Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
FILED on 10/22/2025

S292292

ADMINISTRATIVE ODER 2025-10-22-01

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

REQUEST THAT THE SUPREME COURT OF CALIFORNIA REVIEW AND APPROVE PROPOSED AMENDMENTS TO CALIFORNIA RULES OF COURT, RULE 9.41.1

The State Bar of California's "Request that the Supreme Court of California Review and Approve Proposed Amendments to California Rules of Court, Rule 9.41.1" is granted in part (as modified), and denied in part.

The approved rule 9.41.1, as revised by the court, is set forth in the Attachment. The amendments are effective as of November 5, 2025.

It is so ordered.

GUERRERO
Chief Justice

CORRIGAN
Associate Justice

LIU
Associate Justice

KRUGER
Associate Justice

GROBAN
Associate Justice

JENKINS
Associate Justice

EVANS
Associate Justice

ATTACHMENT

Rule 9.41.1. Registered ~~military~~service-member attorney and registered service-member spouse attorney

(a) Definitions

(1) ~~"Military Spouse Attorney"~~A "service-member" means ~~an active licensee in good standing~~ a member of the ~~bar of a~~ United States ~~state, jurisdiction, possession, territory, or dependency and~~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 "service-member spouse" means a person who is married to, in a civil union with, or a registered domestic partner of, a ~~Service Member~~service-member, and has relocated residence to California due to the service-member's military orders.

~~(2) "Service Member" means an active duty member of the United States Uniformed Services who has been ordered stationed within California.~~

~~(3) "Active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency (together, "j")," means an attorney who:~~

~~(A) Is a licensee in good standing of the entity governing~~

(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 ~~each jurisdiction~~, 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 ~~attorney is licensed to practice law, who has~~ holder has a license;

(B) Has not had discipline imposed or been disbarred~~, has not resigned with charges pending, or is~~ in any state;

(C) Is not subject to a disciplinary investigation ~~suspended from practicing law for disciplinary misconduct~~conduct in any ~~other jurisdiction~~state; and~~;~~

~~(B) Remains an active licensee in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered military spouse attorney in California.~~

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

(6) "Registered service~~-~~member attorney" and "registered service~~-~~member 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 ~~applicable~~ rules, regulations, ~~and~~ statutes, and requirements applicable to attorneys who receive a license, an attorney ~~practicing law under~~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~~, under supervision,~~ in all forms of legal practice that are permissible for a licensed attorney of the State Bar ~~of California~~, including pro bono legal services.

(c) Requirements

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

~~(1) Be an active licensee in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;~~

(1) Be a covered licensee;

(2) Be ~~married to, be in a civil union with, or be a registered domestic partner of, a Service Member~~a service~~-~~member or a service~~-~~member spouse~~, except that the a registered service member spouse attorney may continue to practice as a registered military spouse attorney under this rule for one year after the termination of the marriage, civil union, or domestic partnership with the service member, or the death of the service member, as provided in (ih)(1)(G);E) of this rule~~;

(3) ~~Reside in~~ Submit an application that includes:

(A) Proof of military orders for military service that required relocation of residence to California;

~~(4) Meet all of~~ (B) Proof of marriage, civil union, or registered domestic partnership status with the service~~-~~member, if the applicant is a service~~-~~member 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 ~~for admission to~~ to be admitted as and to remain an active licensee of the State Bar ~~of California, except that~~, including the ~~attorney:~~

~~(A) Need not take~~requirement to be subject to the ~~California bar examination or~~ disciplinary authority of the ~~Multistate Professional Responsibility Examination;~~Supreme Court and

~~(B) May practice law while awaiting the result of his or her Application for Determination of Moral Character from~~ the State Bar ~~of California.~~;

~~(5) Comply with the rules adopted by the Board of Trustees relating to 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 service-member attorney or registered service-member 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. ~~The State Bar may, before registering an applicant as a registered service-member attorney or registered service-member 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 service-member attorney or registered service-member spouse attorney

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

A service-member spouse who is registered with the State Bar registered military spouse attorney program on November 5, 2025[effective date of amended rule 9.41.1] shall be automatically registered with the State Bar as a registered service-member spouse attorney.

Registered Military Spouse Attorney Program;

(6) ;Practice law under the supervision of an attorney who is an active licensee in good standing of the State Bar of California who has been admitted to the practice of law for two years or more;

(7) Abideservice-member attorneys and registered service-member spouse attorneys must abide by all of the laws and rules that govern licensees of the State Bar of California, including the Minimum Continuing Legal Education ("(“MCLE") requirements; 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.

(8) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that licensees of the State Bar of California must complete every three years and, thereafter, satisfy the MCLE”) requirements for the registered military spouse attorney's compliance group as set forth in State Bar Rules 2.70 and 2.71. If the registered militaryservice member attorney’s or registered service member spouse attorney'sattorney’s compliance group is required to report in lessfewer than thirty-six months after the date of registration, the MCLE requirements will be reduced proportionally; and

(9) Not have taken and failed the California bar examination within five years immediately preceding initial application to register under this rule.

(d) Application

The attorney. Registered service member attorneys and registered service member spouse attorneys must comply with the following registration requirements:

(1) Register as an attorney applicant, file an Application for Determination of Moral Character with the Committee of Bar Examiners, and comply with Rules of Court, rule 9.9.5, governing attorney fingerprinting;, within thirty (30) days of registration. Registered service member attorneys and registered service member spouse attorneys must pay to the State Bar annual fees equal to the annual fees required to be paid by State Bar licensees.

(2) Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will beRegistered service-member attorneys and registered service-member spouse attorneys are subject to the disciplinary authority of the Supreme Court of California and the State Bar.

(f) Temporary Licensure

If the State Bar ~~of California and attesting that he or she will not practice law in California other than under supervision of a California attorney during the time he or she practices law as a military spouse attorney in California; and~~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.

(~~3) Submit to the of California United States state, jurisdiction, possession, territory, or dependency a declaration signed by a qualifying supervising. The declaration must attest:~~

~~(A) that the applicant will be supervised as specified in this rule;~~

~~(B) that the supervising attorney assumes professional responsibility for any work performed by the registered military under this rule.~~

~~**(e) Application and Registration Fees**~~

~~The State Bar of California may set appropriate application fees and initial and annual registration fees to be paid by registered military spouse attorney.~~

~~**(f) State Bar Registered Military Spouse Attorney Program**~~
(g) State Bar registered servicemember attorney and registered servicemember spouse attorney program

The State Bar may establish and administer a program for registering registered ~~military~~service-member attorneys and registered service-member spouse attorneys under rules adopted by the Board of Trustees of the State Bar.

~~**(g) Supervision**~~

~~To meet the requirements of this rule, an attorney supervising a registered military spouse attorney:~~

~~(1) Must have practiced law as a full-time occupation for at least four years in any United States jurisdiction;~~

~~(2) Must have actively practiced law in California for at least two years immediately preceding the time of supervision and be a licensee in good standing of the State Bar of California;~~

~~(3) Must assume professional responsibility for any work that the registered military spouse attorney performs under the supervising attorney's supervision;~~

~~(4) Must assist, counsel, and provide direct supervision of the registered military spouse attorney in the activities authorized by this rule, approve in writing any appearance in court, deposition, arbitration or any proceeding by the registered military spouse attorney, and review such activities with the supervised military spouse attorney, to the extent required for the protection of the client or customer;~~

~~(5) Must read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the registered military spouse attorney before their filing, and must read and approve any documents prepared by the registered military spouse attorney before their submission to any other party;~~

~~(6) Must agree to assume control of the work of the registered military spouse attorney in the event the registration of the military spouse attorney is terminated, in accordance with applicable laws; and~~

~~(7) May, in his or her absence, designate another attorney meeting the requirements of (g)(1) through (g)(6) to provide the supervision required under this rule.~~

(h) ~~Duration of Practice~~

~~A registered military spouse attorney must renew his or her registration annually and may practice for no more than a total of five years under this rule.~~

~~(i)~~ Termination of ~~Military Spouse Attorney Registration~~service-member or service-member spouse attorney registration

(1) Registration as a registered ~~military~~service-member attorney or service-member spouse attorney is terminated:

(A) if the attorney is ~~terminated~~

~~(A) upon receipt of a determination by the Committee of Bar Examiners that the registered military spouse attorney is not of good moral Covered character;~~

~~(B) for failure to annually register as a registered military spouse attorney and submit any related fee set by the State Bar;~~

~~(C) for failure to comply with the Minimum Continuing Legal Education requirements and to pay any related fee set by the State Bar;~~

~~(D) if the registered military spouse attorney~~ no longer ~~meets the requirements under (a)(3) of this section~~a covered licensee;

~~(E) upon the imposition of any discipline by the State Bar of California or any other professional or occupational licensing authority, including administrative or stayed suspension;~~

~~(F) for failure to otherwise comply with these rules or with the laws or standards of professional conduct applicable to a licensee of the State Bar of California;~~

~~(G)~~ (B) if the ~~Service Member is~~ registered service-member attorney ~~or the registered service member spouse attorney's spouse~~ is no longer ~~an active~~a member of the United States ~~Uniformed Services or~~uniformed services, as that term is defined by 10 U.S.C. § 101(a)(5);

(C) for registered service-member attorneys, if the registered service-member attorney is transferred ~~to another state, jurisdiction, territory~~ outside of California or is otherwise no longer under military orders to be located in California;

(D) for registered service-member spouse attorneys, 90 days after the service-member is transferred outside of California or is otherwise no longer under military orders to be located in California, except that if the ~~Service Member~~service-member has been assigned to an unaccompanied or remote assignment with no dependents authorized, ~~the military spouse attorney may continue to practice pursuant to the provisions of this rule until the Service Member is assigned~~registration is terminated 90 days after the service-member is transferred to a location outside of California with dependents authorized; ~~or~~

~~(H)~~(E) for registered service-member spouse attorneys, 90 days ~~one year~~ after the date of termination of the registered ~~military~~service-member spouse attorney's marriage, civil union, or registered domestic partnership~~.~~ with the service-member, or one year after the date of death of the service-member; or

~~(2) The supervising attorney of registered military spouse attorney suspended by these rules will assume the work of the registered military spouse attorney in accordance with applicable laws.~~

~~(j~~(F) if their registration is terminated through the same process and on the same grounds applicable to State Bar licensees in disbarment proceedings; registered service-member attorneys and registered service-member 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 ~~of California~~ to exercise its inherent jurisdiction over the practice of law in California.

(~~k~~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 ~~of California~~.

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

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:

(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.