

January 26, 2018

Ms. Elizabeth A. Brown
Clerk of the Supreme Court
201 S. Carson Street
Carson City, NV 89701

FILED

JAN 29 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
CHIEF DEPUTY CLERK

RE: ADKT 0531 Temporary Certification to Practice Law for Attorney Spouses of Active Duty Military Personnel

Dear Ms. Brown:

Please accept this public comment to the proposed addition to Supreme Court Rule 49 regarding temporary certification to practice law for attorney spouses of active duty United States military personnel.

We write today to commend Nevada for its initiative on the issue of military spouse law licensing. Even though the Proposed Rule may only affect a minimal number of military spouses, helping just one military family mitigate the economic consequences of military service is a worthwhile endeavor. Furthermore, enacting a licensing accommodation for military spouse attorneys speaks volumes to the entire military community, demonstrating Nevada's welcome and appreciation of those who defend our nation. After more than 15 years of continued armed conflict that has strained military families, the legal community can recognize the sacrifices of military families within its own ranks by eliminating the licensing restrictions that burden military spouses.

The only certainty of military life is uncertainty. Military spouses do not decide where we live, or how long we live there. Servicemembers cannot turn down a transfer or quit their jobs because a reassignment might not be best for their family. Military spouses take great pride in their service and in their role within a military family. This Proposed Rule would be a modest accommodation to make this difficult life slightly less so.

Lawyers married to servicemembers face significant barriers to employment due to uncertainty about where they will live in the next year. Military families move often -- 79 percent of military families have moved in the past five years; 50 percent have moved two or more times in the same time span.¹ Also, a Servicemember's orders to stay at or leave an installation often come with less than six months' notice. Military orders are based on the needs of the service, with no regard for licensing restrictions or bar exam deadlines. This uncertainty is extremely disruptive to careers, particularly when the process of applying for, taking, and waiting for the results of a bar exam can last almost a year.

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
¹ Military Officers Association of America & Institute for Veterans and Military Families at Syracuse University, *Military Spouse Employment Report* (February 2014), available at https://ivmf.syracuse.edu/wp-content/uploads/2016/06/MilitarySpouseEmploymentReport_2013.pdf

The Military Spouse JD Network (MSJDN), a bar association for military spouses, formed in 2011 to support attorney spouses of Servicemembers. The most recent annual survey of the MSJDN showed 17% of military spouse attorneys are unemployed and seeking employment and 8% are unemployed and no longer seeking employment. Approximately 32% of military spouse attorneys reported that they have lived apart from their Servicemember for at least a year in order to maintain their legal career.²

In recognition of the unique challenges facing military spouse attorneys, 26 states and one U.S. territory have enacted rules that allow attorney spouses of Servicemembers to practice law while accompanying their spouses on orders. These rules have a broad range of support, including the Conference of Chief Justices,³ the American Bar Association,⁴ the U.S. Chamber of Commerce, and the Military Officers Association of America.

In addition, the State of Nevada has demonstrated support for the licensing issues of military spouses. Nevada is home to 10,295 active-duty servicemembers.⁵ In 2012, Nevada Governor Brian Sandoval signed an executive order supportive of licensing reciprocity by state boards for military spouses.⁶ The result of that order is seen, for example, at the Nevada State Board of Medical Examiners.⁷

The legal community in Nevada has steadfastly demonstrated its deep support for Servicemembers and their families. In November 2015, the Nevada Attorney General launched the Office of Military Legal Assistance to provide pro-bono assistance to Nevada's military community.⁸ The Advisory Committee for this office has included members from the Legal Aid Center for Southern Nevada, Nevada Department of Veteran Services, Nevada Military Support Alliance, Nevada Legal Services, William S. Boyd School of Law, Nevada Justice Association, and more.⁹ In 2014, Clark County began a special Veterans Treatment Court in order to specifically address the unique needs of members of the U.S. military and veterans.¹⁰ Additionally, the State Bar of Nevada and its Young Lawyers Section regularly

² Military Spouse JD Network, *2016 Annual Military Spouse Attorney Survey Report of Findings* (April 2017), available at <https://www.msjdn.org/wp-content/uploads/2012/12/2016AnnualMilitarySpouseAttorneySurvey.pdf>

³ Resolution 15: Encouraging Adoption of Rules Regarding Admission of Attorneys Who are Dependents of Service Members (July 25, 2012), available at <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/07252012-Encouraging-Adoption-of-Rules.ashx>

⁴ Resolution 108, adopted by the American Bar Association House of Delegates on February 6, 2012 (submitted by the ABA Commission on Women in the Profession), available at http://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/resolutions/2012_hod_midyear_meeting_108.doc

⁵ Defense Manpower Data Center: Active Duty Master Personnel File, Reserve Components Common Personnel Data System (May 2016), available at <http://www.governing.com/gov-data/military-civilian-active-duty-employee-workforce-numbers-by-state.html>

⁶ Executive Order 2012-11: Providing Reciprocity for Military Spouses Seeking Licensure in This State, available at http://gov.nv.gov/uploadedFiles/govnvgov/Content/News_and_Media/Executive_Orders/2012Images/EO_2012-11.pdf. See also *Sandoval Orders Licensing Reciprocity by State Boards for Military Spouses*, LAS VEGAS REVIEW-JOURNAL, May 7, 2012, available at <https://www.reviewjournal.com/news/military/sandoval-orders-licensing-reciprocity-by-state-boards-for-military-spouses/>

⁷ Military Spouse Licensure by Reciprocity: http://medboard.nv.gov/Licensees/Military_Spouse_Licensure_by_Reciprocity/

⁸ Press Release, Attorney General Laxalt, Attorney General Laxalt Launches Office of Military Legal Assistance to Provide Pro Bono Legal Assistance to Nevada's Communities (Nov. 19, 2015), available at http://nvagomla.nv.gov/news/PR/2015/Attorney_General_Laxalt_Launches_Office_of_Military_Legal_Assistance_to_Provide_Pro_Bono_Legal_Assistance_to_Nevada%E2%80%99s_Communities/

⁹ Press Release, Adam Paul Laxalt Announces the Attorney General's Advisory Committee for the Office of Military Legal Assistance (Feb. 12, 2015), available at http://nvagomla.nv.gov/news/PR/2015/Adam_Paul_Laxalt_Announces_the_Attorney_General%E2%80%99s_Advisory_Committee_for_the_Office_of_Military_Legal_Assistance/

¹⁰ Veterans Treatment Court: <http://lasvegasvtc.com> See also, *Special Veterans Court Gives Second Chance to Those Who Served*, LAS VEGAS REVIEW-JOURNAL, Feb. 5, 2016, available at <https://www.reviewjournal.com/crime/courts/special-veterans-court-gives-second-chance-to-those-who-served/>

provide assistance to military members through the Project Salute Initiative.¹¹ Non-profit legal organizations such as the Legal Aid Center for Southern Nevada provide free resources for military members and their families.¹²

We hope that Nevada's legal community will continue its tradition of supporting the military community by supporting military spouses, not only as clients but also as professional peers and colleagues.

As the Proposed Rule is written, it would greatly improve the lives of military spouse attorneys and their families. We respectfully request that this Court consider a discretionary review at the end of the four-year time limit. This would help the military families who are stationed in Nevada for more than a four-year period. Additionally, we ask that consideration be given to extending the permissible period for Multistate Professional Responsibility Examination scores to at least five years to reduce the burden of repeated testing and fees.

We are truly grateful for your careful consideration of this issue. It is a testament to the great support our military families receive from this state.

Sincerely,

Cristina Olson
Las Vegas, Nevada
MSJDN member
NV #14101 (inactive) | MO #65079 | LA #33304 (inactive)

Michelle Richart
Las Vegas, Nevada
MSJDN Member
TX #24056207

Karen Scanlan
MSJDN State Licensing Director

¹¹Jeff Connor, *Project Salute: Young Lawyers Serving Veterans*, NEVADA LAWYER MAGAZINE, Jan. 2017, at 28, available at https://www.nvbar.org/wp-content/uploads/NevadaLawyer_Jan2017_YoungLawyers.pdf

¹²Legal Aid Center of Southern Nevada: <https://www.lacsn.org/practice-areas/military-veterans>