

REMAINING ACTIVE

A tutorial on law license statuses

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Did you know there are approximately 30,000 licensed Minnesota attorneys? The number may surprise you. Also surprising: That number has remained relatively static for more than a decade. The Office of Lawyers Professional Responsibility fields questions regularly relating to law licenses, and mostly we explain we are not the office you should be contacting!

The Minnesota Supreme Court has established several entities to assist in regulating the profession, and attorneys often mistake the roles of each. This month's column aims to provide some basic information related to your law license, answering some of the frequently asked questions we receive and offering guidance on where you can go to get additional answers. Joining me in writing this column is Emily Eschweiler, the director of the Board of Law Examiners, Lawyer Registration Office, Board of Continuing Legal Education, and Board of Legal Certification.

options do lawyers have if they wish to remain in good standing? And why can't lawyers elect to retire before they are 68?

There are three active fee statuses in Minnesota, based on whether a lawyer has been admitted for more than three years in any jurisdiction and whether a lawyer makes more than \$50,000 per year. Lawyers on any active status can engage in the practice of law in Minnesota, can refer to themselves as attorneys, and can hold themselves out as authorized to practice in Minnesota.

Lawyers who are not practicing in Minnesota may choose to elect an inactive status and pay a slightly discounted rate. The most important thing to note here is that lawyers on inactive status may not engage in the practice of law in the state. Lawyers on inactive status should also take care not to hold themselves out by word or deed as suggesting they are licensed to practice law in Minnesota. Lawyers electing inactive status are still required to submit their continuing legal education credits every three years unless they also elect voluntary restricted (VR) CLE status through OASIS.

If lawyers do not complete their registration statement by the filing deadline, a late notice is sent. Lawyers then have 30 days to complete their registration statement. Lawyers who do not complete their registration statement by the first day of the month following their due date become administratively suspended for non-payment. Lawyers who are administratively suspended are not authorized to practice and are not in good standing. Additionally, allowing your license to become administratively suspended can have unanticipated consequences if you plan to be licensed in other jurisdictions. For example, if you are seeking admission to the bar of another state, those jurisdictions will ask if you have ever been administratively suspended. Also, because you are not in good standing while administratively suspended, this can have other implications, such as disrupting *pro hac vice* admissions in other jurisdictions. You cannot obtain a Certificate of Good Standing if you are not in good standing.

Lawyers who plan to no longer practice in Minnesota may elect inactive status, may elect to retire if they meet the qualifications, or may choose to resign their license. Lawyers who are permanently

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The details

Once a year, licensed Minnesota lawyers receive notice from the Lawyer Registration Office that their registration statements are ready for review. The timing is governed by the first initial of your last name on the date of admission. Most lawyers (93 percent) choose to file online through the Online Attorney and Sponsor Information System (OASIS), and most choose the same fee status as the previous year. The fees collected defray the cost of regulating the profession. (Since we are self-regulated, lawyers, not the Legislature, fund regulation activities.) This fee is separate from any fee you may pay to belong to a bar association, such as the MSBA or one of the affinity bars. The fee is determined by the status elected. But what do the statuses mean? What

disabled may also elect disability status. Electing inactive status, disability status (separate from any disability that is impacting a discipline proceeding), or retirement status is handled by the Lawyer Registration Office. Electing to resign is handled by the Office of Lawyers Professional Responsibility, as is disability status when it is being elected in lieu of discipline.

Once a disability affidavit or a retirement affidavit is filed with the Lawyer Registration Office, the lawyer has no further obligation to file their lawyer registration statement. Lawyers electing these statuses are also automatically placed on voluntary restricted status and no longer have an obligation to report CLE credits unless they wish to later return to active status. To elect retirement status, a lawyer must be 68, in good standing, not hold a judicial office or sit by special appointment, and not be engaged in the practice of law in any state, territory, or the District of Columbia. Thus, you might retire from the practice of law before 68 but retirement status is only available according to the licensing rules adopted by the Court at 68.

But there is more! Lawyers on retirement status (who, again, must be 68 by definition) may also elect emeritus status through the Board of Continuing Legal Education. Lawyers on emeritus status may provide “pro bono legal representation to a pro bono client in a matter referred to the lawyer by an approved legal services provider.” Emeritus lawyers must file with the CLE Board an affidavit that the lawyer has completed five credit hours in the 90-day period prior to electing emeritus status: three credit hours in the substantive area of law in which the lawyer intends to perform pro bono service, one credit hour in ethics and professional responsibility, and one credit hour in elimination of bias in the legal profession and in the practice of law. If the lawyer will provide pro bono representation in multiple areas, the lawyer must certify that they will seek the training necessary to competently represent clients in those areas. Pro bono legal service providers would love to have you consider emeritus status if you are contemplating retirement and do not wish to keep your license active—but do wish to continue to be of service.

If you no longer see a need for your Minnesota license, you can also resign. Prior to resigning

licensure, lawyers should verify that their license is in good standing with the Lawyer Registration Office. Once a lawyer resigns, resolving good standing issues is no longer a possibility and this can be problematic—for instance, in applying for licensure in other jurisdictions. Some jurisdictions require that to be admitted in that jurisdiction, you must be in good standing in every jurisdiction in which you have been licensed or to have been in good standing at the time of resignation. Electing voluntary restricted status and paying outstanding fees can typically resolve standing issues promptly, but if you have resigned your license, that is not possible. The other consideration is that resignation can take time. You must petition the Minnesota Supreme Court, which must approve your resignation. There is no provision in the lawyer registration rules that allows for an extension of time to get this done before your annual registration fees are due. Starting the process at least three months before the registration statement is due can provide the time necessary for the proper paperwork to be filed and for the Court to address your petition. The Office of Lawyers Professional Responsibility has an FAQ on resignation that you might find helpful if you are considering this step. Regaining your Minnesota license after resignation is like applying to the bar in the first instance (though without the bar exam) and not to be taken lightly.

Conclusion

You invested a lot to obtain your law license. There are several license statuses to maximize flexibility over the course of a career. Another tip we can share: Please alert the Lawyer Registration Office if a licensed Minnesota lawyer passes away so that the registration rolls can be updated accordingly. And do not forget to keep the Lawyer Registration Office informed of your current address. If you have questions regarding your license status and these options, you can email lawyer registration at lawyerregistration@mbcle.state.mn.us. If you have questions about what you can and cannot do depending on your license status, or wonder if you are accurately representing yourself in accordance with your status, you can contact the OLPR at 651-296-3952 for an advisory opinion or to talk to someone about resignation requirements. ▲