

### **Membership Options: Can I go Inactive or Put My License in Escrow?**

1. There is no inactive status in Kentucky except for at age 70, and no procedure for putting your license in escrow.
2. There are a few options from the requirement to pay dues. They are:
  - Disabled Inactive Status is available for any member who has been, because of a mental or physical condition, judicially declared to be a person under a legal disability, or for whom probable cause exists to believe that the attorney has a mental or physical condition that substantially impairs his or her ability to practice law. He/she shall provide to the Court a detailed written report from a licensed qualified health care provider who has examined the attorney setting out the findings of the health care provider, including the results of all tests made, diagnoses and conclusions. The Court may enter an order transferring the attorney to Disability Inactive Status. An attorney classified under this subsection is not required to pay dues or obtain the annual CLE requirement pursuant to SCR 3.645. This status shall be reflected on the attorney's membership record. No attorney classified under this status may engage in the practice of law in this state until restored to active status by the Court. Any disciplinary proceedings against the attorney shall be stayed while he/she is on disability inactive status. Any report and supporting records from a health care provider regarding the treatment of the attorney shall be confidential and sealed. See Supreme Court Rule 3.030(5)
  - Senior Retired Inactive Status is available for any member who reaches the age of 70 years and no longer is actively practicing law and who has met the necessary CLE requirements for inactive status pursuant to SCR 3.666(2). Such members shall upon notification to the Executive Director be classified as Senior Retired Inactive and shall not be required to pay annual dues. See Supreme Court Rule 3.030(4)
  - A Military Dues Waiver is available to any member of the association for any fiscal year in which the member serves actively for a period of not less than six months in the armed services of the United States of America, other than as a career member of the armed forces. See Supreme Court Rule 3.040(2)
  - A Hardship or Financial Waiver is available to any member for relief by reason of undue hardship arising from disability, sickness, or financial condition. This waiver must be applied for in writing and include supporting documentation such as a doctor's statement of sufficient financial information. See Supreme Court Rule 3.040(4)

3. There are several exemptions from the minimum annual CLE requirement. They are:
  - A CLE **non-practice exemption**: available to members who do not practice law in Kentucky. The holder of this exemption is still a member of the KBA in good standing, but is not authorized to practice law in Kentucky until it is removed. This exemption carries forward automatically until the holder seeks to remove it.
  - There are hardship exemptions and extensions as well, governed by SCR 3.666 and 3.667. Financial difficulties do not constitute a "hardship" under the rules.
  - There are also exemptions for "lifetime" members of the KBA and state and federal judges.
  - The holder of a CLE exemption remains obligated to pay KBA dues unless a dues exemption has been approved.
  
4. A member may voluntarily withdraw from KBA membership if the following conditions are met:
  - Any Member who desires to withdraw from membership and is not under investigation pursuant to SCR 3.160(2), and does not have a complaint or charge pending against him/her in any jurisdiction shall file a motion to that effect with the Supreme Court of Kentucky. The Membership Department prepares this motion for the member and upon return of the original executed motion and certificate of service, files the appropriate documents with the Supreme Court. A member who has withdrawn is considered a former member and is no longer responsible for dues.
  
5. Many attorneys, who do not practice law in Kentucky and no longer want to pay KBA dues or do Kentucky CLE mistakenly believe that withdrawal from membership is the equivalent of "inactive status," which some other states permit. **If you are considering withdrawing from the KBA, please note that restoring your license is a time-consuming and costly process.** In its simplest form, it may take 6 months or longer to complete, and may cost \$1,000 or more. If there are complications or if you have been out of the KBA for 5 years or more, the process will take a year or more, and cost thousands of dollars.