

COMMITTEE: Ethics Committee

DATE: March 2015

RULE 4.2-5: WHETHER LAWYER WHO HAS A JD DEGREE MAY USE PREFIX “DR.” IN MARKETING MATERIALS

A lawyer has asked whether lawyers with a Juris Doctor degree (J.D.) are able to use the title “Dr.” in front of their name. The Committee noted that such a degree is the replacement for the former degree of Bachelor of Laws (LL.B), and that an award of the degree by a university follows graduation from a course of professional law training, not graduate training.

In March 2012 a lawyer asked the same question of the Ethics Committee about an J.S.D degree, a degree that is awarded following graduate study that takes place after the awarding of an initial degree in law, usually an LL.B. or J.D.

The Committee was of the opinion that lawyers who use the term “Dr.” may confuse the public into thinking wrongly that they are the holders of either an M.D., an S.J.D. or a Ph.D. It was the Committee’s view that its use is contrary to rule 4.2-5 (d) and rule 4.2-5 (e).

Rule 4.2-5 provides:

4.2-5 Any marketing activity undertaken or authorized by a lawyer must not be:

- (a) false,
- (b) inaccurate,
- (c) unverifiable,
- (d) reasonably capable of misleading the recipient or intended recipient, or
- (e) contrary to the best interests of the public.

Commentary

[1] For example, a marketing activity violates this rule if it:

- (a) is calculated or likely to take advantage of the vulnerability, either physical or emotional, of the recipient,
- (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results that the lawyer can achieve, or
- (c) otherwise brings the administration of justice into disrepute.