

# Popular Threads on Solosez

## Esquire v. Attorney v. Lawyer

Ok -- what the heck does it mean when someone calls themselves "Esquire" (e.g., John Smith, Esq.) in the USA?

Dan Caldarone Oakville, Ontario, Canada

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Abbr. Esq. Used as an honorific usually in its abbreviated form, especially after the name of an attorney or a consular officer: Jane Doe, Esq.; John Doe, Esq.

Joseph Lamont

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It means the person is an attorney.

Black's Law Dictionary (Sixth Edition) has the following under the definition of "Esquire"

"In English law, a title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants [sic], and barristers at law, justices of the peace, and others.

In United States, title commonly appended after name of attorney: e.g., John J. Jones, Esq."

William Scanlan

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Yeah, but it is considered bad form for someone to use it themselves; in other words for someone to sign themselves "John Doe, Esq." . It is a title that should be conferred, not assumed; in other words, when I write to another lawyer I address the letter and envelope as:

John Doe, Esq. Doe, Roe and Woe, PA 123 Main St. Litigation, FL 32313

but I sign myself as:

Ronald A. Jones

NOT

Ronald A. Jones, Esq.

It is a courtesy title, plain and simple. Sort of like addressing Bill Clinton as Mr. President, or President Clinton, or Speaker Gingrich, or whatever. They don't sign themselves as President Clinton or Speaker Newt Gingrich. Likewise, an attorney should not sign themselves as an Esq.

Ronald A. Jones, Florida

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It generally means the person is a pompous ass who insists on using any and every title they can grab in the hope of sounding important.

Jes Beard, Chattanooga, Tennessee

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Or that, try as he might, he just can't get his staff to stop using it. (Happens all too frequently in my office.)

-- Andy Simpson, Christiansted, St. Croix, U.S. Virgin Islands

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Attaboy, Ron. On the other hand sometimes we need to confer a title on ourselves, for example, Rob Robertson, Dufus.

Another no-no is for attorneys in the states to call themselves "Dr. John Smith." I think the practice is common in other nations.

I have seen twice in my career the following from baby judges: /s/ Judge Mary Smith.

Rob Robertson, Austin, Texas

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I agree that insisting on titles for oneself is generally bad form, Mr. Jones. [As is insisting on familiarity when addressing someone else, especially someone older. It infuriates me to have a doctor introduce himself as "Dr. So-and-So" and then address my 92 year old grandmother as "Margaret."] However, I use the Esq. designation after my auto signature in email because I have found that many lawyers, sources for my articles, take me a lot more seriously if they know I have a law license than if they think I'm just another clueless reporter. As far as I am concerned, that says a lot more about my sources than it does about me. Yet, for expediency in reporting, I use the Esq. as shorthand for "you don't have to explain what probable cause is. Get to the meat of your case."

Meg Tebo, Esq., Chicago, IL 60610

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I don't see the use of "esquire" as making you any more of an ass than does "JD" or "CPA" or "Attorney at Law."

Eric

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We've had this conversation before, and probably agreed to disagree. Anyway, the Chancellor of the University of Nebraska at Lincoln, Dr. Perlman, holds (AFAIK) only his J.D. He was Dean of the Law College when asked to fill in on an interim basis-- later after a search they took away the "interim" and left him in the job.

Absent the academic setting, however, and except for the demi- gods of medicine, I think most folks in the U.S. generally do not append their degrees on their signature blocks. Well, maybe medicine and social services

Michael Riddle, Papillion, Nebraska

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New Jersey actually has an ethics opinion on attorneys using the term "Doctor". The only way it is permissible is if an attorney is teaching in an institution where professors with doctorates use the term "doctor". Otherwise, it is mere self aggrandizement.

Jim Mills, Sarasota, Florida

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Ahhh, you forget the field of education. Those folks call one another "Dr" if they have received advanced degrees and its on every correspondence. It's a bit obnoxious really. So like the superintendent of schools, or the other supers, if they have a doctorate you get the "please hold for Dr. Jones" and "Dr. Jones will be right with you" all the time. They take their degrees very seriously. Even on the elementary and secondary school level.

Joan M. Swartz, St. Louis, Missouri

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Does the opinion explain how they have difficulty with an attorney admitting to having a doctorate? Do they suggest it's unnecessary since all attorneys have a J.D. or equivalent? Or was the opinion written by M.D.s? ;-(

Michael Riddle, Papillion, Nebraska

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True enough, but I don't begrudge them their need to have other people appreciate their doctorate. Getting that JD wasn't exactly a walk in the park...

Shane L. Jimison, Richmond, Virginia

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I thought (incorrectly), that it was shorthand to put others on notice that you are a practicing attorney. So, if you walk into someone's office and their sign says, Esq., it serves a notice purpose for attorney confidentiality, etc. J.D. or LL.M. would not serve the same purpose since having a degree does not mean you have been admitted to practice law. P.C. or L.L.C. or L.L.P. only conveys that you are a business entity.

After this email string, however, I've noticed the large girth of my ass and I am removing the Esq. from my e-mail signature.

While on the subject, what is an Attorney at Law? Are there any other types of attorneys?

Kevin J. McNeely, Washington, D.C.

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It was probably the M.D.'s. Damn medical mafia! PS - I agree that using Esq. is unnecessary, but if it makes you feel better - go for it!

Majdel S. Musa, LaGrange, IL

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While on the subject, what is an Attorney at Law? Are there any other types of attorneys?

Kevin J. McNeely, Washington, D.C.

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Attorney in fact.

Timothy Gutknecht, Columbia, Illinois

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Interesting take.... I was always under the impression that Esq. signifies one is a licensed attorney, but not

necessarily practicing. I was further taught in law school that using "attorney at law" under one's signature conveyed a representational relationship -- implying all the confidentiality, etc. that Kevin mentions. So, in using "A-at-Law" in a letter to a client, you let them (and anyone subsequently trying to do discovery) know that this is official correspondence, not a friendly greeting. By using the "A-at-Law" designation in correspondence to a third party, you are putting them on notice that they may only communicate with your client through you.

Meg Tebo, Chicago, IL

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By the way, an attorney in fact, in Ballentine's Law Dictionary, is:

"An an agent or representative authorized by a power of attorney to act for his principal in certain matters. 3 AmJ2d Agency ?23. An agent, sometimes referred to as a private attorney who is authorized by his principal, either for some particular purpose, or to do a particular act, not of a legal character."

Joyce Maughan, Salt Lake City, Utah

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Yes, of course - Attorney in fact. Which conveys much more useful information, particularly to a lay person? Think I will use Knight of the Patent Bar.

Kevin J. McNeely, Washington, D.C.

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Me likes it.

Majdel S. Musa, LaGrange, IL

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There is a proper time and place for use of titles. When I deal with insurance adjusters, I generally get "You don't know what you are talking about. You don't know anything about insurance." At that point, my next letter is signed CPCU - which, at least to those in the know, shows some knowledge of insurance. The next time the adjuster calls, they are usually a little less hostile. Point being, there is a time and place to use titles and using one does not necessarily make one a pompous ass.

Jonathan G. Stein, Elk Grove, California

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I think I'll just use "His Imperial Majesty."

Richard O'Connor

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What appears to be lost in all this chit-chit is Meg's point that the "NAME, Esq." is the most concise means of identifying your status in such things as email.

Why is common sense rarely commonplace?

John P. Page, Esq., Tampa FL

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I've never heard so much BS over something so totally inconsequential. I mean, whatever floats your boat!!

If it's an ego thing (per Jes), fine. If you want people to simply be aware that you're a licensed attorney, fine (3 little letters and a period, for God's sake--short and easy) it works in mail and e-mail addresses. Some people have way too much time on their hands.

Richard O'Connor

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And most of the chat points out the different purposes for using a title. Sometimes it's useful, and sometimes the purpose is proving you are a pompous ass. Just depends.

Rebecca K. Wiess

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I believe there was an ABA ruling long ago that when in a setting with persons using Dr. degrees it was appropriate to use JD.

In another life I was a supervisory attorney for the EPA & would get memos from the engineering people -- John Doe, PhD. It seemed ostentatious to me, especially since the most junior attorney under me was JD.

Jay S. Goldenberg, Chicago, Illinois

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Does all of this really matter?

Several months ago I negotiated a buy - sell agreement with a person I believed was an associate attorney with a "reputable" law firm. The "attorney" was a pleasure to deal with. ESPECIALLY, since "attorney" was a tremendous improvement over the business broker who submitted the initial draft contract and pushed for its swift execution without any changes (after all, changes would delay the broker's commission.) So it was an interesting dance when the other "attorney" thought I drafted the piece of work and I thought the other "attorney" drafted it. I distinctly recall welcoming the other "attorney" to the negotiating table when we both realized that neither of us drafted the initial gem (We knew there was a broker but we had no idea who drafted the document.) Well, last week the deal went south and the other "attorney" informed me he needs approval for his discussions with me from his supervisor because he does not have "Esquire" after his name!!

On Friday I learned that he is a competent attorney with mucho experience including LLM Tax. He just lacks "Esq" because he could not keep his hand out of the cookie (Trust) jar, so he is disbarred!!

So again, what does "esq" mean?

Herbert Alan Dubin, Rockville, Maryland

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Agreed. We all probably have had the experience of having a letter we sent out on firm letterhead get a better response for a client than a nearly identical letter already sent out by the client on his/her own. Why? Because the recipient saw that the more recent sender was a lawyer. So, what's wrong with using the "Esq." after your name to let people know that you practice law if it has practical application and is not there just to make the sender feel more important?

Ken S.

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I don't know. Many Academics think the "Dr." thing is kind of B.S. too. Usually, the more prestigious the place, the more it's frowned upon.

Jake London

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That's what I used to think too. But as someone here so clearly explained years back "atty" serves the same purpose but doesn't have the same connotations.

Jake London

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In California, the "Esq." designation conveys a person's eligibility to practice law. In re Wyrick (Rev.Dept. 1992) 2 Cal. State Bar Ct.Rptr. 83, 90. Susan K. Ashabraner, Esq., Fullerton, California

Anyone can be an "attorney" via power of attorney, but not just anyone can be a "lawyer". So I guess while Attorney sounds better or more formal, Lawyer is actually more accurate? Corrections in perception are welcome.

I think most of us qualify for both.

Randy Birch, Salt Lake City, Utah

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As you said, anyone can be an attorney. A lawyer, however, is one who is learned in the law. Thus, I prefer that designation (notwithstanding its inaccuracy!).

Timothy A. Gutknecht Columbia, Illinois

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For a distinction between "trial lawyer" and "litigator," see <http://www.abanet.org/genpractice/lawyer/complete/su97rose.html>

"Still unresolved is whether there's a distinction between lawyers, attorneys, and counsel. Pending further investigation and exhaustive analysis, while the term "lawyer" might refer to the species generically, one can reliably expect attorneys to be much older and better behaved than lawyers."

jennifer rose, Morelia, Michoacán, Mexico

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Along these lines, I've always wondered why some attorneys state "Attorney and Counselor at Law" while others state simply "Attorney at Law." Is there a viable reason for preference, or rather one of marketing value?

Diana Laskaris

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In Maine we're Attorney and Counselor at Law and Solicitor and Counselor in Chancery . . .

Justin Andrus

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I just walked by a sign -

"Doctors in Admiralty"

Whatever.

David Barrett, Massachusetts

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Proctors, right?

Justin Andrus

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In Virginia the Board of Bar Examiners describes us as Attorney and Counsellor at Law (yes, two l's) and the Supreme Court says we're admitted to practice as Counsel...

Deb Matthews, Alexandria, Virginia

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Here in Connecticut an attorney is also known as a "Commissioner of the Superior Court."

Me, I like "Attorney and Counselor" (the "at law" being implied), for the reason that an "Attorney at Law" is someone who represents people. An "Attorney and Counselor" represents \*and\* advises people. Meaning that I do not adhere to the "zealous advocacy" model in which my job is solely to represent my client's viewpoint, right or wrong -- I will advise my client as to the best (and honorable) course of action. "Lawyer" to me connotes "someone who is an expert in the law," and is good too.

A silly distinction, really, but that's why I use "Attorney and Counslor."

Dr. Michael A. Koenecke, B.A., J.D., Esquire, Richardson, Texas

Personally, I'm holding out for "Minister of Silly Walks."

Timothy Gutknecht, Columbia, Illinois

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I kind of like my new signature block Andy Simpson Attorney and Affable Raconteur, Christianstead, St. Croix, U.S. Virgin Islands

IMHO, marketing value is a viable reason for preference.

Susan K. Ashabraner, Esq., Fullerton, California

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My license says "Attorney and Counselor at Law" but you can see what I use for a signature line.

On a humorous note, some people don't need titles to be pompous asses -- ever meet one?



Regarding the use of "Esq." I don't ever use it. I have no beef with those that do, seeing it as a personal choice. One of the reasons is that there seemed some confusion on when it is appropriate or not. I was told it was okay as a law school grad awaiting bar results to use "Esq." but did not use it then either. I have no citation for what I was told.

I sometimes laugh a bit when I encounter a lawyer with alphabet soup after his name, meaning a bunch of designations that perhaps are not intuitive. Of course, my personal amusement is not reason to dissuade other's behavior, because I enjoy laughing whenever possible.

Darrell G. Stewart, San Antonio, Texas

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In Louisiana,

We are admitted as: "Attorney and Counselor at Law."

Marc H. Conrad, Metairie, Louisiana

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Same in Montana and Indiana. I'm not sure what I am in Kentucky, but we Colonels there address each other as "Honorable."

R. Stephen Hansell, Lolo, Montana

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I see applications for attorney fees from offices that don't indicate they are law offices when I have desk arbitrations. If all I have is "Joe Doaks, Esq.", I deny the attorney fee request. If it says: "Joe Doaks, Esq., XYZ Law Office", I'll grant the prayer for fees. "Esquire" is (was) a shield bearer, and lawyers think it means "lawyer" or "barrister", but I don't think we've preempted the definition.

R. Stephen Hansell, Lolo, Montana

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Enough already!!!!

James P. Moriarty, AB, JD, Esquire Attorney and Counselor AT Law and Solicitor and Counselor in Chancery in all the Courts of the State of Maine Attorney, and, by virtue thereof, Counsellor at Law in any of the Courts of the Commonwealth of Massachusetts Attorney in the several\* Courts of the State of Iowa Attorney and Counselor At Law in Five - count them, FIVE, United States District and Appeals Courts Rainbow Warrior, YFW, Gerry Spence's Trial Lawyer's College, Class of of 1997

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Same in Florida, but in Hawaii, we are licensed "as an attorney, counselor and solicitor during good behavior."

Ken S.

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I thought you could get arrested for soliciting!!! <SAR>

John C. Thrasher, Rupert, VT

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I think it's Proctor in Admiralty.

Clive B. Jacques

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Applause for your enjoyment of laughing whenever possible. The book Anatomy of an Illness by Norman Cousins (editor of The Saturday Review for many years) is an excellent book on the health benefits of humor and laughter, feeling good.

Joyce Maughan, Salt Lake City, Utah

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I don't know where or when I learned it, but I've long considered "esquire" to be an honorary title having no licensure or official connotation. Inasmuch as I thought it only applied to male lawyers, I always address my correspondence to female colleagues: Jane Doe, Attorney at Law. Speaking of "Attorney at Law" vs other attorneys, I'm guessing that this distinguishes us from "attorneys -in-fact" & others with power of attorney, but who are not in fact licensed lawyers.

Robert J. Strupp, Pikesville, MD

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Bill: I'm Bill S. Preston, Esquire.

Ted: And I'm Ted "Theodore" Logan.

Bill, Ted: And together, we're WYLD STALLYNS

Steve O'Donnell

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Interesting point, RJS. In these days I do not see "Esq." as gender specific. I prefer to see the title "Esq." used for men and women alike, for those who choose to use it.

I receive correspondence to "Joyce Maughan, Esq." from highly respected, very experienced, and brilliant persons in the legal profession and otherwise. Even though I am definitely female, I enjoy equal treatment with men in the world of the legal profession.

Joyce Maughan, Salt Lake City, Utah

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And that is good enough reason for allowing its use. And I also second the importance of using title when in a country outside the US, especially the heavily traditional and bureaucratic ones. Between calling oneself "Bob" and Dr. Robert Doe there is the difference between night and day; and the difference of getting any respect and attention at all. I have used both versions in Italy, and on the phone I could hear the other party fall on one knee when I call myself Dr. Fiorentino. And it has nothing to do with arrogance or self-conceit. It has all to do with getting someone to listen at all, or to do anything at all. When you are in other cultures do as they do or die. And beware of the American pathology for always having to strip down to the commonest denominator. The American revolution ended a while ago, and there is no aristocratic conspiracy within our shores that I know of. Or is there?

Antonio Fiorentino Di Stefano, San Francisco, California

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Actually, I think it originally arose from the Attorney at Law / Attorney in Equity distinction, perhaps having something to do with the distinction between Solicitors and Barristers (i.e. one pleads to the Court, while another handles transactions).

Jon Egan

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I was always of the impression that Esquire connoted an inference of being licensed to practice. I know when I lived in Minnesota prior to being licensed there, no one addressed me as esquire (I was already licensed in another state), but after I was admitted to the Minnesota bar, that changed. And I've seen both genders referred to as esquire in equal frequency. I just consider it one of many ways to address attorneys. I find that aesthetically more pleasing (or at least more concise) than Attorney at Law, but usually I will just refer to someone as "Attorney [name]." If I send something to their office, I address it as they appear to want it to be addressed based on their letterhead or the way they sign their pleadings. It's all just a matter of one's

preferences as far as I'm concerned.

Lesley Hoenig

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If memory servers, the female equivalent of Esquire is Goodwife. It originally referred to a woman married to a Gentleman. I have a hard time accepting letterhead from Jane A. Attorney, Goodwife!!

Bruce Dorner, Londonderry, New Hampshire

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I attended a friend's law school graduation a few years ago. They had only the June ceremony though some people had complete in January and passed the bar. They were referred to as Esq.

Jay S. Goldenberg, Chicago, Illinois

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I use it, both incoming and outgoing.

I worked damn hard for that freaking Esq.....

Jim Moriarty, Cresco, Iowa

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