

ASSEMBLY RESOLUTION No. 94

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Urges New Jersey Supreme Court to adopt rules temporarily admitting attorney spouses of military service members to New Jersey Bar.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/5/2016)

1 **AN ASSEMBLY RESOLUTION** urging the Supreme Court of New
2 Jersey to adopt rules concerning temporary admission of certain
3 attorneys to the New Jersey Bar.
4
5 **WHEREAS**, Military service members and their families face unique
6 challenges as a result of their geographic instability, with service
7 members moving an average of every two to three years, often with
8 tours overseas; and
9 **WHEREAS**, National security dictates that military families move
10 based on the needs of the United States government, with service
11 members facing criminal penalties if they fail to report to a duty
12 station as ordered; and
13 **WHEREAS**, These mandatory moves create hardships for military
14 spouses and families; and
15 **WHEREAS**, The Military Spouse J.D. Network is an international
16 network of legal professionals whose spouses are service members
17 dedicated to improving the lives of their military families; and
18 **WHEREAS**, The Network is comprised of more than 880 members who
19 are spouses of active-duty and retired Air Force, Army, Coast
20 Guard, Marine, and Navy service members as well as Reserve and
21 National Guard spouses, all of whom face a particular hardship
22 resulting from their status as attorneys; and
23 **WHEREAS**, Attorneys must be licensed in each state in which they
24 practice, forcing military spouse attorneys to choose to either apply
25 for and take the bar exam, on average, every two to three years, or
26 live and work separately from their service member spouse; and
27 **WHEREAS**, Half of the Network's members have lived apart from their
28 spouses in order to maintain a legal career, with one in five
29 members having moved three or more times, and 41% having taken
30 two more bar exams; and
31 **WHEREAS**, Licensing can cost between \$4,000 and \$5,000 for
32 preparation materials and fees for each bar exam and can take up to
33 a year or longer for the application, character and fitness review,
34 bar examination, and processing; and
35 **WHEREAS**, Because of the time and expense involved, admission in
36 another state may not be an option, especially since military spouse
37 attorneys may have children for whom they care for alone,
38 particularly when the service member spouse is deployed overseas;
39 and
40 **WHEREAS**, New Jersey's legal community, employers, and citizens
41 should recognize the sacrifices of military service members and
42 their families by easing the licensing restrictions for qualified
43 individuals, by encouraging employers to hire military spouses, by
44 educating the public about the challenges facing military
45 families, and by establishing a support network for military
46 spouses; and
47 **WHEREAS**, Modification of rules for admission to the New Jersey Bar
48 for military spouses would provide relief to military families by

1 enabling military spouse attorneys to seek employment when their
2 spouse has been stationed in New Jersey; and

3 **WHEREAS**, A beneficial rule change would provide for admission of a
4 military spouse attorney who:

- 5 • Is admitted in another state and is in good standing in all
6 jurisdictions in which the attorney is admitted.
- 7 • Has experience practicing in another state or is employed by
8 or associated with a local attorney.
- 9 • Possesses the moral character and fitness required of all New
10 Jersey applicants for admission.
- 11 • Is located in New Jersey due to military orders; and

12 **WHEREAS**, The New Jersey Supreme Court has made
13 accommodations for other attorneys to practice in this State without
14 taking the bar exam, including accommodations for in-house
15 counsel, law professors, and pro hac vice advocates; and

16 **WHEREAS**, The Military Spouse J.D. Network previously submitted a
17 rule proposal to the Chief Justice of the New Jersey Supreme Court
18 requesting a change to New Jersey Bar admission rules to permit
19 admission without examination of qualified attorneys who are
20 spouses of active-duty service members; and

21 **WHEREAS**, The Court established a Military Spouse Attorney Bar
22 Admission Subcommittee to review the rule proposal and make
23 recommendations; and

24 **WHEREAS**, The subcommittee considered the proposed rule change
25 and the need for modification to admission rules to accommodate
26 military spouse attorneys; however, after deliberation the
27 subcommittee rejected any modification to admission rules; and

28 **WHEREAS**, The subcommittee stated numerous reasons for rejecting
29 modification of the rules, including but not limited to the concern
30 that providing for temporary admission of military spouses would
31 open the door to reciprocity, which New Jersey does not permit;
32 and

33 **WHEREAS**, To date, six states have adopted rules that provide for
34 admission of military spouse attorneys, three of which either do not
35 permit reciprocity for bar admission or do so only on a limited
36 basis; and

37 **WHEREAS**, This State should recognize the commitment and sacrifice
38 of military service members and their families; now, therefore,
39

40 **BE IT RESOLVED** by the General Assembly of the State of New
41 Jersey:

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43 1. The Supreme Court of New Jersey is respectfully requested
44 to adopt court rules which provide for temporary admission of
45 military spouse attorneys to the New Jersey Bar when a military
46 spouse attorney:

- 47 • Is admitted in another state and is in good standing in all
48 jurisdictions in which the attorney is admitted;

1 examination, and processing. Because of the time and expense
2 involved, admission in another state may not be not an option,
3 especially since military spouse attorneys may have children for
4 whom they care for alone, particularly when the service member
5 spouse is deployed overseas.

6 New Jersey's legal community, employers, and citizens should
7 recognize the sacrifices of military service members and their
8 families by easing the licensing restrictions for qualified
9 individuals, by encouraging employers to hire spouses of military
10 service members, by educating the public about the challenges
11 facing military families, and by establishing a support network for
12 military spouses.

13 Modification of the rules for admission to the New Jersey Bar for
14 military spouses would enable military spouse attorneys to seek
15 employment when their spouse has been stationed in New Jersey.
16 This resolution urges the New Jersey Supreme Court to adopt rules
17 that would provide for admission of a military spouse attorney who:

- 18 • Is admitted in another state and is in good standing in all
19 jurisdictions in which they are admitted.
- 20 • Has experience practicing in another state or is employed by
21 or associated with a local attorney.
- 22 • Possesses the moral character and fitness required of all New
23 Jersey applicants for admission.
- 24 • Is located in New Jersey due to military orders.

25 The resolution urges the New Jersey Supreme Court to also adopt
26 rules that provide that when the military orders relied upon for
27 temporary admission end, the military spouse attorney must take the
28 bar exam in order to continue practicing in this State. It should be
29 noted that the New Jersey Supreme Court has made accommodations
30 for other attorneys to practice in this State without taking the bar
31 exam, including accommodations for in-house counsel, law professors,
32 and pro hac vice advocates.

33 The Military Spouse J.D. Network previously submitted a rule
34 proposal to the Chief Justice of the New Jersey Supreme Court
35 requesting a change to New Jersey Bar admission rules to permit
36 admission without examination of qualified attorneys who are spouses
37 of active-duty service members.

38 The court established a Military Spouse Attorney Bar Admission
39 Subcommittee to review the rule proposal and make recommendations.
40 After consideration of the rule and the need for modification to
41 accommodate military spouse attorneys, the subcommittee rejected
42 any modification to the admission rules. The subcommittee stated
43 numerous reasons for rejecting the proposed rules, including but not
44 limited to the concern that providing for temporary admission of
45 military spouses would open the door to reciprocity, which New Jersey
46 does not permit.

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1 To date, six states have adopted rules that provide for admission of
2 military spouse attorneys, three of which either do not permit
3 reciprocity for bar admission or do so only on a limited basis.

4 This State should recognize the commitment and sacrifice of
5 military service members and their families. It is the belief of the
6 sponsor that passage of this resolution will help to raise awareness by
7 New Jersey's citizens, its legal community, and employers of the
8 impact of military service on service members and their families, the
9 need to educate the public about the challenges facing military
10 families, and the importance of providing a support network for
11 military service members and their families.