

Comic Commentary

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A Lawyer by any other name ...

If you did not immediately understand the comic, no need to worry; the German legal profession seems to receive a level of respect that is not always given to your ‘brothers and sisters at the bar’ in common law countries. In fact, the German language seems to have only a handful colorful nicknames for those who participate in the noble legal profession. In contrast, in the English speaking world there are a host of nicknames for lawyers that have evolved over the centuries. What follows is a brief romp through the more common, or at least *publishable*, nicknames for lawyers; a few of which, interestingly enough, have some Germanic connection.

Ambulance Chaser: A lawyer who solicits clients from accident victims at the scene of an accident or shortly thereafter. It is technically known as ‘barratry’. In the United States, such conduct violates Rule 7.3[1] of the American Bar Association Model Rules of Professional Conduct. The various state bar associations’ police ambulance chasing very strictly. For example, the California Bar Association immediately sends investigators to the site of large-scale disasters to discourage ambulance chasing. The term is also used more generally to describe any unscrupulous plaintiffs’ lawyer.

Blackstone Lawyer: A self-educated lawyer whose legal training was primarily gained by reading Blackstone’s *Commentaries*. Written in the 18th century and still authoritatively referenced to this day, Blackstone’s *Commentaries* represented the first comprehensive written summary of the common law. Until the creation of modern law schools in the late 19th century, most would-be lawyers used Blackstone’s *Commentaries* as the basis of their self-education.¹

Brief: A modern British slang word for a lawyer. Briefs are the legal documents that set out the legal contentions of a party in litigation. Hence the leather attaché case carried by all business people is referred to as a “briefcase” in English. As with most British slang, it is used with a slight bit of contempt.

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¹ President *Thomas Jefferson* complained that “a student finds there (in Blackstone’s *Commentaries*) a smattering of everything, and his indolence easily persuades him that if he understands that book, he is a master of the whole body of law.” So perhaps the nickname should be revived and used for first year law students!

Snapshots at jasonlove.com



"He belongs to a lawyer."

Country Lawyer: A rural lawyer. This term can carry positive connotations, but it sometimes suggests a member of the bar with modest intellectual abilities.

Jackleg lawyer: Since the mid-19th century, an incompetent, unskilled or unprincipled person is referred to as a “jackleg”, particularly in the Southern United States. Since, as we see in nearly every definition listed here, these characteristics are often associated with the legal profession, a “jackleg lawyer” is still a common epitaph in the South. It should be noted that, spitting chewing tobacco out onto the floor before or after using this nickname greatly adds to its affect.

Jailhouse Lawyer: A prisoner who studies the law and gives other prisoners advice. Many older “lifers” (those sentenced to life in prison) pass the time by becoming modern Blackstone Lawyers themselves. It is also used to refer to prisoners who chose to represent themselves in court. These *pro se* defendants often either cause chaos and/or humiliation for more traditional members of the bar, so usually the term is usually used with a great deal of contempt.

Lawyer-Up: A slang term for ‘retaining counsel’, most often used by the police. The British say ‘brief-up’. While not a slang word for a lawyer *per se*, it does imply that a defendant is now hiding behind his legal representative. It is normally used in the past tense, for example, “too late, the defendant already lawyered-up/briefed-up”.

Overlawyer: A lawyer over other lawyers. Akin to overlord; one who holds himself or herself out as a paramount authority over other lawyers. (I am sure you have had the pleasure of working with a few!)

Paparazzi Lawyer: As seen on TV, this lawyer takes on celebrity clients to share in the limelight. While many yearn for “15 minutes of fame”, the legal process guarantees these lawyers at least 15 months of it.

Pettifogger: A lawyer of inferior abilities whose methods are petty, underhanded, or disreputable. The etymology is apparently from *petty* plus the obsolete English *fogger*. “Fogger” is itself of uncertain origin, perhaps from *Fugger*, the name of a family (15th – 16th century) of, you guessed it, German financiers. Its first documented use was in 1576.

Philadelphia Lawyer: An extremely competent lawyer who knows the ins and outs of legal technicalities; also, ironically or not, it is also used to describe a shrewdly unscrupulous lawyer. Philadelphia in the 18th century was one of the largest and most cosmopolitan cities in the emerging United States, hence the lawyers working there were considered to be of a higher caliber, or lower scruples – probably both.

Shyster: Merriam-Webster Dictionary defines a Shyster as a person who is professionally unscrupulous, unethical or disreputable; especially in the practice of law or politics. While the etymology is shrouded in mystery, the *Merriam-Webster Dictionary* says it is based, as you might have guessed, the German *Scheiße* (I will leave the translation to the reader). However, the *Oxford English Dictionary* describes it as “of obscure origin”, possibly deriving from a historical sense of “shy” meaning disreputable. Lastly, one source claims that the term originated in Philadelphia in 1843 from a disreputable attorney named “Schuster”. Either way, it seems to have a 2:3 chance of having a German connection so, therefore, I humbly suggest reintroducing it into the German language immediately so that you have at least one colorful phrase for lawyers yourselves!