

From: **Paul C. Burke**  
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Subject: Comparison of Military Spouse Admission Rules  
To:

There remain many differences between the proposals from the subcommittee ("SC") and the version offered by the Admissions Committee ("AC") for military spouse lawyers. The Chair of the Committee asked me to circulate the following summary of some of the key differences between the proposals.

1. The SC rule provides for reciprocal admission of military spouse lawyers from other states. The AC version would allow for the temporary admission of only those applicants with an original test score that would be high enough to pass in Utah.
2. The SC rule requires supervision for only those lawyers who gained admission to a Bar in another state with a lower test score than would have been originally accepted in Utah. These lawyers would also need to obtain insurance to satisfy the SC rule. In contrast, the AC version would require supervision of all military spouse lawyers. The AC version would also require both supervision and mentoring for admittees with less experience.
3. For those lawyers required to be supervised, the SC rule makes the supervising lawyer "assume full responsibility for all matters handled by the Military Spouse." The AC version includes the same mandate but would also require the supervising lawyer to "actively participate in the filing of any pleadings or papers," be named on all pleadings and papers, and attend all court appearances with the military spouse lawyer.
4. The SC rule allows successful applicants to practice law as members of the Bar. The AC version would require military spouse lawyers to provide notice to prospective clients of "limited licensure" before commencing any representation.
5. The SC rule allows military spouse lawyers to begin the application process as soon as the spouse receives orders to serve in Utah. The AC version would not permit an application to be filed until the spouse was stationed in Utah and the military-spouse lawyer was physically residing in Utah.
6. The SC rule provides that licensure will terminate six months after the service-member spouse is permanently transferred outside of Utah. The AC version would terminate the license "ninety days after the military service member receives orders to reside in a place other than Utah." The AC version could result in the termination of a license even before the military service member actually leaves Utah.
7. The SC rule provides for the licensure to terminate six months after a qualifying event. The AC version would shorten this period to 90 days for most such events.
8. The SC rule provides that military spouse lawyers will receive service time recognition for all time spent practicing in Utah as dues paying member of the Bar in good standing. The AC version caps service time recognition at 36 months towards admission by motion.
9. The SC rule presumes that a departing will transition any open matters in accordance with an attorney's professional responsibilities. The AC version would require a military spouse attorney to "transfer all pending matters to the supervising attorney if there is one, or to another attorney in consultation with the client." The AC version does not contain an exception for matters that the military spouse attorney might be able to retain when transferring to another jurisdiction.
10. The SC rule provides that the Bar will promptly act on any application from a military spouse lawyer. The AC version states that "[p]rocessing of the application typically takes a minimum of three months." Both versions provide for the issuance of temporary practice certificates to applicants.

11. The SC rule provides for an application fee of \$250 to be credited against Bar dues. The AC version would require a military spouse applicant to pay “the prescribed fee.” The AC version does not specify the amount of the fee or indicate whether additional Bar dues would be required.