

Model Rule for Admission of Military Spouse Attorneys

Rule __. Temporary Admission of Military Spouse Attorneys.

1. Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is the spouse of an active duty servicemember of the United States Uniformed Services, as defined by the United States Department of Defense, and is stationed within this jurisdiction may obtain a license to practice law without examination pursuant to the terms of this rule.

2. **Requirements.** An applicant under this rule must:

- (a) have been admitted to practice law in another U.S. state, territory, or the District of Columbia;
- (b) hold a J.D. or LL.B. degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time the applicant matriculated or graduated;
- (c) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
- (d) establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (e) establish that the applicant possesses the character and fitness to practice law in this jurisdiction;
- (f) reside, or intend within the next six months to reside, in this jurisdiction as a spouse of a member of the United States Uniformed Services;
- (g) not have failed this jurisdiction's bar examination within five years of the date of filing an application under this rule;
- (h) not have been previously denied admission to the practice of law in this jurisdiction; and
- (i) certify that the applicant has read and is familiar with this jurisdiction's Rules of Professional Conduct.

3. **Procedure.** The Court may require such information from an applicant under this rule as is authorized for any applicant for admission to practice law—except any information specifically excluded by this rule—and may make such investigations, conduct such hearings, and otherwise process applications under this rule as if made pursuant to this jurisdiction's rules governing application for admission without examination. Upon a showing that strict compliance with the provisions of this section would cause the applicant unnecessary hardship, the Court may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

4. Time and Manner for Admission. If after such investigation as the Court may deem appropriate, it concludes that the applicant possesses the qualifications required of all other applicants for admission to practice law in this jurisdiction, the applicant shall be licensed to practice law and enrolled as a member of the bar of this jurisdiction. The Court shall promptly act upon any application filed under this rule.

5. Continuing Legal Education. No later than six months following the attorney's temporary admission, the attorney shall complete a course on this jurisdiction's law, the content and method of delivery of which shall be approved by this jurisdiction's highest Court; and

5. Rights and Obligations. Except as provided in this rule, attorneys licensed under this rule shall be entitled to all privileges, rights, and benefits and will be subject to all duties, obligations, and responsibilities of active members of the bar of this jurisdiction, including all ethical, legal, and continuing legal education obligations.

6. Discipline. Attorneys admitted under this rule shall be subject to the jurisdiction of the courts and agencies of this jurisdiction with respect to the laws and rules of this jurisdiction governing the conduct and discipline of attorneys, to the same extent as all other members of the bar of this jurisdiction.

7. Fee Waiver. The requisite application fees charged by this jurisdiction will be waived for all applicants seeking admission under this rule. [Alternatively: An applicant seeking admission under this rule may file an application for admission in this jurisdiction at a reduced fee.]

8. Termination. The license to practice law under this rule shall be limited by the earliest of the following events:

- (a) the servicemember separates or retires from the United States Uniformed Services;
- (b) the military spouse attorney ceases to be a dependent as defined by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security);
- (c) the servicemember is permanently transferred outside the jurisdiction pursuant to military orders, except that if the servicemember has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse attorney may continue to practice pursuant to the provisions of this rule until the servicemember is assigned to a location with dependents authorized;

- (d) the military spouse attorney permanently relocates to another jurisdiction for reasons other than the servicemember's permanent transfer outside the jurisdiction;
- (e) the military spouse attorney is admitted to the general practice of law under any other rule of this Court;
- (f) the military spouse attorney requests termination; or
- (g) the military spouse attorney fails to meet annual licensing requirements for an active member of the State Bar.

In the event that any of the events listed in this paragraph occur, the attorney licensed under this rule shall notify the Court of the event in writing within sixty (60) days of the date upon which the event occurs and upon such notification, the license shall be terminated. If the event occurs because the servicemember is deceased or disabled, the attorney shall notify the Court within one hundred eighty (180) days of the date upon which the event occurs.

9. Mandatory Disclosures. Each attorney admitted to practice under this rule shall report to the Court, within thirty (30) days:

- (a) any change in bar membership status in any jurisdiction of the United States or in any foreign jurisdiction where the attorney has been admitted to the practice of law; or
- (b) the imposition of any permanent or temporary professional disciplinary sanction by any federal or state court or agency.

10. An attorney's authority to practice under this rule shall be suspended when the attorney is suspended or disbarred in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which the attorney has been admitted to practice.

11. Record. The Bar shall maintain a record of all attorneys admitted under this rule.