

*This edition of Voices of Excellence focuses on the importance of proper pronoun usage, especially as it pertains to legitimizing transgender people's gender identity and avoiding persistent misgendering in the workplace. Learning to use pronouns properly makes workplace settings more comfortable for everyone and provides an opportunity for each of us to challenge our implicit biases.*

## QUOTE OF THE QUARTER

*"... proper pronoun use is important if you want to treat people with dignity and respect and have productive, safe relationships."*

— Rob Pusch  
and  
Mallory Livingston

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## A Conversation Regarding Pronouns

*Voices of Excellence* presents a conversation with Rob Pusch, adjunct associate professor at Syracuse University (SU) and senior associate director of SU's Project Advance, and Mallory Livingston, director of the LGBT Rights Program for the Volunteer Lawyers Project of Onondaga County, which provides representation, counseling, and advocacy for LGBT people, including free name and gender-marker changes for transgender people.

Below are responses to the questions posed to Mallory and Rob written in their voice. When appropriate, specific experiences are ascribed to one or the other.

Note that "transgender" here and in other contexts refers to a person whose gender identity does not align with their sex assigned at birth and also refers to individuals who identify as nonbinary (people who feel their gender cannot be defined as either male or female), gender fluid (people with varying gender identity over time), and other noncisgender expressions. "Cisgender" refers to a person whose identity and gender corresponds with their birth sex. "Misgendering" refers to use of a pronoun or honorific, such as Mr. or Sir, that does not correctly reflect the person's gender identity.

### ***Why are we seeing increased coverage on pronoun usage?***

Historically, transgender people have been subject to lifelong discrimination. While that has not gone away, it's better now than in the past. Severe discrimination forced many trans people to remain hidden for much of their lives. It is only recently that we've had some success educating the rest of the world as to who we are. A growing level of acceptance and the expansion of the legal and civil rights of transgender people have led to more people coming forward. In the past, many simply let misgendering, microaggressions, and other forms of discrimination go, as humiliating and jarring as it would be. Today, transgender people are more empowered to stand up for themselves. As Mallory noted: "This very exercise that we're having with Barclay Damon to discuss pronouns, gender identities, and how to address the same in a dignified and respectful way was unheard of 10 years ago."

### ***Are pronouns the only issue when it comes to gender and referring to individuals?***

One thing that doesn't get talked about as much are gendered addresses/honorifics, such as Mr., Ms., Ma'am, Sir, etc. Each of these assigns the subject one of the binary genders of male/female and can be used to misgender a trans person as well.

### ***Why are pronouns important?***

For transgender people, their gender identities have long gone unrecognized and viewed as illegitimate. As Mallory commented:

No matter what you think I look like, sound like, or even what my birth certificate says, this is my gender identity. I might not fit within your stereotypical view of a woman, but that doesn't mean I'm any less of a woman or that my gender identity is less legitimate than yours; so illegitimate that you don't even have to honor it by getting the pronouns correct.

When you misgender a transgender person, you're sending all sorts of messages. They can't be absolutely certain of your intentions. It may be perceived that you think they're not pretty enough, so "I don't think they are a woman;" or "they look too much like a man based on what I believe with regard to gender. Yeah, maybe you wear a dress and makeup, but I'm not buying it, and I'm going to call you out on it publicly by addressing you as Mr./Sir or using he/his." A trans person could, quite rightly, view misgendering as offensive.

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## **A Conversation Regarding Pronouns continued**

In a workplace setting, you can imagine how colleagues or clients would be negatively affected by misgendering. Keep in mind, many trans people have endured a lifetime of others intentionally misgendering them to put them down and delegitimize their gender identity. Further, misgendering someone in a group social or professional setting can lead to unwanted attention, accidentally outing someone, or even placing that person in danger. So proper pronoun use is important if you want to treat people with dignity and respect and have productive, safe relationships.

### ***How do you ask someone what their pronouns are?***

A great way to inquire about a person's pronouns is to make sure you always share your pronouns when introducing yourself. For example, try, "My name is Frank, and my pronouns are he/him/his, and this is my colleague Susan, and her pronouns are she/her/hers. What is your name, and what pronouns should we use?" Trans people are accustomed to this question and will indicate their pronouns as well. You should do this with everybody so you're not singling anyone out. If you only ask one person their pronouns in a group, you've identified them as the one person whose identity is doubted. Additionally, you should include pronouns on nametags or placards for all participants at events. Indicating pronouns should be integrated into the unwritten rules of polite society to avoid ostracizing anyone.

### ***What should you use if you do not have the opportunity to ask someone about their pronouns?***

One good rule of thumb is to avoid pronouns; simply use the person's name. This can seem awkward as we often try to speak efficiently, but realistically we can afford a few extra words here and there. If you're in a situation where pronouns didn't come up, use your common sense in finding an appropriate way to ask. You don't want to overtly call attention to this question in a group setting, so it may be best to ask privately.

### ***Isn't the use of they/them/their as singular pronouns grammatically incorrect?***

They/them/their used as singular pronouns is grammatically correct. They only sound unusual because we're unaccustomed to utilizing them in that way. Once you get in the habit of using them singularly, it doesn't take long for it to sound less awkward and become easier to use.

### ***What is the best approach if you inadvertently use the wrong pronoun?***

If you inadvertently use the wrong pronoun, there may be some reaction from the individual you are referring to. That being said, don't panic. Make a correction immediately, and don't draw attention to the error. If you feel more discussion is needed, try to catch up with that person in a private setting. But own the mistake. You may have to face the music and listen to that person tell you how badly you hurt their feelings by misgendering them. Just apologize and commit to doing better next time. As Mallory commented, "You're not going to learn how to dance without stepping on some toes now and then."

## **How do you feel when someone misgenders you?**

*Rob reflected back on personal experiences:*

"For myself, I have a gut reaction to incorrect pronouns, or any honorifics for that matter. I can typically tell when it is inadvertent and not malicious, but regardless I still experience embarrassment, anxiety, anger, and, later in my transition, amusement. For example, once, about 20 years ago, I was at a reception with my parents. My father introduced me as his son, but then continued on using she/her pronouns. The person he introduced me to looked confused. By that time in my transition, and knowing this was a low-risk situation, I found this amusing. I recognized my father was doing this unconsciously, since he would not do this at other times.

However, there were also times when misgendering was not inadvertent. As a graduate student early in my transition, a workplace colleague stated she would never see me as anything other than [my birth name] and would not change the pronouns she used.

### ***What are potential implications of the persistent misgendering?***

*Mallory noted ramifications of misgendering in professional contexts:*

I frequently encounter situations where a trans employee contacts HR to discuss a colleague persistently misgendering them. HR schedules a meeting with the offending colleague to ask them to stop, but he/she counters, "It was just a mistake." HR generally replies, "Well you need to apologize and do better." This may work for some, but this is not a solution to persistent misgendering. There comes a time when that continuously offending employee will have to face discipline. Organizations need to take misgendering seriously and have a dynamic plan to address it. Further, workplaces need to follow up on that plan to ensure its effectiveness.

Persistent misgendering is legally actionable. It has been the basis for discrimination and harassment complaints under many states' human rights laws that protect gender identity and gender expression.

### ***What other important questions should we be asking that we are not?***

Ask yourself, "When I meet someone, what assumptions do I make about their gender/gender identity and why?" This is a challenging, reflective question. We are so used to making dozens of assumptions about a person based upon their appearance. Sometimes, when we encounter a situation where we can't make a gender identity assumption easily, people freeze and don't know how to address a person whose gender they cannot readily identify. Challenge these assumptions within yourself.

## Continuing the Conversation

### Resources

Human Rights Campaign Foundation, [professional resources](#)

Human Rights Campaign Foundation, "[Talking About Pronouns in the Workplace](#)"

*Information regarding creating an inclusive workplace, gender expression, and the importance of options for pronoun use across different workplace settings.*

### Article

Themuse.com, by Stav Ziv, "[A Guide to Using Pronouns and Other Gender-Inclusive Language in the Office](#)"

*Considers implicit bias in everyday work settings with expressions such as "you guys" or "manning the booth" and reflects on how to tweak our language to be more gender inclusive.*

### Infographic

Everyday Feminism, by Robot Hugs, "[What to Do \(and Not Do\) When Someone Asks for Different Gender Pronouns](#)"

*How to respond to possibly uncomfortable conversations regarding pronouns.*

## UWCNY 21-Day Racial Equity Habit Building Challenge

Between October 1 and 21, Central New York, including many members of Barclay Damon, participated in the 21-Day Racial Equity Habit Building Challenge sponsored by the United Way of Central New York and many leading community businesses, including Barclay Damon.

Based on the idea that a habit generally takes three weeks to make or break, more than 3,500 participants committed to developing social justice habits through collective self-discovery. For those 21 days, every day, they were presented with a series of several educational opportunities focusing on issues of race, power, privilege, and leadership. The series included webinars, articles, TED talks, and interviews.

As an example, on October 17, participants were asked to explore race equality culture at work with the following invitation:

"Diverse perspectives enrich our workplaces, and studies are showing that involving diverse voices improves performance, problem-solving, and decision making. Yet, people of color, women, and other marginalized groups are underrepresented in

### Blog Post

Oxford English Dictionary, "[A Brief History of Singular 'They'](#)"

*The OED experts counter the claim that using the singular "they" is grammatically incorrect—or even new!*

### Educational Chart

LGBTQIA Resource Center at University of California at Davis, "[What Are Pronouns](#)"

*An English-language grammar chart that introduces nontraditional pronouns and their variations.*

### Video

Buzzfeed Yellow, "[Why Pronouns Matter for Trans People](#)"

*Individual testimonials and experiences with gender-defining (or not) pronouns.*

C-Suite, upper management, and board roles compared to their representation in the overall working population. The culture of an organization provides insight into the racial dynamics and racial equity/parity within the organization. Today we will focus on how you can create a race equity culture at work. Check out "Race, Work, and Leadership: New Perspectives from the Black Experience, a collection of essays on how race impacts people's work and leadership experiences."

Our own John Langan noted, "I read the two-page document on building a race equity culture in the social sector; I listened to the 33-minute podcast featuring the Harvard Business Review; I listened to the racial imposter syndrome podcast; and I watched the three-min video on common struggles people face in bringing their authentic selves to the work place. Great stuff! I learned a bunch."

[Click here to watch](#) a two-minute video recap of the 21-Day Racial Equity Habit Building Challenge, or take part in the full experience at [CNYequity.org/21](http://CNYequity.org/21).

## Pro Bono Corner

Bob Wonneberger is forging a relationship with a new pro bono partner, Bridges of Hope, a 501(c)(3) in New Haven. The organization assists and enhances the well-being of low-income people and groups. Bridges of Hope's two main projects are K-8 and 9-12 mentoring programs for children and teens living in New Haven Housing Authority residential buildings and I Heart New Haven. I Heart New Haven is a volunteer, city-wide work day with services for various

charitable and public-service organizations. Barclay Damon's legal work would relate to corporate housekeeping, including updating their bylaws and addressing authorization questions and occasional questions regarding their 501(c)(3) status and requirements.

Ned Trombly and Eric Brenner participated in a virtual pro bono small business clinic for the local Veterans Business Outreach Center.

## Office Updates

### ALBANY

#### ***Albany Diversity Mentorship Program***

Albany kicked off its Diversity Mentorship Program this year with the highest turnout of students ever and the highest number of attorneys from Albany participating. The meeting was the first-ever virtual kickoff.

#### ***Fourth Quarter Lunch ‘n’ Learn***

Dena DeFazio gave a presentation called “Understanding Sexual Orientation, Gender Identity, and Expression” as the fourth-quarter lunch ‘n’ learn from the Albany office.

### BUFFALO

#### ***2020 United Way Campaign***

This year our Buffalo and Clarence offices participated virtually in the 2020 Buffalo and Erie County United Way Campaign. Gifts to the United Way help the local community, including helping children reach their full potential, families achieve financial stability, and people live healthier lives.

#### ***“Challenge Disparity, Build Diversity” Pledge***

Attorneys in Buffalo and Clarence participated in a joint effort of the Bar Association of Erie County, Minority Bar Association of Western New York, Women’s Bar Association of the State of New York, and University at Buffalo Law Alumni Association to encourage attorneys to prioritize diversity and mitigate COVID-19’s effects in these difficult times. This included a challenge to each member of the legal profession to take a pledge to “challenge disparity, build diversity.” Read the pledge here.

#### ***Community Day/Bar Association of Erie County Yuletide Challenge Toy Drive***

The Buffalo and Clarence offices held a Community Day in support of the Legal Aid Bureau’s Attorneys for Children Unit. The Legal Aid lawyers, social workers, child advocates, and staff respond daily to the challenging and often heart-breaking life circumstances of the children they support. The Buffalo and Clarence offices collected toys for children involved in abuse and neglect proceedings in Erie County.

## MAJOR MARKETS

### ***Community Servings’ Pie in the Sky***

Ben Carroll and Siobhan Tolan teamed up with Community Servings’ Pie in the Sky event to sell pies in advance of the Thanksgiving holiday. Each year, Pie in the Sky uses the proceeds from its annual holiday sale to prepare and deliver home-cooked meals to those in need throughout Massachusetts. Last year, Pie in the Sky raised \$850,000, which provided a Thanksgiving meal to tens of thousands of critically and chronically ill Massachusetts residents. This year, Ben and Siobhan raised \$1,600 for the Barclay Damon team, which made ours the top law firm team and the 19th team overall in Boston. Ben notes, “Many donated within Barclay Damon, including from the Upstate New York offices.”

### ROCHESTER

#### ***Bivona Child Advocacy Center’s Holiday Lights Tour***

Barclay Damon is sponsoring a holiday event organized by the Bivona Child Advocacy Center, which provides support and services for children experiencing child abuse. Bivona organized the tour with lighted homes in the Rochester area. In addition to the firm’s sponsorship of the event, the Rochester office raised more than \$800 to support it. Funds will help children and families in the Rochester community this holiday season.

#### ***Foodlink for Community Day***

The Rochester office teamed up with Foodlink for their Community Day this year. Foodlink is a regional food hub and the Feeding America food bank serving Allegany, Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates counties. Their operations target the root causes of hunger and distribute food to a network of human service agencies, serving meals through their commercial kitchen and offering more than 30 food-related programs. The Rochester office donated over 135 pounds of food and more than \$2,100.

### SYRACUSE

#### ***Virtual Food Drive for Food Bank of Central New York***

In lieu of its traditional Community Day activities and as part of Giving Tuesday, the Syracuse office hosted a virtual food drive in support of the Food Bank of Central New York. The Food Bank of Central New York partners with 282 emergency food programs in the counties of Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, and St. Lawrence. It works to eliminate hunger through nutritious food distribution, education, and advocacy in cooperation with the community. The Syracuse office raised \$3,301 for the Food Bank of Central New York.

