



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 5288 (Substitute H-1 as passed by the House)  
House Bill 5289 (Substitute H-1 as passed by the House)  
Sponsor: Representative Robert Wittenberg (H.B. 5288)  
Representative David C. Maturen (H.B. 5289)  
House Committee: Military and Veterans Affairs  
Senate Committee: Judiciary

Date Completed: 12-6-16

**CONTENT**

**The bills would amend the Revised Judicature Act to provide for admission to the State Bar of Michigan, without examination, of the spouse of a person who was on active military duty and assigned to a duty station in Michigan, under certain circumstances.**

**House Bill 5289 (H-1) would add Section 974 to the Act to allow the spouse of a person on active duty in the U.S. Armed Forces who was licensed to practice law in another state, Washington, D.C., or a U.S. territory to apply for admission to the State Bar, without examination, if he or she met certain professional and educational criteria.**

**House Bill 5288 (H-1) specifies that a person's admission to the State Bar under Section 974 would be valid until he or she notified the Board of Law Examiners that the service member was no longer on active duty, the person and the service member were no longer married, or the service member received a permanent transfer outside of Michigan.**

The bills are tie-barred and each would take effect 90 days after its enactment.

**House Bill 5289 (H-1)**

Under the bill, a person could apply for admission to the State Bar, without examination, if he or she proved to the satisfaction of the Board of Law Examiners that he or she met all of the following:

- Was the spouse of an individual who was on active duty in the U.S. Armed Forces and assigned to a duty station in Michigan.
- Was licensed to practice law, and was in good standing at the Bar, of another state, the District of Columbia, or a U.S. territory.
- Had the qualifications as to moral character, citizenship, age, general education, fitness, and ability required for admission to the State Bar.
- Had not previously taken and failed the examination for admission to the State Bar of Michigan.
- Was a graduate of a law school that was approved and accredited by the council and accreditation committee of the section of legal education and admissions of the American Bar Association at the time he or she graduated.

- Had successfully passed the Bar examination in another state, a U.S. territory, or the District of Columbia.
- Had taken and obtained a passing score on the multistate professional responsibility examination developed by the National Conference of Bar Examiners.

### **House Bill 5288 (H-1)**

Under the bill, if a military spouse who met the requirements of proposed Section 974 were admitted to the State Bar of Michigan, and were not subject to discipline, suspension, or disbarment for misconduct, his or her admission to the State Bar would be valid until the date the Board of Law Examiners received a notice described below.

A person admitted to the State Bar under Section 974 would have to notify the Board of Law Examiners in writing if any of the following occurred:

- The service member to whom the person was married was no longer on active duty in the U.S. Armed Forces.
- The person and the service member were no longer married.
- The service member received a permanent transfer to a duty station outside of Michigan.

If the service member received an unaccompanied or remote assignment with no dependents authorized, the military spouse could continue to practice law in Michigan until the service member was subsequently assigned to a duty station at which dependents were authorized. The military spouse would have to notify the Board when that assignment occurred.

The notice would have to be given within 30 days after an event described above occurred. If the event occurred due to the death or disability of the service member, however, the notice would have to be provided within 180 days of the death or disability.

Proposed MCL 600.947a (H.B. 5288)  
Proposed MCL 600.947 (H.B. 5289)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on the State and no fiscal impact on local government. To the extent that military spouses would apply for admission to the Bar in Michigan without examination, there could be less exam fee revenue received in the Law Exam Fee Fund; however, there also would be fewer law exams administered.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.