

KENTUCKY BAR ASSOCIATION
Ethics Opinion KBA E-40
Issued: January 1971

This opinion was decided under the Code of Professional Responsibility, which was in effect from 1971 to 1990. Lawyers should consult the current version of the Rules of Professional Conduct and Comments, SCR 3.130 (available at <http://www.kybar.org>), especially Rules 7.01-7.50 and the Attorneys' Advertising Commission Regulations, before relying on this opinion.

Question: May an attorney use the title "Doctor" in connection with his legal cards, letterheads, etc., where he holds a Juris Doctor degree?

Answer: No.

OPINION

The question presented is whether or not an attorney, in connection with his legal cards, letterheads, etc., may use the term Doctor or the abbreviation Dr. as a prefix to his name where he has a Juris Doctor degree.

Under Formal Opinion 321 of the Ethics Committee of the American Bar Association, such use of JD or Juris Doctor would be improper. However, by a recent informal opinion, the use of the earned degree following a name of an attorney on his personal stationery or card is permissible.

This opinion is an informal opinion. It was, however, discussed with the Board of Governors of the Kentucky State Bar Association at its last meeting, and was the unanimous opinion of the Board, although not formally presented, that, even though the code of professional responsibility has been adopted in this state, nevertheless, the use of the word "Doctor" preceding the name, or its abbreviation will be considered as unethical conduct and handled as such. The use of the initial JD following the name will be permitted.

Even a rationale for this view can be expressed. It is one which goes into the customs of the profession and its professional practices. Over many, many years, the use of the word "Doctor" or even Juris Doctor or words of like import approaches advertising or solicitation in that it reflects a professional qualification higher than that possessed by others equally qualified.

Note to Reader

This ethics opinion has been formally adopted by the Board of Governors of the Kentucky Bar Association under the provisions of Kentucky Supreme Court Rule 3.530 (or its predecessor rule). The Rule provides that formal opinions are advisory only.