

**OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY**

445 MINNESOTA STREET, SUITE 2400
ST. PAUL, MN 55101-2139

TELEPHONE (651) 296-3952
TOLL-FREE 1-800-657-3601

FAX (651) 297-5801

Frequently Asked Questions About Resigning Your Minnesota Law License

Rule 11, Rules on Lawyers Professional Responsibility (RLPR), permits a lawyer to resign their Minnesota law license under certain conditions. This document answers some of the most commonly asked questions regarding resigning your Minnesota law license.

Q: Under what circumstances should I resign my license?

Resigning your Minnesota law license is a major professional and personal decision. There are a number of reasons an attorney may wish to resign their license. Those reasons include: retirement; entering into a new profession; moving out of Minnesota without intending to return; and no longer needing a Minnesota license. The decision to resign should not be taken lightly because once you resign your license, you are no longer an attorney in Minnesota and cannot practice law here. This may have far-reaching consequences. For example, you will no longer be permitted to give legal advice, provide legal services, or hold yourself out as an attorney (such as refer to yourself as “esquire” or “attorney at law” on your letterhead) in Minnesota. Moreover, if you change your mind and wish to resume practicing law in Minnesota, you will need to go through the reinstatement process (described in more detail below) to have your license reinstated.

Q: I would like to resign my license, what do I need to do?

Resignation is governed by Rule 11, RLPR, which provides:

This Court may at any time, with or without a hearing and with any conditions it may deem appropriate, grant or deny a lawyer's petition to resign from the bar. A copy of a lawyer's petition to resign from the bar shall be served upon the Director. The petition with proof of service shall be filed with this Court. If the Director does not object to the petition, the Director shall promptly advise the Court. If the Director objects, the Director shall also advise the Court, but then submit the matter to a Panel, which shall conduct a hearing and make a recommendation to the Court. The recommendation shall be served upon the petitioner and filed with the Court.

Therefore, pursuant to Rule 11, RLPR, to resign your license, you need to file a petition with the Minnesota Supreme Court and serve a copy of that petition on the Director of the Office of Lawyers Professional Responsibility. Proof that you served the petition on the Director must also be filed with the Court.

Q: Is there a fee to file a petition to resign?

No, there is no fee for filing a petition to resign.

Q: Rule 11, RLPR, does not indicate what a petition to resign needs to include. What should I include in my petition to resign? Do you have a sample petition?

A petition to resign should include the following information:

- Date of admission to the Minnesota Bar and license number;
- All jurisdictions in which you are admitted or, in the alternative, an affirmative statement that you are not admitted in any other jurisdictions;
- Whether you have been publicly disciplined in any jurisdictions;

- Whether you have any public discipline actions pending against you;
- Whether you are a party to or representing anyone on any pending legal proceedings in the State of Minnesota; and
- The petition must also be notarized or contain a declaration under penalty of perjury that everything you have stated in the petition is true and correct.

For your reference, a sample petition to resign can be found [here](#).

Q: Why is it necessary to disclose whether I have any public discipline actions pending in order to resign my Minnesota license?

The Court has consistently held that a lawyer may not resign from the practice of law while the subject of a disciplinary matter. In *In re Davison*, 773 N.W.2d 791, 792 (Minn. 2009), the Court denied the lawyer’s request to resign when “disciplinary charges alleging serious misconduct are pending.” See also *In re Perez*, 688 N.W.2d 562, 567 (Minn. 2004); *In re McCoy*, 447 N.W.2d 887, 891 (Minn. 1989). Consistent with this, the Director has taken the position that attorneys should be in good disciplinary standing in order to resign from the practice of law. If you are suspended due to misconduct or not in good disciplinary standing, the Director will likely object to your petition to resign. If you are disciplinary suspended or not in good disciplinary standing, the Director may require you to first reinstate your license and place yourself in good standing in order to resign.

Q: If I am currently CLE suspended or fee suspended, can I still resign my license?

The Director considers whether you are in “good standing” to resign your license under Rule 11, RLPR, to relate to your disciplinary status. Therefore, if you are administratively suspended, such as CLE or fee suspended, you may still qualify for a resignation. Beware when seeking a

resignation while CLE or fee suspended, however. If you resign your license while CLE or fee suspended, even after your resignation, you will still be considered not in good standing in Minnesota and will not be able to correct that status until you reinstate your license under the requirements of Rule 18, RLPR (discussed further below). Only after you are reinstated will you be able to pay your outstanding fees and/or take the required CLEs to place yourself in good standing in Minnesota. Therefore, if you need to obtain a Certificate of Good Standing from Lawyer Registration for any reason (e.g., apply for admission in another jurisdiction), make sure you are in good standing with Lawyer Registration before petitioning to resign. Please note that a lawyer who resigns their license is not eligible to obtain a Certificate of Good Standing.

Q: How do I find out if I am in good standing in Minnesota?

To find out if you are in good standing in Minnesota, you may search the Minnesota Judicial Branch Lawyer Registration Database [here](#).

Q: Why is it necessary to disclose whether I am a party to or representing a party in any pending legal proceedings in order to resign my Minnesota license?

Resigning your license means you will no longer be licensed to practice law. If you are currently representing a client in a matter, or representing yourself in pending litigation, your resignation may have unintended consequences in those proceedings. If the Director is aware that you are involved in any pending legal proceedings, this will allow us to follow-up on the matter to ensure that you address or are aware of any unintended consequences of your resignation on those legal proceedings.

Q: Once I have prepared my petition to resign, what do I need to do next?

Rule 11, RLPR, requires that you serve the petition to resign on the Director's Office. You can serve the Director by mailing your petition to:

Office of Lawyers Professional Responsibility
Attn: Resignations Department
445 Minnesota Street, Suite 2400
St. Paul, MN 55101-2139

You must also file your petition to resign, along with your proof of service of the petition, with the Clerk of Appellate Courts. For your reference, a sample proof of service can be found [here](#). If you are an e-filer, you may e-file your petition and proof of service with the Court. You may also send the petition and proof of service to this address:

305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, MN 55155

Q: After I have served the Director's Office with my petition to resign and filed the petition, along with my proof of service with the Court, what happens next?

The Director will review your petition to determine if it contains all the necessary information or if there are any questions or concerns raised based on the information contained in your petition. If your petition is missing information, or if the Director has additional questions, the Director will notify you of any deficiencies or concerns. Under Rule 11, RLPR, the Director may object to your petition to resign. Once all the information has been provided and reviewed, and the Director does not object, the Director will then inform the Supreme Court that the Director does not object to your petition to resign.

If the Director objects to your petition, Rule 11, RLPR, requires that the Director advise the Court of the objection and then submit the matter to a Panel of the Lawyers Professional Responsibility Board to conduct a hearing and make a recommendation to the Court. In either instance, you will receive a copy of the Director's communication to the Supreme Court. Grounds on which the Director's Office may object include if you have

been publicly disciplined in another jurisdiction, are the subject of a pending lawyer discipline investigation or are currently suspended or not in good standing.

After receiving all information from the Director or the Panel (if applicable), the Supreme Court will issue an order either granting or denying your petition to resign. The Supreme Court will send you its decision once it is issued.

Q: After the Court has granted my petition to resign, what happens if I change my mind and want to reinstate my license?

If you resign and later wish to return to the practice of law in Minnesota, you will need to petition for reinstatement. Rule 18, RLPR, governs reinstatement proceedings. The process will require you to petition for reinstatement and establish that you possess the requisite character, fitness and competence to practice. This process has a \$600 application fee, *see* Rule 12(B), Minnesota Rules for Admission to the Bar, and can take several months to complete.

Q: What if I have more questions about my Minnesota law license?

For further information about resigning your Minnesota law license, you may contact the Director's Office at (651) 296-3952. If you have other questions or desire further information regarding your Minnesota law license such as whether you are in good standing, license status changes, including retired status, disabled status, transfers to inactive status, or transfers to active status, you should contact the Minnesota Lawyer Registration Office as follows:

25 Rev. Dr. Martin Luther King Jr. Blvd.
Suite 110
St. Paul, Minnesota 55155
(651) 296-2254
lawyerregistration@mbcle.state.mn.us