

Attorneys in the United States

This article is about the profession in the United States. For information about attorneys-in-fact, see [power of attorney](#).

An **attorney at law** (or **attorney-at-law**) in the United States is a practitioner in a [court of law](#) who is legally qualified to [prosecute](#) and defend actions in such court on the [retainer](#) of clients. Alternative terms include **counselor** (or **counselor-at-law**) and **lawyer**.^[1] As of April 2011, there were 1,225,452 licensed attorneys in the United States.^[2] A 2012 survey conducted by [LexisNexis Martindale-Hubbell](#) determined 58 million consumers in the U.S. sought an attorney in the last year and that 76 percent of consumers used the Internet to search for an attorney.^[3]

The [United States legal system](#) does not draw a distinction between lawyers who plead in court and those who do not, unlike many other [common law jurisdictions](#) (such as those of the United Kingdom which distinguishes between [solicitors](#) who do not plead in court and the [barristers](#) of the English & Welsh system and [advocates](#) of the Scottish system who do plead in court), and [civil law jurisdictions](#) (such as Italy and France, which distinguish between [advocates](#) and [civil law notaries](#)). An additional factor which differentiates the American legal system from other countries is that there is no delegation of routine work to [notaries public](#).

Attorneys may be addressed by the [post-nominal letters Esq.](#), the abbreviated form of the word [Esquire](#).

1 Specialization

Many American attorneys limit their practices to specialized fields of law. Often dichotomies are drawn between different types of attorneys, but, with the exception of patent law practice, these are neither fixed nor formal lines. Examples include:

- Outside counsel (law firms) v. in-house counsel (corporate legal department)
- Plaintiff v. Defense Attorneys (some attorneys do both plaintiff and defense work, others only handle certain types of cases like personal injury, business etc.)
- Transactional (or “office practice”) attorneys (who negotiate and draft documents and advise clients,

rarely going to court) v. litigators (who advise clients in the context of legal disputes both in and out of court, including lawsuits, arbitrations and negotiated settlements)

- Trial attorneys (who argue the facts, such as the late [Johnnie Cochran](#)) v. appellate attorneys (who argue the law, such as [David Boies](#))

Despite these descriptions, some states forbid or discourage claims of specialization in particular areas of law unless the attorney has been certified by his or her state bar^[4] or state board of legal specialization.

Some states grant formal certifications recognizing specialties. In California, for example, bar certification is offered in family law, appellate practice, criminal law, bankruptcy, estate planning, immigration, taxation and workers’ compensation. Any attorney meeting the bar requirements in one of these fields may represent himself as a specialist. The [State Bar of Texas](#), for example, formally grants certification of specialization in 21 select areas of law.^[5]

The majority of lawyers practicing in a particular field may typically not be certified as specialists in that field (and state board certification is not generally required to practice law in any field). For example, the State Bar of Texas (as of mid-2006) reported 77,056 persons licensed as attorneys in that state (excluding inactive members of the Bar),^[6] while the [Texas Board of Legal Specialization](#) reported, at about the same time, only 8,303 Texas attorneys who were board certified in any specialty.^[7] Indeed, of the 8,303 certified specialists in Texas, the highest number of attorneys certified in one specific field at that time was 1,775 (in personal injury trial law).

Specialization in patent law is administered by the Office of Enrollment and Discipline of the US Patent and Trademark Office, which imposes [stringent requirements](#) for applicants to become registered as patent attorneys or patent agents.

2 Training and accreditation

Main article: [Legal education in the United States](#)
Main article: [Practice of law § United States](#)

In the [United States](#), the practice of law is conditioned upon [admission to practice of law](#), and specifically

admission to the bar of a particular state or other territorial jurisdiction. Regulation of the practice of law is left to the individual states, and their definitions vary.^[8] Arguing cases in the federal courts requires separate admission.

2.1 Bar examinations

Main article: Admission to the bar in the United States

Each US state and similar jurisdiction (e.g. territories under federal control) sets its own rules for bar admission (or privilege to practice law), which can lead to different admission standards among states. In most cases, a person who is “admitted” to the bar is thereby a “member” of the particular bar.

In the canonical case, lawyers seeking admission must earn a Juris Doctor degree from a law school approved by the jurisdiction, and then pass a bar exam administered by it. Typically, there is also a character and fitness evaluation, which includes a background check. However there are exceptions to each of these requirements.

A lawyer who is admitted in one state is not automatically allowed to practice in any other. Some states have reciprocal agreements that allow attorneys from other states to practice without sitting for another full bar exam; such agreements differ significantly among the states.

In 1763, Delaware created the first bar exam with other American colonies soon following suit.^[9]

The bar examination in most U.S. states and territories is at least two days long (a few states have three-day exams).^[10] It consists of essay questions, usually testing knowledge of the state’s own law (usually subjects such as wills, trusts and community property, which always vary from one state to another). Some jurisdictions choose to use the Multistate Essay Examination (MEE), drafted by the NCBE since 1988, for this purpose. Others may draft their own questions with this goal in mind, while some states both draft their own questions and use the MEE. Some jurisdictions administer complicated questions that specifically test knowledge of that state’s law.

Bar exams also usually consists of the Multistate Bar Examination, which is a multiple-choice standardized test created and sold to participating state bar examiners by the National Conference of Bar Examiners since 1972.^[11] The MBE contains 200 questions which test six subjects based upon principles of common law and Article 2 of the Uniform Commercial Code.

The State of Washington has a separate Law Clerk program under Rule Six of the Washington Court Admission to Practice Rules.^[12] A college graduate of good moral character may be accepted into the four-year Rule Six Law Clerk Program, obtain employment in a law firm or with a judge for at least 30 hours a week and study

a prescribed Course of Study under a tutor. After successful completion of the program, a law clerk may take the Washington State Bar Exam and, upon passing, will be admitted as an attorney into the Washington State Bar Association.

2.2 Degrees in law

Main article: Law degree

The degree earned by prospective attorneys in the United States is generally a Juris Doctor (Latin for “Doctor of Jurisprudence”; abbreviated *J.D.* or, when conferred in English, *D.Jur.*). This is different from countries based on a British law system, where law is taught at the undergraduate level, resulting in a Bachelor of Laws being awarded. The Doctor of Laws exists in the United States as an honorary degree.

The highest law degree obtainable in the United States is Doctor of Juridical Science (*Scientiae Juridicae Doctor*, abbreviated *S.J.D.* or *J.S.D.*). This is an academic degree that, like the Ph.D., is research-based and requires a dissertation (an original contribution to the academic study of law).

2.3 Law students in court

Some courts allow law students to act as “certified student attorneys” after the satisfactory completion of their first year of law school and the completion of particular second- and third-year courses with subjects such as evidence.

Many states allow students to argue in front of a court as a certified legal intern (CLI), provided they meet certain prerequisites, such as having completed at least half of their law education, having taken or be taking the law school’s ethics class and being under the supervision of a qualified and licensed attorney. This concept was somewhat misrepresented in the movie *Legally Blonde*, where the protagonist Elle argues before a jury. Although Elle was under the supervision of an attorney, Massachusetts—like almost all other states—does not allow a first year law student to argue a case in court.^[13]

3 Unlicensed practice of law

Some states provide criminal penalties for falsely holding oneself out to the public as an Attorney at law and the unauthorized practice of law by a non-Attorney.

A person who has a professional law degree, but is not admitted to a state bar is not an attorney at law but may be considered a lawyer (one learned in the law, according to Black’s Law Dictionary) since he or she does not hold a license issued by a state.

A few areas of law, such as [patent law](#), bankruptcy, or immigration law, are mandated by the [U.S. Constitution](#) to be strictly under federal jurisdiction. In this case, state courts and bar associations are not allowed to restrict the practice of that field of law.

4 See also

- [Contract attorney](#)
- [Teen courts](#)

5 References

- [1] [Merriam-Webster Online](#)
- [2] “ABA Market Research Department”. *Market Research Department*. American Bar Association. 2011-04-xx. Retrieved 2012-10-04. Check date values in: |date= (help)
- [3] “How Consumers Choose an Attorney: Information Gathering”. *The National Law Review*. Stephen Fairley. 2012-09-27. Retrieved 2012-10-01.
- [4] “Standing Committee on Specialization | Standing Committee / Specialization”. [Abanet.org](#). 2012-03-05. Retrieved 2012-10-06.
- [5] [Texas Board of Legal Specialization \(TBLS\)](#)
- [6] See factsheet entitled “State Bar of Texas Facts,” from [www.texasbar.com](#).
- [7] [TBLS FAQs](#)
- [8] “State Definitions of the Practice of Law” (PDF). American Bar Association. Retrieved April 29, 2011.
- [9] [California Bar Background information](#), accessed April 21, 2009
- [10] William Burnham, *Introduction to the Law and Legal System of the United States*, 4th ed. (St. Paul: Thomson West, 2006), 135.
- [11] [Bar Admissions background](#), PDF
- [12] [Washington Courts: APR Rule 6, Law Clerk Program](#)
- [13] But see [CT Practice Book Sec. 3-16\(2\)](#), allowing a first year law student to appear in court as part of a law school clinical program.

6 External links

- [Lawyers](#) - employment and earnings estimates for employed lawyers, Bureau of Labor Statistics (BLS)
- [Lawyers](#) - from the BLS “Occupational Outlook Handbook”]
- [Cornell Wex Law Dictionary](#)

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