

## **STIPULATED INACTIVE-DISABILITY MEMBERSHIP FREQUENTLY ASKED QUESTIONS**

### **What is inactive-disability membership?**

When a lawyer does not have the mental or physical capacity to practice law, he or she may be transferred to Inactive-Disability Membership. Inactive-Disability membership is defined in the [WSBA Bylaws](#) in Article III Sec. A.2. An Inactive-Disability member may not practice law, is not required to pay any license fees, and is not required to meet MCLE requirements.

### **How is a lawyer transferred to inactive-disability membership?**

A transfer to inactive-disability membership often results from a finding of mental or physical incapacity following a hearing involving review of health records and reports. However, stipulated transfers to inactive-disability membership are an option. The rules for determination of incapacity are in Title 8 of the Rules for Enforcement of Lawyer Conduct (ELC).

### **Is inactive-disability membership related to lawyer discipline?**

Although the rules for inactive-disability are contained in the ELC, the proceedings are not disciplinary proceedings. If disciplinary proceedings are already pending, supplemental proceedings on incapacity can be ordered. Please contact the Office of Disciplinary Counsel if you have a pending disciplinary investigation or proceeding and have concerns about capacity to practice law.

### **Do I have to pay a fee to change membership to inactive-disability membership?**

No.

### **Do I have to pay an annual licensing fee to the Bar Association if I'm on inactive-disability membership?**

No.

### **If I change my membership to inactive-disability, can I be reinstated in the future to active membership?**

A lawyer transferred to Inactive-Disability must petition the Disciplinary Board for transfer to Active membership and has the burden of showing that the disability has been removed. See ELC 8.8. In addition, the lawyer must meet the same requirements of Inactive-Lawyer members returning to Active membership. See the membership changes pages of the WSBA website.

### **If there are no pending disciplinary proceedings against me, how can I ask for a membership change to inactive-disability?**

If you are interested in voluntarily seeking inactive-disability membership, please complete a [Request for Stipulation to Inactive-Disability Form](#). Medical records and supporting documentation are required. Submit the completed form and supporting documentation to Membership Changes, Washington State Bar Association, 1325 4<sup>th</sup> Ave Ste 600, Seattle, WA 98101 or by email to [membershipchanges@wsba.org](mailto:membershipchanges@wsba.org).