

**COMMENT ON PROPOSED REVISIONS TO  
WASHINGTON'S LICENSE REQUIREMENTS  
IN SUPPORT OF MILITARY SPOUSE ATTORNEYS**

**COMMENT TO THE  
SUPREME COURT OF WASHINGTON  
ON BEHALF OF  
THE MILITARY SPOUSE J.D. NETWORK**

APRIL 30, 2019



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<sup>2</sup> MSJDN State Licensing Director, Licensed in the District of Columbia.

Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Military Spouse Attorney Admissions

Dear Ms. Carlson:

Please accept this comment on the proposed changes to Admission and Practice Rule (APR) 3 regarding licensure of attorney spouses of active duty United States military servicemembers stationed in Washington.

The undersigned attorney, as a member of and on behalf of the Military Spouse J.D. Network ("MSJDN"), respectfully submits our support for the admission of military spouse attorneys to the Washington State Bar. It is our hope as the nation's leading authority on military spouse attorney licensure that this letter serves to further educate the public and Bar about the challenges faced by our members, and encourages the Trustees to adopt the proposed rule with modifications that allow military spouse attorneys a meaningful opportunity to continue their careers and contribute to their communities without separating their families.

#### Proposed APR 3

MSJDN applauds the Washington Supreme Court ("Court") for considering a military spouse admission rule in light of the reality that attorney spouses of active duty servicemembers face significant barriers in their ability to practice in the legal profession as a consequence of the frequent changes in military duty assignments of the servicemember. The proposed changes to APR 3 seek to address these barriers, recognizing the need for licensure without the delay and cost associated with repeated examination. MSJDN is greatly encouraged by this progress.

MSJDN's Model Rule, upon which the proposed changes are modeled, contains the following key provisions, which are specifically designed to contemplate the unique challenges faced by attorney spouses:

- It requires the applicant to have passed at least one bar exam and be in good standing in all jurisdictions where he or she is admitted and active;
- It requires the applicant to possess the moral fitness and character as required of all attorneys in the state;
- It requires the applicant to be residing in the state, or intend to reside in the state within the next six months, as a servicemember spouse;
- The applicant cannot have failed the state's bar exam in the last five years, or have previously been denied admission to practice law in the state;
- Attorneys admitted under the rule are subject to the same rules, regulations, CLE requirement and yearly licensing fees required of other attorneys;
- It contains a termination clause; and
- It provides for fee waiver (or, alternatively, a reduced fee).

Importantly, the Model Rule does not lower the level of scrutiny for this group of attorneys. This rule ensures that the legal community continues to maintain the highest standards. The applicant becomes subject to the state's rules of professional conduct, and are subject to all duties, obligations, responsibilities, and discipline of active members of the state bar.

MSJDN's Model Rule reflects an appropriate balance of maintaining the highest professional standards and the important public policy interest in supporting Washington's military families with a meaningful accommodation. The Model Rule provides a common-sense licensing accommodation that provides a temporary license to practice law while the attorney spouse is in a jurisdiction due to military orders of his or her servicemember spouse.

#### Why adopt a military spouse attorney admission rule?

This is an extraordinary time in our country. We are engaged in an enduring war in the Middle East and Southwest Asia requiring repeated, extended deployments for our servicemembers each year. Last year, the United States Air Force unofficially confirmed that it was preparing to put nuclear bombers on 24-hour alert status for the first time since the Cold War. Recruitment and retention challenges, inherent in an all-volunteer force, pose an additional impact upon servicemembers due to frequent changes in duty stations across and outside the country. These factors impose incredible pressure on military families and are magnified by frequent and lengthy separations for combat deployments.

In addition to the pressures that military families face, attorney spouses also bear a unique burden that limits their ability to practice their profession: the requirement that they must be authorized to practice law in the jurisdiction where they are practicing. When servicemembers receive military orders for a change in duty assignment, attorney spouses are faced with the untenable choice of remaining in the previous jurisdiction without their servicemember in order to maintain their practice, or relocating with their servicemember spouse to a jurisdiction where they are not authorized to practice law. A spouse's ability to maintain a legal career can be a critical factor in a servicemember's determination as to whether to continue service in the United States Armed Forces. This provides an additional compelling public policy justification for the Model Rule's reasonable accommodation.

Military families can expect to move every two to three years; in fact, 79 percent of military families have moved across state lines in the past five years.<sup>3</sup> Moves are based on the needs of the military service without regard for bar exam deadlines or licensing restrictions. Many military assignments are overseas or in extremely remote areas (such as Minot, North Dakota; Fairbanks, Alaska; and Okinawa, Japan, to name a few).

Living in these locations means engaging in the active practice of law is nearly impossible for the attorney spouse, even when appropriately licensed. Finding an employer in a new location is a challenge, especially without an established network. For military spouse attorneys, this results in an unemployment rate more than five times the national average. Underemployment is also common. Four out of five attorney spouses report that their

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<sup>3</sup> Military Officers Association of America & Institute for Veterans and Military Families at Syracuse University, *Military Spouse Employment Report* (February 2014), available at [http://vets.syr.edu/wp-content/uploads/2014/02/MilitarySpouseEmploymentReport\\_2013.pdf](http://vets.syr.edu/wp-content/uploads/2014/02/MilitarySpouseEmploymentReport_2013.pdf).

servicemember spouse's military service has negatively impacted their legal career. Half of attorney spouses have lived apart from their servicemember spouse (excluding deployments) in order to maintain their legal career. MSJDN's Model Rule alleviates these licensing obstacles and provides a reasonable accommodation through a temporary law license.

### States' Passages of Accommodating Licensing Policies

Since 2011, MSJDN has been working with state bar licensing authorities to enact common-sense licensing accommodations to ease the burdens attorney spouses face when maintaining their legal career. These provisions represent good public policy decisions made by states to provide an exception to the normal route to licensure in order to support military families, and ultimately, the readiness of the Armed Forces. To date, 36 states and one U.S. territory have adopted a military spouse attorney licensing accommodation in some form. The provisions of the Model Rule codify the circumstances in which military spouse attorneys, present in the state by virtue of their spouses' military commitments, may gain admission without examination and provide legal services while residing in the state. The Model Rule explicitly provides that attorney spouses will be subject to the same rules and regulations, including the rules of professional conduct, applicable to all other state-barred attorneys. As set forth in this letter, MSJDN urges Washington to join these jurisdictions in adopting an accommodation that includes military spouse attorneys as members of the profession.

### Effect of Public Policy Change

Through the Joining Forces initiative, the previous administration led a coordinated and comprehensive federal approach to supporting military families, outlined in its 2011 initiative, "Strengthening Our Military Families: Meeting America's Commitment," which stated in relevant part:

"The Department of Defense (DoD) Military Community and Family Policy office has addressed the licensing issue through state legislation for those career fields that are governed by state regulatory agencies,<sup>4</sup> including nearly all medical professions, real estate brokerage, and social work. To date, all fifty states have demonstrated their support for military families by enacting responsive legislation.<sup>5</sup> Although state legislatures have made tremendous progress in alleviating licensure impediments for military spouses in other licensed professions, the practice of law is not governed by a state regulatory agency; therefore, the legislation for which the DoD has advocated (and states have passed) does not include the practice of law."

In February 2012, the American Bar Association ("ABA") passed a resolution urging states to adopt rules, regulations, and procedures that accommodate the unique needs of military spouse attorneys who move frequently in support of the nation's defense.<sup>6</sup> Former First Lady Michelle Obama encouraged more states and professional associations to follow the ABA's

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<sup>4</sup> Lisa Daniel, *Military Spouses Get Help with Professional Licenses*, AM. FORCES PRESS SERVICE, June 13, 2011, available at <http://archive.defense.gov/news/newsarticle.aspx?id=64285>.

<sup>5</sup> Office of the Press Secretary, The White House, *supra* note 6.

<sup>6</sup> AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *Resolution 109* (Feb. 2012).

lead,<sup>7</sup> and the White House highlighted the efforts of MSJDN to address licensing issues in the legal profession.<sup>8</sup> In July 2012, the Conference of Chief Justices passed a resolution urging bar admission authorities to participate in the development and implementation of rules permitting admission without examination for qualified attorneys who are dependents of servicemembers.<sup>9</sup>

Thirty-six states and one U.S. territory have now passed favorable licensing accommodations for military spouse attorneys.<sup>10</sup>

- 2012: In April, Idaho approved the first rule allowing military spouse attorneys to apply for admission without examination.<sup>11</sup> In December, Arizona passed a similar rule.<sup>12</sup>
- 2013: In February, Texas initiated a licensing accommodation policy for military spouse attorneys.<sup>13</sup> In March, North Carolina passed a rule.<sup>14</sup> Three months later, Illinois adopted a rule in June.<sup>15</sup> In September, South Dakota enacted a rule.<sup>16</sup>
- 2014: In March, Massachusetts voluntarily enacted a licensing policy.<sup>17</sup> In May, Virginia approved a rule change.<sup>18</sup> In June, Colorado passed a rule,<sup>19</sup> followed by New Jersey in July.<sup>20</sup> In August, New York endorsed an informal military spouse attorney licensing policy.<sup>21</sup> The year ended with Oklahoma becoming the 12th state to adopt a rule change in December.<sup>22</sup>

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<sup>7</sup> First Lady Michelle Obama & Dr. Jill Biden, Remarks on Military Spouse Licensing (Feb. 15, 2012), <http://www.whitehouse.gov/the-pressoffice/2012/02/15/remarks-first-lady-and-dr-biden-military-spouse-licensing>; see also First Lady Michelle Obama & Dr. Jill Biden, Remarks Discussing Military Spouse Employment at National Governors Association Annual Meeting (Feb. 27, 2012), <http://www.whitehouse.gov/photos-and-video/video/2012/02/27/first-lady-michelle-obama-and-dr-jill-biden-speak-military-spouse-#transcript>.

<sup>8</sup> Posting of Brad Cooper to White House Blog, Military Spouse Attorneys Answer the Joining Forces Challenge, <https://www.whitehouse.gov/blog/2012/06/14/military-spouse-attorneys-answer-joining-forces-challenge> (June 14, 2012, 16:55 EDT).

<sup>9</sup> CONFERENCE OF CHIEF JUSTICES, *Resolution 15* (July 25, 2012), available at <http://www.msjdn.org/2012/07/conference-of-chief-justicessupports-military-spouse-attorneys/>.

<sup>10</sup> See Military Spouse JD Network, State Licensing Efforts, <http://www.msjdn.org/rule-change/> (last visited November 4, 2018).

<sup>11</sup> Press Release, Military Spouse JD Network, First State Approves Military Spouse Admission (Apr. 18, 2012),

<http://www.msjdn.org/2012/04/first-state-approves-military-spouse-attorney-admission/>.

<sup>12</sup> Press Release, Military Spouse JD Network, Arizona Supreme Court Recognizes Service of Military Spouse Attorneys (Dec. 18, 2012), <http://www.msjdn.org/2012/12/arizona-supreme-court-recognizes-service-of-military-spouse-attorneys/>.

<sup>13</sup> Press Release, Military Spouse JD Network, Texas Becomes First State to Initiate Recognition to Attorney Military Spouses and Their Services (Feb. 5, 2013), <http://www.msjdn.org/2013/02/texas-becomes-first-state-to-initiate-recognition-of-attorney-military-spouses-and-their-service/>.

<sup>14</sup> Press Release, Military Spouse JD Network, MSJDN Reform Efforts Succeed in Fourth State (Apr. 12, 2013),

<http://www.msjdn.org/2013/04/msjdn-reform-efforts-succeed-in-fourth-state/>.

<sup>15</sup> Press Release, Military Spouse JD Network, Illinois Becomes the Fifth State to Support Military Spouses in the Legal Profession (June 18, 2013), <http://www.msjdn.org/2013/06/illinois-becomes-fifth-state-to-support-military-spouses-in-the-legal-profession/>.

<sup>16</sup> Press Release, Military Spouse JD Network, South Dakota Becomes Sixth State to Adopt a Military Spouse Attorney Rule (Sept. 12, 2013), <http://www.msjdn.org/2013/09/south-dakota-becomes-sixth-state-to-adopt-a-military-spouse-attorney-rule/>.

<sup>17</sup> Press Release, Military Spouse JD Network, Massachusetts Becomes Second State to Voluntarily Enact Military Spouse Attorney Licensing Policy (June 12, 2014), <http://www.msjdn.org/2014/06/massachusetts-enacts-military-spouse-policy/>.

<sup>18</sup> Press Release, Military Spouse JD Network, Virginia Adopts Military Spouse Rule, Joins Growing Number of States Supporting Military Spouse Attorneys (May 19, 2014), <http://www.msjdn.org/2014/05/virginia-adopts-military-spouse-rule-joins-growing-number-of-states-supporting-military-spouse-attorneys/>.

<sup>19</sup> Press Release, Military Spouse JD Network, Colorado Becomes Ninth State to Support Military Spouse Attorneys with a Licensing Accommodation (June 24, 2014), <http://www.msjdn.org/2014/06/colorado-becomes-ninth-state-to-support-military-spouse-attorneys-with-a-licensing-accommodation/>.

<sup>20</sup> Press Release, Military Spouse JD Network, New Military Spouse Rule Adopted in New Jersey (July 25, 2014), <http://www.msjdn.org/2014/07/military-spouse-rule-adopted-in-new-jersey/>.

<sup>21</sup> Press Release, Military Spouse JD Network, New York State of Mind: 11th State Adopts Military Spouse Attorney Licensing Policy (Aug. 4, 2014), <http://www.msjdn.org/2014/08/newyorkpolicy/>.

<sup>22</sup> Press Release, Military Spouse JD Network, Oklahoma Becomes 12th State to Adopt Military Spouse Attorney Licensing Policy (Dec. 16,

- 2015: In April, the U.S. Virgin Islands became the first U.S. territory to adopt a military spouse licensure rule.<sup>23</sup> In August, Indiana enacted a rule.<sup>24</sup> In September, Maryland became the 15th jurisdiction to adopt a licensing accommodation.<sup>25</sup> In November, Kentucky adopted a rule,<sup>26</sup> followed by Tennessee in December.<sup>27</sup>
- 2016: In March, a military spouse licensing accommodation went into effect in Oregon.<sup>28</sup> In April, South Carolina approved a rule.<sup>29</sup> Kansas enacted a rule in September<sup>30</sup> followed immediately by North Dakota.<sup>31</sup> In October, both Georgia<sup>32</sup> and West Virginia<sup>33</sup> reduced licensing barriers for military spouse attorneys.
- 2017: In January, Michigan became the 24th jurisdiction to recognize the unique needs of military spouse attorneys by adopting a licensing accommodation.<sup>34</sup> In March, Alaska adopted a rule.<sup>35</sup> In June, Ohio became the 25th state to adopt a military spouse rule<sup>36</sup> and Connecticut soon followed suit.<sup>37</sup>
- 2018: Hawaii<sup>38</sup> approved a military spouse attorney license in February. Then in March, both Nevada<sup>39</sup> and Nebraska<sup>40</sup> adopted licensing accommodations. In July, Florida<sup>41</sup>

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2014), <http://www.msjudn.org/2014/12/oklahoma-rulechange/>.

<sup>23</sup> Press Release, Military Spouse JD Network, U.S. Virgin Islands Adopts Military Spouse Attorney Licensing Rule (Apr. 29, 2015), <http://www.msjudn.org/2015/04/usvimmilspouserule/>.

<sup>24</sup> Press Release, Military Spouse JD Network, New Military Spouse Attorney Licensing Rule Adopted in Indiana (Aug. 20, 2015), <http://www.msjudn.org/2015/08/indianalicensingrule/>.

<sup>25</sup> Press Release, Military Spouse JD Network, Maryland Joins Growing Number of Jurisdictions to Adopt Military Spouse Attorney Licensing Rule (Sept. 17, 2015), <http://www.msjudn.org/2015/09/maryland-attorney-licensing-rule/>.

<sup>26</sup> Press Release, Military Spouse JD Network, Kentucky Thanks Military Families with New Rule Easing Licensing Burden (Nov. 23, 2015), <https://www.msjudn.org/2015/11/kymilspouseattyrule/>.

<sup>27</sup> Press Release, Military Spouse JD Network, TN Supreme Court Approves Military Spouse Law Licensing (Dec. 22, 2015), <https://www.msjudn.org/2015/12/tn-supreme-court-approves-military-spouse-law-licensing/>.

<sup>28</sup> Press Release, Military Spouse JD Network, Military Spouse Attorney Licensing Rule Goes in to Effect in Oregon (Mar. 17, 2016), <https://www.msjudn.org/2016/03/oregonmilspouserule/>.

<sup>29</sup> Press Release, Military Spouse JD Network, MSJDN Efforts Succeed as South Carolina becomes 19th Jurisdiction with Military Spouse Attorney Licensing Accommodation (Apr. 21, 2016), <https://www.msjudn.org/2016/04/southcarolinarule/>.

<sup>30</sup> Press Release, Military Spouse JD Network, Kansas Demonstrates Support for Military Families as 20th Jurisdiction to Adopt Military Spouse Attorney Licensing Accommodation (Sept. 12, 2016), <https://www.msjudn.org/2016/09/kansasmilspouserule/>.

<sup>31</sup> Press Release, Military Spouse JD Network, North Dakota Enacts Military Spouse Attorney Rule (Sept. 26, 2016), <https://www.msjudn.org/2016/09/north-dakota-enacts-military-spouse-attorney-rule/>.

<sup>32</sup> Press Release, Military Spouse JD Network, Georgia Reduces Licensing Barriers for Military Spouse Attorneys (Oct. 12, 2016), <https://www.msjudn.org/2016/10/georgiamilspouseattyrule/>.

<sup>33</sup> Press Release, Military Spouse JD Network, West Virginia Becomes 23rd Jurisdiction to Adopt a Military Spouse Law Licensing Rule (Nov. 6, 2016), <https://www.msjudn.org/2016/11/west-virginia-rule/>.

<sup>34</sup> Press Release, Military Spouse JD Network, Michigan Enacts Military Spouse Licensing Law (Jan. 18, 2017), <https://www.msjudn.org/2017/01/michigan-enacts-military-spouse-licensing-law/>.

<sup>35</sup> Press Release, Military Spouse JD Network, Alaska Approves New Military Spouse Attorney Rule (Mar. 20, 2017), <https://www.msjudn.org/2017/03/alaska-milspouse-attorney-rule/>.

<sup>36</sup> Press Release, Military Spouse JD Network, Ohio Becomes Milestone 25th State to Adopt Military Spouse Attorney Licensing (June 5, 2017), <https://www.msjudn.org/2017/06/ohio-adopts-milspouse-licensing/>.

<sup>37</sup> Press Release, Military Spouse JD Network, Connecticut Enacts Rule Reducing Barriers to Practice for Military Spouse Attorneys (June 23, 2017), <https://www.msjudn.org/2017/07/connecticut-milspouse-atty-rule/>.

<sup>38</sup> Press Release, Military Spouse JD Network, Hawaii Adopts New Military Spouse Attorney Licensing Rule (Mar. 7, 2018), <https://www.msjudn.org/2018/03/hawaii-adopts-new-military-spouse-attorney-licensing-rule/>.

<sup>39</sup> Press Release, Military Spouse JD Network, Nevada Becomes 30th Jurisdiction to Adopt Military Spouse Attorney Licensing Accommodation, (Mar. 23, 2018), <https://www.msjudn.org/2018/03/nevada-becomes-30th-jurisdiction-to-adopt-military-spouse-attorney-licensing-accommodation/>.

<sup>40</sup> Press Release, Military Spouse JD Network, Nebraska Amends Licensing Rules in Support of Military Spouse Attorneys, (Mar. 14, 2018), <https://www.msjudn.org/2018/03/nebraska-adopts-milspouse-atty-license/>.

<sup>41</sup> Press Release, Military Spouse JD Network, Florida Admission Rule Supports Military Spouse Attorneys, (July 19, 2018), <https://www.msjudn.org/2018/07/florida-milspouse-attorney-rule/>.

became the 31<sup>st</sup> jurisdiction to enact a military spouse attorney rule. Missouri<sup>42</sup> and Wyoming<sup>43</sup> also passed rules this year.

- 2019: Pennsylvania<sup>44</sup> approved a military spouse attorney license in January. Then in March, California,<sup>45</sup> Utah,<sup>46</sup> and Arkansas<sup>47</sup> all approved military spouse attorney licensing accommodations.

Other states currently considering similar accommodations include: Alabama, Delaware, Montana, and New Mexico.

This issue remains at the forefront of DoD efforts to support for military families. In February 2018, Secretary of the Army Mark Esper, Secretary of the Navy Richard Spencer, and Secretary of the Air Force Heather Wilson sent a letter to the National Governors Association. The letter documented their encouragement for military leadership to consider two factors when evaluating future basing or mission alternatives: 1) the quality of schools near bases, and 2) *whether professional licenses are available for military families*.<sup>48</sup>

Accommodating the unique needs of military spouse attorneys comes at little cost to the state but makes a real, concrete difference in the financial and personal well-being of military families. Additionally, attorney spouses are well-equipped to give back to the local and military community. Attorney spouses come from all practice areas and are particularly capable of providing legal support to military members, as many are former military attorneys (“JAGs”), currently serve in the JAG reserves, or otherwise have good working knowledge of legal issues that uniquely affect military members. Although the military service branches offer pro bono legal aid to military members, the JAGs are extremely limited in the scope of those services. JAGs cannot represent military members in state court. Even if JAGs happen to be licensed in the state in which they are assigned (which is rare), the JAG ethics rules prohibit them from representing a military member in state court. That means divorces, child support/custody issues, contract disputes, criminal matters, etc., are off-limits for the JAGs, and the military member client must find a local, state-licensed attorney. Many of them cannot afford these services.

There are also legal issues of which attorney spouses are keenly aware, such as the Servicemembers Civil Relief Act, Uniformed Services Employment and Reemployment Rights Act, and Department of Veterans Affairs regulations, to name a few. In sum, military spouse attorneys are well-equipped to help military members with these unique legal issues as well as

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<sup>42</sup> Press Release, Military Spouse JD Network, Show Me States Shows Support for Military Families with Licensing Change, (Sept. 10, 2018), <https://www.msjudn.org/2018/09/show-me-state-shows-support-for-military-families-with-licensing-change>.

<sup>43</sup> Press Release, Military Spouse JD Network, Wyoming Enacts New Military Spouse Law Licensing Accommodation, (Oct. 12, 2018), <https://www.msjudn.org/2018/10/wyoming-enacts-new-military-spouse-law-licensing-accommodation>.

<sup>44</sup> Press Release, Military Spouse JD Network, Pennsylvania Supreme Court Adopts Military Spouse Attorney Licensing Rule (Jan. 29, 2019), <https://www.msjudn.org/2019/02/pennsylvania-supreme-court-adopts-military-spouse-licensing-rule>.

<sup>45</sup> Press Release, Military Spouse JD Network, Military Spouse Attorney Admissions Advance in California (Mar. 1, 2019), <https://wp.me/p37jsf-3rk>.

<sup>46</sup> Press Release, Military Spouse JD Network, Utah Passes Military Spouse Law Licensing Accommodation (Mar. 7, 2019), <https://www.msjudn.org/2019/03/utah-adopts-military-spouse-law-licensing-accommodation>.

<sup>47</sup> Press Release, Military Spouse JD Network, Arkansas Adopts Military Spouse Attorney Licensing Rule (Mar. 7, 2019), <https://www.msjudn.org/2019/03/arkansas-adopts-rule-for-military-spouse-attorney-licensing>.

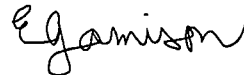
<sup>48</sup> Memorandum to National Governors Association (Feb. 23, 2018), <https://www.media.defense.gov/2018/Feb/23/2001881660/-/1/-/1/Military-Family-School-Consideration-and-Professional-Licensure-Reciprocity.pdf>

non-military clients with an array of legal needs, but are often not in a position to do so in the state in which they are living due to licensing restrictions.

Conclusion

We sincerely appreciate Washington's recognition of this important issue through the proposed pathway to practice for military spouse attorneys in the state. We urge the Court to adopt a rule in line with MSJDN's Model Rule. Removing these licensing barriers benefits those military families who relocate to Washington as a result of military orders, helping to keep these families financially stable, united, and prepared absorb the unique demands of military life.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Jamison". The signature is fluid and cursive, with a large initial "E" and a stylized "Jamison".

Elizabeth Jamison  
MSJDN Immediate Past President

Enclosure:  
MSJDN Model Rule



## Model Rule for Admission of Military Spouse Attorneys

### Rule \_\_. Temporary Admission of Military Spouse Attorneys.

1. Due to the unique mobility requirements of military families who support the defense of our nation, an attorney who is the spouse of an active duty servicemember of the United States Uniformed Services, as defined by the United States Department of Defense, and is stationed within this jurisdiction may obtain a license to practice law without examination pursuant to the terms of this rule.

2. **Requirements.** An applicant under this rule must:

- (a) have been admitted to practice law in another U.S. state, territory, or the District of Columbia;
- (b) hold a J.D. or LL.B. 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 the applicant matriculated or graduated;
- (c) establish that the applicant is currently a member in good standing in all jurisdictions where admitted;
- (d) establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;
- (e) establish that the applicant possesses the character and fitness to practice law in this jurisdiction;
- (f) reside, or intend within the next six months to reside, in this jurisdiction as a spouse of a member of the United States Uniformed Services;
- (g) not have failed this jurisdiction's bar examination within five years of the date of filing an application under this rule;
- (h) not have been previously denied admission to the practice of law in this jurisdiction; and
- (i) certify that the applicant has read and is familiar with this jurisdiction's Rules of Professional Conduct.

3. **Procedure.** The Court may require such information from an applicant under this rule as is authorized for any applicant for admission to practice law—except any information specifically excluded by this rule—and may make such investigations, conduct such hearings, and otherwise process applications under this rule as if made pursuant to this jurisdiction's rules governing application for admission without examination. Upon a showing that strict compliance with the provisions of this section would cause the applicant unnecessary hardship, the Court may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence in lieu thereof.

**4. Time and Manner for Admission.** If after such investigation as the Court may deem appropriate, it concludes that the applicant possesses the qualifications required of all other applicants for admission to practice law in this jurisdiction, the applicant shall be licensed to practice law and enrolled as a member of the bar of this jurisdiction. The Court shall promptly act upon any application filed under this rule.

**5. Continuing Legal Education.** No later than six months following the attorney's temporary admission, the attorney shall complete a course on this jurisdiction's law, the content and method of delivery of which shall be approved by this jurisdiction's highest Court; and

**5. Rights and Obligations.** Except as provided in this rule, attorneys licensed under this rule shall be entitled to all privileges, rights, and benefits and will be subject to all duties, obligations, and responsibilities of active members of the bar of this jurisdiction, including all ethical, legal, and continuing legal education obligations.

**6. Discipline.** Attorneys admitted under this rule shall be subject to the jurisdiction of the courts and agencies of this jurisdiction with respect to the laws and rules of this jurisdiction governing the conduct and discipline of attorneys, to the same extent as all other members of the bar of this jurisdiction.

**7. Fee Waiver.** The requisite application fees charged by this jurisdiction will be waived for all applicants seeking admission under this rule. [Alternatively: An applicant seeking admission under this rule may file an application for admission in this jurisdiction at a reduced fee.]

**8. Termination.** The license to practice law under this rule shall be limited by the earliest of the following events:

- (a) the servicemember separates or retires from the United States Uniformed Services;
- (b) the military spouse attorney ceases to be a dependent as defined by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security);
- (c) the servicemember is permanently transferred outside the jurisdiction pursuant to military orders, except that if the servicemember 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 servicemember is assigned to a location with dependents authorized;

- (d) the military spouse attorney permanently relocates to another jurisdiction for reasons other than the servicemember's permanent transfer outside the jurisdiction;
- (e) the military spouse attorney is admitted to the general practice of law under any other rule of this Court;
- (f) the military spouse attorney requests termination; or
- (g) the military spouse attorney fails to meet annual licensing requirements for an active member of the State Bar.

In the event that any of the events listed in this paragraph occur, the attorney licensed under this rule shall notify the Court of the event in writing within sixty (60) days of the date upon which the event occurs and upon such notification, the license shall be terminated. If the event occurs because the servicemember is deceased or disabled, the attorney shall notify the Court within one hundred eighty (180) days of the date upon which the event occurs.

**9. Mandatory Disclosures.** Each attorney admitted to practice under this rule shall report to the Court, within thirty (30) days:

- (a) any change in bar membership status in any jurisdiction of the United States or in any foreign jurisdiction where the attorney has been admitted to the practice of law; or
- (b) the imposition of any permanent or temporary professional disciplinary sanction by any federal or state court or agency.

**10.** An attorney's authority to practice under this rule shall be suspended when the attorney is suspended or disbarred in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which the attorney has been admitted to practice.

**11. Record.** The Bar shall maintain a record of all attorneys admitted under this rule.

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, May 1, 2019 8:25 AM  
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**Subject:** FW: Military Spouse Attorney Admission: Comment on Proposed APR 3  
**Attachments:** APR 3 Comment EJ.pdf

**From:** Elizabeth Jamison [mailto:[ejamisonesq@gmail.com](mailto:ejamisonesq@gmail.com)]  
**Sent:** Tuesday, April 30, 2019 10:41 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Cc:** [statelicensing@msjdn.org](mailto:statelicensing@msjdn.org)  
**Subject:** Military Spouse Attorney Admission: Comment on Proposed APR 3

Please find attached a comment on behalf of the Military Spouse J.D. Network regarding the proposed changes to APR 3.

Respectfully,  
Libby Jamison

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Elizabeth G. Jamison  
Tel: (206) 679-2170