

# The Daily Reporter

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## Attorney, counselor or lawyer

Mr. Dooley knew when to call an attorney "lawyer" or "counselor" — it was a matter of paying him a little or a lot. "Now when my doctor calls himself a 'physician' and me liar an 'attorney' I know they're preparing a big bill," explained the famous fictional bartender. "And when I want to flatter me liar before asking him to lower my fee, I call him 'Counselor.'"

Lawyer letterheads today confirm this analysis of "lawyer" being the least and "counselor" the most pretentious title, with "attorney" in between. A majority of sole practitioners have stationery that uses "Attorney at Law" after the name at the top; however, most big firms expand this to "Attorneys and Counselors at law," while a few old-line, Eastern firms use only "Counselors at Law." Head west to California and the frontier state of Alaska and you find anti-elitist letterheads with "Lawyer" under the attorney's name.

The root of these different titles is from England. Early American states like New Jersey retained the English distinction between barristers and solicitors, but called barristers "counselors," and solicitors "attorneys." Solicitors are hired by a client to prepare a case and to hire a barrister who presents it in court. The United States Supreme Court followed this attorney-counselor distinction until the 20th Century, admitting young lawyers only as attorneys who were permitted to

prepare cases and serve as understudies to older advocates who were admitted as counselors. Today's certificate of admission on many lawyers' walls admits the holder to practice as an attorney and counselor before the Supreme Court of the United States, confirming the merger of the two roles in America as opposed to England where they are still separate. This explains the evolution of lawyer titles on letterheads from the old fashioned more pretentious "counselor" to the widespread "attorneys and counselors at law" — it is an imitation of the United States Supreme Court's practice. Use of the word "lawyer" or "law offices of" on stationery is a rejection of the pretentiousness and self-importance of many attorneys, and is very much in the American frontier tradition of being anti-English, anti-Eastern establishments and anti-snobish.

The question still remains of what lawyers want to be called. Imitating the medical profession, we changed our

### LAWYERS viewpoint



John Ritter

degrees from ~~Ph.D.~~ to J.D., but nobody calls us "Doctor" except South Americans and Cubans. Black Americans like to address their lawyer as "Attorney," which probably accounts for the increased use of it as a title over the last 20 years. I noted that the Yellow Pages in most cities now list lawyers under "attorneys," while 20 years ago we could all be found under "lawyers." Most lawyers are increasingly using the word "Esquire," after their names which currently is a written title of dignity, rarely heard in speech. If you ask an older lawyer what he wants his clients to call him, he will usually say what Clark Clifford, presidential lawyer said, "all lawyers aspire to be a senior advisor or counselor, so call me counselor." But if you ask the average lawyer what he wants his clients to call him he'll say, "I don't care what they call me as long as they pay me."

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