

Legislative Analysis



ALLOW QUALIFIED MILITARY SPOUSE TO PRACTICE LAW WITHOUT BAR EXAM

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5288 as introduced
Sponsor: Rep. Robert Wittenberg

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5289 as introduced
Sponsor: Rep. David C. Maturen

Committee: Military and Veterans Affairs
Complete to 9-7-16

SUMMARY:

Under the Revised Judicature Act (MCL 600.101 et al.), the State Board of Law Examiners has charge of the investigation and examination of all persons who initially apply for admission to the bar of this state (i.e., to become licensed to practice law). The BLE administers the Michigan Bar Examination twice each year.

Taken together, House Bills 5288 and 5289 would amend the Revised Judicature Act to permit the spouse of an active service member to apply for admission to the bar in this state *without examination* if certain conditions are met to the satisfaction of the Board of Law Examiners. The bills are tie-barred to each other, meaning neither could take effect unless both are enacted. The bills would take effect 90 days after the date they are enacted into law.

A detailed explanation of each bill follows.

House Bill 5289 would add Section 947 to the Revised Judicature Act to say that an individual could apply for admission to the bar in this state *without examination* if all the following criteria are met by the applicant:

- Is the spouse of a member of the armed forces who is on active duty and assigned to a duty station in Michigan.
- Is licensed to practice law in the court of last resort, and in good standing at the bar, of another state of the United States, the District of Columbia, or a territory of the United States.
- Has the qualifications as to moral character, citizenship, age, general education, fitness, and ability required for admission to the bar of this state.

Under House Bill 5288, if a military spouse is admitted to the bar and not subject to discipline, suspension, or disbarment for misconduct, the admission to the bar of this state is valid until the date the Board of Law examiners receives written notice of any of the following events:

- The service member to whom the spouse is married is no longer an active duty member.
- The military spouse and service member are no longer married.
- The service member receives a permanent transfer to a duty station outside of Michigan. However, if the service member receives an unaccompanied or remote assignment with no dependents authorized, the spouse could continue to practice law in Michigan until the service member is assigned to a duty station at which dependents are authorized. The military spouse would have to notify the Board when that assignment occurs.

A military spouse attorney would have to provide notice to the Board of Law Examiners within 30 days after an event described in the bill first occurs. However, if the occurrence of that event is due to the death or disability of the service member, notice would have to be provided within 180 days of the death or disability of the service member.

FISCAL IMPACT:

Depending on the number of active duty service members' spouses who practice law, who are members of other states' bars, and who apply for admission to the bar in Michigan without examination, there could be less examination fee revenue received in the Law Exam Fee Fund.

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