

Esquire Does Not Mean Lawyer

By F. Markoe Rivinus©

The word "esquire" first appeared in print in 1475, meaning a man serving a knight, usually a shield bearer. The Oxford English Dictionary (OED) traces the word through a long period when *esquire* meant "a man belonging to the higher order of English gentry, ranking immediately below a knight." In its most recent defining of *esquire*, OED and Webster (1981) agree on the concept that it is used as a title accompanying a man's name in the sense described above, but subsequently extended to other persons to whom an equivalent degree of rank or status is granted a courtesy.

Fowler's "Modern English Usage" (1965) is worth quoting in its entirety because it shows that the word *esquire* once was applied in England to barristers, but not solicitors, and that the word today has almost no meaning except that it is applicable only to males, just as the words "father," "uncle" and "king." Fowler says:

"Esquire was originally a title of function, the esquire was the attendant of the knight and carried his gear. It later became a title of rank, intermediate between knight and gentleman, the right to which is still defined by law in a way that to modern ideas is in some respects curious. Barristers are

esquires (at any rate after they have taken silk; there seems some doubt about the outer bar), but solicitors are never more than mere gentlemen; justices of the peace are esquires but only while they are in the Commission. A class of esquires that must by now be of considerable size is that of the eldest sons of knights and their eldest sons and so on in perpetuity. But the impossibility of knowing who is an esquire and who not, combined with a reluctance to draw invidious distinctions, has deprived *esquire* of all significance, and it looks as though one odd product of the Century of the Common Man might be to promote the whole adult male population to this once-select and coveted status."

The Encyclopedia Britannica of 1964 covers much of the ground already cited and says of *esquire*, "by courtesy it is now extended to all professional men and has in fact become as meaningless as the word gentleman."

Why then, today, are so many American lawyers using the word *esquire* both as a title implying a law education and most recently as a noun meaning lawyer? There are several possibilities, none of which are adequate justification for the distortion of our language by such a supposedly well-educated profession.

Lawyers have as many years of formal education as medical doctors, yet English has never accepted doctor as a lawyer's title, despite the widespread custom of other countries. Lawyers would have far more justification in describing themselves as doctors than esquires.

Although gaining a doctorate can at times take more years of study than a medical degree, both its possessors and the public are ambivalent about using doctor as a title of address for this degree. Lawyers would probably feel even more awkward if addressed as doctor. Another possible difficulty

lies in the lack of uniformity in the letters designating a law degree by various universities and the public's unfamiliarity with them. For example, the following abbreviations of assorted law degrees are listed in the 1964 Britannica: LLD, JD, JCD, LLB, LL.M, BLL and DJS. There are probably more today.

An urge does exist among Americans to upgrade the name of their occupation. Undertakers are now listed in the Yellow Pages as "Funeral Directors," having failed, so far, to establish themselves as "morticians." Housewives are homemakers and fundraisers are development officers.

Will we soon have an AAE, the American Association of Esquires? Let us hope not! It is high time for members of the bar to pull up their socks or pantyhose and stop using the word *esquire* in any context that implies law education or admission to the bar. Language, accurate and defined by precedent is the law's most important tool. Keep it that way. If members of the second oldest profession feel naked without titles and are reluctant to use the degree they have spent so much to earn, why not accurately put *attorney*, *attorney-at-law* or *lawyer* after their name? It would be informative, correct and without gender restriction all at the same time.

Fortunately for good English usage in the United States, the misuse of *esquire* to mean lawyer is by no means national. Southern and southwestern lawyers often identify themselves as *attorney-at-law*, or simply *attorney*. In one case I am told that a

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lawyer in the Jacksonville, FL, area has asked his Philadelphia correspondent not to address correspondence to him with the title *esquire* because his staff teases him about it.

Among well-educated cosmopolitan people, *esquire* is still used correctly in its traditional sense. There are organizations, clubs, merchants and polite individuals that address letters to many of us laymen as *esquire*, although they well know that we are only gentlemen in the old-fashioned sense and not lawyers. This usage will continue as it has for centuries. It will weaken the law profession's incorrect usage of the word *esquire* in the future, as it does today.

Now that you have been convinced that using *esquire* to mean lawyer is inaccurate, what can you as a lawyer do about it? The best place to begin is with your own secretaries. Order them to stop typing the word *esquire* forever. Understandably, secretaries enjoy the importance of working for lawyers. As a consequence, they have become willing, and unthinking, accomplices in misusing the title *esquire*. *Attorney*, *attorney-at-law* or *lawyer* should be used instead. They take orders from you. Give those orders today.

If you are a female lawyer, most of whom presumably are active in the de-genderization of the English language, you should politely notify all who address you as *esquire* to not label you with a masculine-only title implying you are a gentleman. Although you outnumber men on mother (oops, delete "mother") earth, you have no need to accept being called by a vague male-only title to prove it.

All lawyers should urge the American Bar Association to decide on an acceptable title for your ancient and honorable profession. You have many accurate options as you have just read.

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