



National Office  
870 Market Street, Suite 570  
San Francisco, CA 94102  
(415) 392-6257  
[www.nclrights.org](http://www.nclrights.org)



*Advocating for our communities*

870 Market Street, Ste 823  
SF, CA 94102  
(415) 865-0176  
[www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)

## REPORTING ON TRANSGENDER LEGAL ISSUES

Many media outlets face challenges in accurately reporting about transgender people, our families, and our lives. Most times, these challenges simply reflect a lack of experience on the part of journalists in how best to report on stories that involve transgender people. Sometimes, inaccuracies are also a reflection of stereotypes that society has about gender and transgender people. And rarely, but still often enough that it is a problem, inaccurate reporting is the result of bias or at least willful ignorance on the part of an individual or a media institution.

The following tips are primarily meant for the first category of people above. They are likely also helpful for the second category. Unfortunately, they will probably do little if anything to change the reporting practices of people in the third category.

- 1. Using correct names and pronouns.** The most common problem that journalists have is determining which name or pronoun most accurately describes a transgender person. Sometimes, journalists think that the dilemma revolves around a person's "legal" name or gender. However, the law determining whether and how transgender people can obtain a legal name or gender change varies from state to state and is unclear in many states. Also, it is often impossible for a reporter to know which legal steps a particular individual has or has not taken. For these reasons, the better course is to use the name and gender the transgender person is using in their everyday life at the time that they became newsworthy. This approach is consistent with that mandated by the current AP Guidelines. If it is necessary to include a prior name because it directly relevant to the story (and it is rarely necessary to do this), that name should be included in the proper context (for example, late in the story when other details of the story are being explained). In most cases, a person's prior name is not relevant and including that information is inappropriate and likely to be seen as offensive. And, if your story includes references to a person prior to their transition, you should continue to use the pronoun appropriate to the person's post-transition gender (for example when reporting about someone who has transitioned from male to female, "Before transitioning, Kathy worked in a factory where she got harassed for being a man who was too feminine.")
- 2. Misapplying or mischaracterizing legal decisions involving transgender people.** Transgender law is a very new area of law. It can therefore sometimes be difficult to understand court decisions in this area or to put them in a meaningful context. The best thing to do in these cases is avoid making sweeping conclusions based on any particular case (especially about the impact of a state law cases on transgender people nationwide). Another common issue is how journalists should respond when a judge rules that a transgender person is not legally entitled to legal recognition of their gender identity (for example, when someone who has transitioned from female-to-male is held to be legally still female for purposes of marriage or child custody or in some other context). In these cases, it may be tempting to begin to refer to that person by pronouns appropriate to their old gender ("she" or "her" in

the above example). We strongly recommend avoiding this temptation as the legal determination is almost always for a limited purpose (child custody, for example). The determination will, in any case, generally not affect how a person lives their life. (As an interesting side note, even when judges hold that a person does not legally qualify as their self-defined gender, the court decisions almost always continue to use the person's desired name and pronoun out of courtesy and respect). Regardless of any legal decision, it always is most appropriate to refer to a transgender person by the pronoun that corresponds to their self-defined gender identity.

3. **Sensationalizing stories.** It simply is a fact that some aspects of transgender people's lives can be reported in a sensationalized manner. The challenge facing journalists is how to put these aspects into a meaningful context. For instance, many media outlets report on how some transgender women obtain silicone injections from people who aren't doctors (commonly called "pumping parties"). However, very few of these stories link this practice to its root cause -- discrimination in the provision of health care and health insurance. Without that aspect, the story lacks context and may inadvertently end up misrepresenting transgender women simply as irresponsible or self-destructive.
4. **"Presenting the other side."** In trying to present a balanced story, some journalists will turn to religious conservatives to provide a "counter-point" to stories about transgender people in the workplace or in schools. Rarely, however, are they appropriate experts to turn to. Of course, if an employer or a member of a local school board is expressing their resistance to non-discrimination policies in religious terms, that is appropriate to report. But, simply turning to religious conservatives as a logical "counter-point" is not.
5. **Looking for new stories.** Obviously, the law is affected by society as much as the reverse. Sometimes reporting around transgender issues reacts only to legal challenges or new laws. Doing so is certainly needed, but it sometimes overlooks the underlying social contexts that powerfully shape the law. This kind of reporting is best when it is balanced by looking at the increasing acceptance of transgender people in society. For instance, more parents of transgender people are supporting their children in transitioning. More workplaces are pro-actively creating non-discrimination policies. And, despite the expectation, more and more religious communities are embracing transgender people within their faith community. These stories also deserve coverage.

## **Resources for Transgender Law and Policy Issues**

### **National Center for Lesbian Rights** (National)

Shannon Minter: (415) 392-6257 x 310, minter@nclrights.org

### **Transgender Law Center** (California only)

Christopher Daley: (415) 865-0176, chris@transgenderlawcenter.org

### **ACLU Gay and Lesbian Rights Project** (National)

Ken Choe, (212) 549-2553, kchoe@aclu.org

### **Lambda Legal** (National)

Cole Thaler, 404-897-1880, CThaler@lambdalegal.org

### **National Center for Transgender Equality** (National)

Mara Keisling, (202) 639-6331, mkeisling@nctequality.org

### **National Gay & Lesbian Task Force** (National)

Lisa Mottet, (202) 639-6308, lmottet@nglft.org

### **Sylvia Rivera Law Project** (New York City only)

Dean Spade, 212.337.8550, dean@srlp.org