

What to Call "Inactive Bar Membership"

Hi All,

I am located in Connecticut, and am barred in Connecticut and California, and before the USPTO. I recently went "inactive" in California to save some money.

Any suggestions on how to refer to my "inactive" status in California, or if I even should? I am afraid saying "Inactive Member" sounds like there has been some sort of discipline issue. But, it seems like simply saying "member of the California Bar" might lead to trouble. Any suggestions? Thanks.

Just curious - it has always sounded strange to me to say I am/you are "barred" in a state. When I first heard this term on this listerv, I thought it meant banned - and, understandably, was confused for a moment (obviously, I figured out what people were saying, but it still sounds strange to me...).

Why don't you just say you are licensed in a particular state? Isn't that what you have - a license to practice law? At least here in MN, my license is from the State/Supreme Court. Although I choose to be, I am not obligated to be a member of the Minnesota State Bar Association or the American Bar Association. Hence, I guess, my confusion when some of you refer to being "barred".

I have seen it on this listerv and our State solo/small listerv where members with an inactive license in a State refer to it as such - "inactive in..." Sounds fine to me and it doesn't seem to have a negative connotation. Â Especially to a layperson, I agree that saying barred may sound much worse.

Amy J. Holzman, Minnesota

I don't think it's a problem; you are a member of the bar, but just not actively practicing there at the time. I don't think you need to note that. It might be a concern if you were in CA, but since you are in CT, I

doubt it would be a problem. I did the same thing for several years in a state where I was inactive and never had a problem.

Good luck!

Adam Sherwin, Massachusetts

Good question. See my signature block for how I handle it.

I find that if anyone has a question about my status in any Bar it starts a nice conversation (which might lead to billable work).

Sincerely,

Christian Zinn

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Employment Lawyer

Licensed in NV (inactive), MA, AR, and FL (pending July 2015 Bar exam)

I state that I am licensed in both Ohio and Missouri (inactive)

inactive shouldn't signal some sort of discipline, it simple means my license isn't active in that state

Erin Schmidt, Ohio

I think the answer depends on how the state in issue deals with non-resident lawyers. From what I'm reading, CA and other states don't require lawyers not "active" in the state to pay full dues, but permit them to return in good standing--without taking the full bar exam (you can tell me about how you have to deal with CLE)--when he or she begins again to pay full dues. New York (where I was first admitted) and New Jersey (1985) offer no such deal; either you pay full bar dues, no matter where you practice, or you resign (as I did in New Jersey a few years ago). New York's only concession is to provide I need only comply with the CLE rules of my principal jurisdiction (MA), rather than those of the Appellate Division which first licensed me.

My take is that if you've passed a state's bar exam and you were admitted to practice (and have not resigned), you can truthfully and properly hold yourself out as being "admitted" there, even if you cannot actively practice in the state (by reason of "inactive" status, or perhaps, the lack of the "bona fide [physical] office" some still demand). Nonetheless, a call to the state ethics hotline (if one exists) may be the best way to resolve the question . . .

Edward R. Wiest, Massachusetts

Ed -- since Mass doesn't have any kind of CLE requirement, are you telling me that NY is good with not taking CLE?

Sasha Golden, Massachusetts

Generally, the state you do not live in requires that you fulfill the CLE requirements of the state in which you do live in or primarily practice.

So, Missouri accepted my fulfilling Ohio's CLE requirement to fulfill theirs.

Erin M. Schmidt

I, too, am licensed in both California and Connecticut.

Michael, I suggest that when in doubt, contact the California State Bar.

CA State Bar is pretty good about getting back to lawyers with ethics questions. I've had to call them a few times during the course of my practice.

Best regards,

Jessica Kaye, California

And then there is Virginia, where at least way back in 1999 when I decided for similar reasons on to keep paying my license fees, I was told the only way to not have to pay an annual fee was to be "suspended" for non

payment. I could have gone inactive, but that would have required \$95 per year as I recall. Not something I wanted to pay as a new solo.

I just give the dates I had my VA license where that information seems necessary, otherwise I state licensed in UT and NY (which I keep paying because heck, its New York). Maybe we should all say "Active licenses in"

Nanci Bockelie, Utah

Missouri isn't so bad, my inactive fee is only \$50 a year

Erin M. Schmidt, Ohio

My husband was admitted in 3 states. When he went into State government service it no longer made sense for him to maintain his status to practice in the other two. He has been inactive in two jurisdictions for years and no one has suggested he did anything bad. He refers to his status in those states as "inactive".

Michelle Kainen, Vermont
