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Unlike web, words count for attorneys

Are two words separated by an “and” or an “or”? Does a sentence include the word “shall” or “may”?

As any attorney knows, the preceding are examples of the level of detail of reading, writing and speaking required in the practice of law. An entire case can shift one way or the other depending upon the omission or inclusion of a single word.

Unfortunately, the usage of words in day-to-day life increasingly is not subjected to the same level of scrutiny or attention.

Likewise, hyperbole and conclusory, editorialized writing have become prevalent across many social media platforms and even in more traditional media. How often have we read a post or headline online recently bearing news such as a certain celebrity “just arrived on the red carpet and her dress is everything” or a particular business “just opened and its fried chicken is insane”?

Typically no sources are cited in examples like the above and the article or posting becomes an editorial (or even an advertisement) masquerading as news.

The trend of trafficking in inapt or inflammatory analogies also extends to more serious news matters. An online Chicago news outlet last summer, for instance, carried a headline that stated an End Of Days storm was predicted for later that evening — after the National Weather Service issued a warning of high winds and thunderstorms.

In the latter example, the

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writer's attempt to perhaps craft a darkly humorous description of the forthcoming storm jumped several steps past the facts and left the reader unsure of the truth.

It is not necessary here to give examples from the policy and political realm, but they are numerous, as well, along with being extremely dangerous.

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That attorneys must choose their words carefully is more than just aspirational; it is required by statute (and enforced by the Attorney Registration & Disciplinary Commission).

The Attorney Act of Illinois, 705 ILCS 205/4, provides that attorneys seeking to join the bar, including those minted earlier this month, must take an oath. The oath is only one sentence but is divided into several important parts.

In addition to swearing to uphold both the United States and Illinois Constitutions, an attorney also swears to “faithfully discharge the duties of the office of attorney and counselor at law to the best of [his or her] ability.”

Merriam-Webster defines “faithfully” as, inter alia, “firm in adherence to ... observance of duty” and “true to the facts.”

The dictionary likewise defines “ability” as “physical, mental or legal power to do something” and an “acquired proficiency.”

Thus, the final clause in the attorney's oath — in addition to the broad range of duties entrusted to a lawyer as both attorney and counselor — requires that we firmly adhere to the facts and notes that we have a unique legal power to effect action as a result of the skills and proficiencies that we have acquired in law school, through the bar examination and in practice.

All of this certainly means that our attention to our work and words is “solemn” (which is how the oath begins), “marked by the observance of established ... ceremony” and “... earnest sobriety,” again defined by Merriam-Webster.

In addition to our drafting, court appearances and work with clients, let us pledge in our daily lives to weigh our use of words carefully and lead by example.