

**Oregon State Bar
Meeting of the Board of Governors
October 25, 2013
Special Open Session Agenda**

The Special Open Session Meeting of the Oregon State Bar Board of Governors will begin at 9:30 a.m. on October 25, 2013.

Friday, October 25, 2013, 9:30 a.m.

- 1. Call to Order/Finalization of the Agenda**
- 2. Volunteers to Speak in Opposition to HOD Resolutions**
 - A.** Determine BOG member for each opposed resolution. Action Exhibit
- 3. Reconsider BOG position on HOD Delegate Resolution No. 8**
 - A.** Admission Rule for Military Spouse Attorneys Action Exhibit
- 4. Special Closed Session – [CLOSED](#) Agenda**
 - A.** Executive Session (pursuant to ORS 192.660(1)(f) and (h))

2013 HOD Resolutions

Item	Sponsor	Description	On HOD Agenda?	Presenter	BOG Position?	Presenter of BOG Position
8	BOG	In Memoriam	yes	David Wade	n/a	n/a
9	BOG	D&I Assessment Increase	yes	Ethan Knight & Dave Bartz	support	n/a
10	BOG	Anti-Bias Rule	yes	David Wade	support	n/a
11	BOG	Advertising Rules	yes	Kurt Hansen (LEC Chair)	support	n/a
12	BOG	Misc. RPC Changes	yes	Helen Hirschbiel	support	n/a
13	BOG	Veterans' Day Rememberance	yes	Richard Spier	support	n/a
14	Delegate	Support of Judicial Branch	yes	Danny Lang	support	n/a
15	Delegate	Online Directory Section Listings	yes	John Gear	oppose	
16	Delegate	Adeq. Funding for Legal Svcs.	yes	Kathleen Evans, et al.	support	n/a
17	Delegate	Scope of HOD Authority	yes	Danny Lang	oppose	
18	BOG	Support for Marriage Equality	yes	Patrick Ehlers & Rich spier	support	n/a
19	Delegate	Need for 3 Yrs of Law School	yes	Timothy Farrell	oppose	
20	Delegate	Centralized Legal Notice System	yes	John Gear	oppose	
21	Delegate	Admission Rule for Military Spouse Attorneys	yes	Gabriel Bradley	oppose	
22	Delegate	Public Safety on Waterways (Flotation Devices)	no	Danny Lang	exclude	

Exhibit: HOD Delegate Resolution No. 8

8. Admission Rule for Military Spouse Attorneys (Delegate Resolution No. 8)

Whereas, the Department of Defense has recognized that military spouses face unique licensing and employment challenges as they move frequently in support of the nation's defense; and

Whereas, the American Bar Association House of Delegates and the Conference of Chief Justices have encouraged state bar-admission authorities to enact "admission by endorsement" for military spouses; and

Whereas, this House desires that the burden of licensing requirements should be eased for military spouses to the maximum extent possible while also maintaining rigorous standards for learning, ability, character, and fitness among lawyers admitted to practice in Oregon; and

Whereas, the Military Spouse J.D. Network has promulgated a Model Rule for Admission of Military Spouse Attorneys that allows for admission without examination for military spouses who are members in good standing of another bar and who meet character and fitness requirements; now, therefore, be it

Resolved, The Board of Governors recommend to the Oregon Supreme Court that it adopt a rule allowing admission without examination for attorneys holding an active license to practice law in at least one state, territory, or the District of Columbia for as long as those attorneys are present in Oregon due to a spouse's military service and those attorneys meet the education, character, and fitness requirements for admission.

Presenter: Gabriel Bradley, HOD, Out-of-State

Background

Military members typically move every two or three years. For an attorney married to a military member, the frequent state-to-state moves present a huge obstacle to a legal career. In addition to the normal hassle of moving, military spouse attorneys have to become re-licensed in their new jurisdictions.

In June 2011, the Department of Defense's State Liaison and Educational Opportunity office announced that sixteen states have laws that make licensing easier for professionals (not just attorneys) who move to a new jurisdiction because of their spouses' military service. Oregon was not one of those states.

On February 6, 2012, the ABA House of Delegates adopted a resolution that urged state bar-admission authorities to adopt rules that "accommodate the unique needs of military spouse attorneys who move frequently in support of the nation's defense." This resolution specifically encouraged:

- Admission without examination for military spouses who are present in a state due to their spouses' military service.
- Reviewing bar application procedures to ensure they are not unduly burdensome to military spouses.
- Encouraging mentorship programs for military spouses who are new to a jurisdiction.
- Offering reduced bar application and membership fees to military spouses who are new to a jurisdiction or wish to retain bar jurisdiction after moving out of the jurisdiction.

On July 25, 2012, the Conference of Chief Justices passed a resolution encouraging state bar-admission authorities to "consider the development and implementation of rules permitting admission without examination for attorneys who are dependents of service members of the United States Uniformed Services and who have graduated from ABA accredited law schools and who are already admitted to practice in another state or territory."

Oregon allows for attorney admission by reciprocity with thirty-seven states and the District of Columbia. But some military spouse attorneys will come to Oregon from states that do not have reciprocity with Oregon. Others may be starting out in their careers or may have taken time off and will therefore not meet the time-in-practice requirements of the general reciprocity rule. A more flexible admissions rule for military spouse attorneys would alleviate the burden of frequent moves.

The Military Spouse J.D. Network (www.msjdn.org) is a group of attorneys who are married to military members. They have drafted a Model Rule for Admission of Military Spouse Attorneys. MSJDN reports that rule accommodations for military spouse attorneys have been passed in Arizona, Idaho, Illinois, North Carolina, South Dakota, and Texas. A copy of the Model Rule is attached. **[Exhibit B]**

Exhibit B
DRAFT Model Rule for Admission of Military Spouse Attorneys

Rule __. 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 a spouse or a registered domestic partner of a member of the United States Uniformed Services (“service member”), stationed within this jurisdiction, may obtain a license to practice law pursuant to the terms of this rule.
2. 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) demonstrate presence in this jurisdiction as a spouse of a member of the United States Uniformed Services;
 - (g) certify that the applicant has read and is familiar with this jurisdiction’s Rules of Professional Conduct;
 - (h) pay the prescribed application fee;
 - (i) within [60 days] of being licensed to practice law, 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
 - (j) comply with all other ethical, legal, and continuing legal education obligations generally applicable to attorneys licensed in this jurisdiction.
3. 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. 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. Except as provided in this rule, attorneys licensed under this rule shall be entitled to all privileges, rights, and benefits and subject to all duties, obligations, and responsibilities of active members of bar of this jurisdiction, and 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 members of the bar of this jurisdiction.
6. The license to practice law under this rule shall terminate in the event that:
 - (a) the service member is no longer a member of the United States Uniformed Services;
 - (b) the military spouse attorney is no longer married to the service member; or
 - (c) the service member receives a permanent transfer outside the jurisdiction, 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.

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 thirty (30) days of the date upon which the event occurs. If the event occurs because the service member is deceased or disabled, the attorney shall notify the Court within one hundred eight (180) days of the date upon which the event occurs.

7. 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.

8. 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.