

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of Adoption)
of the OREGON RULES FOR) ORDER NO. 15-025
ADMISSION OF ATTORNEYS)
) ORDER AMENDING OREGON
) RULE FOR ADMISSION OF
) ATTORNEYS

At its public meeting on June 9, 2015, the court considered and approved an amendment to the Rules for Admission of Attorneys. RFA 18.05 would allow military spouse attorneys moving to Oregon as a result of their spouse's active duty orders to become admitted without sitting for the bar examination or otherwise qualifying for reciprocity. The rule is intended to provide temporary admission for as long as the military spouse attorney is required to be in Oregon. The text of the rule is set out below.

18.05 Temporary Admission of Military Spouse Attorneys

(1) An attorney, who is a spouse or registered domestic partner of a member of the United States Uniformed Services ("service member"), stationed within the jurisdiction, may be temporarily admitted to practice law in Oregon subject to the requirements of this rule.

(a) The phrase "registered domestic partner" means any registered domestic partner recognized under Oregon law.

(b) The phrase "service member" is defined by 10 U.S. C. §101(a)(4) and (5).

(c) The term "spouse" is defined as someone who is married as recognized under Oregon law.

(2) All applicants for temporary admission under this rule shall:

(a) Present satisfactory proof of their:

(i) Possession of a (1) Juris Doctor (J.D.) or (2) Bachelor of Law (LL.B.) degree from an ABA approved law school; or satisfaction of the requirements of Rule 3.05(3);

(ii) Admission, and in active status, to practice law in another jurisdiction, court or agency in the United States;

(iii) Good standing in all jurisdictions, courts and agencies where admitted; and

(iv) Presence in Oregon as a spouse or registered domestic partner of a service member and a copy of the service member's military order reflecting a permanent change of station to a military installation in Oregon;

(b) Not be currently subject to an order of attorney discipline or the subject of a pending formal disciplinary matter in any jurisdiction, court and/ or agency;

(c) Possess the good moral character and fitness required of all other applicants for admission to practice law in Oregon;

(d) Complete such applications and submit such other information as may be required by the Board and the Court within six months of the date of filing the application; and

(e) Pay such application fees and costs as may be recommended by the Board and established by the Court for applicants under this rule.

(3) The character and fitness of applicants under this rule shall be reviewed under the procedures set forth in ORS 9.220 and Admission Rules 6.05, 6.10, 6.15, and 9.05 to 9.60.

(4) Any applicant temporarily admitted to practice law pursuant to this rule shall complete and certify prior to admission under this rule that he or she has attended at least fifteen hours of continuing legal education on Oregon practice and procedure and ethics requirements as regulated and approved by the Oregon State Bar. Applicants must attend and complete the required continuing legal education hours any time between six (6) months prior to and six (6) months after the filing of an application.

(5) Prior to temporary admission all applicants shall obtain and maintain malpractice coverage from the Oregon State Bar Professional Liability Fund (PLF) as required by the rules and regulations of the fund. If an applicant is not required to maintain malpractice coverage through the PLF, the applicant shall obtain and maintain other malpractice coverage covering the applicant's law practice in Oregon which coverage shall be substantially equivalent to the Oregon State Bar Professional Liability Fund coverage plan.

(6) All applicants temporarily admitted to practice law pursuant to this rule shall be subject to and shall comply with the Oregon Rules of Professional Conduct, the Oregon State Bar Rules of Procedure, and all other rules and regulations applicable to members of the Oregon State Bar.

(7) Termination of Temporary admission.

(a) Temporary admission under this rule shall terminate when:

(i) The service member is no longer a member of the United States Uniformed Services:

(ii) The Temporarily Admitted Attorney is no longer a spouse or domestic partner of the service member upon entry of a trial court judgment or death of the service member;

(iii) The service member receives a permanent transfer outside of Oregon, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the Temporarily Admitted Attorney may continue to practice law

pursuant to the provisions of this rule until the service member is assigned to a location with dependents authorized;

(iv) The Temporarily Admitted Attorney is disciplinarily suspended or disbarred or placed on inactive status in any jurisdiction, court, or agency before which the attorney is admitted;

(v) The Temporarily Admitted Attorney is suspended in any jurisdiction, court, or agency for failure to pay child support or failure to cooperate in a disciplinary matter;

(vi) Upon request by the Temporarily Admitted Attorney;

(vii) The Temporarily Admitted Attorney is admitted to the Oregon State Bar under an admission rule other than that of Temporary Admission of Military Spouse Attorneys;

(viii) The Temporarily Admitted Attorney receives a failing score on the Oregon State Bar Exam;

(ix) The Temporarily Admitted Attorney is denied admission to the practice of law in Oregon for violating the Oregon Rules of Professional Conduct;

(x) The Temporarily Admitted Attorney fails to obtain and/ or maintain PLF coverage as required by the Oregon State Bar; or

(xi) Notice of Termination by the Oregon Supreme Court pursuant to its authority under OSB Rules of Procedure 3.1(g), provided that the Clerk of the Supreme Court mailed a copy of the Notice of Termination to the Temporarily Admitted Attorney.

(b) If any of the events listed in subsection (7)(a) occur, with the exception of (7)(a)(xi), the Temporarily Admitted Attorney under this rule shall notify the Oregon State Bar of the event in writing within thirty (30) days of the date upon which the event occurs. Termination of the temporary admission shall occur thirty (30) days thereafter.

(c) Notice of termination pursuant to subsection (7)(a)(xi) shall be effective as of the date of the Notice of Termination mailed by the Clerk of the Supreme Court.

(d) The Oregon State Bar may provide Notice of Termination if the Temporarily Admitted Attorney fails to notify the Oregon State Bar of any of the events listed in subsection (7)(a) as required by subsection (7)(b). The Oregon State Bar will send a Notice of Termination via certified mail to the Temporarily Admitted Attorney's last known place of employment and termination shall occur thirty (30) days thereafter.

(8) Upon notification of a terminating event pursuant to Rule 18.05 (7)(a) and (b) or as soon as possible under circumstances, the Temporarily Admitted Attorney shall:

(a) Cease to occupy an office or other place for the regular practice of law in Oregon, unless authorized to do so pursuant to another rule;

- (b) Notify in writing all clients in pending matters, co-counsel and opposing counsel in pending litigation, and any court or tribunal of the termination of the attorney's authority to practice law pursuant to this rule;
- (c) Decline any new representation that would require the attorney to be admitted to practice law in Oregon; and
- (d) Take all other necessary steps to protect the interests of the attorney's clients.
- (9) The provisions of this rule in effect at the time an application is filed shall apply to the application, notwithstanding subsequent amendments to this rule.

IT IS HEREBY ORDERED that the addition of Rule 18.05 of the Oregon Rules for Admission of Attorneys is approved and effective July 1, 2015.

Dated this 11th day of June, 2015.



Thomas A. Balmer
Chief Justice