

IN THE SUPREME COURT OF FLORIDA

AMENDMENTS TO THE RULES : NO. SC 02-2354  
OF THE SUPREME COURT :  
RELATING TO ADMISSIONS :  
TO THE BAR. :

COMMENTS OF PAUL S. CHERRY

One of the types of degrees acceptable for admission to the Florida Bar is not properly designated.

Historically, after law schools were established, a person went from what we now call high school directly into law school or into a college curriculum emphasizing law. That's why the initial degree upon graduation was the LL.B., or bachelor of laws degree. The name of the degree was Legem Baccalaureus. The "LL" is the proper abbreviation of the genitive plural of *lex*, just as "mm" is the proper abbreviation of the plural form of manuscript and "pp" for pages (in English). As is true today, the bachelor's degree is the first degree awarded at the college or university (post high school) level.

A comparative scheme existed in England with respect to medical degrees. In England, a person went from their equivalent of high school into medical school, and the degree awarded was the bachelor of medicine degree, or M.B., or *medicinæ baccalaureus*. This tradition was prevalent in England for many years into the 20<sup>th</sup> century despite the person having to have been awarded a bachelor's degree in something before entering medical school. Recently, the English have "come around" to the American tradition of awarding doctor's degrees upon medical school graduation, but there are thousands of M.B. recipients out there in England who are rightfully called "doctor."

In this country, there was no "pre-med" course in college, and a person went right from high school into medical school, where he was awarded the M.D. degree despite not having a bachelor's degree in anything. This practice ended around the 1920s or 1930s, when we started making a bachelor's degree a pre-requisite for admission to medical school. In this country, the awarding of the M.D. degree upon graduating medical school before the "pre-med" days was recognition of the attainment of a level of education and professional competence rather than advancement through the academic ranks.

In law, however, the awarding of the LL.B. continued long after a person had to have a bachelor's degree for admission to law school. In academic circles, there was some discussion and dissent about awarding a doctorate (graduate) degree upon the completion of a set academic program where there was no thesis and no research despite the completion of a bachelor's program. Furthermore, there were many "independent" law schools, *viz.*, law schools not associated with a university, and the universities were very jealous of their doctorate degrees, and these universities did not want the legislatures to permit the awarding of doctorate degrees outside of the university setting.

The universities then wanted to distinguish their graduates in some way, and they created the Juris Doctor degree. The name of this degree in English poses a bit of a dilemma. There are two possibilities: (1) the name of the degree is wholly Latin, and (2) the name of the degree is Latin and English. If we say that the name of the degree is wholly Latin, the name of the degree translates as "teacher of law," or "teacher of the law." "Juris" is the genitive singular of "ius," meaning law. The declension goes "ius," "iuris," *etc.* I'm not so sure that this translation is what the creators or inventors of the degree had in mind. That brings us to the second possibility: that "Juris" is Latin and "Doctor" is English, which makes a lot more sense, because the translation becomes "doctor of law" or "doctor of the law."

The university-based law schools are offering master's degrees, called LL.M. degrees, for some time now, yet the name of this degree, awarded obviously after the J.D. degree, poses a bit of an ironic situation in that the degree candidate is awarded a master's degree after having been awarded a doctorate degree (the J.D.). Historically, many of these law schools also offered the Doctor of Laws degree as a degree usually awarded *honoris causa*, and this degree was abbreviated LL.D.

The university-based law schools also offered a post-J.D. doctorate called the Doctor of Jurisprudence degree, sometimes abbreviated "D.Juris." This degree was more of a "true" graduate degree in that the candidate had to do independent research, write a thesis, defend the thesis before a faculty committee, and present it before the university body, including students – the traditional way to earn a doctorate degree, usually the Ph.D. This Doctor of Jurisprudence degree was also awarded *honoris causa* at thousands of commencement ceremonies for many years, but usually limited to those who had previously earned their law degree. The real value of this degree, even when earned, was always dubious.

All of this historical perspective now brings us to the naming of the degrees acceptable for admission to the Florida Bar in the proposed Rule 2-11.1. I think that it is clear error to name one of the acceptable degrees as a "Doctor of

Jurisprudence.” The J.D. degree was never a Doctor of Jurisprudence degree, unless you consider the word “Juris” to be an abbreviation of the word “Jurisprudentiæ.” That’s a real stretch because all the law schools I have seen call the degree a Doctor of Law or Doctor of Laws degree. One way around this conflict is to give the actual name of the degree awarded: “ ... an applicant must have received the degree of Bachelor of Laws or Juris Doctor from an accredited law school ... .” To the best of my knowledge, all the American law schools now award the Juris Doctor degree; many universities offer their law school graduates replacement degrees for the LL.B. degrees so they can now be “doctors” like all the other lawyers.

I believe that the continued naming of the degree as a Doctor of Jurisprudence will eliminate almost every applicant graduating from an American law school. I am asking for a change in the naming of one of the acceptable degrees because, in my opinion, it is clearly erroneous. I urge your Honorable Court to give this matter more thought.

Respectfully,

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Certificate of Service

I, Paul S. Cherry, do hereby certify that I have served a true and correct copy of the foregoing Comments of Paul S. Cherry upon the party and in the manner indicated below.

Service by first-class mail, postage pre-paid, on Monday, June 23, 2003, upon:

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