



Gender Inclusivity in Legal Practice Needs Assessment Report

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1. Organizational Outcomes

The organizational outcome for this training initiative is for Monterey County Superior Court to achieve full, measurable compliance with the California State Bar's bias elimination standards as they relate to gender identity, evidenced by a reduction in formal bias complaints filed by transgender and gender nonconforming individuals and an increase in self-reported perceptions of safety and equitable treatment among that population in Monterey County courtrooms.

At present, Monterey County Superior Court does not systematically track bias complaints or courtroom experience data disaggregated by gender identity, as gender identity does not carry formal protected class status at the county level. Establishing a baseline data collection process is therefore identified as a foundational step in achieving this outcome.

2. Program Goals

- Equip attorneys and judges with the vocabulary, context, and practical tools needed to interact respectfully and confidently with transgender and gender nonconforming individuals
- Reduce unintentional harm caused by outdated language, incorrect assumptions, and uninformed courtroom practices
- Build awareness of the barriers transgender individuals face within the legal system so legal professionals can make more informed and affirming decisions



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- Create a courtroom environment where transgender individuals feel safe, seen, and treated with dignity
- Support legal professionals in identifying and correcting non-inclusive practices in intake forms, written correspondence, and verbal communication
- Provide practical strategies for signaling allyship and creating safe spaces in professional legal settings
- Prepare legal professionals to competently handle cases involving transgender clients, witnesses, jurors, and opposing parties without causing additional distress to an already vulnerable population
- Establish a foundation of knowledge that supports the Elimination of Bias Committee's mandate to ensure equitable legal proceedings for all individuals

3. Major Topics / Knowledge and Skills Requirements

Major Topic	Knowledge and Skills
Understanding Gender Identity and Terminology	<p>Knowledge of: the distinction between sex assigned at birth, gender identity, and sexual orientation; current and affirming terminology including transgender, non-binary, genderfluid, genderqueer, intersex, cisgender, and Two-Spirit; outdated and offensive terms and why they carry negative connotations; why terminology matters given its historical stigma</p> <p>How to: use affirming, person-centered language in all written and verbal communication; correct language mistakes gracefully without drawing undue attention; mirror the language an individual uses to describe themselves; ask respectfully how someone identifies rather than assuming</p>
Gender Affirmation and Transition	<p>Knowledge of: what transitioning means and does not mean, including the full spectrum of social, medical, and surgical options; why no form of transition is more valid than another; why a transgender person's identity is not contingent on any medical procedure</p>

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Major Topic	Knowledge and Skills
	<p>How to: avoid invasive questions about medical history or surgical status; frame questions about identity only when directly relevant to the legal matter at hand</p>
<p>Pronouns, Deadnaming, and Misgendering</p>	<p>Knowledge of: what misgendering is and why it causes harm; what deadnaming is and the specific risks it poses in a public or court setting where it can out a person without their consent; the psychological weight a deadname can carry</p> <p>How to: ask for and use a person's correct name and pronouns in all proceedings and correspondence; correct a misgendering or deadnaming error in the moment without creating a larger disruption; ensure court records and case files reflect a person's chosen name where legally permissible</p>
<p>Signaling Safety and Allyship</p>	<p>Knowledge of: why transgender individuals enter most professional environments assuming they are unsafe until shown otherwise; the significance of passive allyship signals such as pronoun inclusion in email signatures and gender-neutral language; the difference between performative allyship and genuine inclusion</p> <p>How to: include pronouns in professional introductions and written communications; introduce oneself with pronouns as a way of opening the door for others to share theirs; identify and proactively share the location of gender-neutral restrooms</p>
<p>Inclusive Language and Professional Practices</p>	<p>Knowledge of: how standard legal forms, titles, and correspondence default to binary gender assumptions; the impact of non-inclusive intake forms on transgender clients; the gender-neutral title Mx. and its appropriate use</p> <p>How to: update intake forms to include fields for preferred name, pronouns, and chosen title; modify written correspondence to avoid gendered salutations; use gender-neutral language when addressing groups in courtroom settings</p>

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Major Topic	Knowledge and Skills
<p>Current Anti-Trans Legislation and Real-World Impact</p>	<p>Knowledge of: the landscape of recent and pending legislation targeting transgender individuals at the state and federal level, including laws restricting healthcare access, bathroom use, sports participation, school curriculum, and legal recognition of gender identity; how this legislation has dramatically increased the volume of cases in which attorneys and judges encounter transgender individuals; key cases that have shaped or are shaping transgender rights including employment discrimination, family law, healthcare access, and identity recognition; how specific laws create the legal situations transgender individuals are most likely to bring to an attorney</p> <p>How to: contextualize a client's legal matter within the broader legislative environment affecting their community; recognize when a case may involve rights protections beyond the immediate legal question; connect clients with advocacy organizations equipped to support broader impact litigation including the Transgender Law Center, Lambda Legal, and the ACLU LGBT and HIV Project</p>
<p>Barriers Transgender Individuals Face in the Legal System</p>	<p>Knowledge of: common legal cases that disproportionately affect transgender individuals including employment discrimination, custody disputes, adoption, name and gender marker changes, and incarceration in non-gender-congruent facilities; the documented pattern of transgender individuals being denied meaningful legal representation; disparities in sentencing and jury selection bias; that 41% of transgender individuals surveyed have attempted suicide compared to 1.6% of the general population</p> <p>How to: approach cases with awareness of the systemic barriers transgender clients have likely already encountered; recognize and interrupt bias in jury selection related to gender identity; handle sensitive information about a person's gender identity or transition history with discretion and only when directly relevant to the legal matter</p>

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Major Topic	Knowledge and Skills
Real Stories and Human Context	<p>Knowledge of: the lived experiences of transgender individuals in Monterey County and how they have encountered exclusion, misgendering, deadnaming, and barriers to legal support; how compounding institutional harm contributes to distrust of the legal system</p> <p>How to: apply personal stories shared in training to real-world decision-making in legal practice; approach transgender clients with awareness that they have likely encountered significant harm before entering a courtroom</p>

4. Data Collection Process

Data for this needs assessment was collected through two methods: structured interviews and a review of existing advocacy organization reports.

Semi-structured interviews were conducted between October and November 2025 with five legal professionals, comprising three practicing attorneys and two sitting judges within Monterey County. Each interview addressed three areas of inquiry: the participant's primary concerns when interacting with gender nonconforming individuals in a professional legal context; specific situations in which the participant was uncertain how to address, refer to, or write about a gender nonconforming individual; and the degree to which gender identity was central versus ancillary to the legal matter at hand. For example, participants were asked to distinguish between cases in which transgender rights constituted the core legal issue, such as a discrimination claim, versus cases in which a transgender individual was present in a peripheral role, such as a juror or witness. The full interview protocol is included in Appendix A.

In addition, two published reports from national advocacy organizations were reviewed to identify documented patterns of harm, legal barriers, and community-level data relevant to transgender individuals' experiences within the legal system. These included Lambda Legal's *Protected and Served?* (2022), a large-scale community survey examining LGBTQ+ individuals' experiences with the criminal legal system, and the Human Rights Campaign Foundation's *An Epidemic of Violence 2024*, which documents fatal violence against transgender and gender-expansive people alongside an analysis of the anti-transgender legislative landscape at the state and federal level.

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5. Unique Issues by Audience

Attorneys

Needs assessment interviews revealed that attorneys currently lack standardized procedures for several core areas of practice affecting transgender and gender nonconforming clients. No participating attorney reported having a formal intake protocol that includes fields for preferred name, pronouns, or chosen title, meaning misgendering and deadnaming are structurally embedded in the intake process before any legal work begins. Participants also reported uncertainty about the boundary between legally relevant and invasive questioning, particularly during client meetings and depositions. This gap is compounded by a documented pattern, confirmed by both interview data and Lambda Legal's *Protected and Served?* (2022), of transgender individuals experiencing declined representation and unreturned calls, suggesting that the professional responsibility gap extends beyond communication skills to engagement practices.

Attorneys practicing family law represent a specific high-risk subset. Interview data indicated limited awareness of how gender identity is weaponized in custody disputes and no formal training on recognizing or countering that bias.

Judges

Interview data identified the absence of formal courtroom protocol as the most significant structural gap for judges. No participant was aware of an existing standard for addressing transgender or gender nonconforming individuals, correcting misgendering in real time, or protecting transition history from unnecessary disclosure by opposing counsel. Because judicial conduct sets the tone for the entire courtroom, this gap affects not only the individual before the court but the perceived safety of every transgender individual who observes or participates in proceedings. Additionally, participants reported no structured framework for identifying gender identity bias during jury selection, despite judges having direct oversight of that process.



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6. Recommended Learning Modality and Rationale

A blended learning approach is recommended for this training program, combining asynchronous e-learning for foundational content delivery with synchronous instructor-led sessions focused on application and discussion.

The e-learning component would allow participants to complete terminology, legislative context, and background knowledge content independently and at their own pace. The instructor-led component would reserve shared session time for scenario-based discussion, case application, and reflection on professional practice.

This recommendation is directly informed by the needs assessment findings. Interview data revealed that both attorneys and judges operate under significant scheduling demands, making a fully synchronous training model a likely barrier to participation. Asynchronous e-learning addresses this by removing the requirement for coordinated availability for content that does not depend on interaction to be understood. At the same time, interview responses indicated that the most consequential knowledge gaps involved judgment-dependent situations, specifically how to respond when gender identity is ancillary rather than central to a proceeding and how to handle errors such as misgendering in real time. These scenarios require discussion, peer reflection, and guided practice, which e-learning alone cannot adequately provide. The political sensitivity of the subject matter, also surfaced through interviews, further supports the blended model, as participants are more likely to engage with challenging material if foundational exposure occurs privately before group discussion is required.

7. Organizational Constraints and Suggestions

Organizational Constraints	Suggestions
<p>Formal language conventions Standard legal salutations, honorifics, case file conventions, and courtroom address default to binary gender and are deeply embedded in legal culture.</p>	<p>Develop a gender-inclusive style guide for Monterey County Superior Court providing alternatives for common legal language and correspondence formats. Queer Edge Monterey can contribute to this as a program deliverable.</p>

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Organizational Constraints	Suggestions
<p>Non-inclusive court forms and documents</p> <p>Current intake forms and court documents do not include fields for preferred name, pronouns, or gender-neutral title options, creating the conditions for misgendering and deadnaming before any human interaction takes place.</p>	<p>Audit existing client-facing forms and prioritize adding preferred name and pronoun fields. Work with court administration to identify which documents require formal revision.</p>
<p>Time constraints of legal professionals</p> <p>Attorneys and judges operate under significant scheduling demands that may create resistance to extended training commitments.</p>	<p>Design the program with a modular structure that allows self-directed foundational content and reserves in-person time for discussion and application.</p>
<p>Political sensitivity of the subject matter</p> <p>The surge in anti-trans legislation has made this subject politically charged in ways that may affect participant receptivity, even within a committee that proactively requested this training.</p>	<p>Frame the training around professional responsibility and legal competency rather than political position. The goal is equitable treatment for every individual who enters a courtroom, consistent with existing bar association bias elimination standards.</p>
<p>No existing courtroom standard for gender inclusivity</p> <p>There is currently no formal protocol within Monterey County Superior Court for addressing gender nonconforming individuals, handling chosen names not yet legally changed, or protecting transition history from unnecessary disclosure.</p>	<p>Use this training as a catalyst for developing formal court protocol in these areas. Queer Edge Monterey can provide subject matter expertise to support that process.</p>

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Organizational Constraints	Suggestions
<p>No existing data collection infrastructure for gender identity bias incidents</p> <p>Gender identity does not carry formal protected class status at the county level, meaning Monterey County Superior Court does not currently track bias complaints or courtroom experience data disaggregated by gender identity. As a result, no baseline exists from which to measure the impact of this training initiative.</p>	<p>Work with court administration and the Elimination of Bias Committee to design and implement a voluntary, confidential reporting mechanism for gender identity related incidents. Establishing this baseline data collection process is a foundational step toward measuring organizational outcomes and demonstrating the impact of the training program over time.</p>
<p>Documented distrust between transgender community and legal professionals</p> <p>Community members have reported being given lip service by attorneys, having calls go unreturned, and feeling that legal professionals were unwilling to engage with their cases.</p>	<p>Include a training component that asks attorneys to directly reflect on their engagement practices. Encourage active relationship-building with the local LGBTQ community through local LGBTQ organizations and participation in Pride Events and discussions.</p>

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Appendix A: Interview Protocol

The following questions were used to guide semi-structured interviews conducted with three attorneys and two sitting judges in Monterey County between October and November 2025.

1. When interacting with transgender or gender nonconforming individuals in a professional legal context, what are your primary concerns regarding communication, conduct, or documentation?
2. Can you describe a specific situation in which you were uncertain how to address, refer to, or write about a transgender or gender nonconforming individual? What made that situation difficult to navigate?
3. In your experience, how does your approach differ when gender identity is the central legal issue in a case, such as a discrimination or identity recognition claim, versus when a transgender or gender nonconforming individual is present in a peripheral role, such as a juror, witness, or opposing party?
4. Are there aspects of your current intake processes, written correspondence, or courtroom procedures that you believe may not adequately account for the needs of transgender or gender nonconforming individuals?
5. What knowledge, tools, or resources do you feel would most help you interact more confidently and respectfully with transgender or gender nonconforming individuals in your professional practice?