



Attorney Heather Bub rushes her boys, Luke, 6, and Jack, 7, off to school Wednesday morning from their home in Warson Woods. Bub took three years off to have her boys and found getting back into her profession had its challenges. Her criticisms were part of the impetus to change the state's rules for reinstating one's license. Photo by Karen Elshout

## Coming rule change makes license reactivation less burdensome

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By: Catherine Martin October 26, 2015

**I**n 2010, Heather Bub was ready to go back to work after taking a two-and-a-half year hiatus from practicing law to raise her first and second children.

She had already gotten a job with St. Louis law firm SmithAmundsen, and just needed to reactivate her Missouri law license. She assumed that would be a simple process — she knew it was in Illinois and California.

She quickly discovered that wasn't the case in Missouri.

"I just encountered a lot of difficulty," Bub said. "I found the process not only burdensome, but especially time consuming."

The process took a couple of months before she was reactivated, and that was with Bub calling the Missouri Supreme Court, where she had to file a petition for reentry, almost every day "trying to accelerate the process."

So when Megan Phillips, co-chair of the Joint Commission on Women in the Profession, last year reached out to members to see what issues they would like the commission to work on, Bub shared her struggles.

The commission quickly jumped on working to improve the process, and worked with the Missouri Supreme Court and the Office of the Chief Disciplinary Counsel to change the reactivation rule.

A new rule, which makes it much simpler to reactivate a law license, was approved last month by the Missouri Supreme Court and will officially go into effect on Jan. 1.

"I was delighted by how quickly it happened," Phillips said.

## More burdensome

Happen quickly it did. Phillips said it was just around this time last year when Bub first brought the reactivation process to the attention of the commission.

To Phillips, it seemed like an ideal issue for the joint commission on women in the profession, which was formed in July 2013.

Although anyone can change the status of a law license to inactive, women do so more than men. Women are more likely to take time off to raise children, as Bub did, or to help with aging family members, Phillips said.

Women make up half of all petitions for reactivation, yet only 35 percent of Missouri attorneys are women, according to the 2013 Missouri Bar Economic Survey.

"This exemplified the commission's potential," Phillips said. "It was something we had the ability and authority to raise the issue on and have someone take a look at it."

Phillips and other commission leaders began looking into the policies in Missouri regarding law license reactivation and comparing Missouri's policies to other states.

Missouri's policy had a number of requirements that involved time or financial investments. Fees included a \$500 reactivation fee and a \$70 docket fee to file a reinstatement petition with the Supreme Court, as well as annual enrollment fees that are typically \$410 a year. An attorney who had been gone for fewer than three years had to complete 15 CLE hours before reinstatement, and an attorney who had been gone for longer than three years had to complete 30 CLE hours, which also come with a price tag.

The Office of the Chief Disciplinary Counsel required an investigation that looked into schools attended, employment held and reasons for return, required three references and a signed release of personnel and health records. Petitioners also had to fill out a lengthy questionnaire.

For some, the process took even longer than it did for Bub.

A few other states have some of those same requirements for reactivation, but many do not.

"We found out Missouri is more burdensome," Phillips said.

For example, Illinois and Kansas, where many Missouri attorneys are also licensed, both have simpler processes.

In Illinois, an attorney looking to reactivate a license must only pay an activation fee and fill out a form online. CLE hours must be completed within two years of the license being reactivated.

Kansas attorneys have a year to complete CLE requirements. Reactivation has a few more requirements, including annual registration fees and a reinstatement fee, and attorneys must send the court a written request for reinstatement. Those who have been gone longer than two years must also submit a questionnaire. Still, the process only takes one to two business days.

## No one knows

With so many requirements, it begs the question of why a Missouri attorney would go inactive, instead of just paying the bar fees to keep a license in good standing. Phillips and Bub agreed the answer is simple — no one knows how hard it is until they're going through it.

Bub said her reasoning at the time was that paying dues for a license she wasn't using was going to be burdensome, especially when she was home with children and not bringing in any income. Complying with the annual CLE reporting would also be costly, and time consuming.

Lawyers with an inactive law license only have to pay a \$50 fee per year.

She said she didn't realize it would be any different than reactivating a license in California, where she previously lived. Reactivation in California only involves filing out a form and paying dues.

"In retrospect had I known how difficult it was ... I might not have gone inactive," Bub said.

Phillips said she didn't think Missouri's rule, which the Supreme Court adopted in 1999, was written with the intention of making it hard for attorneys to reactivate a license.

"It was never intended to be any sort of obstruction or barrier, it had just never been viewed in the light before. Somebody just needed to speak up," Phillips said.

Missouri Supreme Court Judge Laura Denvir Stith, who is a member of the joint commission, confirmed the issue had not been brought up before. The delays, she said, were inherent in doing a background investigation "because by nature that takes some time."

"If someone's coming back into the profession, historically the disciplinary council thought it was important to protect the profession by making sure nothing had occurred while the person was inactive," Stith said.

The new rule makes the process for reentry simpler. Attorneys now have a year to complete CLE credit, instead of completing it before reactivating a license, and don't have to pay a reactivation fee or docket fee. The application form is also much simpler, instead of a lengthy questionnaire, and attorneys must only prove they are in good standing in any other jurisdiction where they are licensed, instead of providing letters of recommendation and other documents.

But the rule still allows for more in-depth checks on a candidate if something about his or her application raises red flags, such as a criminal violation that arose in the interim.

"The revisions provide a really good balance," Stith said. "They were able to refine and speed up the process" and still protect the profession.

### Remaining barriers

Stith and the Supreme Court, along with OCDC, all played integral parts in getting the new rule passed so quickly, Phillips said.

"Everyone was on the same page from the beginning, that made it easy," Phillips said.

Stith said she couldn't talk about internal court discussions on the new rule, but she hasn't heard anything negative about the rule change from anyone.

"I don't think there's any naysayers, that I'm aware of," she said.

The revised Supreme Court Rule 6.06 was approved on Sept. 10.

Phillips said she did a "silent victory dance" when she got the news the rule had been approved. She immediately shared the news with other women in the commission, specifically those who had provided testimony about how the old rule had been burdensome to them, including Bub.

"They were really an instrumental piece in this," Phillips so. "I'm so grateful to them [and wanted them to know] they had some part in making something better for our sisters that come behind us."

While the rule change is a major victory, Phillips said it is not the only barrier keeping women, or others, from re-entering law after taking some time off.

Other barriers still remain, she said, such as being able to get hired again by a law firm after being out of law for some time.

The commission hopes to tackle those problems, too. Phillips said its leaders are working on creating a re-entry program for women that would include helping women practice interviewing, brush up on resume writing and work on other important skills for gaining employment. Phillips is also hoping to create a program that will make CLE credits available and even possibly include a networking event.

"Now that we've fixed the rule, there are a lot of other barriers to work on," she said.

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October 26, 2015 at 10:54 pm

Gee, I wonder how tough it was for all those soldiers who got shipped off to WW I, Ii, Korea, Vietnam Nam for a couple years?

