**)
 No.....(**Skip to question 7.**)

¹ As defined by the American Psychological Association; see www.apa.org/topics/transgender.html.

4. Did the person(s) you indicated above agree to and honor the request?

- Yes
- No

If some court staff were responsive and others were not, please let us know by providing additional detail.

5. a) Did a discussion concerning the requested use of name and pronoun take place between the transgender individual and the person(s) using the incorrect name or pronoun?

- Yes(**Proceed to question 5(b).**)
- No.....(**Skip to question 6.**)

b) Was the discussion between the transgender individual and the court staff person respectful in regard to the requestor's dignity and right to be referred to accurately?

- Yes
- No

Please describe.

6. a) Did the transgender person make the request for correct use of personal name or pronoun during a court proceeding?

Yes(Proceed to question 6(b).)

No.....(Skip to question 7.)

b) Did the court to enforce this request?

Yes

No

Please describe.

7. a) Are you aware of any formal mechanism in a California court for a transgender person to request her/his correct gender designation or pronoun usage?

Yes(Proceed to question 7(b).)

No.....(Skip to question 8.)

b) Does the mechanism ensure the confidentiality of the request for correct gender designation?

Yes

No

8. If you have observed, or are aware of, any “best practices” with respect to how courts interact with transgender court users, please describe:
