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# SUPREME COURT OF VIRGINIA



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## Supreme Court of Virginia Press Release

Media Contact: Patricia L. Harrington, Clerk

Release Date: November 18, 2013

### THE SUPREME COURT OF VIRGINIA TO REVIEW PROPOSED RULE 1A:8

RICHMOND - The Supreme Court of Virginia is considering proposed Rule 1A:8 related to the provisional admission of military spouses to the Virginia bar.

Comments on the proposed amendments to the Rule should be sent by **January 17, 2014** to:

Patricia L. Harrington, Clerk  
Supreme Court of Virginia  
100 North Ninth Street  
5<sup>th</sup> Floor  
Richmond, VA 23219

**OR** via email with the subject line "comment on military spouse Rule" to:

[scvclerk@courts.state.va.us](mailto:scvclerk@courts.state.va.us)

**Rule 1A:8. Military Spouse Provisional Admission.**

**1. Requirements.** A person who meets all requirements of subparagraphs (a) through (n) of paragraph 2 of this Rule 1A:8 may, upon motion, be provisionally admitted to the practice of law in Virginia.

**2. Required Evidence.** The applicant for provisional admission shall submit evidence satisfactory to the Virginia Board of Bar Examiners (the "Board") that he or she:

- (a) has been admitted by examination to practice law before the court of last resort of any state or territory of the United States or of the District of Columbia;
- (b) holds a Juris Doctor degree from a law school accredited by the American Bar Association at the time of such applicant's graduation;
- (c) has achieved a passing score on the Multistate Professional Responsibility Examination as it is established in Virginia at the time of application;
- (d) is currently an active member in good standing in at least one state or territory of the United States, or the District of Columbia, where the applicant is admitted to the unrestricted practice of law, and is a member in good standing in all jurisdictions where the applicant has been admitted;
- (e) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- (f) possesses the good character and fitness to practice law in Virginia;
- (g) is the dependent spouse of an active duty service member of the United States Uniformed Services 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) and that the service member is on military orders stationed in the Commonwealth of Virginia;
- (h) is physically residing in Virginia by reason of the service member's military orders;

(i) is employed by or associated with a supervising Local Counsel, and provides the Virginia State Bar number, physical office address, mailing address, email address, and telephone number of Local Counsel, and the written consent of the supervising Local Counsel, on the form provided by the Board;

(j) has submitted all requested character investigation information, in a manner and to the extent established by the Board, including all required supporting documents;

(k) has never failed the Virginia Bar Examination;

(l) has completed twelve (12) hours of instruction approved by the Virginia Continuing Legal Education Board on Virginia substantive and/or procedural law, including four (4) hours of ethics, within the six-month period immediately preceding the filing of the applicant's application;

(m) shall certify that he or she has read and is familiar with the Virginia Rules of Professional Conduct; and

(n) has paid such fees as may be set by the Board to cover the costs of the character and fitness investigation and the processing of the application.

### **3. Issuance, Duration and Renewal.**

(a) The Board having certified that all prerequisites have been complied with, the applicant for provisional admission shall, upon payment of applicable dues and completion of the other membership obligations set forth in Part 6, Section IV of the Rules of the Supreme Court of Virginia, become an active member of the Virginia State Bar. An attorney provisionally admitted pursuant to this Rule shall be subject to the same membership obligations as other active members of the Virginia State Bar, and all legal services provided in Virginia by a lawyer admitted pursuant to this Rule shall be deemed the practice of law and shall subject the attorney to all rules governing the practice of law in Virginia, including the Virginia Rules of Professional Conduct.

(b) A provisional admission may be renewed by July 31 of each year, upon filing with the Virginia State Bar (i) a written request for renewal, (ii) an affidavit by supervising Local Counsel, who certifies to the provisionally admitted attorney's continuing employment by or association with Local Counsel and to Local Counsel's

adherence to the supervision requirements as provided under this Rule, and (iii) compliance with the membership obligations of Part 6, Section IV of the Rules of the Supreme Court of Virginia applicable to active members of the Virginia State Bar.

**4. Supervision of Local Counsel.** A person provisionally admitted to practice under this Rule may engage in the practice of law in this jurisdiction only under the supervision and direction of Local Counsel.

(a) As used in this Rule, Local Counsel means an active member in good standing of the Virginia State Bar, whose office is in Virginia.

(b) Unless specifically excused from attendance by the trial judge, Local Counsel shall personally appear with the provisionally admitted attorney on all matters before the court.

(c) Local Counsel will be responsible to the courts, the Virginia State Bar, the Supreme Court of Virginia, and the client for all services provided by the provisionally admitted attorney pursuant to this Rule.

(d) Local Counsel is obligated to notify the Executive Director of the Virginia State Bar when the supervising relationship between the provisionally admitted attorney and Local Counsel is terminated.

**5. Events of Termination.** An attorney's provisional admission to practice law pursuant to this Rule shall immediately terminate and the attorney shall immediately cease all activities under this Rule upon the occurrence of any of the following:

(a) The spouse's discharge, separation or retirement from active duty in the United States Uniformed Services;

(b) Failure to meet the annual licensing requirements of an active member of the Virginia State Bar;

(c) The absence of supervision by Local Counsel;

(d) Relocation outside the Commonwealth of Virginia;

(e) The attorney ceasing 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) on the spouse's official military orders;

(f) The attorney being admitted to practice law in this Commonwealth under an admissions rule other than that of Provisional Admission;

(g) The attorney receiving a failing score on the Virginia Bar Examination;

(h) The attorney being suspended from the practice of law in Virginia; or

(i) Request by the attorney.

## **6. Notices Required.**

(a) An attorney provisionally admitted under this Rule shall provide written notice to the Virginia State Bar of any Event of Termination within thirty (30) days of the occurrence thereof.

(b) Within thirty (30) days of the occurrence of any Event of Termination, the attorney shall:

(i) provide written notice to all his or her clients that he or she can no longer represent such clients and furnish proof to the Executive Director of the Virginia State Bar within sixty (60) days of such notification; and

(ii) file in each matter pending before any court or tribunal in this Commonwealth a notice that the attorney will no longer be involved in the matter, which shall include the substitution of the Local Counsel, or such other attorney licensed to practice law in Virginia selected by the client, as counsel in the place of the provisionally admitted attorney.

**7. Benefits and Responsibilities.** An attorney provisionally admitted under this Rule shall be entitled to the benefits and be subject to all responsibilities and obligations of active members of the Virginia State Bar, and shall be subject to the jurisdiction of the courts and agencies of the Commonwealth of Virginia and to the Virginia State Bar with respect to the laws and rules of this Commonwealth governing the conduct and discipline of attorneys to the same extent as an active member of the Virginia State Bar.