

Frequently Asked Questions

Last updated 1/2019

DUES, FEES & ASSESSMENTS QUESTIONS

How much are fees and assessments and when are they due?

The State Bar fiscal year runs from April 1 through March 31. Payments are due by April 1 of each year. Use the chart below to determine your total.

<u>DUES, FEES & ASSESSMENTS</u>	<u>ACTIVE</u>	<u>INACTIVE</u>	<u>ACTIVE MILITARY</u>	<u>SENIOR</u>	<u>EMERITUS</u>	<u>NEW ADMITTEE ACTIVE</u>	<u>NEW ADMITTEE INACTIVE</u>
Membership Dues	\$300	\$190	-----	\$50	\$0	\$50	\$50
Supreme Court License Tax	\$25	\$25	\$25	-----	-----	\$25	\$25
Lawyers' Fund Assessment	\$20	-----	\$20	-----	-----	\$20	-----
CLE Fee	\$25	-----	\$0	-----	-----	-----	-----
Discipline Counsel Assessment	\$125	-----	\$125	-----	-----	\$125	-----
TOTAL:	\$495	\$215	\$170	\$50	\$0	\$220*	\$75*

**Pro-rated amount applies to first fiscal year of admission only; must be paid prior to swearing in*

VOLUNTARY SECTION DUES:

- | | |
|---|--|
| <ul style="list-style-type: none"> Bankruptcy Section (\$20) BETR Law (\$20) Construction Law Section (\$20) Criminal Law Section (\$15) Family Law Section (\$10) Federal Practice Section (\$20) Health Care Law Section (\$10; FREE 1st yr) Indian Law Section (\$20) Intellectual Property Law Section (\$30) | <ul style="list-style-type: none"> Natural Resources & Environmental Law Section (\$10) New Lawyers' Section (\$15) Nonprofit Law (\$20) Paralegal Section (\$85) Public Law Section (\$10) School Law Section (\$20) Veterans Law Section (\$20) Water Law Section (\$30) Women's Law Section (\$20) |
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Why are Inactive members required to pay the Montana Supreme Court's license tax?

The Clerk of Court is the authority that issues your license and collects the license tax on behalf of the Supreme Court. Active, active military and inactive members must maintain their license each year. [Section37-61-211, MCA]

Can fees and assessments be paid by credit card?

Yes-the State Bar accepts Visa, Mastercard, Discover and American Express. Members who pay fees and assessments by credit card will be charged a processing fee. To avoid this charge mail in your payment in the form of check or money order. Use the chart below to determine your fee.

<u>MEMBER TYPE</u>	<u>FEE</u>
Active	\$18
Active Military	\$0
Inactive	\$7
Senior	\$0
New Admittee - Active	\$5
New Admittee - Inactive	\$2
Paralegal Renewal	\$2

Why are governmental lawyers required to pay the Lawyers' Fund for Client Protection assessment?

The assessment is a Court-ordered requirement for all active and active military members of the State Bar. [165 Mont. 1, 530 P.2d 765 (1975)]

How do I pay online?

To pay online, log in at www.montanabar.org. After log in select the "Pay Dues/Change Contact Information" button then click the "Renew Your Membership Now" link.

How would I request a financial or disability hardship waiver?

Members of the State Bar of Montana who are experiencing difficulty as a result of **financial hardship** and are unable to pay full or partial dues may apply for a waiver using the necessary form. This waiver applies to dues ONLY. The State Bar of Montana does not have authority to waive Court-ordered fees or assessments.

Members of the State Bar of Montana in a good standing who become **disabled** may request a full or partial waiver of dues until they are able to return to work using the necessary form. This waiver applies to dues ONLY. The State Bar of Montana does not have authority to waive Court-ordered fees or assessments.

Who pays the assessment for the Office of Disciplinary Counsel?

The assessment is a Court-ordered requirement for all active and active military members of the State Bar. [MT Supreme Court Order dated January 15, 2002]

What happens if I do not pay the fees and assessments?

Members who fail to postmark their payment by April 1 will be mailed a second notice and assessed a \$50 late fee. If the 1st of April falls on a weekend the following Monday will be accepted. If, after 30 days from the date of the second notice, there is no payment received a notice of delinquency will be mailed to the primary address of record by both regular and certified mail. Within 20 days from the date of this notice the member is suspended for non-payment and will incur an additional \$200 reinstatement fee. The names of suspended members will be provided to all Courts of Record in Montana. Dues and penalty fees will continue to accrue for each year left unpaid. Members whose dues are in arrears for 3 or more years are required to petition the Montana Supreme Court before reinstatement will be granted.

I paid but have not received my bar card. When can I expect it?

Please allow up to 14 business days from the date your payment is processed.

MEMBERSHIP & STATUS CHANGE QUESTIONS

What are the membership options available?

Active Attorney Status

The class of active members includes all members of the State Bar licensed to practice law in the State of Montana. Except as provided in State Bar By-laws Article I, Section 3(g), only active and active military service members may practice law in the State of Montana. No person other than an enrolled active member or active military service member of the State Bar may practice in this state or in any manner claim to be authorized or qualified to practice law.

Inactive Attorney Status

Inactive members are eligible to return to active but are not currently engaged in the practice of law in Montana. Inactive members may not practice law and do not have to report CLE.

Inactive Disability Status

The class of inactive/disability members includes members who have been transferred to such status as per Rule 28 of the Rules for Lawyer Disciplinary Enforcement.

Senior Attorney Status

Senior members are 70 years of age and older who are not engaged in the practice of law in Montana. Senior membership is considered inactive and such members are exempt from paying the \$25 Montana Supreme Court license tax. Senior members do not have to report CLE.

Active Military Attorney Status

Many active military members are required as part of their service to belong to a State Bar and maintain an active license. The status is for those members who are full-time active military service members of the United States. The State Bar of Montana considers a member eligible for active military status if the member is serving on active duty or active service or working exclusively as a judge advocate in the Armed Forces of the United States. Although classified as active members, this category exempts them from paying fees or reporting CLE. Active military members are required to pay all Montana Supreme Court-ordered assessments and fees.

Emeritus Attorney Status

You must apply for and be granted emeritus status pursuant to Article I, Section 3(g) of the State Bar By-Laws. A member who is granted status as an emeritus attorney may practice law only as provided in these by-laws and will be awarded upon application to a lawyer member who meets the requirements as listed in Section 3(g). Emeritus members have been an active or judicial member for a minimum of 10 out of the 15 years immediately preceding the application for emeritus status. To retain emeritus status once approved, the member must annually complete 25 hours of pro bono legal services through a qualified provider.

There are no annual fees or assessments for emeritus members. They are required, however, to report 10 hours of approved CLE per year. Of the ten (10) credit hours, at least five (5) credit hours must be earned by attendance at interactive seminars as defined in Rule 7 of the Rules for Continuing Legal Education. Emeritus members are subject to the same requirements as active members for credit hours in ethics.

Judicial Status

The class of judicial members includes elected or appointed members of the Montana judicial system who devote full time professional activity as judges and retired judges who are eligible for temporary judicial assignment and are not engaged in the practice of law. The Montana judicial system includes Supreme Court justices, district court judges, the chief water judge, the workers' compensation judge, attorneys who serve as justices of the peace or city judges, standing masters, federal administrative law judges residing in Montana, and federal trial, appellate and bankruptcy judges residing in Montana. Judicial status is also accorded to members of the State Bar who are justices or judges of other courts of record of the United States or of the several states, or who are retired from such courts and are not engaged in the practice of law.

How do I transfer to Inactive, Senior or Active Military?

Requests to transfer to inactive, senior or active military must be made in writing, include bar number and/or date of birth and filed with the State Bar. Members changing to an active military status must provide documentation of their service requirements using the required form from the State Bar. Unless otherwise indicated in the request a change of status will occur upon receipt.

What if I am no longer serving in the military and need to return to Active?

Requests to transfer back to active must be made in writing, include bar number and/or date of birth and filed with the State Bar. The request must also include payment for the difference in member dues,

fees and assessments for the current year. The member will be responsible for the filing of the required 15 CLE credit hours in the year following the status change.

How do I return to Active from Inactive*?

Members must petition the Montana Supreme Court using the required form in order to regain active status. Once approved by Court order, the member will owe the difference in dues, fees and assessments between active and inactive membership for the current year. Also, as might be ordered by the Court, the member may be required to complete 15 or 30 hours of CLE within 6 months of the status change. You do not have to have the CLE requirement, if any, completed before you can change to active. *The original petition along with 2 copies needs to be submitted to the Montana Supreme Court Clerk's Office, P.O. Box 203003, Helena, MT 59620. We also request an additional copy be sent to the State Bar office at P.O. Box 577, Helena, MT 59624.*

*voluntary inactive status; members who were transferred to inactive for non-compliance of CLE please refer to Rule 12 - Rules for Continuing Legal Education https://www.mtcle.org/lawyer/law_rules.asp

How do I return to Active from Senior?

Members must petition the Montana Supreme Court using the required form in order to regain active status. Once approved by Court order, the member will owe the difference in dues, fees and assessments between active and senior membership for the current year as well as all license tax fees waived during senior status in compliance with Section 37-61-211, MCA. *The original petition along with 2 copies needs to be submitted to the Montana Supreme Court Clerk's Office, P.O. Box 203003, Helena, MT 59620. We also request an additional copy be sent to the State Bar office at P.O. Box 577, Helena, MT 59624.*

How do I return to Active from Emeritus?

Members must petition the Montana Supreme Court using the required form in order to regain active status. Once approved by Court order, the member will owe payment of active fees and assessments for the current year *including* payment of all license taxes waived during emeritus status in compliance with Section 37-61-211, MCA. In addition, the member shall complete any CLE requirements as might be ordered by the Supreme Court and in accord with the Rules of Mandatory Continuing Legal Education. *The original petition along with 2 copies needs to be submitted to the Montana Supreme Court Clerk's Office, P.O. Box 203003, Helena, MT 59620. We also request an additional copy be sent to the State Bar office at P.O. Box 577, Helena, MT 59624.*

What if I am no longer going to practice law in Montana and want to resign?

Whenever a member files with the State Bar a written notice of the surrender of his or her license to practice law in Montana, such person shall thereupon cease to be a member of the State Bar and their name shall be removed from the membership register. A request to resign membership must be made in writing, include bar number and/or date of birth and filed with the State Bar. Unless otherwise indicated in the request a change of status will occur upon receipt. Resigning your membership does not dissolve any disciplinary matters that may be ongoing before the Court.

Can I return to the practice of law in Montana if I resign?

To apply for reinstatement if you were once a member of the State Bar but resigned your membership, you must petition the Montana Supreme Court and may be required to submit to a character and fitness investigation, supply the supporting documentation, and pay the application fee. Unless otherwise ordered by the Supreme Court, resigned members will not be required to sit for any portion of the bar examination. (Section 1(b)(3) Rules for Admission to the Bar of Montana) You are also required to fulfill the same CLE requirements as inactive members requesting transfer to active status. (Rules for Continuing Legal Education, Rule 14)

How do I return to Active from Judge?

Judicial member may return to active status by filing with the State Bar a written request and by paying the applicable dues, fees and assessments for that year.

How do I become a Paralegal member of the State Bar?

Membership in the Section shall be granted to those eligible persons who have filed the required application for membership and who have paid the applicable Section dues. All Section members must be Montana residents. Section membership will exclude any non-attorney who provides any type of legal services directly to the public without the supervision of an attorney. [Paralegal Section By-Laws- Article II, Section 2.1 Membership]

What if I'm a suspended member?

Please contact the State Bar office (406) 442-7660 or jdiveley@montanabar.org to determine reinstatement requirements.