

# Enrolling as an Inactive Member

If a State Bar member does not practice law in Texas during any given fiscal year, **inactive status** may be requested.

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## GOVERNING DOCUMENTS REGARDING INACTIVE STATUS

- An inactive member is a person who: is eligible for active membership but not engaged in the practice of law in Texas; and has filed with the Executive Director of the State Bar of Texas and the Clerk of the Supreme Court of Texas written notice requesting enrollment as an inactive member. [Tex. Govt. Code §81.052](#)
- An inactive member may not practice law in Texas except as provided by rule promulgated by the supreme court for volunteer practice, and may not hold an office in the State Bar of Texas, or vote in any election conducted by the State Bar of Texas. [Tex. Govt. Code §81.053](#)
- An inactive member may by request become an active member on application and payment of all required fees. [Tex. Govt. Code §81.052](#)

## WHO IS NOT ELIGIBLE FOR INACTIVE STATUS?

An attorney cannot request inactive status if he or she is a:

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- Member engaged in providing private legal services in Texas, except as provided in State Bar Rules Article XIII, whether such services are compensated or uncompensated. Such services include any actions or advice rendered to any person or entity in any matters connected with the law. Such services do not include those rendered solely on behalf of a member's own personal interests;
- Member of the Texas judiciary, including state, county, municipal, and administrative judges licensed in Texas, but not including justices of the peace;
- Member whose position of employment requires an active Texas law license;
- Member who is a full-time or part-time faculty member of a Texas law school and is required to be licensed in Texas;
- Member who is a Texas elected official in a position that requires an active Texas law license.

**Please note:** The above list contains primary examples, but is not exhaustive. If you still have questions about eligibility, please consult the [FAQ](#).

### **WHAT AN ATTORNEY CANNOT DO WHEN GRANTED INACTIVE STATUS:**

A State Bar member on inactive status may not engage in the practice of law in Texas. ([Tex. Govt. Code §81.053\(a\)](#)). Be aware that engaging in the practice of law while on inactive status may subject you to discipline under [Tex. Disciplinary Rules of Professional Conduct Rule 8.04\(a\)\(11\)](#).

Inactive status members may not:

- Hold any position, public or private, compensated or uncompensated, that requires the member to be licensed to practice law in Texas
- Represent, in writing or in person, that the member holds an active license to practice law in Texas

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- Provide any service (paid or unpaid) for another person or entity or consult on any matter that requires the use of legal skill or knowledge, such as providing legal advice or preparing a will, contract, or other instrument, the legal effect of which must be determined
- Engage in any other activity which is determined to constitute the practice of law by statute, rule, regulation, or court decision in Texas.

## TO CLAIM INACTIVE STATUS, COMPLETE THE FOLLOWING STEPS:

1. To claim Inactive Status, log in to your [My Bar Page](#) and click "Pay Membership Fees".
2. Select "Inactive Status" under Status and Review Exemptions and click "Continue".
3. Enter an effective date. If the effective date is on or before the first day of the fiscal year (June 1), your membership fees will be reduced to \$50. If the effective date is after the first day of the fiscal year, you will be required to pay active membership fees for that fiscal year and membership fees will be reduced to \$50 in subsequent years.
4. Check the box to affirm that you are not engaged in the practice of law in Texas and that you are notifying the State Bar Executive Director and the Clerk of the Supreme Court of your request to enroll as an inactive member of the State Bar.
5. Continue through all pages until you receive confirmation.

If you have questions, please contact Membership at (512) 427-1383. You may also email questions to [memmail@texasbar.com](mailto:memmail@texasbar.com).

## FAQS FOR INACTIVE ATTORNEYS

*These frequently asked questions are not intended to be exhaustive. The answers are offered here as advisory only and may not be relied upon as definitive in a court or before a disciplinary tribunal. If you have additional questions, you are encouraged to seek independent legal advice.*

### **Can I represent a family member on a legal matter?**

Generally, no. However, in Texas Justice of the Peace courts, the court may allow an individual representing himself or herself to be assisted in court by a family member or by another person who is not receiving compensation. may allow an individual representing himself or herself to be assisted in court by a family member or by another person who is not receiving compensation. [See Texas Rule of Civil Procedure 500.4](#)

### **Can I serve as a legal consultant to a company or law firm?**

No. As an inactive Texas attorney, unless you are actively licensed in another state and working on matters that do not require Texas licensure, you may not give advice or render any service requiring the use of legal skill or knowledge.

### **Can I receive referral fees from another attorney for referring a case?**

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payment for those services after switching to inactive status. In other words, you can receive a payment that was earned before you were inactive.

Because the second arrangement requires the existence of an attorney-client relationship, it is not available to lawyers who are on inactive status.

**Can I do pro bono legal work?**

You can, if you meet the requirements set forth in *State Bar Rules, Article XIII*. Please be aware that the definition of “emeritus attorney” in Article XIII differs from the definition of “emeritus attorney” in [Tex. Govt. Code 81.052](#) for purposes of membership.

**Can I hold a position (compensated or not) that requires that I be licensed to practice law in Texas?**

No.

**Can I act as a mediator?**

You may act as a mediator to the same extent as a nonlawyer may act as a mediator. As such, you may not give legal advice or render any services requiring an active Texas law license.

**Do inactive attorneys have to pay membership dues?**

Inactive attorneys are required to pay \$50 in inactive membership dues by the due date each year to remain in good standing with the State Bar of Texas until they reach age 70 and are eligible for Emeritus Status. If an attorney requests inactive status with an effective date after the first day of the fiscal year (June 1), the attorney must pay active fees for that year and \$50 in membership fees for any subsequent year.

**What is the difference between MCLE non-practicing status and inactive status?**

MCLE nonpracticing status is designed for attorneys who are on active membership status but have not practiced law for an entire MCLE compliance year. If you qualify for MCLE nonpracticing status for a given compliance year, you are exempt from MCLE compliance for that year. [MCLE Regulation 5.3.2](#) allows an attorney claiming nonpracticing status to engage in the practice of law for his/her own personal or immediate family interests.

An attorney on inactive membership status is also exempt from MCLE compliance while on inactive status but may not practice law for or represent third parties, including immediate family members. [MCLE Regulations 5.4](#) and [5.4.1](#) explain the requirements.

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