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Ethics: Informal Opinion 1151 - Lawyers and the Title "Doctor"

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ETHICS: INFORMAL OPINION 1151— LAWYERS AND THE TITLE "DOCTOR"

BACKGROUND

doctor . . . c: a person who has earned one of the highest academic degrees (as a Ph.D.) conferred by a university usu. by spending several years in advanced study of a specialized field, by writing an acceptable dissertation, and by passing numerous rigorous examinations.¹

THE FIRST AWARDING of a "Doctor's" degree was in the twelfth century in Bologna, Italy. The degree was awarded in Civil Law. Doctor's degrees were not awarded in medicine until the fourteenth century. Subsequently, they were awarded in grammar and other fields.² The continental countries of Europe continued their awarding of a Doctor's degree in law and still continue to do so.³ England, on the other hand, where preparation for becoming a lawyer was largely through apprenticeship and training at the Inns of Court, as opposed to the continental system of legal education which was obtained in the universities,⁴ decided in the fourteenth century to award the "Bachelor of Law" degree to its law students.⁵ Taking our roots from England, we continued the granting of a "Bachelor of Law" degree in this country while other countries, taking their roots from the continent, continued the granting of a "Doctor's" degree. Hence, we see why, throughout the European continent, South and Central America, lawyers are uniformly called "Doctor" and in the United States, they are not titled.⁶ When legal education in the United States "gravitated to the universities," it became more in line with continental legal education than with English legal training, and, hence, doctoral designation became more appropriate.⁷

The conferral of a Bachelor's degree as the first degree in law did not go unchallenged. As early as 1904, it was argued that a man who had

¹ WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY, 666 (Third ed., 1965) [hereinafter cited as WEBSTER].

² 7 ENCYCLOPEDIA BRITANNICA 536 (1964).

³ A. HARNO, LEGAL EDUCATION IN THE UNITED STATES 4 (1953) [hereinafter cited as HARNO]; Riesenfeld, *A Comparison of Continental and American Legal Education*, 36 MICH. L. REV. 31, 38 (1937).

⁴ See HARNO, *supra* note 3 at 4.

⁵ Bard, *The J.D. Degree—A Pyrrhic Victory*, 14 S.L.J. 16 (March, 1969) [hereinafter cited as Bard].

⁶ 4 MARTINDALE-HUBBELL LAW DIRECTORY 3078B, 3110B, 3113B, 3164B, 3207B, 3305B, 3329B, 3339B, 3347B, 3360B, 3361B (1972).

⁷ See HARNO, *supra* note 3 at 4.

completed college and then went on to study law for three more years "ought in justice" to himself "and to the University, be given the degree of 'Juris Doctor,' or its equivalent," instead of another "Bachelor's" degree.⁸ However, nothing much happened in this area until 1964 when the American Bar Association Council of the Section of Legal Education and Admissions to the Bar "unanimously adopted a resolution favoring the J.D. degree as the first professional degree in law"⁹ (emphasis added). Thereafter, many law schools began conferring the J.D. By July, 1969, 129 of the 143 law schools were conferring it; by October, it was up to 139 and today virtually all confer it, with most of the schools "authorizing it retroactively to holders of their LL.B. degree."¹⁰

Many young lawyers receiving their "J.D.'s" and others getting theirs retroactively were anxious to make use of their doctoral designation. Prior to 1969, however, the *Canons of Ethics* controlled and *Canon 27* prohibited all forms of self-laudation. *Canon 27* provided in part:

Indirect advertisements for professional employment such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interest involved, the importance of the lawyer's position, and all other like self-laudation, offend the traditions and lower the tone of our profession and are reprehensible; . . .¹¹

Formal and informal opinions of the A.B.A.'s Committee on Professional Ethics and Grievances, interpreting *Canon 27*, indicated that any public attempt to let it be known the degrees a lawyer possessed would be prohibited as self-laudatory. In *Opinion 183*, the Committee held that a lawyer couldn't indicate on his letterhead that he had both an LL.B. and an M.D.¹² *Informal Opinion 1001* specifically answered the question: "May a lawyer having a J.D. degree use, either verbally or in print, the title 'Doctor' professionally and/or socially and to what extent?"¹³ The Committee answered no. They held that using the title "Doctor" "would be a form of self-laudation, tending to emphasize the importance of his [lawyer's] position" prohibited by *Canon 27*.¹⁴ *Formal Opinion 321* then

⁸ 18 HARV. L. REV. 51 (1904).

⁹ See Bard, *supra* note 5 at 17.

¹⁰ Hittner, *The Juris "Doctor"—A Question of Ethics?* 55 A.B.A.J. 663-4 (1969) [hereinafter cited as Hittner]; letter from Leslie D. Bloom, S.J.D., to Milard King Roper, Jr., June 29, 1972.

¹¹ A.B.A. CANONS OF PROFESSIONAL AND JUDICIAL ETHICS NO. 27 (1951).

¹² A.B.A. OPINIONS ON PROFESSIONAL ETHICS, FORMAL OPINIONS, No. 183 (1967).

¹³ A.B.A. COMMITTEE ON PROFESSIONAL ETHICS, INFORMAL OPINIONS, No. 1001 (1967) [hereinafter cited as INFORMAL OPINIONS].

¹⁴ *Id.*

pronounced that the "use of the term 'Doctor' or 'J.D.' is prohibited by *Canon 27*."¹⁵ The opinion did, however, encourage the use of the designation "Esquire" in connection with a lawyer's name.¹⁶

When these opinions were handed down, a plethora of letters appeared in the *American Bar Association Journal*, lamenting and criticizing them. One writer wrote:

... it seems to me that any professional man having a doctor's degree, be it in medicine, philosophy, osteopathy, optometry, podiatry, divinity . . . can use the title Doctor. . . .

We work just as hard as any other learned professional in obtaining our educations and licenses to practice and in keeping up our professional standing. . . .¹⁷

Another letter said:

... It [1001] is a presumptuous invasion of personal freedom and of the exclusive prerogatives of the academic community. . . .

Simply translated, "Juris Doctor" means "Doctor of Law." Reference to any dictionary of the English language will reveal that the primary meaning of "doctor" is "learned man." The law is a learned profession—in a philosophical sense, possibly the most learned. Why not take advantage of a highly appropriate title to stress this fact? . . .¹⁸

One letter stated that the title "Doctor" first belonged to lawyers and then it was usurped by other fields. He claimed that now the Committee has denied "the title to its original owner and relies upon a supposed custom to forever prevent its reclamation. . . ."¹⁹

Another writer noted that she hoped the Committee would reconsider its decision and "determine that legal education is commensurate with other graduate education on the doctoral level, as the universities have

¹⁵ Shields, *Don't Call Me Doctor*, 55 A.B.A.J. 960, 962 (1969) [hereinafter cited as Shields].

¹⁶ *Id.* It is interesting to note that the title "Esquire" would appear itself to be a form of self-laudation and, hence, the prohibition of the use of the title "Doctor" because of a policy against self-laudation among lawyers appears inconsistent. Webster defines "Esquire" as:

... 1. a member of the English gentry ranking immediately below a knight. . . .
3. used as a title of courtesy that is usu. placed in its abbreviated form after the surname in written address and that is infrequent and of no precise significance in the U.S. . . .

See WEBSTER, *supra* note 1 at 776. No mention is made in Webster's definition of the word "Esquire" being applied to lawyers, although he does note it is sometimes used for public officials, *id.* It was probably felt by the Ethics Committee that this form of self-laudation was permissible because anyone could use it and there would be no chance of one lawyer being able to call himself something the other lawyers could not.

¹⁷ *Views of Our Readers*, 54 A.B.A.J. 832 (1968) [hereinafter cited as 54 A.B.A.J.].

¹⁸ *Id.* at 942.

¹⁹ *Id.*

already determined . . . and that attorneys have the right to use the title "Doctor."²⁰

Several other letters were received by the *Journal*, expressing their disagreement with 1001, as an "unreasoned statement,"²¹ which "throws dirt on a degree which all of us have worked so hard to achieve,"²² and which takes away property (right to use the title "Doctor") without due process of law.²³

Along with the letters, criticism appeared in the form of articles with such telling titles as: *The J.D. Degree—A Pyrrhic Victory*;²⁴ *Don't Call Me "Doctor"*;²⁵ *The Juris "Doctor"—A Question of Ethics?*²⁶ and *The Lawyer—Professional or Tradesman*.²⁷

Due to the urging of these and other lawyers desiring to make use of their title and degrees, the inclusion of an authorizing provision was sought to be provided for in the new *Code of Professional Responsibility*. This provision is reflected in D.R. 2-102(F) of the *Code*, which was adopted by the American Bar Association in August, 1969.²⁸ D.R. 2-102(F) provides: "Nothing contained herein shall prohibit a lawyer from using or permitting the use, in connection with his name, of an earned degree or title derived therefrom indicating his training in the law."²⁹

D.R. 2-102(F) was then specifically construed in *Informal Opinion 1151* on February 25, 1972.³⁰ In that opinion, the A.B.A.'s Standing Committee on Ethics and Professional Responsibility answered the following questions:

Question 1. Can J.D., or Juris Doctor be used on an attorney's stationery and professional cards?

Question 2. Can an attorney holding the Juris Doctor degree use and permit others to use the title "Doctor" in reference to himself?

²⁰ *Id.* at 1152.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 1154.

²⁴ See Bard, *supra* note 5.

²⁵ See Shields, *supra* note 15.

²⁶ Hittner, 55 A.B.A.J. 663 (1969).

²⁷ Grammer, 31 TEX. B.J. 1039 (1968).

²⁸ *Editor's Note*, 55 A.B.A.J. 1024 (1969).

²⁹ A.B.A. SPECIAL COMMITTEE ON EVALUATION OF ETHICAL STANDARDS, CODE OF PROFESSIONAL RESPONSIBILITY, D.R. 2-102(F) (1969); Ohio adopted the *Code of Professional Responsibility* with D.R. 2-102(F) intact, October 25, 1970. OHIO RULES OF COURT 1972, 323 (1972). The Akron Bar Association is also operating under the new *Code*, telephone conversation with Akron Bar Association, September, 1972.

³⁰ See INFORMAL OPINIONS, *supra* note 14 at No. 1151.

Question 3. Can J.D. be placed after an attorney's name on the signature line of his correspondence?³¹

The Committee answered yes to all the questions, providing the *Code of Professional Responsibility* had been adopted in the jurisdiction. If the *Code* was not adopted in that jurisdiction, the *Canons of Ethics* would control and the answer to all the questions would be "in the negative."³²

Thus, in the forty-four states that have adopted the *Code of Professional Responsibility* with *D.R. 2-102(F)* intact, lawyers have won back their right to be entitled "Doctor," pursuant to the degree earned.³³

IS A LAWYER A "DOCTOR"?

Remember the definition of "Doctor." Certainly the lawyer falls within this definition, particularly when it is pointed out that the universities conferring J.D.s have seen fit to treat them (J.D.s, Ph.D.s, Ed.D.s, M.D.s, D.D.S.s, etc.) as equivalents. The university confers the Juris Doctorate with all the "rights, privileges, responsibilities and honors appertaining thereto"; the university confers it with the other doctoral degrees, with the candidates all wearing the same type of cap and gown. Indeed, the anomaly has been pointed out that there was a conflict between the A.B.A.'s position against the use of the title "Doctor" and the initials J.D. and the fact that the trustees of the university are "invested" by the state with the power to confer such a degree with the honors "appertaining thereto." Hence, it was argued, the use by an attorney of an educational degree conferred on him by the university, was not a proper subject of consideration of the Committee.³⁴

The word "Doctor" comes from Latin and means teacher.³⁵ As Dr. Yuter pointed out, in his article in the *A.B.A. Journal*, a lawyer certainly does more teaching than a physician, since a lawyer is "constantly teaching his clients, his opposing counsel, and the judges

³¹ *Id.*

³² *Id.* The Committee also held that day that an attorney holding both an LL.B. and an LL.M. may refer to himself as "Doctor" since the LL.M. represents a higher degree than the J.D., *Id.* at 1152.

³³ Telephone conversation with Allan Kurland, Staff Director of State and Local Services Division of the American Bar Association, October 20, 1972. One state (Iowa) amended D.R. 2-102(F) with the addition of the words "in an approved law list" after the word "law," thereby apparently excluding Iowa lawyers from making public use of their title, *Id.* Two other states' bar associations have approved the *Code* and sent it to the highest court of their states with a recommendation of adoption, *Id.* The three states that have not taken any action on the *Code* are North Carolina, Alabama and California, *Id.*

³⁴ Views of Our Readers, 55 A.B.A.J. 208 (1969).

³⁵ See WEBSTER, *supra* note 1.

what the law really is!"³⁶ The physician, notes Yuter, "practices" the art of medicine; he does not teach medicine.³⁷

It is argued that since a lawyer who receives a J.D. does not have to write a dissertation, he is not entitled to be called "Doctor." Aside from the fact of the universities' recognition of the J.D. degree as the equivalent of the Ph.D. degree, there are several doctoral degrees conferred which require no dissertation, and there is no question that these persons will be referred to as "Doctor"—most notably the M.D. degree. No dissertation is required for the M.D. degree, nor is it required for the D.D.S. or D.M.D. (dentistry), D.V.M. (veterinary medicine), and D.D. (ministry). It would appear to be specious reasoning to say that lawyers aren't "Doctors" because they don't write a dissertation when universities have chosen to confer doctorates on graduates of so many of their professional schools. The lawyer, as do these other "Doctors," must pass a series of rigorous examinations, and he certainly spends "several years in advanced study of a specialized field." It might be argued that the J.D. degree is not "one of the highest academic degrees conferred by the university" since the LL.M. and the J.S.D. or S.J.D. are "higher degrees." The argument is not sound. It is true that the LL.M. and J.S.D. are degrees showing advanced training in the law, but this does not mean that the J.D. degree is not one of the highest degrees. The J.D. is a legitimate doctorate conferred after three years of rigorous graduate training. The lawyer with a J.D. should no less be referred to as "Doctor" than should a physician with an M.D. who does not go on to serve a residency in a specialized field receiving advanced training, or does not go on to receive his M.M.Sc. degree (Masters in Medical Science) or his D.P.H. (Doctor of Public Health), these both being degrees which he can obtain only after first receiving his M.D. degree,³⁸ and both thus representing "higher" degrees in medicine. This anomalous situation of receiving Master's degrees after a Doctor's degree has also prompted some people to ask: "What will we call the lawyer who has both a J.D. and an LL.M.?" The answer would appear to be that we would

³⁶ Yuter, *Revisiting the "Doctor" Debate*, 57 A.B.A.J. 790 (1971) [hereinafter cited as Yuter].

³⁷ *Id.*

³⁸ H. LIVESEY & G. ROBBINS, *GUIDE TO AMERICAN GRADUATE SCHOOLS* 109, 213 (1967) [hereinafter cited as LIVESEY]. An M.D. degree is also required for admission to the following Master of Science programs: preventive medicine, psychiatry, radiology, and surgery, *Id.* at 213. An interesting sidenote is pointed out in an article by Yuter who noted:

In England the basic medical degree is the Bachelor of Medicine (M.B.) usually granted together with a Bachelor of Surgery (Ch.B.); the M.D. degree requires a dissertation. Surgeons in England who thereafter qualify as Fellows of the Royal College of Surgeons (F.R.C.S.) are called "Mister" because surgery developed from barbering for which there was no doctorate, . . .

See Yuter, *supra* note 36 at 791.

call him the same thing we call an internist (man who served a residency after receiving his M.D.) or a physician who went on to get his M.M.Sc. or an M.S. in surgery—"Doctor."

Law school represents the culmination of seven years of higher education, which includes three years of intense and rigorous study in law school. Then there is a grueling review for the bar exam and then the actual taking of one of the most demanding of professional exams. This period of education compares quite favorably with the period of education required of other "Doctors." Medical school is a four-year program which culminates in the M.D. or D.O. (Doctor of Osteopathy) degree. Likewise, the veterinary program is four years as are the dental and optometry programs.³⁹ The great majority of American law schools require an undergraduate degree for admission.⁴⁰ This is to be contrasted with most veterinary, dental and optometry schools which require only two years of college for admission.⁴¹ Unlike most law schools, most medical schools do not require a college degree, indicating that they will consider applicants with only three years of college, some requiring as little as two years of college, although it should be noted that most medical students do have undergraduate degrees when entering medical school.⁴² From this analysis, it would appear that the J.D. lawyer is certainly at least as academically trained as other "Doctors" and at least as entitled to doctoral designation.

The legal profession is the only professional group in the United States that has ever prohibited its practicing members with doctorates from using the title "Doctor." Now, with *D.R. 2-102(F)* of the *Code* and its interpretation in *Informal Opinion 1151*, lawyers have been given the opportunity to take advantage of the recognition of their education as being on a par with other doctoral training.

WHY THE HESITANCY?

Many lawyers with J.D.s and law students who will be getting J.D.s are reluctant to call themselves "Doctor" for a number of reasons—not the least occurring of which is their fear of being confused with medical

³⁹ See LIVESSEY, *supra* note 38 at XXV; OCCUPATIONAL OUTLOOK HANDBOOK 1972-73 105 (U.S. Dept. of Labor ed. 1972) [hereinafter cited as OCCUPATIONAL OUTLOOK].

⁴⁰ BARRONS GUIDE TO LAW SCHOOLS V (E. Epstein, *et al.*, eds. 1970).

⁴¹ See LIVESSEY, *supra* note 38 at XXV; OCCUPATIONAL OUTLOOK, *supra* note 39.

⁴² See OCCUPATIONAL OUTLOOK, *supra* note 39 at 78. It is interesting to note that sometimes within the *same* university the School of Law requires an undergraduate degree for admission while the School of Medicine does not, see LIVESSEY, *supra* note 38 at 109, 125, 147, 156, 162, 209, 255-6, 269, 328, 341. Concerning the other types of doctorates not obtained from professional schools, Livessey notes:

In general students are required to complete at least three years of full-time study or its equivalent beyond the bachelor's including course work applied toward the master's. Time needed for the writing of the dissertation usually extends beyond this period of course work. . . .

Id. at XXI.

doctors.⁴³ When one considers the number of other "Doctors" who are called "Doctor" yet are not medical doctors, the confusion argument seems of no consequence. As of year-end 1970, there were, in the United States, 8,050 podiatrists (D.P.M.), 19,560 chiropractors (D.C.), 20,611 optometrists (O.D.) (year-end 1969), 118,175 dentists (D.D.S. or D.M.D.), 13,129 clinical psychologists (Ph.D.),⁴⁴ approximately 25,000 veterinarians (D.V.M.),⁴⁵ and thousands of other "Doctors" who are Ph.D.s, Ed.D.s, D.B.A.s (Doctor of Business Administration), D.Sc.s (Doctor of Science), and D.D.s (Doctor of Divinity). This number of "Doctors" is to be looked at in comparison with the approximately 369,123 physicians across the United States and its possessions.⁴⁶ Obviously, the public is constantly being exposed to a great many people who are called "Doctor" and are not medical doctors and it would appear safe to say that the public is not confusing them with physicians.⁴⁷

Reluctance to the title also seems to manifest itself in the form of objection to breaking with tradition.⁴⁸ However, *D.R. 2-102(F)* of the *Code* and its interpretation in *Informal Opinion 1151* would seem to indicate that tradition has already been broken. There are also many lawyers throughout the country who have taken the first steps in parting with the title "Mister" and are using the title "Doctor" and/or the initials J.D.⁴⁹ In fact, the Washtenaw County Bar Association, which includes Ann Arbor, Michigan, recently adopted a resolution entitled "Doctor at the Bar," suggesting that correspondence be addressed to an attorney with the letters "J.D." after his name and begin with the salutation "Dear Sir" or "Dear Madam." For judges, the resolution suggested that "the

⁴³ In discussing lawyers and the title "Doctor" with several lawyers, law professors and law students, the author has found that this question frequently arises [hereinafter cited as Discussions].

⁴⁴ Telephone conversation with Jean Roback, Research Assistant in Dept. of Research of American Medical Association, November 3, 1972 [hereinafter cited as Roback].

⁴⁵ See OCCUPATIONAL OUTLOOK, *supra* note 39 at 110.

⁴⁶ See Roback, *supra* note 44.

⁴⁷ It would seem safe to say that not too many people would confuse Dr. Henry Kissinger, Dr. Martin Luther King, or Dr. Albert Einstein with a physician.

⁴⁸ See generally Discussions, *supra* note 43.

⁴⁹ *Correspondence*, 77 CASE AND COMMENT 2 (1972), letter written to Case and Comment on another issue signed "Bartholomew Erit, J.D."; *Views of Our Readers* 58 A.B.A.J. 456 (1972); letter from Marvin H. Doblin, J.D., to Milard King Roper, J.D., June 29, 1972; letters from Leslie D. Bloom, S.J.D.; Richard W. Morris, J.D., noting that several other attorneys in San Diego, California, are using their doctoral designation as well as he; Lyell Henry Carner, J.D.; James R. Roads, J.D., also noting that some lawyers in Miami County, Florida, are making use of their degree designation as well as he; Robert T. Grammer, J.D., to Milard King Roper, Jr., 1972; telephone conversations with Milard King Roper, J.D., 1971-72; one lawyer writing in response to a letter sent by the author asking how he handles some of the problems incident to a lawyer calling himself "Doctor" wrote: "...How do I do? I simply explain to my clients that I hold a doctorate, that all lawyers are not so fortunate and that my choice is not to let anyone steal my title from me," letter from Robert T. Grammer, J.D., to Milard King Roper, Jr., September 18, 1972.

prefix 'Honorable' be used with J.D. following the name."⁵⁰ Other lawyers indicate that they agree with the interpretation of 1151 and are contemplating beginning to use their title and degree, or indicate that they are reluctant because of tradition, apparently waiting for the movement to become more widespread.⁵¹

D.R. 2-102(F) AND Informal Opinion 1151— HOW THEY MAY BE IMPLEMENTED

It would appear that under *Informal Opinion 1151*, an attorney who possesses only the LL.B. degree may not use the title "Doctor" or the initials J.D. in connection with his name, since the opinion speaks only to the Juris Doctor lawyer.⁵² But for those lawyers possessing

⁵⁰ *Editor's Note*, 58 A.B.A.J. 456 (1972). Apparently no mention was made in the resolution concerning "non-J.D." members, so it is not clear whether all lawyers may be so addressed in that jurisdiction, *id.*

It would seem that the resolution could have broken more cleanly with tradition by suggesting that the opening salutation be "Dear Dr." rather than "Dear Sir" or "Dear Madam."

⁵¹ Letters from William H. Shields, J.D.; Samuel Lawrence Brennglass, J.D.; Alfred Connor Bowman, J.D.; Theodore Herold, J.D.; Herbert E. Selwyn, J.D.; Thomas E. Eichorst, J.D.; Otis H. Eversole, Jr., J.D.; A. C. Shields, III, J.D.; to Milard King Roper, Jr., 1972.

⁵² See INFORMAL OPINIONS, *supra* note 14 at 1151. Some lawyers do not possess "Juris Doctor" degrees since they were not being conferred by all law schools until recently. There are also lawyers who would not be eligible for the "Juris Doctor" degree because they did not possess an undergraduate degree when they entered law school; however, even they may be eligible at some schools. Shields, *supra* note 15. For those who do not have their J.D. or are not eligible to get it, it is suggested that a "grandfather" clause be adopted by the A.B.A. approving the title "Doctor" and the use of the letters J.D. by these lawyers practicing as of a certain date. For those lawyers possessing degrees in law obtained after an LL.B., such as an LL.M. or J.S.D. or S.J.D., there would seem to be no problem in most jurisdictions since *Informal Opinion 1152* would probably control. However, according to the New York City Bar Association (Committee of the Association of the Bar of the City of New York), the attorney's degree must have the word "Doctor" in it before he may ethically use the title, *Committee Report, Committee on Professional and Judicial Ethics* 26 RECORD OF N.Y.C.B.A. 255 Opinion No. 876 (1971). It should be pointed out that there are ten states that still permit a person to qualify for taking the bar examination through clerking or some combination of clerking and law school, Sirkin, *Law School Is Not the Only Way*, 1 JURIS DOCTOR 10 (March, 1971). The article notes, however, that clerking is not a very popular method of becoming a lawyer, pointing out that "in 1968, more than 15,000 law school graduates were admitted to the bar, compared with approximately fifty clerks, a few of whom took correspondence school courses," *id.* at 12. One solution that has been proposed for dealing with the problem of informally academically trained lawyers (through clerkship or correspondence courses and those unable to obtain a J.D. because of not having an undergraduate degree and the title "Doctor" has been that only those persons who have the "equivalent of seven years of higher education or eighty-four to ninety post-baccalaureate hours in actual classroom instruction" would be permitted to use the title, see Shields, *supra* note 15. This would permit the public to know how much education the lawyer they are retaining has—this, it is argued, being knowledge to which the public is entitled, *id.*

For those lawyers interested in taking advantage of the recognition of legal training as being on a doctoral level, the best course of action would be to write or call his law school and indicate that he wishes to receive his Juris Doctorate retroactively.

the Juris Doctor degree, *D.R. 2-102(F)* and *Informal Opinion 1151*, seem to indicate that he may:

(a) change his stationery, checks and business cards to reflect his doctoral degree;⁵³

(b) instruct his secretary to refer to him as "Dr." when she is talking with clients and answering the telephone;

(c) answer his own telephone: "Dr. _____ speaking";

(d) sign his name with the initials "J.D." following his name;

(e) use his title socially.⁵⁴

It would seem that one of the main reasons that there is not uniform application of the title "Doctor" to lawyers in the United States is the lack of knowledge on the part of the profession, that the title may ethically be used.⁵⁵ It would seem then that some form of affirmative action is in order to apprise the legal profession and the public of the Juris Doctor lawyer's recently won-back right to be accorded that title that virtually every other learned professional is accorded.

It would appear that a logical beginning would be through making the local and state bar associations aware of *Informal Opinion 1151* and of the resolution of the Washtenaw County Bar Association.

It would seem that the legal profession has long been overdue for recognition of their training as being on a par with other "Doctors." The title "Doctor" once belonged exclusively to the legal profession. For reasons already explained, England and then the United States chose not to grant doctoral status to its lawyers. *D.R. 2-102(F)* and *Informal Opinion 1151* represent the culmination of lawyers' efforts to be accorded

⁵³ Several of the lawyers referred to in footnote 49 who have written to the author have designed their stationery as follows:

John Jones, J.D.
Attorney at Law
100 Brown Street
Akron, Ohio

⁵⁴ When dealing with the mass media, it appears the lawyer may inform them of his title; see Akron Beacon Journal, Dec. 15, 1971, § A at 1, col. 2, where the front page article reporting the graduation of Sister Brigid from the University of Akron School of Law read in large type: SISTER'S NOW DOCTOR BRIGID.

⁵⁵ See generally Discussions, *supra* note 43. Indeed, many have not even considered it, despite knowing they will receive or have received a Juris Doctor degree, *id.*

doctoral standing, as it was to those lawyers of the 12th century in Bologna and still is to the lawyers of so many countries of the world. While it is true, as some have pointed out, that a man is what he is and not what his title is, it would seem that *D.R. 2-102(F)* and *Informal Opinion 1151* recognize that a lawyer is a "Doctor" and should be accorded the same rights and privileges that are accorded to other "Doctors." This disciplinary rule and its interpretation provide the building blocks to begin the rebuilding of a tradition that was started in the twelfth century in Bologna and was forgotten by many but is now being remembered and revitalized.

MILARD KING ROPER, JR., J.D.*

* Dr. Roper received his J.D. degree December 10, 1972, from the University of Akron School of Law, Akron, Ohio.

