

[Jump to Navigation](#) | [Jump to Content](#)

Popular Threads on Solosez

Use of "Esq" by Non-Lawyers

We've had plenty of discussion about whether women should use esq., whether it's better to use attorney-at-law, or esq., whether anyone should bother using esq, etc...but I think this might be a new one.

It's been suggested to me that the use of Esq., or Esquire, by a non-attorney, may be considered an indication of unauthorized practice of law, as it's deemed a representation that one is a lawyer. I did a real quick search, and it appears that this may be the case in a few states -- perhaps Arizona, and/or Nevada.

Thought I'd throw this out to the collective...are any of you aware of any states that prohibit non-lawyers from using Esq., or conversely, allow for only lawyers to use that title?

Laurie Axinn Gienapp

I haven't heard anything about it in Illinois. I use Esq. every time I send a letter to someone, male or female. On a slightly related topic, there is a language, grammar columnist who many of you have read who states that "Ms" should appear without a "." because it is not short for anything - unlike Mr.=Mister

Lynne R. Ostfeld

Actually, Miss Manners put forth the opinion that Ms. was a good abbreviation of "Mistress," which is the true counterpart to "Mister." Seeing as how the alternate meaning of "mistress" (i.e., a kept woman or woman engaged in an adulterous liaison) has been fading from practice for some time, I like that formulation, and use "Ms." regularly.

Mike Koenecke

Okay. I realize this seems silly, but the reason I'm going into this, is, some of you have dealings overseas. If you would *ever* sign yourself as "esq" when dealing with a country recently a colony of Britain, or Brits themselves, you would be considered, at the very best, ignorant as hell. At the least, a stupid social climber (and in Britain, that's quite a slur). Certainly, you would be considered very poorly educated, as even a young child in Britain knows the "proper" usage of the word.

"Esquire" has been in use since the Middle Ages. For the last time, it has *nothing* to do with being a lawyer. It never did. It is an appellation of respect that is *APPLIED* to you. You cannot give it to yourself. And if



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you tried to limit "esquire" to Barristers/Solicitors in England, where the word developed, they would laugh you out of the country. And in those places where British English is used, such as Canada or India.

English nobility had prestige sickness to go with their increasing poverty after the Industrial Revolution. When someone was writing a formal invitation, one did not want to send it to a mere "Mr.", as commoners just weren't good ton. Since money no longer went hand in hand with land, and since people with money might actually be of gentle (but not titled) birth it was logical to migrate the appellation (previously applied only to landed--that is, wealthy--country gentlemen, usually descendants of untitled second/third sons) to follow the money and/or merit. So, the practice developed, "John Smith, esquire".

It would be common to address an attorney so, as attorneys were very frequently commoners with good intellect who had been sponsored for an apprenticeship by some lord somewhere. Not only would you not want to offend him or more particularly his sponsor, they *did* have very high positions in Britain as they frequently rubbed shoulders with the peers of the realm, and sometimes, for one service to the crown or another, were knighted or raised to the peerage in old age.

This practice of addressing letters (ONLY in the address line) to attorneys (and others of relatively high esteem) as "esquire" carried over to the New World: "John Smith, esquire" (note, not capitalized, as it is not an actual title, but an appellation). In salutation, you would write "Dear Mr. Smith"; *not* "Dear Esquire Smith". Just as, when you address a Duke, you write on the address line, "His Grace, Michael Smith, Duke of Bigdealville"; but in the salutation, you write: "Your Grace" and not, "Dear Duke Smith."

When *writing* a letter *to* another attorney, writing "John Smith, esq." is a better (more "correct") practice than "John smith, attorney".

The appellation of it to your own signature or signature block is a conceit that has developed in the US only, and *very* recently (since, prior to about 1965, no young gentleman who was likely to become an attorney was ignorant enough of proper etiquette to do so). Prior to the death of good manners, circa 1964 in the US, one never applied the word "esquire" to oneself -- to be so bold as to suggest that you were good enough for the courtesy was considered the height of chutzpah.

Sometime in the last 15 years or so, as the knowledge concerning proper usage has died out in the US, some attorneys (in the US only) have started referring to themselves as "esq" in correspondence--in fact, in the US, this is the only place I have seen this used at all since I was a little girl (when people still wrote letters and invitations by hand, and would, on occasion, address a little boy -- in the address only--as "esq" or much less commonly, "esquire").

Now, as I noted in another thread just yesterday, new uses for archaic words is not a bad thing, it's a good thing. However, unfortunately, the more correct usage of the word, as a courtesy offer of respect, is still in use in the entire rest of the English speaking world. The problem is, the use of "esquire" is NOT archaic, it is still in general usage in many countries (and

particularly Britain). Here in the US, a practice contrary to the rest of the world is developing which makes us appear ignorant.

Now, I'm not saying that over the next fifty years, "esquire" *won't* become archaic in Britain. It's just that right now, it isn't.

I doubt that any state would find such an argument (that "esquire" means attorney only) tenable if they did just the *modicum* of research necessary to check the basic history of the flipping word. Since, theoretically, we are researchers, we would. I don't hold any hope for the theory, though.

As to the Mr./Mrs./Ms. question: I'm inclined to go with Ms. with the period, not because it's an abbreviation (it is not), but because the other short uses use a period, and therefore, "Ms" looks undressed without it. Also, "Miss" has pretty much become an archaic usage (in my own lifetime) for adult women. So, Ms would be the only one of the three current two-letter adult usages for which there is no period. It makes it look incorrect (and more so to non-native speakers who don't know the history). Over time, I think it will be Ms. simply to standardize, just as IMHO has standardized as all caps with no periods. IMHO

Becki Fahle

As usual, I agree with almost everything Becki says, and even with the above noted quote, with the caveat that it is going to depend on the context in which "Esq." is used; If Joe Blow, local Snooty Snot, goes around calling himself "Esquire" I don't think any one is going to be upset. Amused, maybe, but even the state bar shouldn't particularly care. If, however, a non-attorney calls himself "Esq." and is maybe running a paralegal office, or giving seminars on How to avoid creditors, or Estate Planning, or otherwise arguably suggesting that they are qualified as an attorney, THEN maybe the state bar would get interested. We've got caselaw, or maybe a bar ethics opinion here in Florida about the use of the term "notary public" literally translated into Spanish; apparently that term denotes a civil

Ronald Jones

Oh, she did not claim that "mistress" was the *origin* of the term "Ms." She (and I) knew it was designed as an alternative to "Miss/Mrs." However, she wrote that she *chose* to treat it that way: i.e., that instead of being an artificial construct with no inherent meaning, it could be *used* as an abbreviation of "mistress." Miss Manners being the soul of sensibility, I agree with her.

Mike Koenecke

I beg to differ with your characterization of the how the English would view the use of Esquire. I am married to a brit, lived in London for some time, and currently am studying to take the transfer exam to be licensed as a Solicitor in England and Wales so we may return to England to school

our children. My husband is a public school puff, in American that means, he went to a posh boarding school, attended Royal Ascot with his family and competed against Royals in school sporting events. Believe me, he loves to Ameri-bash, so if Esquire was that laughable, I'm sure he would have told me, however I will double check with a Barrister I know to see what she thinks of the term Esquire. It is also my understanding that in my state, you cannot use the title Esquire until after you been sworn into the state bar. Some terms have a different use and meaning in America than in England, or Countries that use the "Queen's English" and the English understand that, they may use it in an Ameri-bash joke, but in most cases they fully understand usage differs in America.

Melinda Scott

There is another reason for caution when using "Esq."

Years ago, the managing partner of the law firm I worked at at the time got the bright idea to encourage all of the attorneys to use "Esq." with our names, male and female alike. Besides new business cards, we also got American Express cards with our names styled like "Donna E Wynne, Esq."

Within six months after my new AmEx account was opened, a couple of us began receiving some third party junk mail solicitations addressed to us as if our last names were "Esq." I would get junk mail addressed to me as "Donna E Esq." and "Dear Ms. Esq," though mailings directly from AmEx always were addressed to me correctly.

I knew it had to have originated with AmEx since that was the only time I had ever used "Esq." in connection with any credit account. It struck me as both funny and pathetically stupid anyone to think that my surname was "Esq.," but I didn't think anything more about it at the time as all those junk mail solicitations and catalogs just went into the trash.

When I applied to become a reserve (unpaid, volunteer) police officer, naturally, the police department did a very thorough background investigation, as it would on any police officer candidate. My assigned background investigator asked me why I had lied on my application, to which I expressed utter astonishment and told him I hadn't a clue what he was talking about. He said, "You have used an alias and didn't disclose it on your application. That alone is sufficient grounds for immediate rejection of your candidacy." He showed me a copy of my credit report, and sure enough, there it was, under known aliases: "Donna E Esq."

Fortunately, I was able to straighten it out and in due course, got sworn in as a reserve police officer, but for years, each of the major credit reporting agencies continued to show my name with "Donna E. Esq." as an alias.

I may be a lawyer, but I will never use "Esq." again. EVER!

Donna E. Wynne

In Arizona it can be an unauthorized practice of

law<<http://www.myazbar.org/LawyerRegulation/upl.cfm#UPLAA>> :

Arizona Supreme Court Rule 31(a)2B states:

Unauthorized practice of law includes but is not limited to:

- Engaging in the practice of law by persons or entities not authorized to practice pursuant to paragraphs (b) or (c) or specifically admitted to practice pursuant to Rule 33(d); or
- Using the designations "lawyer," "attorney at law," counselor at law," "law," "law office," "J.D.," "Esq.," or other equivalent words by any person or entity not authorized to practice pursuant to paragraphs (b) or (c) or specifically admitted to practice pursuant to Rule 33(d), the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state.

Brian Blum

I just know that whenever I hear someone refer to himself (or herself) as "Esquire" I immediately think of Bill S. Preston, Esquire, and Ted "Theodore" Logan.

<http://www.imdb.com/title/tt0096928/>

Party on, dudes!

Neal Kennedy

Here's my two cents....

I actually added the Esq. to my signature block for..... you guys! Essentially, I needed a quick way to let sources know that they are dealing with someone who speaks their language. Letting people know up front that I am a lawyer signals them to get to the meat of what they have to say, not waste time explaining what a tort is. Plus, let's face it, some lawyers are simply less condescending when they know they're talking to someone who speaks legalese.

So why not use Attorney at Law or something? I DO use that in my private legal work, but I have to be very, very careful to keep my private work separate from my ABA job. I simply felt that putting Attorney at Law in my ABA signature block would make it look like I am the ABA's counsel, or that I practice law on behalf of the ABA. Neither is true. They pay me as a journalist around here. My law degree is just a credential for the journalism job, since I do legal journalism. But I am not required to be a licensed attorney to write for the Journal. I just happen to be licensed, as far as the ABA is concerned.

I figured Esq. lets people know I am a lawyer without misleading anyone into thinking I am an "ABA lawyer."

See?

Meg Tebo, Esq.

Thank you, Brian... Yes, I can do 50 googles, entering the name of each state and "unauthorized practice of law"...but I was hoping that sezzers in the appropriate states would know the answer, and speak up. Never expected to bring back to live the old debates on whether or not lawyers should use Esq.

Laurie Axinn Gienapp

I looked at the Compact Edition of the Oxford English Dictionary (1971). Among other things (it's used for people who bear the arms of the king, or have land, or gentlemen who accompany ladies, or "gentlemen" by birth, position or education): "In the U. S. the title belongs officially to lawyers and public officers, and is much less frequently employed than in the British dominions" In the same dictionary, "MS." is an abbreviation for manuscript. I would never call myself Lynne R. Ostfeld, Esq. I only use the term when I write to someone, i.e., John Doe, Esq.; Dear Mr. Doe. When I correspond with French clients and attorneys, I do sign my name Maître Lynne R. OSTFELD

Lynne R. Ostfeld

Here's what it says in the 2001 Compact Oxford English Dictionary:

esquire

- noun 1 (Esquire) Brit. a polite title appended to a man's name when no other title is used. 2 historical a young nobleman who acted as an attendant to a knight.

— ORIGIN Old French esquier, from Latin scutarius 'shield-bearer'.

Up here in Oh Canada, Esq. is rarely used, at least in Nova Scotia, which is odd, seeing as we are quite British, at least until the Charter. We have nothing after our names, unless you are a Q.C., Queen's Counsel.

Russ "Canadian Buttinski" Quinlan

United States When the title "Esq." is used as a suffix in the United States, it is usually used to designate individuals who are licensed to practice law in at least one United States jurisdiction. It is used less commonly for individuals who have earned law degrees—such as a Juris Doctor (J.D.) or Bachelor of Laws (LL.B.)—but who do not currently practice law or who have never been licensed to practice law, and for students who are still pursuing their law degrees (as they are considered members of the legal profession). It may also be used when addressing naval officers in formal correspondence. Though commonly misunderstood to be the right solely of lawyers, the title "esquire" after the name may actually be used by anyone in many states. However, in some states, the use of the term is limited solely to attorneys licensed to practice law in that state if such

usage implies that the person is a licensed attorney.[

Cliff Donovan

I find it offensive that some state bars would dare determine on their own that the term Esquire should be exclusively used by attorneys. Who made them lexicographers?

One of the things I have found less than noble about my profession is that lawyers tend to be a narcissist lot, with a definite inferiority complex in regard to the medical profession. The fact that attorneys would so obsessed with their own importance that they would try to monopolize the honorific "Esquire" is still another indication that members of our profession need to get a life.

Ernest Schaal

Lawyers in some foreign countries refer to each other and are referred to as "Doctor".

Based on this custom, the then President of the NJ State Bar Association seriously suggested that we should all start referring to each other as "Doctor". In a letter published in the legal journals about 10 years ago, he argued we were "entitled" to the "Doctor" honorific, by virtue of our Juris Doctor degree.

No one took it seriously. But to this day, colleagues will greet each other at the Courthouse and chortle, "Good Morning, Doctor Jones. Good Morning, Doctor Smith."

See Chevy Chase and Dan Aykroyd in "Spies Like Us."

Charlie Abut

[Back to Popular Threads](#)

[Back to Top](#)