

Groundbreaking Rule 1A:8 Recognizes Military Spouse Sacrifices

by Elizabeth Jamison

Ten moves to different states or other countries. Three or more bar exams passed. Annual dues and CLE requirements in multiple jurisdictions. Balancing deployments and the instability of the military lifestyle with parenting and a legal career. These are the common issues discussed on the message boards at the Military Spouse JD Network (MSJDN), an organization seeking to change the laws in all fifty states to accommodate military spouse licensing hurdles. On May 16, the Supreme Court of Virginia did just that when it issued an order adopting Rule 1A:8, which is aimed at easing the burden on military spouse attorneys seeking to practice law while accompanying their service member spouse to military installations in Virginia.

Lawyer and military spouse Elizabeth Boone moved more than ten times to follow her husband, a submariner in the U.S. Navy. She also spent her law school years geographically separated from her husband, and worked hard to become licensed in multiple jurisdictions. Boone clerked for Judge Diane Kroupa at the U.S. Tax Court in Washington, DC, while her husband was stationed in Norfolk, again enduring separation to advance their careers. But over time, the constant moves of the military lifestyle made licensing requirements seem insurmountable. She devoted herself to her family and volunteered as a support and liaison for the families in her husband's command.

Lisa Villacis, a recent law school graduate, worked hard to gain admission to practice in Alabama in 2012. But soon afterward, her husband was relocated to the Pentagon and the family moved to Virginia where all of the time, money, and energy she invested toward a license became irrelevant.

The unemployment rate for military spouses is three times that of their civilian counterparts. High unemployment and underemployment of military spouses impacts the entire family and are

primarily the result of the frequent transfers. Because of the recognized impact on retention and readiness of the force, military spouse licensing and employment are a current priority for the Department of Defense (DOD). Rule 1A:8 supports this goal and allows military families to remain together while both spouses pursue meaningful careers.

Boone, whose husband was recently ordered to Virginia, is thrilled with the passage of the new rule because it allows her job search to include employers in the community where she lives, a luxury that she has rarely enjoyed. Likewise, Villacis is appreciative of Virginia's leadership, saying, "It really shows their support for the challenges facing military spouse attorneys." She hopes other states will follow Virginia's lead by opening doors for military spouse employment.

Rule 1A:8, the "Military Spouse Provisional Admission Rule," grants admission on motion to military spouse attorneys who meet the rule's criteria, including previous admission and practice in another jurisdiction. It allows a military spouse attorney to practice law in Virginia for the duration of the service member spouse's military assignment here, as long as he or she is associated with an attorney licensed in Virginia. Rule 1A:8 went into effect on July 1, 2014.

Virginia is the seventh state to adopt such a licensing rule proposed by the Military Spouse JD Network to recognize the unique challenges faced by military spouses in the practice of law. Other states to pass comparable rules include Idaho, Arizona, Texas, North Carolina, Illinois, and South Dakota. Similar rules are under consideration in Alabama, Alaska, California, Delaware, Florida, Georgia, New Jersey, New York, Ohio, Maryland, South Carolina, and Washington.

While many professions allow employees to provide input concerning job location, military members are under orders to go wherever is in the national interest for the duration of their



Above: Elizabeth Boone and her husband, Commander Michael Boone.
Right: Lisa Villacis and her husband, Major Mark Villacis.



commitment. Although some families decide not to move with the service member, the resulting separations only compound the hardship on families already subject to lengthy separations due to training and overseas deployments. Forty-one percent of MSJDN members have taken two or more bar exams and four out of five members report that their spouse's military service has negatively affected their legal career. Half have lived apart from their spouse in order to maintain a legal career. The DOD has conducted studies indicating there are significant force benefits to keeping families together, which is important for national security.

"We're so proud of this outcome in a pivotal military state like Virginia. The impact of this rule will be profound," said Military Spouse JD Network President Rachel Winkler, who oversees the organization's efforts to propose military spouse licensing accommodations. "Now continuing a legal career while following a service member will be viable for the many military spouses facing moves to over twenty-five military installations in Virginia."

Bar exams are hardly the only challenges that military spouse attorneys face. Constant moves test their job-seeking skills. A patchwork of prior positions and gaps in employment limits their possibilities for firm promotion. Their knowledge that another move is around the corner inhibits long-term client building. Deployments make them temporarily single parents in need of childcare in areas where they have few contacts. Eliminating the need for an additional bar exam will relieve a significant portion of these stresses

for military spouse attorneys in Virginia and expedite their job search efforts, allowing them to contribute to supporting their families.

MSJDN member Samantha Musso and her team worked on the effort to bring the rule to fruition, gathering assistance from the Virginia legal community and ushering the proposed rule through the approval process. Their hard work, along with the support of Virginia attorneys and legal professionals, led to the implementation of the new rule.

Rule 1A:8 demonstrates Virginia's support for military families while still maintaining the high standards required of the legal profession. Accommodating the unique needs of military spouse attorneys comes at little cost but makes a significant difference to military families. While the number of military spouse attorneys in the state may not be large, this new rule sends a message of support to the entire Virginia military community.



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