

ETHICS: WHAT IS YOUR CURRENT ADDRESS?

by

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Imagine attending a hearing with a client or attempting to file a document on behalf of a client and being told you are not licensed to practice. You may be confused because you do not know why your license would be inactive. Frequently, the difficulty begins with a Supreme Court board other than the Office of Lawyers Professional Responsibility. Often, the basis of the problem is a failure to update an address with the Lawyers Registration Office.

Pursuant to Rule 2G, Rules of the Supreme Court on Lawyer Registration, lawyers are obligated to update their addresses with the Lawyer Registration Office. If lawyers make their annual registration payments through the mail, they are obligated to update their mailing addresses. Lawyers who use the online registration system to pay their lawyer registration fees are obligated to update both their mailing and email addresses.

Depending on the method by which a lawyer last paid their registration fees, the Lawyer Registration Office delivers the registration statement to the last mailing or email address listed. If the address is not correct, a lawyer may not receive their statement and, therefore, may fail to pay their registration fees on time. Depending on a person's last name when they were admitted to the bar, lawyer registration fees are due each year on Jan. 1, April 1, July 1, or Oct. 1. Failure to pay lawyer registration fees on time leads to a suspension of the lawyer's license to practice law. Rule 2G specifically notes that failure to receive the registration statement or a notice of registration shall not excuse payment of the fee.

Another obligation of actively practicing lawyers is the obligation to take continuing legal education courses and report the courses to the Board of Continuing Legal Education. By Aug. 31 of their reporting year, lawyers must report a minimum of 45 hours of continuing legal education in a three-year period. Generally, the Board of Continuing Legal Education will send notices of deficiencies to the address the lawyer has given the Lawyer Registration Office. If lawyers do not update their addresses with the Lawyer Registration Office, then they will not receive notice of their deficiencies. If left uncured, the failure to report continuing legal education courses will lead to a lawyer's license being placed on restricted status.

Why is the Office of Lawyers Professional Responsibility (OLPR) writing an article about two other Supreme Court boards? If a lawyer is administratively suspended by the Lawyer Registration Office or is placed on restricted status for failing to comply with their continuing legal education reporting, the lawyer is not actively licensed and, therefore, cannot practice law. If the lawyer continues to practice and is under one of these statuses then the lawyer is committing the unauthorized practice of law in violation of Rule 5.5, MRPC.

The OLPR frequently discovers the administrative suspension or restricted status during the complaint process. The OLPR will send a letter asking the lawyer about the status and ask for an affidavit regarding the lawyer's practice while on suspended or restricted status. Many times the response is the lawyer failed to provide updated address information. If the lawyer practiced without a valid license, then this inquiry can lead to discipline.

If you change firms, relocate your office, or if you move from your home, remember to update your address with the Lawyer Registration Office.