

# Are you in good standing?

Every year, you are required to renew your attorney license by timely paying the annual registration fee.<sup>1</sup> Attorneys with last names ending in A-E have a renewal date of January 1 of each year; attorneys with last names of F-K have a renewal date of April 1 of each year; and so on quarterly through the remainder of the year and alphabet.<sup>2</sup> Everyone is presumably aware of this important requirement. What I am less sure people realize is that failure to renew your license and pay the fee when due results in your *automatic suspension from the practice of law* on the first day of the month following your due date.<sup>3</sup> The rule states:

A lawyer or judge who fails to meet all of the criteria to be on either active or inactive status is placed on non-compliant status, and the right to practice law in this state is automatically suspended on the first day of the month following the due date established by Rule 2E. A lawyer or judge on non-compliant status is not in good standing. A lawyer or judge on non-compliant status must not practice law in this state, must not hold out himself or herself as authorized to practice law, or in any manner represent that he or she is qualified or authorized to practice law while on non-compliant status. Any lawyer or judge who violates this rule is subject to all the penalties and remedies provided by law for the unauthorized practice of law in the State of Minnesota. It is the duty of each judge to enjoin persons who are not on active status from appearing and practicing law in that judge's court.



SUSAN HUMISTON is the director of the Office of Lawyers Professional Responsibility and Client Securities Board. She has more than 20 years of litigation experience, as well as a strong ethics and compliance background. Prior to her appointment, Susan worked in-house at a publicly traded company, and in private practice as a litigation attorney.

As noted in the rule, continuing to practice law after you have been automatically suspended subjects you to penalties for engaging in the unauthorized practice of law in violation of Rule 5.5, Minnesota Rules of Professional Conduct.

Attorneys usually find this out when they are not allowed to file documents with the court or a judge brings it to their attention at a hearing because as noted, the rule states that it is the duty of each judge in this state to enjoin the unauthorized practice of law. But what about transactional lawyers? A few learn of their suspension when they call this Office for an advisory opinion, and we alert them to their noncompliance. This has happened several times on calls I have taken recently, which is what prompted me to write this column. Some lawyers, whether transactional or otherwise, go a year or more before they realize their license has been suspended. This can happen when they do not keep their physical address or email address up

to date with the Lawyer Registration Office and thus do not receive their annual registration statement (or when their annual statement gets overlooked in the ongoing deluge of mail and email with which we all live). Failure to receive the renewal statement, though, does not excuse nonpayment of the registration fee, nor does it excuse your continued practice after being suspended. This is also true of being suspended for noncompliance with CLE requirements.<sup>4</sup>

Lawyer registration does send out notices of noncompliance. Lawyers who do not file by the deadline are sent reminder notices and assessed a late filing fee. If the lawyer does not file by the first day of the following month (a new grace period), their license is administratively suspended.<sup>5</sup> For example, the Lawyer Registration Office notified 196 lawyers on February 1, 2018, and 167 lawyers on May 1, 2018, that they were administratively suspended for failure to pay their registration fee by the deadline.

You can renew your license online with Lawyer Registration at [www.lro.mn.gov](http://www.lro.mn.gov), and you can check to confirm if you are authorized to practice law at [www.mars.courts.state.mn.us](http://www.mars.courts.state.mn.us), or at the lawyer registration site, and, if you need additional assistance, you can email Lawyer Registration at [lawyerregistration@mbcle.state.mn.us](mailto:lawyerregistration@mbcle.state.mn.us), or call the registration office at 651-296-2254. Remember, you must possess a *current* license anytime you wish to avail yourself of the privileges granted by that license. If you are practicing law, please make sure your license is in good standing.

## Strategic planning

Over the last several months, the Office of Lawyers Professional Responsibility (OLPR), in conjunction with the Lawyers Professional Responsibility Board (LPRB), has undertaken an in-depth strategic planning process in order to establish priorities for the future of the OLPR. While the primary focus of the OLPR is to investigate and prosecute professional misconduct, and will remain so, I remain interested in ways that the OLPR can continue to partner with the public and members of the profession to educate the public about their rights as legal consumers and to help lawyers practice with the highest standards of ethics.

Four strategic priorities have been identified: (1) partnering with the LPRB and legal community to provide proactive educational resources designed to promote competence, ethical practices, professionalism, and well-being in the legal profession; (2) maintaining operational excellence to ensure ability to execute the mission of the Office (which includes the timely and fair processing of complaints); (3) strengthening awareness of and confidence in the attorney regulation system; and (4) strengthening organizational competence and efficiency by ensuring OLPR staff and DEC volunteers have the skills and support necessary to tackle forthcoming challenges within the legal profession. We are in the process of finalizing these priorities and outlining the specific action items necessary to advance these strategies.

In addition, we have proposed a new tagline: *Protecting the Public, Strengthening the Profession*, a new mission statement: *Protecting the public and serving the legal profession through*

#### OLPR VISION STATEMENT:

Through effective,  
efficient and  
accountable  
regulation, the  
OLPR promotes  
the public interest  
and inspires  
confidence in the  
legal profession.

*the fair and efficient enforcement of the Minnesota Rules of Professional Conduct, and effective educational resources, and a new vision statement: Through effective, efficient and accountable regulation, the OLPR promotes the public interest and inspires confidence in the legal profession. When adopted, the final strategic planning report will be available at our website, [www.lprb.mncourts.gov](http://www.lprb.mncourts.gov).*

As the Supreme Court repeatedly reiterates when addressing discipline, protecting the public and the profession are the primary drivers behind regulating misconduct, as well as the profession as a whole. Confidence in the profession is critical to all of our livelihoods and to our ability to credibly check the other branches of government. As this Office works to implement the strategic priorities that have been identified, I would like to hear from you about ways we can better protect the public and strengthen the legal profession. I can be reached at the email address in my bio accompanying this article. Thanks in advance for your input, and do not forget to keep your license in good standing. ▲

#### Notes

<sup>1</sup> Rule 2, Rules of the Supreme Court on Lawyer Registration (RLR).

<sup>2</sup> The reporting cycle is based on the lawyer's last name at the date of admission and does not change if a lawyer later changes his or her name.

<sup>3</sup> Rule 2H, RLR.

<sup>4</sup> Rule 12B, Rules of the State Board of Continuing Legal Education (RCLE).

<sup>5</sup> Effective 7/1/2017, the Minnesota Supreme Court amended Rule 2 of the RLR to provide a grace period after the registration is due (subject to late penalty) but prior to when an administrative suspension becomes effective, which is then subject to payment of a reinstatement fee. Rule 2I, RLR.