

TITLE 3. PROGRAMS AND SERVICES
Adopted March 1, 2019
DIVISION 3. NON-LICENSEE ATTORNEYS

Chapter 1. Multijurisdictional Practice

Article 1. Registered Military Spouse Attorney

Rule 3.350 Definitions

- (A) A “Registered Military Spouse Attorney” is an attorney who meets the eligibility requirements of Rule 9.41.1 of the California Rules of Court (“Rule 9.41.1”) and is registered by the State Bar as a Registered Military Spouse Attorney.
- (B) “Registered” means that the State Bar has issued a certificate of registration to an attorney it deems eligible to practice law as a Registered Military Spouse Attorney.

Rule 3.350 adopted effective March 1, 2019.

Rule 3.351 Application

- (A) To apply to register as a Registered Military Spouse Attorney, an attorney who meets the eligibility and employment requirements of Rule 9.41.1 must
 - (1) submit an Application for Registration¹ as an attorney applicant for admission to the State Bar of California with the fee set forth in the Schedule of Charges and Deadlines;²
 - (2) submit an Application for Registered Military Spouse Attorney³ with the fee set forth in the Schedule of Charges and Deadlines;
 - (3) meet State Bar requirements for acceptable moral character; applicants may practice while awaiting their moral character determination; and
 - (4) Prior to commencing employment, 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 supervision of a California attorney during the time he or she practices law as a military spouse attorney in California; and

¹ See Rule 4.16(B).

² See Rule 4.3(B).

³ See Rules of Court, rule 9.41.1.

submit a Declaration signed by the supervising attorney.⁴

- (B) An application to practice law as a Registered Military Spouse Attorney may be denied for failure to comply with eligibility or application requirements or a material misrepresentation of fact.

Rule 3.351 adopted effective March 1, 2019.

Rule 3.352 Duties of Registered Military Spouse Attorney

An attorney employed as Registered Military Spouse Attorney must

- (A) annually renew registration as a Registered Military Spouse Attorney and submit the fee set forth in the Schedule of Charges and Deadlines;
- (B) practice for no more than a total of five years as a Registered Military Spouse Attorney;
- (C) meet the Minimum Continuing Legal Education (MCLE) requirements set forth in Rule 9.41.1;
- (D) report a change of supervising attorney in accordance with State Bar requirements;
- (E) use the title “Specially Registered Attorney” in connection with activities performed as a Registered Military Spouse Attorney;
- (F) not imply or claim in any way to be a licensed attorney of the State Bar of California;
- (G) maintain with the State Bar an address of record that is the current California office address of the attorney’s employer and a current e-mail address;
- (H) report to the State Bar within thirty days:
 - (1) a change in status in any jurisdiction where admitted to practice law, such as transfer to inactive status, disciplinary action that affects the attorney’s status of good standing, suspension, resignation, disbarment, or a functional equivalent;
 - (2) termination of supervision by the supervising attorney; or

⁴ See Rules of Court, rule 9.41.1(a)(3)(F)

any information required by the State Bar Act, such as that required by sections 6068(o) and 6086.8(c) of the California Business and Professions Code, or by other legal authority;

- (I) be supervised by a qualifying supervising attorney who meets the requirements of Rule 9.41.1;
- (J) submit a new application to register as a Registered Military Spouse Attorney before beginning employment with a new qualifying supervising attorney; and
- (K) otherwise comply with the requirements of Rule 9.41.1 and these rules.

Rule 3.351 adopted effective March 1, 2019.

Rule 3.353 Duties of employer

A qualifying supervising attorney who meets the requirements of Rule 9.41.1 must

- (A) complete the Application for Approval, and be approved by the State Bar, as a qualifying supervising attorney;
- (B) complete and sign a Declaration before supervising a Registered Military Spouse Attorney, attesting that he or she
 - (1) is a qualified supervising attorney;
 - (2) to supervise Registered Military Spouse Attorney (“attorney”) and otherwise comply with the requirements of Rule 9.41.1 and these rules;
 - (3) deems the attorney, on the basis of reasonable inquiry, to be of good moral character;
 - (4) agrees to notify the State Bar of California, in writing, within thirty days if
 - (a) the attorney has terminated employment;
 - (b) the attorney is no longer eligible for employment as required by Rule 9.41.1 and these rules;
 - (c) the supervising attorney no longer meets the requirements of these rules;
 - (d) their status as a qualifying supervising attorney has changed; or
 - (e) he/she has changed their office address.

Rule 3.353 adopted effective March 1, 2019.

Rule 3.354 Suspension of Registered Military Spouse Attorney(A) Registration as Registered Military Spouse Attorney is suspended

- (1) for failure to annually register as Registered Military Spouse Attorney and submit any related fee and penalty set forth in the Schedule of Charges and Deadlines;
- (2) for failure to comply with the Minimum Continuing Legal Education requirement of Rule 9.41.1 and pay any related fee and penalty set forth in the Schedule of Charges and Deadlines;
- (3) upon voluntary transfer to inactive status, or the functional equivalent in all jurisdictions where admitted to practice; applicant must remain in active status and eligible to practice law in at least one of the jurisdictions where they are admitted to practice; or for failure to comply with the laws or standards of professional conduct applicable to a licensee of the State Bar; or
- (4) for failure to meet the eligibility requirements of Rule 9.41.1 (C), (5), (6), (7), and (8).

(B) An attorney suspended under these rules is not permitted to practice law.

(C) A notice of suspension is effective ten days from the date of receipt. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.

(D) Appeal of a suspension is subject to the disciplinary procedures of the State Bar.Rule 3.355 Termination of Registration

(A) Registration as a Military Spouse Attorney terminates

- (1) as required by Rule 9.41.1;
- (2) upon imposition of discipline for misconduct by a professional or occupational licensing authority;
- (3) upon admission to the State Bar of California;
- (4) upon the receipt of a negative moral character determination;
- (5) for failure to address suspension matter within 6 months of notice;

- (6) for failure to report an employment termination within 30 days;
 - (7) upon repeal of Rule 9.41.1 or termination of the Registered Military Spouse Attorney program; or
 - (8) upon request.
- (B) An attorney whose registration has been terminated under these rules is not permitted to practice law in California and must submit a new application and comply with Rules of Court, rule 9.9.5 governing attorney fingerprinting to register as a Foreign Legal Consultant in order to practice law in California.
- (C) A notice of termination is effective ten days from the date of receipt. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.
- (D) Appeal of a termination is subject to the disciplinary procedures of the State Bar.

Rule 3.354 adopted effective March 1, 2019.

Rule 3.355 Reinstatement after termination

An attorney terminated as a Registered Military Spouse Attorney who seeks reinstatement must meet all eligibility and application requirements of these rules.

Rule 3.355 adopted effective March 1, 2019.

Rule 3.356 Public information

State Bar records for attorneys permitted to practice law as Registered Military Spouse Attorney are public to the same extent as licensed attorney records.

Rules 3.356 adopted effective March 1, 2019