

Registration Fee: A Price of Practicing Law

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So, you finally passed the bar, paid the fee to the Attorney Registration Office, got sworn in along with about a thousand other new admittees, and landed that job as an associate in the law firm of your choice. Now you are set for life, right?

Right, except for taking additional continuing legal education classes, filing your affidavit of attendance every three years, and paying your annual registration fee. The license card comes every year, about six weeks before the fee is due. You may not pay much attention to it, except to send it on to bookkeeping for payment. But did you know that failing to timely pay the annual registration fee could land you in ethics trouble?

Rule 5.5 of the Minnesota Rules of Professional Conduct states in part:

A lawyer shall not:

(a) practice law in a jurisdiction where to do so violates the regulation of the legal profession in that jurisdiction;

Rule 2, Minnesota Rules for Registration of Attorneys (MRRA) requires practicing attorneys to pay the registration fee annually. Rule 3, MRRA, provides:

Upon failure to pay such fee, the right to practice law in this state shall be automatically suspended, and no individual shall be authorized to practice law in this state or to in any manner hold himself out as qualified or authorized to practice law while in default in the payment of such registration fee. Any individual who shall violate this rule shall be subject to all the penalties and remedies provided by law for the unauthorized practice of law in the State of Minnesota. It shall be the duty of each member of the judiciary to enjoin persons from appearing and practicing in his court whose failure to register has come to the attention of such court.

Timely payment of the attorney registration fee is what authorizes you to continue to give legal advice, counsel clients, represent others in court, and do all the other things that constitute the practice of law. Further, judges are not supposed to allow you to appear in court, file any papers with the court, or take other action if your fee is unpaid. A list of the unpaid registrations goes out to all judicial districts quarterly, and clerks and judges refer to that list often. How embarrassing would it be to be told by a judge, in front of your client, to go home because your fee wasn't paid and therefore you were not authorized to appear?

The Office of Lawyers Professional Responsibility does not check the list quarterly for unpaid registrations. It does check the attorney's fee status when a complaint is filed against the attorney. Even if the complaint is without merit, and dismissed with or without investigation, the failure to pay the attorney registration

fee may result in an admonition to the attorney for unauthorized practice, even if only for a few weeks. The following are two circumstances that resulted in an admonition being issued to the attorney:

An attorney received a summary dismissal of a complaint filed against the attorney, as well as an inquiry letter from the Director's Office asking whether he was still practicing, as he had not paid his annual registration fee. The attorney immediately paid the fee, and wrote to the Director's Office explaining that he had been continuously practicing law, but that the notification card had been placed, unpaid, with other bills on his desk, awaiting time and money to get paid. When the fee was not paid by the due date, the attorney did not cease the practice of law, but went about business as usual, until notified by the Director's Office that his license was suspended. The Director's Office then advised that it would not open a file on the unauthorized practice of law issue, but to take care to be timely in payment of the fee in the future.

Approximately one year later, the attorney again failed to pay his annual attorney registration fee, which was discovered by the Director's Office when closing an unrelated complaint against him. Again, the attorney was asked to explain nonpayment of the registration fee and whether he had closed his practice. The attorney then paid the attorney registration fee and explained to the Director's Office that he was often too busy to timely pay all of his bills. The attorney was issued an admonition for a pattern of late payment of the fee, while continuing to practice law.

In another case, the attorney left his law firm, and failed to notify the Attorney Registration Office of his new address. The Attorney Registration Office mailed a notice to the attorney that his attorney registration fee was due in six weeks. The notice was mailed to the attorney's former office, which forwarded it on to the attorney. The attorney failed to pay his annual attorney registration fee and was suspended from practice. Ten days later, the Attorney Registration Office mailed a notice of suspension to the attorney at his former law office, which again was forwarded by mail from his previous office to the attorney. The attorney continued to meet with clients, draft and submit documents to the court, and appear in court, without paying the attorney registration fee. A few days after getting the notice that he was suspended, the attorney appeared on a motion in District Court. The court declined to go forward with the hearing until the attorney paid the registration fee and was readmitted to practice. The attorney was also ordered by the court to pay reasonable costs to the opposing party for rescheduling the hearing.