

MOVING TOWARDS A MORE INCLUSIVE COURT

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Courtrooms can be intimidating places. Important and very personal issues are often at stake. This is particularly so at the Nova Scotia Court of Appeal where hearings involve as many as five judges, seated in a way that physically has them above counsel and the gallery. Despite this setup, we try to be as welcoming as possible and to create an atmosphere which enhances the ability of participants to present their case.

The judges of our Court recognize the importance of treating all persons with dignity and respect. This includes referring to them using their pronouns and titles. We hope counsel and parties understand they are welcome to indicate how they wish to be addressed; however, the Court has decided we should be more explicit in ensuring that this message is clearly communicated to everyone.

In the spring of 2021, the judges of the Court began a process to create a more inclusive environment for appeal proceedings by adopting a policy that welcomes participants to advise the presiding judges of their pronouns and titles. By taking this step, the Court hopes to avoid misgendering or otherwise misidentifying lawyers, clients, and others in court or in written decisions.

The Court's discussions were informed by similar initiatives in the British Columbia and Ontario Courts, as well as consultations with lawyers. These reinforced the judges' view that a formal public policy would further demonstrate our commitment to the principles of inclusivity and respect.

Through our discussions and consultations, we realized that it was important to ensure that any policy carried no obligation. No one should feel pressured to disclose their gender identity if they do not wish to. For this reason, our policy emphasizes that persons are welcome, but not obligated, to advise the Court of their pronouns and titles. They can choose the method of communication that is most comfortable for them — by email, letter or verbally to the Court Clerk.

Along with our discussions concerning the appropriate pronouns for counsel and parties, the Court revisited a discussion about how judges should be addressed. The traditional approach was for male judges to be addressed as "My Lord" and female judges as "My Lady". More recently, many lawyers have been using the gender-neutral title "Justice". Information on the Courts' website was inconsistent concerning the issue.

The Court of Appeal has now clarified the terms which can be used to address judges. Many judges prefer the gender-neutral term “Justice”; however, unless otherwise directed, “My Lord” and “My Lady” are permitted. Individual judges may advise how they wish to be addressed.

Words matter and this includes how we refer to each other. The Nova Scotia Court of Appeal is committed to maintaining a welcoming atmosphere where people are treated with respect and dignity. Using proper modes of address can reduce unnecessary stress and anxiety and allow parties to present their arguments more effectively. We hope this will enhance the court experience for all participants.