

Rule 46-B. Temporary Admission to the Bar for Military Spouse Attorneys.

(a) Definition. As used in this Rule, the term “military spouse attorney” means an attorney who (1) is admitted to the practice of law and maintains membership in good standing in the bar of another jurisdiction in the United States but is not admitted in the District of Columbia, (2) is married to or is the registered domestic partner of an active duty service member of the United States Armed Forces, and (3) resides in the District of Columbia or in a contiguous jurisdiction because of the service member’s military orders for a Permanent Change of Station to the District of Columbia or a contiguous jurisdiction. If the service member does not have a Permanent Change of Station to the District of Columbia or a contiguous jurisdiction but the applicant has a good faith belief that the service member’s deployment to this area is expected to last more than 365 days, the applicant may satisfy section (a)(3) by so averring in a statement made under oath.

(b) Eligibility. To obtain authorization to practice under this Rule, the military spouse attorney must submit an online application through the Committee on Admissions website and pay to the National Conference of Bar Examiners (NCBE) a background investigation fee in an amount and form specified in the online application. The online application requires submission of:

(1) evidence that the applicant is a graduate of an ABA-approved law school with a J.D. or LL.B. degree;

(2) certification that the applicant is, and for at least one year prior to the application has been, a member in good standing of the bar of another jurisdiction in the United States;

(3) a statement by the applicant certifying that the applicant has not had an application for admission to the Bar of this jurisdiction or the bar of any jurisdiction denied on character or fitness grounds;

(4) a letter from disciplinary counsel in each jurisdiction where the applicant is admitted to practice stating that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter;

(5) a copy of the service member’s military orders reflecting a Permanent Change of Station to a military installation in the District of Columbia or a contiguous jurisdiction or a deployment to this area that the applicant expects to last more than 365 days;

(6) a certificate from or on behalf of the Department of Defense or a unit thereof acceptable to the Clerk of the Court of Appeals attesting that the military spouse attorney is the spouse or registered domestic partner of the service member;

(7) a statement by the applicant certifying that the applicant resides in the District of Columbia or a contiguous jurisdiction or intends to do so within the next three months; and

(8) an application fee in an amount and form approved by the Committee and specified in the online application.

(c) Certificate of Authorization to Practice. Upon the filing of the application and documentation required by this Rule and if, after such investigation as the court may deem appropriate, the court concludes that the applicant possesses the requisite qualifications, the applicant shall be certified for admission and issued a temporary license to practice law in this jurisdiction and enrolled as a temporary member of the Bar of this jurisdiction. Following certification for admission, the applicant must complete admission by taking the oath as required by Rule 46(1) and submitting to the court a notarized statement or a declaration that includes the oath. The Clerk shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this rule for a period not to exceed two years. The certificate shall state the effective date and the expiration date of the special authorization to practice.

(d) Automatic Termination. Authorization to practice under this Rule is automatically terminated upon the expiration of two years from the effective date of the certificate of authorization or if the attorney is no longer a member in good standing of the bar of any other jurisdiction to which the attorney has been admitted.

(e) Application for Rule 46 Admission. A military spouse attorney who intends to practice law in this jurisdiction for more than two years should apply for admission to the Bar of this jurisdiction under Rule 46. The application process for admission to the Bar of this jurisdiction may be commenced and completed while the military spouse attorney is practicing under this Rule. The Director of Admissions may establish a discounted application fee for applicants admitted under Rule 46-B to be admitted under Rule 46.

(f) Disciplinary Proceedings in Another Jurisdiction. Promptly upon the filing of a disciplinary proceeding in another jurisdiction, a military spouse attorney shall notify the Office of Disciplinary Counsel and the Clerk of the disciplinary matter. A military spouse attorney who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform the Office of Disciplinary Counsel, the Committee on Admissions if an application for admission under Rule 46 is pending, and the Clerk promptly of the discipline, resignation, or inactive status.

(g) Attorneys licensed under this rule shall be entitled to all privileges, rights, and benefits and will be subject to all dues requirements, duties, ethical obligations, disciplinary rules, and responsibilities of active members of the Bar of this jurisdiction, including the requirements to comply with this jurisdiction's Rules of Professional Conduct and to complete the Mandatory Course on the District of Columbia Rules of Professional Conduct and District of Columbia Practice required for new admittees to the District of Columbia Bar within twelve months after authorization to practice. See D.C. Bar Rule II, section 2.

(h) An attorney licensed under this rule must give prominent notice in all business documents that the person was "admitted to the Bar under Rule 46-B (Temporary admission for military spouse attorneys)" and must identify the other jurisdiction(s) in which he or she is licensed to practice law.

(i) An applicant for authority to practice under this Rule may practice while awaiting a decision on the application, subject to the requirements of Rule 49(c)(8)(A)(iii) and (iv).

(j) A military spouse attorney may use time in practice under this Rule to satisfy the years-in-practice requirement of Rule 46(b)(1)(B)(iv).