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Steven G. Johnson, Esq.  
Advisory Committee on the Rules of Professional Conduct  
Supreme Court of Utah

RE: Rule 14-806, Admission Rule for Military Spouse Lawyers

Dear Chairman Johnson:

The Military Spouse JD Network (MSJDN), a bar association for military spouses writes you today to offer our support of Rule 14-806: Admission Rule for Military Spouse Lawyers to the Advisory Committee on the Rules of Professional Conduct of the Supreme Court of Utah.

Military spouse attorneys are faced with a difficult choice each time their servicemember receives orders to a new jurisdiction. Military families move, on average, every two to three years. As attorneys, we must obtain a new bar license with every move if we want to continue to practice law and maintain the profession we love. Military moves are based on the needs of the service, with no regard for licensing restrictions or bar exam deadlines. It is expensive, time consuming, and exhausting to continually apply for a new bar license, study for a new exam, and wait for the bar exam results in each new jurisdiction.

The only certainty of military life is uncertainty. Military spouses do not decide where we live, or how long we live there. Our service members cannot turn down a transfer, or quit their jobs because a reassignment and move might not be best for their family. As their spouses, we take great pride in their service, and in our role as a military family. What we ask from our communities is a modest accommodation to make this difficult life slightly less so.

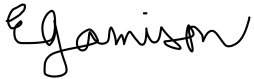
Since its founding in 2011, MSJDN attorneys have shared our challenges and stories with bar associations across the country. Telling our stories to educate our civilian legal colleagues about what it means to maintain our profession while serving our nation as military spouses has been very positive. We have seen great momentum across the country to support military spouse licensing, and now have licensing accommodations in 26 states and one U.S. territory, and at least 24 military spouse attorneys nationwide

admitted through these new rules. Although our numbers are small, progress in each state makes a tremendous positive difference for every military spouse who is able to continue to work with each new move.

With the adoption of Rule 14-806, Utah has an opportunity to demonstrate its strong support of our nation's military and their families. This rule represents a common sense accommodation; allowing temporary admission for military spouses without additional examination would recognize the tremendous sacrifices of our military families and would be an appropriate measure of appreciation considering their support for our nation.

MSJDN is truly grateful for your careful consideration of this issue. It is a testament to the great support our military families receive from this state.

Sincerely,

A handwritten signature in cursive script that reads "E. Jamison".

Elizabeth Jamison  
President

## **UTAH BAR ADMISSION RULES FOR MILITARY LAWYERS AND MILITARY-SPOUSE LAWYERS**

### **Rule 14-804. Certification Rule for Military Lawyers.**

**(a) Eligibility.** A lawyer admitted to the practice of law in a territory, district, or state of the United States other than Utah, who is serving in or employed by the armed services and is authorized to provide legal assistance by federal statute or military regulation, may obtain a certificate as a Registered Military Legal Assistance Attorney to represent authorized clients before courts and agencies in Utah.

**(b) Application requirements.** An applicant may apply for to the Bar by:

- (1) filing an application in the form and manner prescribed by the Bar and by carrying the burden of proof to establish eligibility under this rule by clear and convincing evidence;
- (2) demonstrating that the applicant is of good moral character;
- (3) presenting proof that the applicant is employed, stationed, or assigned at the military installation in Utah;
- (4) presenting proof of admission to the practice of law and current good standing as a member of the licensing bar in any state, district, or territory of the United States, and certification that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (5) furnishing whatever additional information or proof is required in the course of processing the application;
- (6) certifying the applicant has not been previously denied admission to the Bar;
- (7) submitting an affidavit from the applicant's commanding officer, staff judge advocate or chief legal officer of the military installation in Utah attesting that the applicant will serve as a lawyer exclusively to provide legal services as authorized by the military, and that the applicant's commanding officer, staff judge advocate or chief legal officer will notify the Bar immediately upon the termination of the applicant's military employment or service in Utah.

**(c) Processing of application.** Upon receipt of a completed application, the Bar must expeditiously process the application and may conduct investigations or hearings to ensure the applicant's compliance with the requirements of this rule.

**(d) Certificate.** Upon determination by the Bar that an applicant has satisfied the requirements of this rule, the applicant will be immediately issued a Registered Military Legal Assistance Attorney Certificate.

**(e) Requirements.** A lawyer practicing under this rule must not hold out to the public or to any person that the lawyer is entitled to practice generally in Utah or to provide legal services except as authorized through military service. The address of record for a military legal assistance

lawyer is the military address in Utah of the commanding officer, staff judge advocate or chief legal officer who filed the affidavit on the lawyer's behalf.

**(f) Scope of authorized representation.** A Registered Military Legal Assistance Attorney Certificate authorizes a lawyer to appear before a court or agency in Utah as counsel for clients eligible to receive military legal assistance authorized by applicable service regulations and federal law.

**(g) Jurisdiction and authority.** The practice of a lawyer under this rule shall be subject to the Utah Rules of Professional Conduct and Chapter 14, Article 5 (Lawyer Discipline and Disability) of the Rules Governing the Utah State Bar, and to all other applicable laws and rules governing lawyers admitted to the Bar. Jurisdiction shall continue whether or not the lawyer retains the Military Legal Assistance Attorney Certificate and irrespective of the residence or domicile of the lawyer. A lawyer practicing under this rule will also be subject to the laws, rules, and regulations governing the military services.

**(h) Mandatory disclosures.** A lawyer practicing under this rule must report to the Bar within 30 days:

- (1) any event listed in subsection (i) of this rule;
- (2) any change in bar membership status in any state, district, or territory where the attorney has been admitted to the practice of law;
- (3) the imposition of any permanent or temporary professional disciplinary sanction by any territory, district, state or by any territorial, district, state, or federal court or agency; or
- (4) the lawyer's commanding officer, staff judge advocate or chief legal officer of the military installation in Utah must advise the Bar of any change in status of the lawyer that may affect the lawyer's privilege to practice under this rule.

**(i) Termination of certification.** A lawyer's certification under this rule may be terminated upon completion of a disciplinary proceeding in Utah; or shall terminate upon any of the following events:

- (1) the lawyer dies, separates, or retires from the United States Uniformed Services;
- (2) the lawyer is no longer employed, stationed, or assigned at the military installation in Utah from which the affidavit required by this rule was filed;
- (3) the lawyer fails to remain in good standing as a member of a licensing bar of at least one other state, district, or territory of the United States;
- (4) the lawyer resigns, requests termination, or otherwise disclaims certification as a military legal assistance lawyer;
- (5) the lawyer is admitted to the Bar under any other rule.

**(j) Reinstatement of Certificate.** If a lawyer is re-employed or reassigned to the same military installation or to another military installation in Utah within six months after the termination of certification under this rule, the lawyer may submit an updated affidavit as required by this rule and the lawyer's Registered Military Legal Assistance Attorney Certificate will be reinstated upon evidence satisfactory to the Bar that the lawyer remains in full compliance with all requirements of this rule.

**(k) Service Time.** The period of time a lawyer practices using a Registered Military Legal Assistance Attorney Certificate counts under all rules measuring a lawyer's time practicing law, including Rules 14-203 and 14-705.

**Rule 14-801. Definitions.**

(n) “Military Spouse” means a person admitted to the practice of law in a territory, district, or state of the United States other than Utah, whose spouse is a member of the United States Uniformed Services on active service, as defined by the United States Department of Defense, provided that the member-spouse has received orders to serve in Utah or is domiciled or stationed in Utah.

**Rule 14-806. Admission Rule for Military Spouse Lawyers.**

**(a) Eligibility.** A Military Spouse admitted to the practice of law in a territory, district, or state of the United States other than Utah, whose spouse is a member of the United States Uniformed Services on active service, as defined by the United States Department of Defense, may obtain a license to practice law under the terms of this rule, provided that the member-spouse has received orders to serve in Utah or is domiciled or stationed in Utah.

**(b) Application requirements.** A Military Spouse may apply to the Bar by:

- (1) filing an application in the form and manner prescribed by the Bar and by carrying the burden of proof to establish eligibility under this rule by clear and convincing evidence for admission either to the Bar or to the Bar as House Counsel under Rule 14-719;
- (2) demonstrating that the applicant is of good moral character;
- (3) presenting proof the applicant holds a First Professional Degree in law from an Approved Law School as defined by Rule 14-701;
- (4) presenting proof of admission to the practice of law and current good standing as a member of the licensing bar in any state, district, or territory of the United States, and certification that the Military Spouse is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (5) furnishing whatever additional information or proof required in the course of processing the application;
- (6) certifying the Military Spouse has not failed the Utah Bar Examination or been previously denied admission to the Bar; and
- (7) paying a processing fee of \$250, which shall be credited towards Bar dues upon licensure.

**(c) Processing of application.** Upon receipt of a completed application, the Bar shall immediately conduct an initial review of the application and may issue a Temporary Practice Certificate to a Military Spouse. The Bar must expeditiously process the application and may conduct investigations or hearings to ensure the Military Spouse’s compliance with the requirements of this rule. Upon a showing that strict compliance with any provision of this rule would cause the military or the applicant undue hardship, the Bar may in its discretion waive or

vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof. The Bar must promptly act upon any application filed under this rule.

**(d) License.** Upon determination that a Military Spouse has satisfied the requirements of this rule, the Bar will immediately submit motions to the Supreme Court and the United States District Court of Utah for admission certifying that the Military Spouse has satisfied all qualifications and requirements under this rule for admission to the Bar. After the motion is granted by the Supreme Court and the United States District Court for the District of Utah, the Military Spouse will be eligible to take the required oath and thereafter be enrolled into the Bar and Utah's state and federal courts.

**(e) Requirements and scope of authorized representation.** A Military Spouse licensed under this rule is entitled to all privileges, rights, and benefits and is subject to all duties, obligations, and responsibilities of active members of the Bar, including all ethical, legal, and continuing legal education obligations. A Military Spouse with less than two years of practice when admitted must complete the New Lawyer Training Program (NLTP) as outlined in Rules 14-404 and 14-808. Unless admitted as House Counsel or employed exclusively as corporate counsel, a Military Spouse must enroll in the Bar's approved professional liability insurance program or obtain equivalent insurance coverage. A Military Spouse must not retain any new client, begin work on any new matter, or enter an appearance on any new case after any of the events listed in subsection (h).

**(f) Jurisdiction and authority.** The practice of a lawyer under this rule shall be subject to the Utah Rules of Professional Conduct and Chapter 14, Article 5 (Lawyer Discipline and Disability) of the Rules Governing the Utah State Bar, and to all other applicable laws and rules governing lawyers admitted to the Bar. Jurisdiction shall continue whether or not the Military Spouse retains the privilege to practice in Utah and irrespective of the residence or domicile of the Military Spouse.

**(g) Mandatory disclosures.** A Military Spouse practicing under this rule must report to the Bar within 30 days:

- (1) any event listed in subsection (h) of this rule;
- (2) any change in bar membership status in any state, district, or territory where the attorney has been admitted to the practice of law; or
- (3) the imposition of any permanent or temporary professional disciplinary sanction by any territory, district, state or by any territorial, district, state, or federal court or agency.

**(h) Termination of practice and licensure.** A Military Spouse's licensure under this rule may be terminated upon completion of a disciplinary proceeding in Utah; or shall terminate six months after any of the following events, unless the Military Spouse has a pending application for admission to the Bar:

- (1) the member-spouse dies, separates or retires from the United States Uniformed Services; or is permanently transferred outside the State of Utah on military orders with dependents authorized;

- (2) the Military Spouse ceases to be a dependent as defined by the United States Department of Defense;
- (3) the Military Spouse permanently relocates to another state, district, or territory of the United States for reason other than the member-spouse's permanent change of station outside the State of Utah;
- (4) the Military Spouse fails to remain in good standing as a member of a licensing bar of a state, district, or territory of the United States;
- (5) the Military Spouse resigns, requests termination, or fails to meet annual licensing requirements of the Bar; or
- (6) the Military Spouse is admitted to the Bar under any other rule.

**(i) Reinstatement of License.** If within six months after the termination of licensure under this rule, a Military Spouse returns to Utah because the lawyer's member-spouse is again stationed in Utah, the Military Spouse will be reinstated upon submission of evidence satisfactory to the Bar that Military Spouse remains in full compliance with all requirements of this rule.

**(j) Service Time.** The period of time a Military Spouse practices under this rule counts under all rules measuring a lawyer's time practicing law or as a member of the Bar, including Rules 14-203 and 14-705.