

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK

AVOID SEXIST LANGUAGE



Use gender-neutral language whenever possible. One problem in avoiding sexist language is the lack of an accepted gender-neutral singular pronoun in the English language. While some writers try to solve this problem by using the plural pronoun “they” or “their” in place of “he” or “him,” this solution is grammatically incorrect and thus inappropriate for formal writing.

- *Incorrect:* A lawyer must diligently represent his client. (sexist)
- *Incorrect:* A lawyer must diligently represent their client. (ungrammatical because “lawyer” is singular, but “their” is plural)

Avoid the sexist “he” by using the specific name and appropriate gender-specific pronoun whenever possible: Mr. Morgan must diligently represent his client. When it’s not possible, here are some other strategies: (1) Make both the pronoun and its antecedent plural; (2) repeat the noun instead of using a pronoun; (3) use “he or she” or “his or her”; (4) omit the pronoun if you can do so without changing the meaning; or (5) use the second person (but not in formal legal writing). Take care not to overuse options (2) and (3), especially within the same sentence.

- Lawyers must diligently represent their clients. (plural noun)
- A lawyer must diligently represent that lawyer’s client. (repeat noun)
- A lawyer must diligently represent his or her client. (his or her)
- A lawyer must diligently represent clients. (omit the pronoun)
- As a lawyer, you must diligently represent your client. (second person)

Gender-specific nouns (usually masculine) such as “chairman” or “fireman” are another common source of gender bias. When possible, use gender-neutral terms such as “chairperson” or “firefighter.” You should also avoid sexist phrases such as “old wives’ tales” or “man the office.”

Robin Wellford Slocum, Legal Reasoning, Writing, and Persuasive Argument 252-55 (2d ed. 2006); Anne Enquist & Laurel Currie Oates, Just Writing 137-41, 196, 198 (4th ed. 2013); Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 578-82, 631-32 (5th ed. 2010); C. Edward Good, Legal Writing & Its Cure ch. 9 (reprinted in Lawmanac—Clickable Help for Legal Writers 2009).