

**Rule 9.41.1. Registered servicemember attorney and registered servicemember spouse attorney**

**(a) Definitions**

(1) A “servicemember” means a member of the United States uniformed services, as that term is defined by 10 U.S.C. § 101(a)(5), who has relocated residence to California due to military orders for military service that required relocation of residence to California.

(2) A “servicemember spouse” means a person who is married to, in a civil union with, or a registered domestic partner of, a servicemember, and has relocated residence to California due to the servicemember’s military orders.

(3) A “license” means any license, certificate, or other evidence of qualification that an individual is required to obtain before the individual may engage in the practice of law in, or represent himself or herself to be a member of the attorney bar of, one or more states other than California.

(4) A “state” is a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

(5) A “covered licensee” means the holder of a license in one or more states who:

(A) Is in good standing with the licensing authority of each state in which the holder has a license;

(B) Has not had discipline imposed or been disbarred in any state;

(C) Is not subject to a disciplinary investigation in any state; and

(D) Has not resigned with charges pending in any state.

(6) “Registered servicemember attorney” and “registered servicemember spouse attorney” mean an attorney who has met the requirements in (c) of this rule and is registered with the State Bar pursuant to (e) of this rule.

**(b) Scope of Practice**

Subject to all rules, regulations, statutes, and requirements applicable to attorneys who receive a license, an attorney registered pursuant to (e) of this rule or issued a temporary license pursuant to (f) of this rule is permitted to practice law in California in all forms of legal practice that are permissible for a licensed attorney of the State Bar, including pro bono legal services.

**(c) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Be a covered licensee;
- (2) Be a servicemember or a servicemember spouse;
- (3) Submit an application that includes:
  - (A) Proof of military orders for military service that required relocation of residence to California;
  - (B) Proof of marriage, civil union, or registered domestic partnership status with the servicemember, if the applicant is a servicemember spouse; and
  - (C) An affidavit that affirms, under the penalty of perjury, that:
    - (i) the applicant is the person described and identified in the application;
    - (ii) the applicant has read and understands the requirements to be admitted as and to remain an active licensee of the State Bar, including the requirement to be subject to the disciplinary authority of the Supreme Court and the State Bar;
    - (iii) the applicant certifies that the applicant shall comply with the requirements to remain an active licensee of the State Bar, including the requirement to be subject to the disciplinary authority of the Supreme Court and the State Bar during the time the applicant practices law as a registered servicemember attorney or registered servicemember spouse attorney or with a temporary license pursuant to (f) of this rule;
    - (iv) the applicant is in good standing in all states in which the applicant holds a license and has not been disbarred or resigned with charges pending in any other state; and
    - (v) all statements made in the application are true and correct and complete.

**(d) Background Check**

The State Bar shall, before registering an applicant as a registered servicemember attorney or registered servicemember spouse attorney pursuant to (e) of this rule, conduct a background check to verify the applicant's eligibility pursuant to (c) of this rule.

**(e) Registration as registered servicemember attorney or registered servicemember spouse attorney**

If the State Bar determines that a servicemember or servicemember spouse meets the requirements of (c) of this rule, including after performing a background check pursuant to (d) of this rule, the servicemember or servicemember spouse shall be registered by the State Bar as a registered servicemember attorney or registered servicemember spouse attorney, respectively.

A servicemember spouse who is registered with the State Bar registered military spouse attorney program on November 5, 2025 shall be automatically registered with the State Bar as a registered servicemember spouse attorney.

Registered servicemember attorneys and registered servicemember spouse attorneys must abide by all of the laws and rules that govern licensees of the State Bar of California. The State Bar must develop procedures for granting waivers of the processing costs of running California Department of Justice and Federal Bureau of Investigation background checks, if required, for applicants applying under (c) of this rule and licensees with demonstrable financial hardship.

Registered servicemember attorneys and registered servicemember spouse attorneys are subject to the disciplinary authority of the Supreme Court and the State Bar.

**(f) Temporary Licensure**

If the State Bar cannot register the applicant pursuant to (e) of this rule within thirty (30) days of receipt of a complete application pursuant to (c)(3) of this rule, the State Bar shall issue a temporary license to the applicant to be valid for ninety (90) days, and the temporary license's validity shall be extended for subsequent periods of ninety (90) days until the State Bar registers the applicant pursuant to (e) of this rule. Notwithstanding the foregoing, if the State Bar determines at any time that the applicant is not eligible for registration pursuant to (c) of this rule, any temporary license shall no longer be valid, the applicant shall not be registered pursuant to (e) of this rule, and the applicant shall be notified of this determination.

**(g) State Bar registered servicemember attorney and registered servicemember spouse attorney program**

The State Bar may establish and administer a program for registering registered servicemember attorneys and registered servicemember spouse attorneys under rules adopted by the Board of Trustees of the State Bar.

**(h) Termination of servicemember or servicemember spouse attorney registration**

Registration as a registered servicemember attorney or servicemember spouse attorney is terminated:

CLEAN VERSION

- (1) if the attorney is no longer a covered licensee;
- (2) if the registered servicemember attorney is no longer a member of the United States uniformed services, as that term is defined by 10 U.S.C. § 101(a)(5);
- (3) for registered servicemember attorneys, if the registered servicemember attorney is transferred outside of California or is otherwise no longer under military orders to be located in California;
- (4) for registered servicemember spouse attorneys, 90 days after the servicemember is transferred outside of California or is otherwise no longer under military orders to be located in California, except that if the servicemember has been assigned to an unaccompanied or remote assignment with no dependents authorized, registration is terminated 90 days after the servicemember is transferred to a location outside of California with dependents authorized;
- (5) for registered servicemember spouse attorneys, 90 days after the date of termination of the registered servicemember spouse attorney's marriage, civil union, or registered domestic partnership with the servicemember, or one year after the date of death of the servicemember; or
- (6) if their registration is terminated through the same process and on the same grounds applicable to State Bar licensees in disbarment proceedings; registered servicemember attorneys and registered servicemember spouse attorneys are subject to non-disbarment discipline as well as non-disciplinary suspensions or inactive enrollments, such as for nonpayment of fees, pursuant to the same procedures and on the same grounds as licensees of the State Bar.

**(i) Inherent Power of Supreme Court**

Nothing in this rule may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

**(j) Effect of Rule on Multijurisdictional Practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not licensees of the State Bar.

*Rule 9.41.1 amended effective November 5, 2025; adopted by the Supreme Court effective March 1, 2019.*