

Military Spouse JD Network Advocates for Change in Licensing

Rachel Sacks Winkler



Lieutenant General Dana K. Chipman (left), then the Judge Advocate General of the U.S. Army (now retired), poses with Military Spouse JD Network (MS-JDN) member Stephanie Crosse (right) and her husband (center) in May 2013 at MSJDN's Annual Awards Luncheon.

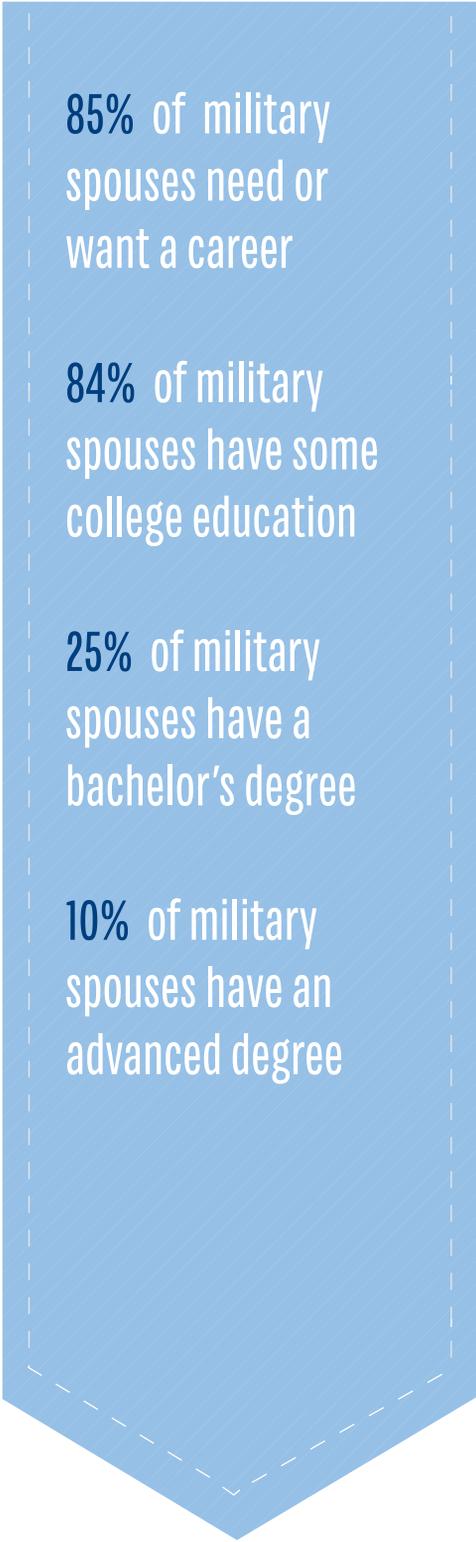


The Military Spouse JD Network (MSJDN) is an international network of legal professionals whose aim is to improve the lives of military families. Its members advocate for accommodations in state licensing rules for military spouses with law degrees, including state bar affiliation without additional examination when a spouse is assigned to a new location. MSJDN includes military spouses and partners from all branches of the United States Military—Air Force, Army, Coast Guard, Marines, and Navy—as well as spouses of retired servicemembers and legal and military organizations.

Military families are geographically insecure, moving every two to three years, often with tours overseas. These moves are based on the needs of the U.S. government and are mandatory for the servicemember. Although the spouse and children may technically refuse to move, this causes obvious hardships on families already often separated by deployments.

Attorneys are required to be licensed in each state where they practice. Licensing can take up to a year, sometimes more, for the application, character, and fitness review; bar examination; and processing. Licensing can cost from \$4,000 to \$5,000 each time for preparation materials and fees. All gaps in employment must be justified on bar applications and can cause delays in admission.

It is not unusual for attorneys who are military spouses (called mil-



spouses) to have taken three or four different bar examinations. MSJDN members report that the biggest challenges to finding and keeping employment are frequent moves and lack of portable employment opportunities.

MSJDN's efforts to change the situation have had good results. In February 2012, with the support of the American Bar Association's (ABA) Commission on Women in the Profession, the ABA House of Delegates adopted a resolution supporting changes in state licensing rules for military spouses with law degrees. In July 2012, the Conference of Chief Justices voted to support a resolution for admission of military spouse attorneys without examination. The MSJDN effort is also supported by U.S. Chamber of Commerce, the National Military Family Association, and many other nonprofits and associations that support military families.

Six states, Arizona, Idaho, Illinois, North Carolina, South Dakota, and Texas, have adopted military spouse attorney admissions that allow military spouse attorneys to practice in their jurisdiction if they are in good standing in another jurisdiction and are in the state because of military orders.

Arizona was the second state to approve the rule change. At the time, Arizona Supreme Court Vice Chief Justice Scott Bales stated, "In adopting the rule, our Court recognized that when military personnel are



From left, MSJDN Board Member Laura Dempsey, MSJDN member Rebecca Bresnik, and MSJDN President Mary Reding at a cocktail party held by the U.S. Chamber of Commerce honoring MSJDN's mission in May 2013

temporarily posted in Arizona, the relocation can pose particular hardships for their lawyer spouses, who generally would be required to complete the entire admissions process in order to practice law in Arizona. The new rule helps support military families stationed in Arizona by allowing lawyer spouses to be temporarily admitted to practice here.”

As for California, MSJDN is seeking to obtain accommodations provided to in-house counsel (in Cal. Rules of Court, Rule 9.46) and legal services attorneys (in Rule 9.45). The in-house counsel rule, California Rule of Court Rule 9.46 (c), has seven components that are easily adaptable for military spouse attorneys entering the state of California on active duty orders.

Attorneys practicing under the two rules in California are not actually admitted. Rather, those rules are located in Title 9, Division 4 of the California Rules of Court, which

applies to practice by individuals who are not members of the State Bar of California. MSJDN is currently finalizing a proposed rule change report for submission to the California Supreme Court’s Judicial Council and Government Affairs Office.

The California Supreme Court, the State Bar of California, and the California legal community have a unique opportunity to support our military families by considering alternative rules for the legal profession that will help military spouses become employed.

Rachel Sacks Winkler is the vice president of Military Spouse JD Network and an attorney licensed in Arizona but living in North Carolina due to her spouse being stationed at Fort Bragg. For more information about the work of the Military Spouse JD Network, visit www.msjdn.org or email rachel.winkler@msjdn.org.