Law Department
CITY OF PHILADELPHIA

INCLUSIVE
LANGUAGE GUIDE

A guide to describing identities respectfully in legal writing.

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INTRODUCTION

How legal professionals use language has consequences at both an institutional and a societal level. It affects how we interact with each other, our clients, the courts, and the communities around us. What we write in our briefs, our legislation, and our contracts can reinforce individual dignity or take it away.

Descriptive words and phrases communicate people's identities to a reader. Because there is little guidance within current legal style guides for the use of inclusive language, we have compiled the best practices regarding language use in legal writing that reflect the City of Philadelphia's commitment to fostering inclusivity, equity, and respect for one's identity and individual circumstances.

This guide addresses how best to describe identities respectfully in legal writing. We ask that you treat yourself and others with grace and kindness as we all learn together. Because language is constantly evolving, this guide is not meant to be exhaustive. For further information and context please refer to the links at the end of this document.

How to Use This Guide

In this guide, we provide inclusive language suggestions for describing identities and alternative terms for outmoded language with an explanation when available. Suggested terms appear in italics and bolded text, ***as such***, and terms and phrases to avoid are underlined, as such. Other relevant terms and phrases will appear in italics, *as such*. Instances where there is not significant consensus on appropriate terminology are also noted.

Implementing the recommendations in this guide will help you to be more inclusive when describing identities and avoid over-generalizing or using language that blames individuals for systemic circumstances - conditions that they experience due to their race, ethnicity, gender, age, ability, economic status, and other factors that are out of control of the individual.

ABOUT THE LAW DEPARTMENT

The Law Department acts as general legal counsel for the entire City of Philadelphia government structure.

We serve the residents of Philadelphia by providing excellent legal counsel as trustworthy partners to our clients, no matter the challenges we face. We promote an environment of comradery, accountability, and inclusiveness where our staff can do their best work while achieving balance in their lives, and, above all, we are dedicated to bettering the City of Philadelphia for all residents. Integral to achieving our mission is the proud celebration of the rich diversity of our staff, the City's workforce, and the residents whom we serve.

The Law Department's responsibilities include:

- Representing the City and its officials and employees in all litigation;
- Negotiating, drafting, and approving City contracts;
- Collecting unpaid taxes, fines, and other debts;
- Advising the City on matters of regulatory compliance;
- Representing the City in child welfare and health matters; and
- Preparing legislation for introduction in City Council.

2024 LAW DEPARTMENT STAFF PHOTO AT LOVE PARK.

BEST PRACTICES

Describing Identity

A person's identity should only be described in legal writing if it is a fact that is material to the outcome of a case. For example, in a case where a plaintiff alleges racial discrimination, it would be necessary to describe the racial identity of the plaintiff. In contrast, if a plaintiff is involved in a trip-and-fall case, the individual's racial identity would not need to be disclosed, as it is not a relevant fact in the case and including that information may increase opportunity for bias in the outcome of the case.

TWO PEOPLE GREET EACH OTHER WITH A FIST BUMP.

Making fewer assumptions about a person or group generally increases the inclusivity of your writing. When unsure, you may ask an individual how they prefer to be described in terms of identity.

When asking others about their identity, being reciprocal about sharing the same information about yourself can build trust and a sense of allyship. Sharing how you wish to be addressed is one way to initiate dialogue about identity. For example, including your pronouns in your introduction or email signature allows others to use the appropriate pronouns for you and encourages colleagues to feel comfortable sharing their own pronouns.

Accessible Design

Font selection may enhance or reduce readability. Sans-serif (without tails) fonts are accessible for many readers. Verdana is great on both screens and printed documents. A minimum font size of 12 is recommended for documents.

To improve accessibility for individuals with low vision, use high contrast colors to differentiate text between the background. Black text on a white background provides the highest level of readability. Avoid color coding for the purposes of identifying critical information or differences, as this information may not be accessible to low vision individuals, people with colorblindness, or those using a screen reader.

Footnotes and endnotes cannot be accessed by many screen readers. Whenever possible, footnotes and endnotes should be deleted, and the content included within the document's content.

PDF documents should also be made accessible for screen readers by using OCR (optical character recognition) technology. When using Microsoft Word, include headings so that people using screen readers can understand the structure of your document. You may check the accessibility of your document by visiting the Review menu and clicking on the Check Accessibility button. This feature will let you know if people with disabilities could have difficulty reading your document and provide suggestions to make your document more accessible. Many other platforms also offer accessibility prompts or guides.

A DIVERSE, HAPPY GROUP OF PEOPLE STANDS OUTDOORS IN AN AUDIENCE LOOKING FORWARD AS SEVERAL INDIVIDUALS CLAP THEIR HANDS.

Alt Text

Including alternative text, or *alt text*, for all photographs, charts, or graphs, can enhance accessibility for people who are blind or low vision and use a screen reader. Typically, alt text can be added by right-clicking on an image and selecting "add alt text".

Alt text should be concise and describe the visual information being communicated through an image. For example, when writing alt text for an image of a family, an appropriate alt text description might say, "A family of four with two parents and two children smiles while posing in front of their home on a sunny day. They are dressed for warm weather," to describe the overall tone and setting of the image. An example of poor alt text for the same image might be "a picture of a family," unless it is not necessary for the reader to understand the context of the image beyond the general subject. When an image is simply decorative, you may indicate so in the alt text.

There is not complete consensus within the disability community whether describing a person's appearance in alt text is recommended. However, when a person's identity is known to you, including information about a person's physical attributes in an alt text description may promote diverse representation and help individuals with low vision have a better understanding of the image. If the information is relevant to the message the image is intended to convey, be sure to include those details in an objective and unassuming way. When an image contains text that is relevant, the alt text should include that text. Alt text should also be used to describe charts and graphs.

Alt text is typically only visible to individuals using screen readers. Descriptions may be included in the caption when alt text is unavailable.


A GROUP OF PEOPLE JUMP DOUBLE DUTCH OUTSIDE AT DUSK.

ABILITY / DISABILITY

Disability may be defined differently in legal writing, depending on the context. For example, disability is defined differently when analyzing disability discrimination versus qualification for disability benefits.

A **person with a disability**, as defined by the Americans with Disabilities Act, is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

In contrast, the definition of **disability** under the Social Security rules is much narrower. There, *disability* refers to someone who has a physical or mental impairment that prevents them from doing any substantial gainful activity for at least 12 continuous months or is expected to result in death.
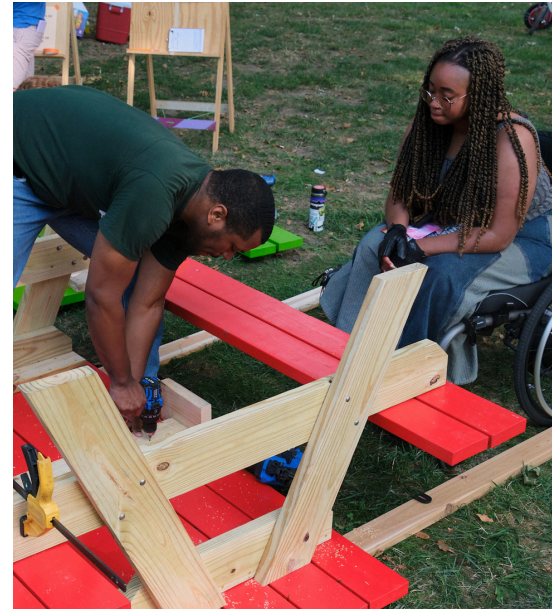
A WHEELCHAIR USER OBSERVES AS A FELLOW VOLUNTEER ASSEMBLES A PARK BENCH WITH A DRILL.

Use **disabled people** and **people with disabilities** (both are generally acceptable), not the disabled.

→ *Ableism* refers to discrimination and social prejudice against people with disabilities. Avoid ableist language, e.g. dumb or lame. Note that terms like blind spot, tone deaf, deaf to our pleas, or blind drunk contribute to stigmas around disabilities and should be avoided.

→ Avoid using terms like high functioning or low functioning to describe ability. Instead, describe the person's abilities and the things for which they may need support, e.g. "She is able to communicate verbally and do most things with little to no support," or "She will need support traveling up the stairs."

→ Use only neutral descriptors of a person's disability status, rather than deficit-based descriptors. For example, the term **wheelchair user** is preferable to confined to a wheelchair or wheelchair bound.

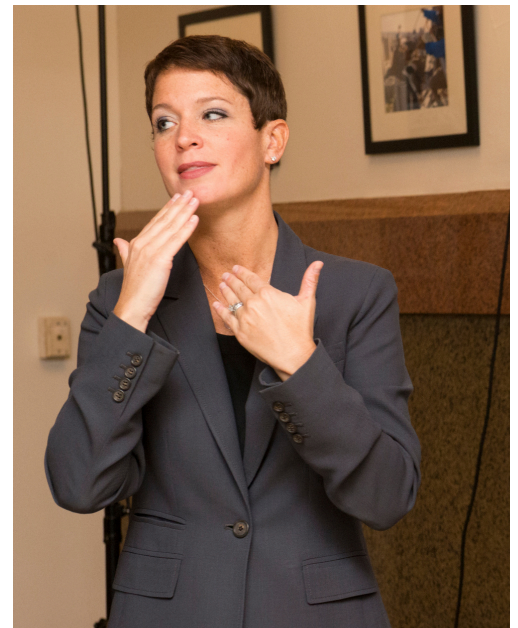→ Use **accessible parking**, not handicapped parking.

Many people prefer to use person-first language to avoid insinuating that their illness or disability is the primary characteristic that defines who they are. However, some communities do prefer identity first, such as **autistic people/autistics** or **Deaf people**.

→ Use a lowercase *d* to refer to the medical condition of hearing loss. Use of a capital *D* when referring to the culture and community of Deaf people. For example, "Amber is *Deaf* and uses American Sign Language to communicate, and she can also read lips" versus "The client has requested an interpreter because they are *deaf*."

→ Interpretation for Deaf people can take many forms. For instance, ASL interpreters interpret American Sign Language for Deaf people. Other countries' sign languages are not the same, just as French and English are not the same. Signed Exact English and lipreading are also methods of communication.

Use **blind** or **legally blind**, which are acceptable descriptors for people with almost complete vision loss.

AN INTERPRETER SIGNS IN ASL AT A CITY EVENT.

→ The American Foundation for the Blind recommends the use of the terms **low vision**, **limited vision,** or **visually impaired** unless the person refers to themself as legally blind or blind. While *visually impaired* is generally considered acceptable for a wide range of visual functions, some people may object to it because it describes the condition in terms of deficiency, as with the term *hearing impaired*. Note that people who are blind or low vision may or may not read braille.

→ Vision and hearing disabilities are commonly used in metaphor, e.g., the blind leading the blind or crippling poverty, but using such metaphors should be avoided as they are ableist. Say **showed unconscious bias** rather than had a blind spot; use **ignored** rather than turned a blind eye to. Use **anonymous review** rather than blind review.

Use **intellectual disability**, not mental retardation. Use **person with a TBI (Traumatic Brain Injury)**, not brain damaged.

→ The terms **mental disability**, **cognitive disability**, and **developmental disability** are also acceptable.

→ Do not use special or special needs, as it is offensive when used in reference to those with disabilities. It can be considered a euphemism for less-than. It may be necessary to use the term *Special Education* in reference to a specific program that uses the title, but in your own writing, replace *special needs* by referring to the specific needs of the person or persons being referenced. For example, you could write that someone needs a wheelchair-accessible bus or the braille menu.

When discussing mental illness, refer specifically to the illness a person has. When their diagnosis is unknown, refer to them as a **person living with a mental illness** rather than referring to them as mentally ill. As a reminder, it is often not necessary to describe someone's disability at all.

→ When referencing a diagnosis, describe the person just as you would someone with any other form of illness, such as "they have depression". Do not describe individuals as a diagnosis, like "she is a schizophrenic."

→ Avoid using a diagnosable condition such as bipolar, schizophrenic, OCD, an autism diagnosis, or similar, to generally describe someone's behavior outside the context of a medical diagnosis as it makes light of serious conditions and is stigmatizing. For example, "I can't stand the mess in my house. I'm so OCD."

Use care when discussing suicide. Use **killed himself**, **took her own life**, or **died by suicide**. Do not use the term commit suicide, because the term commit commonly refers to the commission of a criminal act.

→ Use **attempted suicide**, not an unsuccessful suicide attempt.

→ Avoid stigmatizing terms like insane or crazy.

GENDER, SEXUALITY, AND PRONOUNS

Be sure to use gender and sexuality terminology accurately. For example, the following terms are commonly confused:

- *Gender identity* is a person's deeply held core sense of self in relation to gender;

- *Gender expression* is the manner in which a person communicates about gender to others through external means such as clothing, appearance, or mannerisms;

- *Sex* refers to a biological status, e.g. internal and external physical features and hormones;

- *Sexual orientation* refers to whom someone is attracted. You should not describe it as a lifestyle or a preference. Also referred to as *sexuality*.

LGBTQ is acceptable in all references to the community that includes lesbian, gay, bisexual or transgender people and includes people who are queer and/or questioning their sexual orientation. *LGBTQ+* is even more inclusive, as most people understand it to also include *asexual* and *intersex*.

→ Use *gay* or *lesbian*, not homosexual.

→ *Queer* was originally a derogatory term but is now reclaimed by some LGBTQ+ people. It is often seen as more political than simply writing LGBTQ and is common in activist spaces. It is best to avoid this term in legal writing except when referencing a proper noun or self-identification.

→ *Asexual* describes individuals who experience little to no sexual attraction.

THOUSANDS OF PROTESTORS ATTEND THE WOMENS MARCH ON PHILADELPHIA ON THE PARKWAY IN THE WINTERTIME. MANY PEOPLE CARRY SIGNS WITH MESSAGES ADVOCATING FOR WOMEN'S RIGHTS.

Cisgender means that a person's gender identity corresponds with the sex assigned to them at birth. ***Transgender*** is used to describe a variety of identities of people who are not cisgender. ***Nonbinary*** and ***genderqueer*** are transgender identities that fall outside the gender binary, as assumed to be men and women. However, some people who identify as *nonbinary* or *genderqueer* may not identify as *transgender*. It is best to let people explain their own identities and follow their lead.

> → Use ***transgender*** or ***trans***, not <u>transgendered</u>. Trans men and trans women are also appropriate terms, although a trans man can simply be referred to as a man and a trans woman as a woman, unless their trans identity is necessary to disclose. *Transgender* is an adjective, not a noun.

> → Always use a transgender person's chosen name. Do not put quotation marks around either a transgender person's chosen name or the pronoun that reflects that person's gender identity.

> → Where a transgender person uses a chosen name different from their legal or birth name, avoid including or referencing their legal or birth name (called a *dead name*). Referencing a dead name, or deadnaming a person, can be dangerous to a person's safety due to transphobia and can be perceived as an attempt to deny or undermine a person's gender identity.

> → Use ***gender transition*** or ***gender confirmation surgery***, not <u>sex change</u>. Note that many people can and do transition socially or medically without surgery.

> → Use ***intersex*** not <u>hermaphrodite</u>. *Intersex* describes a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as any gender.

If it is necessary to refer to someone's assigned sex at birth, use the terms ***assigned male at birth***, ***assigned female at birth***, ***raised female***, or ***raised male***, as opposed to <u>biological gender</u>, <u>biological female</u>, etc.

> → Use ***different sex*** instead of <u>opposite sex</u>, because the term different sex recognizes gender as a spectrum, rather than a binary.

Pronouns are used in place of a proper noun, such as a name.

→ There are many gender-neutral pronouns, but the most common are **they** and **them**. **They**, **their**, and **them** are grammatically correct both in singular and plural form, e.g. "The winning brief is Kai's. Their work is really strong or Candice and Tom aren't in office, they are in court."

→ While you may simply ask someone's pronouns, it is appropriate to use someone's name or use the singular **they** if their pronouns are unknown. If you are writing about a hypothetical person, we suggest using **they** or **them**.

→ Refer simply to *pronouns*, not <u>preferred pronouns</u> which suggests that there is some choice in whether the pronouns should be used.

→ Use the pronoun that is aligned with a person's identified gender even when referring to a trans person's lived experiences from before their transition.

→ <u>She/he</u> is often disliked by judges and is still not inclusive of non-binary people. Use *they* instead.

→ Avoid the phrase *identifies as* to write about a person's gender if replacing the phrase with the word *is* doesn't change the meaning of the sentence. This level of specificity questions a person's gender instead of just stating someone is nonbinary or a man/woman.

→ Some people prefer the use of ***Mx***. as a gender-neutral courtesy title that is an alternative to *Ms*. or *Mr*. Including your courtesy title in your email signature allows others to use the appropriate title for you.

Spouse or ***partner*** may be used as gender neutral terms when the gender of the individual is unknown, instead of using gendered terms like *husband* or *wife*. Using gendered roles when not specified by the person being referenced may make assumptions about the individual's gender identity or the marital/family relationship being discussed.

> → Use ***parent*** rather than *mother* or *father*, unless you know that that individual being described selected the descriptor. However, we recognize that in Child Welfare cases in particular, it may not be possible to change terminology already used by an agency or investigators without causing confusion.

Both cisgender women and transgender people who were assigned female at birth (AFAB) may become pregnant or desire to become pregnant. ***Pregnant person***, ***pregnant parent***, or ***birthing parent*** may be used as gender neutral alternatives to *pregnant woman*. ***Chestfeeding*** is a more inclusive term than *breastfeeding* for gender nonconforming, transgender, or queer gestational parents and is sometimes styled ***breast/chestfeeding***.

Avoid words and phrases that indicate gender bias or reinforce gender-based stereotypes (e.g. *emasculate* meaning to weaken). Use ***firefighter***, ***police officer***, or ***mail carrier***, instead of *fireman*, *policeman*, *mailman*. Some examples in common usage include referring to mixed-gender groups as *guys* (some alternatives include ***folks*** or ***y'all***), describing a woman as *detail-oriented* or *maternal* when her acts would be described differently if done by a man, or using only *he* as the default pronouns in your legal writing.

NATIONALITY AND CITIZENSHIP STATUS

A GROUP OF YOUNG CHILDREN WAVE MINI AMERICAN AND SOUTH KOREAN FLAGS AT A FLAG RAISING EVENT.

Use **the public** or **residents**, not <u>citizens</u>. These terms are ambiguous and are often used as synonyms for citizens, a legally recognized subject of a nation, state, or city. In most cases, *the public* is equally clear and includes a larger group than *citizens*. When referring to the legal status of citizens, it is appropriate to use the term.

Use **undocumented worker** or **undocumented immigrant**, not <u>illegal alien</u> or <u>illegal immigrant</u>. People themselves are not illegal, and those terms are both outdated and often used in an inflammatory manner.

RACE, ETHNICITY, AND RELIGION

Race is a social construct, not a biological category, that is often used to describe a group of people who share physical traits of appearance, such as skin color or hair texture. As definitions of race in the U.S. are not universal and have changed over time, people with similar physical features may identify as or be perceived as different races.

Ethnicity refers to shared cultural characteristics such as language, ancestry, and customs. As stated previously, it is rarely necessary to identify a person's race, ethnicity, etc., unless specified by the individual or relevant in some issue of discrimination.

→ Allow the individual who is being described to self-identify their race and ethnicity whenever possible.

→ When known, it is important to acknowledge a person's specific racial or ethnic group as each group has its own distinct experience.

POC, or *people of color*, is a useful umbrella term referring to people who are not white.

BIPOC (pronounced buy-pock) is an acronym that stands for *Black, Indigenous and people of color*. The term is meant to unite all people of color while acknowledging that Black and Indigenous people face different and often more severe forms of racial oppression and cultural erasure as consequences of systemic white supremacy and colonialism. To avoid overgeneralizing, only use *BIPOC* when you are referring to a group of people of color that includes both Black and Indigenous people.

→ The City of Philadelphia generally uses BIPOC but some prefer the term *Black and brown people*. *Brown* is often used as a term referring to people who are not white but do not identify as Black.

Capitalize the word *Black* when referring to a person's race.

→ It is acceptable to use the term *African American*. However, be aware of complexities within racial and ethnic identities. For example, not all Black people are African Americans if they were born outside of the United States or simply identify differently. Where an individual's race is relevant and there is no stated preference for such individual, use *Black* because it is an accurate description of race.

When referring to individuals, use the most specific ethnic identifier available when known. When referring to a person's race or ethnicity, use adjectives, not nouns.

Hispanic is a term used to describe a Spanish speaking person in the United States. The term can apply to people of any race or nationality.

Latina (feminine) / **Latino** (masculine) are generally acceptable to refer to people with Latin American ancestry.

> → **Latinx** (pronounced La-teen-ex, plural Latinxs) and **Latine** (pronounced La-teen-ay, plural Latines) encompass both feminine and masculine word endings of *Latina* or *Latino*. *Latinx* is more common among English speakers. *Latine* is easier to make plural and is more common among native Spanish speakers. Either is acceptable for legal writing, but we recommend both picking one to use consistently and defining it the first time you use it.

Those who identify as **Latino/a/e** and/or **Hispanic** can be of any race but note that many Latine people consider their ethnicity to also be their race.

> → *Latino/a/x* and *Hispanic* have different connotations and therefore should not be used interchangeably. For example, a person from Spain would be considered Hispanic, but not Latino, because Spain is a Spanish speaking country but not a Latin American country. Conversely, a person from Brazil would be considered Latino, because Brazil is a Latin American country. However, they would not be considered Hispanic because Brazil is not a Spanish speaking country.

Asian refers to people who are citizens of countries in East or South Asia or who are of Asian descent. ***Asian American*** describes someone in the United States who is of Asian descent. Avoid describing people as <u>Oriental</u>.

Pacific Islander includes Native Hawaiian, Maori, Samoan, and other peoples of the Pacific Island nations.

> → ***Asian Pacific Islander (API)*** and ***Asian American Pacific Islander (AAPI)*** are both acceptable to refer to a diverse population of more than 20 ethnic groups living in the United States.

There is no strong consensus on whether to capitalize ***white*** when describing race. Some people use ***White*** because they interpret the use of lowercase to reinforce the flawed idea that this is the default race. Some major media outlets like AP, The New York Times, NBC News, Los Angeles Times and Chicago Tribune do not capitalize *white* because as AP explains, there is no shared history and culture among the group.

> → Because there is no consensus, you can use either in your writing, but be consistent throughout any given document.

> → Avoid the term <u>non-white</u>, or other terms that treat white as a default.

> → Do not use the term <u>Caucasian</u> as a proxy for white or European because its use originated in the 18ᵀᴴ Century as a way of classifying white people as a race to be favorably compared with other races. The term is technically a geographic descriptor of people hailing from the Caucasus mountains region (which includes Georgia, Armenia, Azerbaijan, parts of north Iran, and central southern Russia).

Use ***biracial*** or ***multiracial*** when referring to an individual who identifies as two or more races, not <u>mixed</u> or <u>mixed race</u> which are generally seen as outdated (although some people self-identify with those terms). Other possible terms are ***multiethnic*** or ***polyethnic***.

> → Do not use the term <u>ethnic</u> or <u>exotic</u> to describe people as it connotes otherness and is often seen as marginalizing or offensive.

The term **minority** or **minorities** is collective when used as a noun and is defined as a group or groups differing especially in race, religion, or ethnicity from the majority of a population. Do not use these terms when describing individuals.

Use **Native American** and **Indigenous**. Use **Alaska Native** when referring to individuals who identify as indigenous to Alaska.

→ The term **Indigenous Peoples** (uppercase *I* and *P*) refers to **Indigenous People** as groups with distinct legal rights. **Indigenous peoples** (uppercase *I,* lowercase *p*) refers to Indigenous peoples with individual rights.

→ **Nation** is a more appropriate descriptor than *tribe*, as **nation** shows respect for sovereignty and recognizes that Native American nations have their own systems of government. There are 574 federally recognized tribal nations within the United States; use specific nation/tribal names where possible.

→ Use **powwow** only when referring to the title of a specific, carefully planned Native American event. Avoid using this to colloquially describe a gathering, use *huddle* or *quick meeting* instead.

→ Avoid spirit animal as a substitute for *kindred spirit.*

→ Avoid using *tribe* to refer to different ethnic groups or other groups that are not Native American Nations or other self-described indigenous groups. Also avoid words and phrases that trivialize the term tribe (e.g. referring to a social group or a business community as my/our tribe).

Use **Romani,** to describe **the Roma**, which is an ethnic and cultural group with roots in the region of India. Avoid gypsy, which is considered a racial slur aimed at Romani people.

The **Middle East** describes a multiethnic, multiracial geopolitical region between the Mediterranean in the West and the Indian subcontinent in the East. Different maps include different countries as part of the Middle East. Egypt is generally the only country in Africa considered to be part of the Middle East. The U.S. Department of State refers to the region as the *Near East,* but we do not recommend this terminology as it is considered Western-centric.

Use **Islam** when referring to the religion. **Muslim** is the proper term for individual believers/followers of Islam and can be used as a noun or an adjective.

→ *Arab* and *Muslim* are not synonymous terms - therefore do not use them interchangeably. *Muslim* refers to adherents of the Islamic faith. **Arab** can refer to both an ethnic group hailing from the Middle East and North Africa, as well as those who speak Arabic as a first language. The majority of people in the Arab world are ethnically Arab, but there are also significant populations of other ethnic groups. Accordingly, it is best not to make assumptions, but ask an individual for context if it is needed for writing clarity.

→ As a reflection of this distinction, note that forms of hatred, discrimination, or bias directed at Muslims or those perceived to be Muslim is called **Islamophobia**, although there are several terms that can also describe this negative sentiment. Forms of hatred, discrimination, or bias directed at Arabs is called **anti-Arab** hate, although there are other terms that can also be used.

→ **Islamic** is an adjective used to describe the religion of Islam, and it is not synonymous with *Islamist*, which describes a political movement.

Jewish people or ***Jews*** are an ethno-religious group associated with Judaism. People can be culturally or religiously Jewish. ***Ashkenazi Jews*** are those whose families come from Eastern Europe and speak or spoke ***Yiddish***. ***Sephardic Jews*** are those from Spain, North Africa, or the Middle East who speak or spoke ***Ladino***.

→ Be aware of coded antisemitic language. ***Antisemitism*** is hatred, bias, and discrimination against Jewish people. Modern antisemitism can include conspiracy theories about how the world operates. For example, globalist is a coded term that enforces the conspiracy that Jewish people have an allegiance to a worldwide order, like a global economy or international political system, that will enhance their control over the banks, governments, and media. The term cabal is a coded term that similarly references this conspiracy theory. Note that *antisemitism* is preferred to *anti-Semitism* styled with a hyphen.

SUBSTANCE USE

Addiction is a treatable, chronic brain disease. People with addiction use substances in a compulsive way despite harmful consequences.

> → *Addiction* is not the same as ***dependence***. *Addiction* usually refers to the disease or associated disordered behavior; *dependence* may, on the other hand, describe the condition of a medical patient who relies on medication.

Substance use disorder refers to a mental disorder that causes a person's inability to control their use of substances such as legal or illegal drugs, alcohol, or medicine.

Use ***someone with drug or alcohol addiction***, not <u>addict</u>, <u>alcoholic</u>, or <u>abuser</u> to refer to someone who harmfully uses drugs or alcohol.

> → Use ***recovering*** or ***in recovery from*** to refer to someone trying to overcome an addiction.

Use ***risky use***, ***unhealthy use***, ***excessive use***, or ***heavy drug use***, not <u>drug abuse</u> or <u>drug problem.</u> *Misuse* also is acceptable. Additionally, do not assume all people who engage in misuse have an addiction.

When referring to the results of a drug test, state that "the person tested positive/negative for (drug)", rather than saying "the test result was clean/dirty". Those terms are considered derogatory because they equate symptoms of illness to filth.

MISCELLANEOUS

Generally use **locs** not dreadlocks or dreads. *Dreadlocks* has a historical and cultural significance, particularly in the Rastafari movement, where the hairstyle represents a spiritual connection and rejection of Western beauty standards. *Locs*, on the other hand, are not usually associated with any religious practice.

Do not use ghetto because it is a pejorative term for lower income neighborhoods and is specifically anti-Black.

Use **little person**, not midget.

Racist or otherwise coded language you should avoid includes: aggressive (use *adamant/resolute*); black sheep (use *outcast*); blacklisted (use *banned*); child prostitute (use *child who has been trafficked*); date rape (use *rape*); gyp/gypped (use *cheated*); low on the totem pole (use *low priority* or *limited in power*); sold down the river (use *betrayed*); paddy wagon (use *police van*); off the reservation (use *outside the norm*); prostitute (use *sex worker*); uppity (use *arrogant*); and thug; among others.

Use **low-income housing** or **public housing**, not the projects.

Use **older person** or **senior** instead of elderly. **Ageism** combines stereotypes, prejudice, and discrimination against people on the basis of their age. Terms like aging well and successful aging imply there's a right way and a wrong way to age, placing the responsibility for healthy aging on the individual.

Some people prefer using person-first language like **person experiencing homelessness** or **unhoused person** instead of using *homeless* to describe a person. There is not yet consensus on proper terminology.

Use **legacy** or **exempted**, not grandfathered in. The term derives from attempts to keep Black people from voting by allowing illiterate men to vote if their grandfathers had been registered to vote before the passage of the 15ᵀᴴ Amendment. This term is common in case law and legal discussion to describe the neutral impact of zoning laws, covenants, etc. Consider explaining in a footnote your choice to depart from using that term because of its origin in prior racist laws so that the court understands what you are referring to when you depart from this common terminology.

Avoid using the term <u>Chief</u> outside of formal titles.

When discussing slavery, use **enslaved person** rather than <u>slave</u>. Bluebook Rule 10.7.1(d) now requires that when citing cases involving slavery, they must be marked as such. For example, *Dred Scott v. Sanford*, 60 U.S. (19 How.) 393 (1857) (enslaved party), *superseded by constitutional amendment*, U.S. Const. amend. XIV or *Wall v. Wall*, 30 Miss. 91 (1855) (enslaved person at issue). The goal of the change is to encourage lawyers to use precedent that does not rely upon slavery or to, at minimum, compel readers to recognize that human suffering underlies a given legal theory.

Use **developing countries**, or **low/middle income countries** not <u>third world country,</u> which is outdated.

Use **returned/returning resident**, **returned/returning citizen**, **someone in reentry**, or **formerly incarcerated person** instead of <u>ex-offender</u> or <u>ex-con</u>. Use **incarcerated person** instead of <u>inmate</u> or <u>prisoner</u>. Consider when it is necessary to include someone's criminal history at all.

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