

Your Law License in Retirement

From the OBA Management Assistance Program Staff

One of the decisions to be made when a lawyer retires is what action should be taken with the lawyer's license to practice law. It is not a decision that needs to be rushed as some lawyers who have retired have found themselves "un-retiring" within a few months. There are four approaches.

1. **The Lawyer Can Resign.** Then the individual no longer has the legal right to practice law in Oklahoma and has no professional obligation to comply with mandatory CLE requirements or pay bar association dues. They are also no longer a lawyer. Acceptance of a resignation is contingent on no pending discipline proceedings or grievances pending. However, if the lawyer changes his or her mind, a reinstatement hearing will be required to attempt to return to the practice of law in Oklahoma.
2. **The Lawyer Can Maintain a Law License and Cease Practicing Law.** Payment of dues to the OBA will continue. The benefit of this approach is you can easily change your mind if circumstances change. Filing an affidavit with the MCLE Commission that one did not practice law for the entire year relieves the lawyer of MCLE obligations as does being a nonresident of the state for the entire year while not practicing law in Oklahoma. But be aware of the "December surprise." We have talked with lawyers who did not practice law for almost a year and then made a small claims appearance or did some minor work for someone in December which meant they had to satisfy MCLE requirements for the year on short notice.
3. **The Lawyer Can Take Retired Lawyer Status.** Lawyers 70 years of age and older can take retired lawyer status which means they no longer have to pay dues and satisfy other bar obligations. But they also cannot practice law. Retired lawyer is a convenient explanation when people request advice in the future. It acknowledges the lawyer's career and also explains why they cannot now offer legal advice. See <https://www.okbar.org/governance/> for more details and the form to request the status. The member must have attained age 70 prior to January 2. "An Active Member requesting Retired Member classification must have reached age seventy (70) prior to January 2nd of the year he or she is requesting to be reclassified to Retired Status and relieved from paying dues." 5 O.S. Ch. 1, App. 1, Art. II, Sec. 2 (d) Rules Creating and Controlling the Oklahoma Bar Association.
4. **Associate Member status is an option in the case of disability or illness.** Under ARTICLE II, Section 2 of the Rules. "A member in good standing who files, or on whose behalf there is filed, with the Executive Director, a statement that, by reason of illness, infirmity, or other disability, he or she is unable to engage in the practice of law shall become an Associate Member of the Association for the duration of such illness, infirmity or other disability until restored to the former classification." <https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=481678>