

February 2, 2024

Sent via email.

**The Honourable Leonard Marchand**

Chief Justice of British Columbia

**The Honourable Christopher E. Hinkson**

Chief Justice of the Supreme Court of British Columbia

**The Honourable Melissa Gillespie**

Chief Judge of the Provincial Court of British Columbia

**Emily Drown**

Chair of the Circle of Chairs of BC Administrative Tribunals

Dear Chief Justices, Chief Judge and Ms. Drown,

***Re: Correct pronunciation of names in court and tribunal proceedings***

On behalf of the Canadian Bar Association, BC Branch (“**CBABC**”), South Asian Bar Association of British Columbia (“**SABABC**”) and Federation of Asian Canadian Lawyers (BC) Society (“**FACL BC**”), we write to offer best practices to ensure all people appearing before courts and tribunals throughout B.C. have their names pronounced correctly.

At the national level, the Federal Court, Federal Court of Appeal and Canadian Human Rights Tribunal have already begun their implementation of these best practices, setting an important precedent for courts and tribunals across the country.<sup>i</sup> The CBA National Equality Sub-Committee, Immigration Law Section and Federal Court Bench and Bar Committee developed these recommended practices. CBABC’s Equity Diversity and Inclusion Committee also recommends their adoption.

**Suggestions for Best Practices**

We suggest the following best practices to increase inclusion for everyone, particularly Indigenous and racialized individuals and new Canadians, appearing before courts and tribunals:

1. The court/tribunal should amend practice directions on the form of address for parties and lawyers to outline how they can advise the court/tribunal of the pronunciation of their name.<sup>ii</sup>
2. The court/tribunal should update standard practices to include a request for pronunciation, using the phonetic or syllabic method, of all names when participants are introduced.
3. When in doubt, the presiding officer should be encouraged to request a confirmation of pronunciation.

4. Correct pronunciation for all parties and lawyers should also be verified by the court clerk prior to the hearing.

In assessing which approaches are appropriate for your forum, we encourage you to consider the following:

- Introducing changes that apply to all participants helps reduce barriers and makes the justice system more inclusive. If Indigenous and racialized people are the vast majority of those confirming the pronunciation of their names, they are still singled out and the burden of ensuring proper pronunciation disproportionately falls on those who are marginalized.
- Asking everyone to communicate the pronunciation of their names is a simple way to avoid errors, treat everyone equally, and signal that it is important to avoid mispronunciation of all names.
- Mistakes will happen. Acknowledging and correcting the mispronunciation at the earliest opportunity is paramount.
- If the changes are permissive, strongly encourage their use and have staff and adjudicators model the change. Having people with authority proactively ask for pronunciation of names creates a respectful and inclusive environment for individuals who already face systemic barriers. It also underlines that assumptions about race, ethnicity or religion are discouraged.
- Whichever approach is adopted, publicize the change so that other courts, tribunals, lawyers and the public learn from it and can then follow your lead.

## Rationale

Names hold ancestral and historical significance. A name can be a core aspect of identity.<sup>iii</sup> Individuals, particularly those from non-dominant cultures, frequently modify their names and the stories their names carry to align with the dominant culture.<sup>iv</sup> While the mispronunciation of names can happen to anyone, the impact on Indigenous and racialized communities is disproportionately damaging.<sup>v</sup> They face significant barriers to accessing justice and are overrepresented in the criminal justice system, which reinforces their ongoing social and systemic marginalization.<sup>vi</sup> Redressing systemic racism in our justice system requires multifaceted and long-term measures. This includes everyday practices that ensure people who have been historically marginalized are given equal respect.

Mispronunciation of names can sometimes amount to a micro-aggression and an indicator of systemic racism.<sup>vii</sup> It contributes to stigma and marginalization<sup>viii</sup> by signaling to certain individuals and groups that they do not belong, are less valued, and are not respected.<sup>ix</sup> Despite being generally unintentional, mispronunciation of names is a subtle but wide-spread behavior that supports a racial and cultural hierarchy of inferiority.<sup>x,xi</sup> While counsel and witnesses must announce and spell their names as part of regular procedure in many courtrooms, mispronunciation of names remains common in courtrooms across the province.

In a judicial or quasi-judicial hearing, mispronunciation becomes a barrier to equal access to justice and perpetuates harmful beliefs that marginalized communities are not seen as equal by the justice system. The cumulative effects of systemic racism and discrimination, when coupled with having one's name mispronounced during a proceeding, may take a heavy toll. Our members have raised concerns about the negative impact they have experienced both during their time in law school and in their practice, stemming from the mispronunciation of their names. In a courtroom or tribunal setting, questions may be raised about whether an individual is viewed as an equal before the forum, whether they should correct the mispronunciation of their name and whether an adjudicator is biased against them. It is a distraction and adds to the burden and stress of appearing at the hearing. These consequences are magnified when the mispronunciation comes from a person in authority, such as an adjudicator, and in front of lawyers and members of the public at the hearing. The result is a message to Indigenous and racialized communities that they are "others" in society and in the hearing.

In contrast, implementing practices to ensure people's names are correctly pronounced would not only improve the experience of Indigenous and racialized people who appear before our courts and tribunals, but also influence the justice system more broadly by sending the message that people of all races, cultures and ethnicities are to be accorded equal respect and dignity. As you know, when implementing any change, those who are asked to implement the change must understand why the change is introduced. We trust that you will incorporate information such as that referenced in this letter to support actors within the courts/tribunals adopting these important best practices.

Thank you for considering this letter and recommendations. We would be pleased to discuss them further.

Sincerely,

[original signed]

Scott Morishita  
President, 2023-2024  
Canadian Bar Association, BC Branch

[original signed]

Hardeep Gill  
President, 2023-2024  
South Asian Bar Association of  
British Columbia

[original signed]

Fiona Wong  
President, 2023-2024  
Federation of Asian Canadian  
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<sup>i</sup> See, for example, the Federal Court of Appeal's [Consolidated Practice Direction](#), 46.1

<sup>ii</sup> E.g. BCSC Practice Direction 59 ([Forms of Address for Parties and Counsel in Proceedings](#)); BCPC Notice to the Profession and Public 24 ([Form of Address for Parties and Lawyers](#)).



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- iii Department of Psychology Equity, Diversity and Inclusion Committee, Queens University, Psychology launches name pronunciation project, April 2022, [online](#).
  - iv Clare McLaughlin, The Lasting Impact of Mispronouncing Students' Names, National Education Association, January 2016, [online](#).
  - v Karen Pennesi, "Universal Design for Belonging: Living and Working with Diverse Personal Names," Journal of Belonging, Identity, Language and Diversity 1(1): 25-44, online; see also: Sepideh Afshar, Say My Name Right: Death by a thousand micro-aggressions, McGill Tribune, [online](#).
  - vi Department of Justice Canada, Rooting Out Systemic Racism is a Key to a Fair and Effective Justice System, [online](#).
  - vii Talisa Lavarry, Ask an Expert: My Colleagues Can't Get my Name Right, Harvard Business Review, February 2021, [online](#).
  - viii Nadja Schlote, "Too Hard to Pronounce-Examining Newcomer ideologies in the treatment of Newcomer Youth's names," University of Western Ontario, April 2018, p.63-71, [online](#).
  - ix Zulekha Nathoo, Why Getting a Name Right Matters, BBC, January 2021, online; Darin Flynn, It's Comma-la: Insisting on mispronouncing Kamala Harris's name is racist, University of Calgary, August 2020, [online](#); Adam Dodek, Mispronouncing names isn't okay, and it has nothing to do with being woke, Globe and Mail, June 2022, [online](#).
  - x Talisa Lavarry, *supra* note 8.
  - xi Karen Pennesi, *supra* note 7.