



Nancy Sylvester <nancyjs@utcourts.gov>

Fwd: Draft Memo to Committee

Phillip Lowry <phillip.e.lowry@gmail.com>
To: Nancy Sylvester <nancyjs@utcourts.gov>

Mon, Dec 4, 2017 at 4:02 PM

Nancy:

Sorry this is late. I will summarize it tonight, but please forward. Thanks.

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Begin forwarded message:

From: "Paul C. Burke" <pburke@RQN.COM>
Date: December 4, 2017 at 16:00:07 MST
To: "'Phillip Lowry (phillip.e.lowry@gmail.com)'" <phillip.e.lowry@gmail.com>
Subject: **Draft Memo to Committee**

Recently you may have received a memorandum from the Admissions Committee regarding its analysis of the subcommittee's proposed admissions rule for military spouse attorneys. A spot check of the Admissions Committee's memorandum has shown some inaccuracies in its representations to the Advisory Committee. We thought it would be important for you to have the following facts as you weigh the credibility of the statements and arguments from the Admissions Committee.

The Admissions Committee wrote: *"Seven states require that the Military Spouse Attorney associate with local counsel."*

FACTS: Only five states have an association requirement (AZ, ID, KS, NJ, and VA). Twenty-one of the 26 jurisdictions that have adopted Military Spouse Admissions rules have no association or supervision requirement (AK, CO, CT, GA, IL, IA, KY, MA, MI, NC, ND, NY, OH, OK, OR, SC, SD, USVI, WV, TN, and TX).

The Admissions Committee wrote: *"The [Admissions Committee] could not find any other military spouse rule that allows a waiver of its rule requirements most likely because waivers, historically, have been disfavored as they undermine admission rules by inviting a parade of challenges to almost all requirements."*

FACTS: Twenty-six jurisdictions have already adopted Military Spouse Admissions rules with causing “a parade of challenges to almost all requirements.” Three states process admissions for military spouses based on simple waiver systems (NY, GA, and TX). Notably, the Admissions Committee did not point to a single challenge to any other requirement arising from any jurisdiction’s adoption of a Military Spouse Admissions rule.

The Admissions Committee wrote: *“The cut score competency standard is established by the Supreme Court to safeguard the public and the Court has not granted any applicant a waiver of the cut score requirement. Although worded differently, at least five states have similar competency requirements, including Arizona and New York.”*

FACTS: New York does not have such a requirement. New York’s system is entirely waiver based, and operates by allowing military spouse applicants to file for waivers of the prior practice requirements under the rule authorizing admission without examination. (See New York’s notice to military spouses [here](#).)

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