

OPINION

Was Trump's press secretary a 'lawyer?'



Jim WATSON / AFP via Getty Images

White House Press Secretary Katie Zacharia speaks during her first press briefing at the White House on October 13. (Photo by Jim WATSON / AFP via Getty Images)

By **RANDY MANILOFF** | New York Daily News

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President Trump's short-lived White House press secretary, [Katie Zacharia](#), drew heat for long referring to herself as a "lawyer," despite not having passed any state's bar exam. She defended her practice by claiming that, as a law school graduate, it was an appropriate title. The Pepperdine Law grad says she was careful not to refer to herself as an "attorney at law," which would have been a no-no.

While there may be some vague support for a meaningful distinction between "lawyer" and "attorney," the Supreme Court of Pennsylvania had occasion to consider it and concluded otherwise.

Lawyers dwell on small details. Linguistic parsing of what to call themselves isn't one of them.

Michael Beyer filed his nomination petitions to place his name on the ballot for the state's General Assembly. He listed his occupation as "lawyer." Beyer was a recent law school graduate, but had not yet taken the bar exam. Objectors sought to put the kibosh on his candidacy for having intentionally misrepresented his occupation.

Following a hearing, a judge ruled for the aspiring politician. As Beyer had argued, the [Oxford English Dictionary](#) defines "lawyer" as "a person who practices or studies law; an attorney or a counselor."

The judge was also persuaded by a [1999 California federal court decision](#) that concluded that the term "lawyer" includes those "learned in the law." Support was also found in a 1909 South Dakota Supreme Court opinion stating that "the law student fresh from his school may well be termed a lawyer, but not an attorney."

But Pennsylvania's highest court, in [In re Nomination of Beyer \(2015\)](#), was underwhelmed and reversed. Looking at the century-old decision from the Mount Rushmore State, the Pennsylvania justices were unaware of any "modern tendency among either licensed attorneys or lay persons to accord law school students the 'occupational' or 'professional' status of lawyer" until an appropriate sanctioning institution says so.

The California federal court decision also got the back of the hand. The Pennsylvania jurists pointed out that its "learned in the law" definition of "lawyer," which was taken from dictionaries, was at odds with a California statute that defines "lawyer" as "a member of the state bar or admitted and eligible to practice in the highest court in any state."

Finding guidance back home, the Pennsylvania Supreme Court surveyed the state's Rules of Professional Conduct for lawyers and observed that "they presuppose a 'lawyer,' as that term is used therein, to be one licensed to practice law."

The strongest argument against Beyer came from himself. When canvassing for signatures, if someone noticed that he was a lawyer, he responded: "Oh, you know, I haven't passed the bar yet, but I plan on taking it sometime in the next year." The court concluded this was essentially an admission that Beyer's "usage of the term did not fit within society's general idea of what a lawyer is."

In [In re Guzzardi \(2014\)](#), the chief justice of Pennsylvania's highest court stated that Robert Guzzardi's name should be struck from the ballot for governor because he misrepresented his occupation on his nominating petition.

Guzzardi had identified himself as a "semi-retired businessman and lawyer." While he had practiced law for 40 years, he was now on "inactive status," meaning he was prohibited from practicing law.

"Words are a lawyer's standard in trade," the chief justice wrote. And "when it comes to representation of their status as lawyers," they "should be held to their meaning."

Maniloff is an attorney at [White and Williams, LLP](#) in Philadelphia and adjunct professor at Temple University's Beasley School of Law.