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Subject: New Procedures for Attorneys Acquiring Inactive or Retired Status
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The Disciplinary Board of the Supreme Court of Pennsylvania provides the following article for distribution to members of your association.

New Procedures for Attorneys Acquiring Inactive or Retired Status

Acquiring Inactive Status

In an attempt to streamline the process and expedite reinstatement, the Supreme Court of Pennsylvania recently adopted a series of changes regarding the procedure for attorneys wishing to become inactive.

If you are licensed to practice in Pennsylvania and voluntarily become inactive for any reason other than retirement, you must pay an inactive annual fee of \$70 effective for the 2009-2010 assessment year. You will also be removed from the roll of those classified as active. Previously, there was no inactive annual fee.

If you fail to pay the \$70 inactive annual fee and file the 2009-2010 Attorney Annual Fee form, it will result in an order placing you on administrative suspension. If you are administratively suspended and would like to be reinstated, you must pay a \$300 reinstatement fee, late payment penalty, and the registration fee for the year of your administrative suspension, even if the administrative suspension occurred less than three years earlier.

If you request to be inactive, and later choose to return within the same year you became inactive, you will need to pay the difference of the annual active fee and the inactive annual fee (\$130.00 for 2009-2010). Should you choose to be inactive for more than three years, and then return to practice law, you must petition for reinstatement.

The following are exempt from the Inactive Annual Fee:

- Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court;
- retired attorneys; and
- military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys).

The exemption does not include Philadelphia Traffic Court judges, Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.

Acquiring Retired Status

By requesting retired status, it is assumed that you will no longer practice law in Pennsylvania. Retired status can be filed regardless of age or whether you're practicing elsewhere.

The \$70 inactive fee does not apply to retirees. If you choose to retire, you may complete the 2009-2010 Attorney Annual Fee form or submit an application for retirement with the Attorney

Registration Office. Upon transmission of the application to the Supreme Court, the Court shall enter an order transferring you to retired status, and you shall no longer be eligible to practice law in Pennsylvania.

If you retire and later seek to resume active status within three years, you will be required to pay the annual active fee for the three most recent years or such shorter period in which you were on retired status, instead of the amount paid by an inactive attorney seeking reinstatement.

If you are on retired or inactive status, you may not engage in activities that constitute practice as a Pennsylvania lawyer. You may not advise clients as to Pennsylvania law, contact third parties or courts in a representative capacity, file any document with a court on behalf of another, or work in a position which requires you to be a lawyer in good standing.

The recent changes adopted by the Court also help streamline the reinstatement of attorneys who have been inactive for more than three years. The review time is significantly shortened if the Disciplinary Counsel does not oppose a petition. Also, there will be no need to personally appear for a reinstatement hearing.

An additional change in the rules clarifies that the Attorney Registration Office, rather than the AOPC, is the appropriate place for the collection of assessment forms and fees.

For more details on procedure changes, visit the Disciplinary Board of the Supreme Court of Pennsylvania's Web site at www.padisciplinaryboard.org/faqs/attorneys.php.

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