



# Operation Amendment Military Spouse Attorneys For Legal Licensing Accommodations

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**T**he rules governing the practice of law in any state are stringent and exist to protect both clients and the integrity of the profession. However, those complicated and intricate rules preclude military spouse attorneys from participating in the profession. Many military spouse attorneys have abandoned, and will continue to abandon, the profession altogether due to their inability to maintain a license because of frequent moves across the country and, sometimes, around the globe at the behest of the Department of Defense.

Facing almost insurmountable circumstances, military spouse attorneys formed their own association, the Military Spouse JD Network (MSJDN). Together, thousands of attorneys are making a strong case for change in the legal profession and navigating the intricacies of legal licensing to help the families that serve the nation. MSJDN is also creating job opportunities for its members, encouraging both law firms and the Department of Defense to maintain the best and brightest.

## **The Military Spouse Attorney**

Unlike other professionals, lawyers are required to become licensed or to waive in via a rule exception in each state where they practice. The rules governing bar admission, albeit created to protect the integrity of the profession, clients, and the rule of law, create

high hurdles for military spouse attorneys. Due to frequent moves, military spouse attorneys often do not meet reciprocity requirements or the other conditions precedent to gain bar admission through an exception. Each state maintains different rules governing bar admission. Further complicating the matter, bar exams are only offered two times a year, which may or may not coincide with the relocation and can tack on months or possibly a year just to sit for the bar. The barriers to admission begin to snowball: thousands of dollars of bar preparation, a lengthy application, admission expenses, creatively explaining resume gaps, character and fitness examinations, days of testing, and months of waiting for bar results. Most attorneys tackle the bar admission process once, but military spouse attorneys face the grueling and expensive process every few years. These obstacles are daunting, complicated, and make it almost impossible for a military spouse attorney to maintain a legal career.

On average, military servicemembers receive orders to move, sometimes with little or no notice, every two to three years. Signing up to serve in the military curtails the right to decline a move; doing so can lead to federal prosecution. Military families understand all too well that frequent moves are non-negotiable. Civilian families have the luxury of contemplating the pros and cons of a relocation and making an informed, prudent decision. A military family's only decision after receiving permanent change of station orders involves if they move together or live apart. While the Department of Defense cannot order the servicemember's family to move, maintaining the immediate familial structure is important to morale and thus national security.

Military spouses are 10 times more likely to have moved over state lines in the past year than their civilian counterpart.<sup>1</sup> For the military spouse attorney, frequent moves coupled with the barriers

to bar admission equate to an indefinite tabling and, sometimes, the end of a legal career. Military spouses have a higher unemployment rate and make considerably less than their civilian counterparts. For military spouse attorneys this translates into an approximate loss of \$33,745 in income per year.<sup>2</sup> The loss of income is compounded by immense student loan debt. In a recent survey, 43 percent of military spouse attorneys reported student loan debt totaling \$80,000 or more, on par with national law school debt statistics.<sup>3</sup>

Ask almost any military spouse attorney and they will explain the toll on their career. Due to licensing barriers, Evelyn Guevara, a civilian Army contract and fiscal law attorney at Fort Carson, Colo., stopped practicing altogether for four years while her husband,

family moved to South Carolina in the summer of 2008. Her husband received orders too late for her to take the February bar exam, they moved during the July exam, and, in the end, she decided not to take the South Carolina bar exam because her family would be moving again in 16 short months. (At that time, South Carolina did not have a military spouse licensing accommodation.) Like many military spouse attorneys, Magers-Vuono continues to maintain multiple state licenses in the event that her family again relocates to one of the states where she maintains an active law license.

Guevara's and Magers-Vuono's stories, filled with frequent moves, multiple law licenses, and employment gaps, are the norm, not the exception in the military spouse attorney community.

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Richard, an Air Force JAG, was stationed in New Mexico and in Washington, D.C. Guevara graduated from Syracuse Law School in 2006 where she met her future husband. After graduating, while Richard was stationed at Davis-Monthan Air Force Base in Tucson, Ariz., Guevara stayed in Manhattan, passed the New York bar, and started working at a firm. Within a year, Guevara moved to Arizona, married Richard, and passed yet another bar exam. Guevara clerked for U.S. Bankruptcy Court Judge Sarah Curley in Phoenix and was subsequently offered a job at a bankruptcy firm. Around the same time, her husband received orders to relocate to New Mexico. A third bar exam in as many years was too much. Guevara looked into pro bono work, but it, too, required a New Mexico license. She stayed active, took a paralegal job at a New Mexico legal aid firm and started a family. A few years later, Richard received a 10-month assignment in D.C. Due to the short duration of the assignment, Guevara stayed in New Mexico and continued working in the pro bono field. Guevara's story is replicated by thousands of educated, qualified military spouse attorneys across the country.

Military families with an attorney spouse often begin to question the viability of both a legal career and a career in the armed forces. Successfully balancing the challenges of those career paths requires amazing sacrifices from the entire family. Take the case of current MSJDN President and Catholic Law School Adjunct Professor Eleanor Magers-Vuono. She attended Princeton undergrad on an Army ROTC scholarship and University of Virginia law school. Magers-Vuono passed the Virginia bar and was able to waive into D.C. Upon graduation she clerked for a federal judge and then served as an active duty Army lawyer. She met her husband, Col. Tim Vuono, in D.C. and, as she puts it, "became an Army wife." Upon completing her military service she moved to Fort Hood, Texas, to join her husband at his duty station. Upon moving to Texas she was barely able to waive in, having just completed five years of practice in Virginia. However, she was unable to avoid taking the Multi-State Ethics exam. As if that was not difficult enough, she had two small children, was serving as a battalion readiness commander, and her husband was getting ready to deploy. Magers-Vuono hit a career speed bump when her

### **Creating a Network for Change**

Luckily, in the summer of 2011, two military spouses, Mary Reding and Hon. Erin Wirth, founded MSJDN. Reding left a prestigious legal career in California, lived overseas, and then moved to Ohio with her active-duty husband. Like thousands of other military spouse attorneys, Reding faced overwhelming obstacles in her effort to gain admission to practice in a new state. Wirth, an administrative law judge (ALJ) with the Federal Maritime Commission in Washington, D.C., has moved more than five times since graduating from law school in 1995, and, prior to becoming an ALJ, had never held the same job for more than three years. A Coast Guard wife, she passed three bar exams and was admitted on motion to work for legal aid in a fourth jurisdiction.

In 2009, Reding, with the support of the Ohio Women's Bar Association, petitioned the Ohio Supreme Court to consider a rule accommodation for military spouse attorneys living in the state as a result of their active duty spouse's orders. The Ohio Supreme Court tabled the rule, and shortly thereafter Reding's husband received orders that took them out of Ohio. But Reding continued with her push for licensing accommodations. MSJDN grew through the internet and social media. Little by little, spouses across the country connected and a network was formed. Idaho passed the first rule accommodation in 2011. Shortly thereafter, MSJDN established a model rule for military spouse bar admission. The model rule requests expedited bar admission and the reduction or elimination of licensing fees for military spouse attorneys seeking bar admission in a state due to the military orders of an active duty servicemember spouse. The rule is not a golden ticket to avoiding the bar examination. The military spouse attorney is required to have passed at least one bar exam, comply with all character and fitness requirements, and meet continuing legal education criteria.

On paper, the request appears simple; however, the implementation of a rule accommodation can be extremely complex. There are different sets of state regulations, governing bodies, and other state-specific intricacies impeding the passage of a rule accommodation in each jurisdiction. Despite these complications, MSJDN has



successfully implemented licensing accommodations in 19 jurisdictions throughout the country as of May 1, 2016. As of the same date, military spouse rule accommodations are pending in 14 other jurisdictions.

MSJDN's efforts have not gone unnoticed by the legal community. The Conference of Chief Justices, an organization composed of the highest judicial officers from each state, the District of Columbia, Puerto Rico, Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands, works to improve the administration of justice, procedure, court operations, and the judicial system as a whole. In July 2012, the Conference of Chief Justices took a public stance in support of MSJDN's efforts and passed a resolution supporting admission of military spouse attorneys without examination.<sup>4</sup> In February 2012, the American Bar Association passed Resolution 108 urging states to "adopt rules, regulations, and procedures that accommodate the unique needs of military spouse attorneys who move frequently in support of the nation's defense."<sup>5</sup> First Lady Michelle Obama, a successful attorney, and Dr. Jill Biden have specifically advocated for licensing accommodations for military spouse attorneys.<sup>6</sup>

Court's Task Force on Access to Justice recommended that the Ohio Supreme Court consider adoption of the proposed MSJDN military spouse attorney licensing rule. However, the Ohio Supreme Court has yet to act upon the recommendation of its own task force and has not moved forward on implementing a military spouse licensing accommodation.

Wright-Patterson Air Force Base is the largest employer at a single site in Ohio, employing over 27,000 people and creating an economic impact of over \$4 billion. There is a strong military presence in Ohio—along with Wright-Patterson Air Force Base, Ohio is home to the Cleveland Integrated Support Command under the U.S. Coast Guard and the Rickenbacker Air National Guard Base in Columbus. While exact numbers are impossible to ascertain due to the frequency of moves and lack of adequate records pertaining to spouse employment, there are undoubtedly military spouse attorneys in Ohio who would benefit from a rule accommodation. "Ohio should look at ways in which we can accommodate those military spouse attorneys who come to Ohio with their servicemember, while still preserving the rigorous requirements befitting our profession. While

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## **The Ohio Women's Bar Association, the Ohio Bar Association, and many local bar associations support MSJDN's efforts to pass a military spouse rule accommodation. In May 2015, the Ohio Supreme Court's Task Force on Access to Justice recommended that the Ohio Supreme Court consider adoption of the proposed MSJDN military spouse attorney licensing rule. However, the Ohio Supreme Court has yet to act upon the recommendation of its own task force and has not moved forward on implementing a military spouse licensing accommodation.**

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The Federal Bar Association has offered tremendous support of the military spouse licensing initiative by including it as an ongoing issue agenda item.<sup>7</sup>

However, until every jurisdiction in the country passes a rule accommodation, there is still progress to be made. Unfortunately, the rule change efforts have not been successful in every state due to a myriad of reasons such as judicial opposition, procedural implementation concerns, and questions about the overall necessity of a rule change. The Ohio rule, originally introduced in 2009, has yet to be enacted. MSJDN submitted two other versions of the rule change, once in 2012 and again in 2014, to accommodate trepidation in Ohio. "This initiative was born right here in Ohio. It grew out of the very real predicament one military spouse found herself in when she relocated to Ohio with her servicemember spouse," recounts Elizabeth Hanning-Smith, MSJDN board member and co-chair of MSJDN's Ohio licensing effort. "Nearly seven years, and many spouse stories later, it is frustrating that the effort here in Ohio is moving so slowly."

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the number of potential beneficiaries of a rule here in Ohio might be small, it will have a significant impact on those military spouse attorneys who qualify—providing those military spouse attorneys a meaningful chance at securing employment in the profession they have chosen while stationed in Ohio with their servicemember," said Hanning-Smith. "We continue to hope that we can highlight for our court why adoption of this rule is a good decision—certainly for the military spouses who will benefit from the licensing accommodation—but also for the practice of law in Ohio."

Not all jurisdictions have met MSJDN's request with trepidation. Colorado adopted Rule 204.4 in 2014 and admitted two military spouse attorneys within less than 30 days of implementation. Guevara was one of the first two spouses admitted under the Colorado rule exception. "When I applied for the Military Spouse Certification (Rule 204.4) in the fall of 2014, the process overall was very simple. From the day I submitted my application to when I received my bar number in the mail, it took roughly two weeks," Guevara recalled. "There is an application that has to be filled out and letters of good standing that have to be submitted from each jurisdiction you are barred in. The application itself is straightforward and not compli-

cated. It's approximately six pages long. I didn't have to fill out and turn in a separate unique Character and Fitness application for the Military Spouse Certification in Colorado."

The beauty, and burden, of the process is the difference in each state's adaptation of MSJDN's model rule. In some states, such as Oklahoma and Illinois, the license is temporary and the military spouse is required to gain admission through another exception or take and pass the state bar exam if remaining in the state for reasons unrelated to military service. In other states, such as North Carolina, the license is permanent. Full-time practice of law for four out of the eight past years is a prerequisite to admission under the military spouse rule accommodation in North Carolina. New York took the unprecedented step of allowing military spouse attorneys to apply for admission on motion under Rule 520.14. Admission on motion in New York requires continuous practice for five of the last seven years, admission to practice in a reciprocal jurisdiction, and graduation from an ABA-accredited law school. The New York board of law examiners can waive the requirements under Rule 520.14 if those rules create an "undue hardship." The NY Board of Law Examiners encourage military spouse attorneys to apply for admission under Rule 520.14 and share their evidence of undue hardship, such as an explanation of frequent moves, number of previous bar exams, student loan debt, and license maintenance requirements in other jurisdictions.

### Career Assistance

Easing barriers to bar admission is only one part of MSJDN's quest to help its members; finding a job is the second. Frequent moves are almost suicidal to a successful legal career. Close to 80 percent

of military families have moved across state lines or overseas in the past five years.<sup>8</sup> To maintain a career, about half of MSJDN members report that they lived apart from their servicemember spouse.<sup>9</sup> The legal job market continues to remain tight across the nation. Finding a well-paying, satisfying job in one's area of legal expertise, in a state and town where one has no personal or professional connections, and while sporting a resume with numerous gaps in employment is nearly impossible. MSJDN members are all too well acquainted with these obstacles.

Recognizing the lack of employment opportunities for military spouse attorneys, MSJDN began offering programming designed to help its members overcome the hurdles involved in job-hunting and reentering the workforce. "Military spouse attorneys are dedicated servants, both to their country and in their communities," Han-ning-Smith said. "Moreover, military spouses often have perspectives, connections, and experiences unique to military service which make them special advocates within their communities."

Annually, MSJDN presents a full-day professional development conference and networking event, called Making the Right Moves. According to Josie Beets, MSJDN president-elect and current state licensing coordinator, "The event covers topics specific to our very unique and mobile group of military spouse attorneys."

Monthly professional webinars offer career advice specific to the needs of military spouses such as remote employment, pro bono opportunities, and resume tips. "MSJDN hosts a robust jobs board and hiring network," according to Magers-Vuono. "We have created the only space of its kind for lawyers to share questions, ideas, opportunities, and friendship. Our website and private Facebook groups are

State	Rule/Policy	Date Adopted	Application Fees	Duration	Termination period	Number of Active Duty	# admitted as of 11/2015
Idaho	Rule 229	04/2012	\$690	1 yr (renewable)	30 days	3,369	1
Arizona	Rule 38(i)	12/2012	\$300	1 yr (renewable)	30 days	19,792	3
Texas	Rule XXII	02/2013	\$435	Permanent	None	117,623	3 <sup>1</sup>
North Carolina	Rule .0503	03/2013	\$1,500	Permanent	None	100,867	*
Illinois	Rule 719	07/2013	\$0	Conditional	1 year	19,797	3
South Dakota	Rule 16-16-12.3	09/2013	\$450 <sup>2</sup>	Permanent	None	3,233	0
Virginia	Rule 1A:8	05/2014	\$400	1 yr (renewable)	30 days	122,884	7
Massachusetts	No formal rule	03/2014	\$1,015 <sup>2</sup>	Permanent	None	1,969	*
New York	No formal rule	Unknown	\$400 <sup>2</sup>	Permanent	None	22,263	2
New Jersey	Rule 1:27-4	07/2014	\$575	2 yr (renewable)	Conditional	6,005	0
Colorado	Rule 204.4	09/2014	\$500	Conditional	28 days	37,731	4
Oklahoma	Rule 2, § 7	01/2015	\$0	Conditional	Immediate	19,643	1
Virgin Islands	Rule 202.4	04/2015	\$350	2 years	Conditional	Unknown	*
Indiana	Rule 6, § 1.1	08/2015	Effective 01/2016	Conditional	Immediate	815	N/A
Kentucky	Rule 2.113	11/2015	Effective 01/2016	Conditional	30 days	35,901	N/A
Tennessee	Rule 7, § 10.06	12/2015	\$375 (\$100 to renew)	2 yr (renewable)	30 days	1,987 <sup>3</sup>	N/A

### Footnotes

<sup>1</sup>MSJDN number; Texas does not track applications

<sup>2</sup>Information has not been provided at this time.

<sup>3</sup>General fee for admission on motion (not specific to only military spouse applicants)

<sup>3</sup>31,940 when you include Fort Campbell

supportive and informative places to learn about new duty stations and employers, connect with local lawyers, compare advice on interviews and resumes, and discuss professional goals.”

In addition, MSJDN started the Justice for Military Families (JMF) program in collaboration with the Tragedy Assistance Program for Survivors (TAPS), an organization serving families grieving the loss of a servicemember. MSJDN members are uniquely situated to provide legal assistance in such difficult circumstances because they too are part of a military family and can provide sensitivity and empathy on a different level than other attorneys. Additionally, TAPS requests for legal assistance are jurisdictionally varied and often complicated due to issues in multiple jurisdictions. MSJDN’s network of spouses with varied legal skills across the nation make an amazing partner. According to Gabriela Nostro, MSJDN’s JMF coordinator and pro bono committee chair, “Our volunteers’ unique skills and qualifications contribute to the program’s success. We are part of the same community helping military families during a difficult time and, in the same breath, assisting a military spouse attorney remain active in the practicing world.”

Most requests for legal assistance involve probate, family law, or military benefit issues. To date, 55 families have received assistance.

Many of the JMF assistance requests involve grandparents seeking visitation rights with grandchildren after the death of a servicemember, divorce, or other extenuating circumstances. In 2015, MSJDN members, in conjunction with Squire Patton Boggs, published a visitation guide for Gold Star grandparents that provides state-by-state guidance regarding establishing visitation rights. This year, MSJDN members are building on the success of the grandparent’s visitation guide by creating a compilation of legal informational sheets organized by subject matter and jurisdiction. The goal is to create a layperson’s legal guide specifically designed to answer the questions posed by Gold Star families. Many times families facing such unexpected tragedies are unsure of where to start when faced with a legal issue. In the future, MSJDN hopes to expand the JMF program and establish an online legal clinic where Gold Star military families can seek legal assistance from military spouse attorneys in a virtual setting.

## Bright Future

In five short years, MSJDN has accomplished some amazing feats. Rightfully so, there are many organizations that specifically assist military servicemembers; however, few exist to assist their spouses. “I am incredibly proud of what MSJDN members—working alongside our amazing ‘civilian’ supporters—have achieved in five years,” boasts Magers-Vuono. “As military spouses, we are proud to serve alongside our servicemember, and we want to contribute our talents as legal professionals in our communities, too.” ☺



*Bridget Findley is an assistant city attorney for the City of Dayton, Ohio, and a military spouse attorney who has lived in three states over the past five years. She is an active member of the Military Spouse JD Network, helping to pass the North Carolina military spouse licensing accommodation, and the current co-chair of the Ohio state licensing effort. She is a board member of the Dayton Ohio Chapter of the Federal Bar Association.*

## Endnotes

<sup>1</sup>U.S. Dep’t of Def. & U.S. Dep’t of the Treasury, *Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines* (2012), available at [www.defense.gov/home/pdf/occupational\\_licensing\\_and\\_military\\_spouses\\_report\\_vfinal.pdf](http://www.defense.gov/home/pdf/occupational_licensing_and_military_spouses_report_vfinal.pdf).

<sup>2</sup>Military Officers Association of America and Institute for Veterans and Military Families, *Military Spouse Employment Report*, [vets.syr.edu/wp-content/uploads/2014/02/MilSpouseEmploy\\_infographic.pdf](http://vets.syr.edu/wp-content/uploads/2014/02/MilSpouseEmploy_infographic.pdf) (last date visited Aug. 8, 2016).

<sup>3</sup>Military Spouse Juris Doctorate Network, *Member Survey Report of Findings*, [www.msjudn.org/wp-content/uploads/2012/12/2015-MSJDN-Survey-Report.pdf](http://www.msjudn.org/wp-content/uploads/2012/12/2015-MSJDN-Survey-Report.pdf) (last date visited Aug. 8, 2016).

<sup>4</sup>*Encouraging Adoption of Rules Regarding Admission of Attorneys Who Are Dependents of Service Members*, R. 15, July 25, 2012, available at [ccj.ncsc.org/~media/microsites/files/ccj/resolutions/07252012-encouraging-adoption-of-rules.ashx](http://ccj.ncsc.org/~media/microsites/files/ccj/resolutions/07252012-encouraging-adoption-of-rules.ashx).

<sup>5</sup>American Bar Association, R. 108, Feb. 6, 2012, available at [www.americanbar.org/content/dam/aba/administrative/house\\_of\\_delegates/resolutions/2012\\_hod\\_midyear\\_meeting\\_108.doc](http://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/resolutions/2012_hod_midyear_meeting_108.doc).

<sup>6</sup>Remarks by the First Lady and Dr. Biden on Military Spouse Licensing (Feb. 15, 2012), available at [www.whitehouse.gov/the-press-office/2012/02/15/remarks-first-lady-and-dr-biden-military-spouse-licensing](http://www.whitehouse.gov/the-press-office/2012/02/15/remarks-first-lady-and-dr-biden-military-spouse-licensing).

<sup>7</sup>Federal Bar Association, *2016 Issues Agenda*, July 10, 2015, available at [www.fedbar.org/Advocacy/Issues-Agendas.aspx](http://www.fedbar.org/Advocacy/Issues-Agendas.aspx).

<sup>8</sup>Military Officers Association of America, *Military Spouse Employment Survey 2013*, [vets.syr.edu/wp-content/uploads/2014/02/MilitarySpouseEmploymentReport\\_2013.pdf](http://vets.syr.edu/wp-content/uploads/2014/02/MilitarySpouseEmploymentReport_2013.pdf) (last date visited Aug. 8, 2016).

<sup>9</sup>Military Spouse Juris Doctorate Network, *Member Survey Report of Findings*, available at [www.msjudn.org/2015/04/2015annualreport](http://www.msjudn.org/2015/04/2015annualreport) (last date visited Aug. 8, 2016).