
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1041 Session of
2018

INTRODUCED BY PHILLIPS-HILL, COX, GROVE, JAMES, D. MILLER,
READSHAW AND WARD, SEPTEMBER 10, 2018

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 10, 2018

A RESOLUTION

1 Urging the Pennsylvania Supreme Court to consider the adoption
2 of rules specifically regarding the admission of individuals
3 to the bar and the practice of law in circumstances involving
4 an attorney who is licensed in another jurisdiction and who
5 is a spouse of a member of the armed forces of the United
6 States who is serving on active duty within this
7 Commonwealth.

8 WHEREAS, Military families are geographically insecure,
9 moving every two to three years, often with tours overseas; and

10 WHEREAS, Moves are based on the needs of the military service
11 and are mandatory for the service member; and

12 WHEREAS, Although the spouse and children of a service member
13 may technically refuse to move, that decision causes obvious
14 hardships on families already often separated by deployments;
15 and

16 WHEREAS, Attorneys are required to be licensed in each state
17 where they practice; and

18 WHEREAS, Attorney licensing may be a time-consuming series of
19 actions, including the application process, character and
20 fitness review, bar examination and processing; and

1 WHEREAS, After an individual is licensed as an attorney in a
2 state and chooses to practice in another state, the attorney
3 must determine whether that other state opens the practice of
4 law to out-of-state applicants who have already been admitted to
5 the bar of another state; and

6 WHEREAS, Each state establishes its own criteria for
7 admission to practice law and for reciprocal agreements between
8 states involving out-of-state practicing attorneys; and

9 WHEREAS, Not all states through reciprocity agreements open
10 the practice of law to out-of-state applicants who have already
11 been admitted to the bar of another state; and

12 WHEREAS, An individual who is an attorney and who is the
13 spouse of a service member may face significant challenges to
14 finding and keeping employment in the legal profession caused by
15 the frequency of relocations involving the service member and
16 the lack of portable employment opportunities; and

17 WHEREAS, The Military Spouse J.D. Network (MSJDN) has
18 reported the following regarding its members who are attorneys
19 and who are the spouse of a service member:

20 (1) eighty-six percent believe that their spouse's
21 military service negatively affected their legal career;

22 (2) one out of every two have lived apart from their
23 spouse in order to maintain a legal career;

24 (3) one in three have taken two or more bar exams;

25 (4) one in three say that their student debt load
26 impacts their spouse's decision to stay in the military;

27 (5) two in five have moved three or more times; and

28 (6) ninety-six percent of MSJDN members are women
29 attorneys married to military members;

30 and

1 WHEREAS, At least 30 jurisdictions have military spouse
2 attorney admission rules or policies; and

3 WHEREAS, MSJDN continues to work on licensing accommodations
4 in other jurisdictions which, if adopted by state licensing
5 authorities, would allow military spouse attorneys to practice
6 on a temporary basis in the jurisdiction if they are in the
7 state due to military orders and in good standing in another
8 jurisdiction; and

9 WHEREAS, Section 10(c) of Article V of the Constitution of
10 Pennsylvania and 42 Pa.C.S. § 1722(a) (1) specify, among other
11 things, that the Pennsylvania Supreme Court shall have the power
12 to prescribe rules for admission to the bar and to practice law;
13 and

14 WHEREAS, Rule 103 of the Pennsylvania Bar Admission Rules
15 (Pa.B.A.R.) provides that the Pennsylvania Supreme Court
16 "declares that it has inherent and exclusive power to regulate
17 the admission to the bar and the practice of law"; and

18 WHEREAS, Pa.B.A.R. Rule 104 provides that the Pennsylvania
19 Supreme Court shall appoint a board, to be known as the
20 Pennsylvania Board of Law Examiners, which shall have the power
21 and duty to adopt rules pertaining to the admission to the bar
22 and the practice of law and to recommend the admission of
23 individuals to the bar and the practice of law; therefore be it

24 RESOLVED, That the House of Representatives urge the
25 Pennsylvania Supreme Court to consider the adoption of rules
26 specifically regarding the admission of individuals to the bar
27 and the practice of law in circumstances involving an attorney
28 who is licensed in another jurisdiction and who is a spouse of a
29 member of the armed forces of the United States who is serving
30 on active duty within this Commonwealth; and be it further

1 RESOLVED, That, in its consideration of rules within the
2 Pa.B.A.R. regarding the admission of military spouse attorneys,
3 the Pennsylvania Supreme Court should address the following:

4 (1) the qualifications of each military spouse attorney
5 applicant, including the following:

6 (i) admission to the practice of law in another
7 state, territory or the District of Columbia;

8 (ii) obtention of a J.D. or LL.B. degree from an
9 accredited law school;

10 (iii) establishment that the applicant is currently
11 a member in good standing in all jurisdictions where
12 admitted;

13 (iv) establishment that the applicant is not
14 currently subject to attorney discipline or the subject
15 of a pending disciplinary matter in any jurisdiction;

16 (v) establishment that the applicant possesses the
17 character and fitness to practice law in this
18 Commonwealth;

19 (vi) demonstration of presence in this Commonwealth
20 as a spouse of a member of the armed forces of the United
21 States;

22 (vii) certification that the applicant has read and
23 is familiar with the Rules of Professional Conduct of
24 this Commonwealth;

25 (viii) payment of the prescribed application fee;

26 (ix) completion of a course, within a specified time
27 period of being licensed to practice law, on the laws of
28 this Commonwealth, the content and method of delivery of
29 which to be approved by the Pennsylvania Supreme Court;

30 and

1 (x) compliance with all other ethical, legal and
2 continuing legal education obligations generally
3 applicable to attorneys licensed in this Commonwealth;

4 (2) the submission of other necessary information by
5 each military spouse attorney applicant;

6 (3) the possibility of and circumstances which may give
7 rise to investigations, hearings or other procedures
8 necessary to process and evaluate an application;

9 (4) any conditions which merit the waiver of or variance
10 from any rule regarding the admission of the applicant or the
11 practice of law;

12 (5) the conditions which merit the termination of the
13 attorney license of the military spouse attorney, such as the
14 service member no longer serving as a member of the armed
15 forces of the United States, the termination of the
16 underlying marriage or the permanent transfer of the service
17 member outside of this Commonwealth;

18 (6) notification requirements regarding any change in
19 bar membership status in any other jurisdiction or the
20 imposition of any permanent or temporary professional
21 disciplinary sanction by any court or agency of the Federal
22 Government or another jurisdiction; and

23 (7) the conditions which merit the suspension or
24 disbarment of a military spouse attorney.