

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) 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~~ **approved** 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 **for approval** 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) submit a complete moral character application with the fee set forth in the Schedule of Charges and Deadlines, unless the attorney possesses an unexpired California positive moral determination or an application is currently under review; and ~~meet State Bar requirements for acceptable moral character;~~
 - (4) prior to commencing employment, submit a declaration signed by the attorney acknowledging ~~agreeing~~ that he or she will be subject to the

¹ See Rule 4.16(B).

² See Rule 4.3(B).

³ See Rules of Court, rule 9.41.1.

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 registered military spouse attorney in California; and

(5) submit a Declaration signed by the supervising attorney employing them ~~attest~~ attesting that:

- (a) the supervising attorney satisfies the requirements of a supervising attorney set forth in Rule 9.41.1(g)
- (b) the registered military spouse attorney will be supervised as specified in Rule 9.41.1; and
- (c) the supervising attorney assumes professional responsibility for any work performed by the registered military spouse attorney under Rule 9.41.1;;⁴
- (d) the employer will assume personal representation of the Registered Military Spouse Attorney if the Registered Military Spouse becomes ineligible to practice under this rule or is otherwise unavailable to continue the representation;
- (e) the organization will notify the State Bar of California within 30 days of the cessation of the applicant's employment with that employer in California; and
- (f) the person signing the declaration believes, to the best of their knowledge after reasonable inquiry, that the applicant qualifies for registration under this rule and is an individual of good moral character.

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

(C) An applicant cannot begin practicing law until their Registered Military Spouse application has been approved. Approved applicants may practice while their moral character application is under review.

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) is subject to the disciplinary authority if the Supreme Court of California and the State Bar of California;

- (B) must annually renew ~~registration as a~~ its Registered Military Spouse Attorney registration, including submission of an updated Declaration signed by the supervising attorney containing the attestations described in Rule 3.351 (A)(5); and submission of the fees ~~submit the fee set forth in the~~ Schedule of Charges and Deadlines,
- (C) ~~practice for no more than a total of five years as a Registered Military Spouse Attorney;~~
- (D) must meet the Minimum Continuing Legal Education (MCLE) requirements set forth in Rule 9.41.1;
- (E) must report a change of attorney supervisor in accordance with State Bar Requirements and submit a new declaration in Rule 3.351(A)(4), omitting the attestation regarding the attorney's moral character. A supervisor's designation of another attorney to provide supervision in their absence pursuant to Rule 9.41.1(g)(7) is not a reportable change of supervisors;
- (F) must use the title "Specially Registered Attorney" in connection with activities performed as a Registered Military Spouse Attorney;
- (G) must not imply or claim in any way to be a licensed attorney of the State Bar of California;
- (H) must 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;
- (I) must report to the State Bar within thirty days any of the following:
 - (1) a change in status in any jurisdiction where they are or were 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 cessation of employment; or
 - (3) 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 any other legal authority;
- (I) must be supervised by a qualifying supervising attorney who meets the requirements of Rule 9.41.1;

- (J) must obtain approval of ~~submit~~ a new application to register as a Registered Military Spouse Attorney before beginning employment with a new ~~qualifying~~ supervising attorney; and

- (I) must otherwise comply with the requirements of Rule 9.41.1 and ~~these rules~~ this Article.

Rule 3.351 adopted effective March 1, 2019.

Rule 3.353 Duties of ~~employer~~ Supervising Attorney

~~A qualifying supervising attorney~~ An attorney supervising a Registered Military Spouse Attorney who meets the requirements of Rule 9.41.1 ~~must~~ shall

- (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~~

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

- (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's employment has terminated ~~employment~~;
- (b) the attorney is no longer eligible for employment ~~as required by~~ under Rule 9.41.1 and this Article;
- (c) ~~the supervising attorney no longer meets the requirements of these rules;~~
- (d)(c) their status as a qualifying supervising attorney has changed; or
- (e)(d) they 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 a Registered Military Spouse Attorney is suspended

- (1) for failure to annually renew registration as a 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 New Attorney Training and 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; applicants must remain in active status and eligible to practice law in at least one of the jurisdictions where they are admitted to practice; or
 - (4) for failure to comply with the laws or standards of professional conduct applicable to a licensee of the State Bar; or
 - (5) 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" of a document that the State Bar or Committee sends an applicant is: (1) calculated as the date of electronic transmission or five 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or (2) when the State Bar or Committee 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 3.354~~ **3.355** Termination of Registration

- (A) Registration as a Military Spouse Attorney terminates
- (1) as required by Rule 9.41.1 upon receipt of a determination by the Committee of Bar Examiners that the registered military spouse attorney is not of good moral character, or when an applicant's moral character has been suspended in accordance with State Bar Rule 4.48;
 - (2) for failure to annually register as a registered military spouse attorney and submit any related fee set by the State Bar;
 - (3) for failure to comply with New Attorney Training and the

Minimum Continuing Legal Education requirements and to pay any related fee set by the State Bar;

- (4) upon imposition of discipline for misconduct by a professional or occupational licensing authority;
 - (5) upon admission to the State Bar of California;
 - (6) ~~for failure to meet the eligibility requirements of Rule 9.41.1 (c) if the registered military spouse attorney no longer meets the requirements under (a)(3) of this section;~~
 - (7) upon the imposition of any discipline by the State Bar of California or any other professional or occupational licensing authority, including administrative or stayed suspension;
 - (8) for failure to otherwise comply with these rules or with the laws or standards of professional conduct applicable to a licensee of the State Bar of California;
 - (9) One year after the date that the ~~if the~~ Service Member is no longer an active member of the United States Uniformed Services or is transferred to another state, jurisdiction, territory outside of California, except that if the Service Member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse attorney may continue to practice pursuant to the provisions of this rule until the Service Member is assigned to a location with dependents authorized; or
 - (10) one year after the date of termination of the registered military spouse attorney's marriage, civil union, or registered domestic partnership.
 - (11) for failure to address all grounds for suspension within six months of notice;
 - (12) for failure to report an employment termination or change of employer within 30 days;
 - (13) upon repeal of Rule 9.41.1 or termination of the Registered Military Spouse Attorney program; or
 - (14) 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 Registered Military Spouse Attorney 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.~~ "Receipt" of a document that the State Bar or Committee sends an applicant is: (1) calculated as the date of electronic transmission or five 5 days from the date of mailing to a California address; 10 days from the date of mailing to an address elsewhere in the United States; and 20 days from the date of mailing to an address outside the United States; or (2) when the State Bar or Committee 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 **3.355** Public information

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

Rules 3.556 adopted effective March 1, 2019