

The Supreme Court of Texas  
Professional Ethics Committee

\*1 Opinion Number 550  
May 2004

## QUESTION PRESENTED

May a lawyer use, in connection with his or her name, the titles "Doctor," "Dr.," "Doctor of Jurisprudence," or "J.D." in social and professional communications?

## STATEMENT OF THE FACTS

A Texas lawyer graduated from an accredited law school and was awarded a Doctor of Jurisprudence degree. The lawyer is engaged in a general private practice of law and wishes to use the title "Dr." in connection with his or her name (e.g. Dr. John/Jane Doe) in social settings and professional communications, including letterhead and advertisements for professional employment.

## DISCUSSION

In September 1968, this Committee issued an opinion concluding that a lawyer in most circumstances could not ethically use titles such as "Doctor," "Dr.," or "J.D." "... orally or in writing, professional or otherwise ...." because such use was self-laudation prohibited by Texas Canon 24, which at the time was the disciplinary provision that forbade lawyer advertising. Opinion 344 (September 1968). Opinion 344 noted that under Texas Canon 24 "... self-laudation [was] prohibited both because it is a type of advertising or solicitation and because it tends to lower the tone of the profession." The earlier opinions relied upon by the Committee to support Opinion 344 were all likewise concerned with the self-laudatory/advertising aspect of using any title or other information in connection with an attorney's name. Opinion 198 (June 1960) prohibited mention of membership in bar associations on letterhead; Opinion 291 (June 1964) prohibited use of "B.B.A., LL.B., C.P.A." on letterhead; Opinion 306 (September 1965) prohibited inclusion of military rank and retired status on professional cards; and Opinion 331 (December 1966) prohibited use of "Tax Attorney" or other designation of a specialized legal field on letterhead and professional cards.

Today, in light of State-Bar-approved legal specialization and lawyer advertising, the stated basis for Opinion 344 no longer exists. However, even though self-laudation is not now a significant concern, the issue addressed in Opinion 344 requires consideration of the provisions of the current Texas Disciplinary Rules of Professional Conduct (the "Rules") that prohibit any form of communication that is false or misleading.

While the Rules themselves do not specifically forbid a lawyer who is a graduate of an accredited law school with a Juris Doctor or Doctor of Jurisprudence degree from using "Dr." in social or business communications, there are Rules that limit the use of such titles if such use is false or misleading. Rule 7.01, Firm Names and Letterhead, provides in pertinent part:

"(a) A lawyer in private practice shall not practice under ... a name that is misleading as to the identity of the lawyer ....

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(f) A lawyer shall not use a ... professional designation that violates Rule 7.02(a)."

Rule 7.02, Communications Concerning a Lawyer's Services, states in relevant part:

"(a) A lawyer shall not make a false or misleading communication about the qualifications ... of any lawyer or firm. A communication is false or misleading if it:

(1) contains a material misrepresentation of fact ..., or omits a fact necessary to make the statement considered as a whole not materially misleading;

(2) is likely to create an unjustified expectation about results the lawyer can achieve ...."

Finally, Rule 7.04, Advertisements in the Public Media, states in relevant part:

"b) A lawyer who advertises in the public media:

....

(2) shall not include a statement that the lawyer has been certified or designated by an organization as possessing special competence or a statement that the lawyer is a member of an organization the name of which implies that its members possess special competence, except ... [accurate statements as to certification of specialization as allowed or approved by the Texas Board of Legal Specialization]."

The Committee is of the opinion that under the Rules the use of the title "Dr.," "Doctor," "J.D." or "Doctor of Jurisprudence" is not, in itself, prohibited as constituting a false or misleading communication. The Committee recognizes that other professions, such as educators, economists and social scientists, traditionally use title "Dr." in their professional names to denote a level of advanced education and not to imply formal medical training. There is no reason in these circumstances to prohibit lawyers with a Juris Doctor or Doctor of Jurisprudence degree from indicating the advanced level of their education.

However, while use of the title alone is generally permitted, the context in which the title is used may cause use of the title to be a false or misleading communication. For example, a lawyer otherwise qualified to use the title of "Dr." who advertises as "Dr. John Doe" in a public advertisement for legal services in connection with medical malpractice or other areas involving specialized medical issues may be making a misleading statement as to the lawyer's qualifications and may be creating an unjustified expectation about results the lawyer can achieve. Unless accompanied by an appropriate, prominent statement of qualifications and disclaimers, such use of the title "Dr." could readily mislead prospective clients and thus violate the Rules. Compare Comment 2 to Rule 7.02.

## CONCLUSION

The Texas Disciplinary Rules of Professional Conduct permit a lawyer who is a graduate of an accredited law school with a Juris Doctor or Doctor of Jurisprudence degree to use the titles "Dr.," "Doctor," "Doctor of Jurisprudence," or "J.D." in social and professional communications so long as such use is not false or misleading in the specific circumstances.

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