

***Draft***  
***July 9, 2013***  
***Military Spouse Admission Rule***  
***State Bar of California***

Rule \_\_\_\_\_. Registered Military Spouse Counsel

(a) Definitions: The following definitions apply to terms used in this rule:

(1) "Qualifying institution" means a corporation, a partnership, an association, a governmental entity, or other legal entity, including its subsidiaries and organizational affiliates. A qualifying institution must:

(A) Employ at least one (1) attorney who is an active member in good standing of the State Bar of California; and

(B) Agree to supervise the registered military spouse counsel and otherwise comply with the requirements of these rules.

(2) "Active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency" means an attorney who meets all of the following criteria:

(A) Is an active member in good standing of the entity governing the practice of law in each jurisdiction in which the member is licensed to practice law;

(B) Remains an active member in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency, other than California, while practicing law as registered military spouse counsel in California; and

(C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.

(b) Scope of practice: Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is permitted to provide legal services in California under the supervision of the qualifying institution.

(c) Requirements: For an attorney to practice law under this rule, the attorney must:

(1) Be an active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;

(2) Register with the State Bar of California and file an Application for Determination of Moral Character;

- (3) Have been admitted by bar examination to practice law in another a United States state, jurisdiction, possession, territory, or dependency;
- (4) Hold a juris doctor 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 of graduation;
- (5) Submit evidence that:
  - (A) he or she is a dependent spouse or a registered domestic partner of a service member in the United States Uniformed Services as defined by the Department of Defense; and
  - (B) the service member is on active duty military orders in the State of California;
- (7) Submit evidence that once admitted, the applicant will be supervised by an active member of the State Bar of California;
- (8) Complete all required documentation, which will include an agreement to comply with the standards of professional conduct required of members of the State Bar of California;
- (9) Submit evidence of coverage under California malpractice insurance;
- (10) Complete a minimum of twenty-five (25) hours of pro-bono service dedicated to supporting the military, military families, or the veteran community within the first calendar year of admission under this rule.
- (11) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law under this Rule while awaiting the result of his or her Application for Determination of Moral Character;
- (12) Comply with the rules adopted by the Board of Governors relating to the State Bar Registered Military Spouse Program;
- (13) Practice law exclusively for a single qualifying institution, except that, while practicing under this rule, the attorney may, if so qualified, simultaneously practice law as a registered legal services attorney;

(14) Abide by all of the laws and rules that govern members of the State Bar of California, including the Minimum Continuing Legal Education (MCLE) requirements; and

(15) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that members of the State Bar of California must complete every three years and, thereafter, satisfy the MCLE requirements applicable to all members of the State Bar.

(d) Application: To qualify to practice law as registered military spouse counsel, an attorney must:

(1) Register as an attorney applicant and file an Application for Determination of Moral Character with the Committee of Bar Examiners;

(2) Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than under the supervision of the qualifying institution during the time he or she is registered military spouse counsel in California, except that if so qualified, the attorney may, while practicing under this rule, simultaneously practice law as a registered legal services attorney; and

(3) Submit to the State Bar of California a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer, attesting that the applicant is employed as an attorney for the employer, that the nature of the employment conforms to the requirements of this rule, that the employer will notify the State Bar of California within 30 days of the cessation of the applicant's employment in California, and that the person signing the declaration believes, to the best of his or her knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

(e) Duration of practice: A registered Military Spouse Counsel must renew his or her registration annually. There is no limitation on the number of years military spouse counsel may register under this rule if he or she continues to meet all of the requirements of this rule.

(f) Application and registration fees: The State Bar of California may set appropriate application fees and initial and annual registration fees to be paid by registered military spouse counsel.

(g) State Bar Registered Military Spouse Counsel Program: The State Bar must establish and administer a program for registering California military spouse counsel under rules adopted by the Board of Governors.

(h) Inherent power of Supreme Court: Nothing in this rule may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

(i) Effect of rule on multijurisdictional practice: Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not members of the State Bar of California.