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Taking License

Claim: Barack and Michelle Obama both surrendered their law licenses for questionable reasons.

FALSE

Example: *[Collected via e-mail, March 2010]*

Barack Obama — Editor of the Harvard Law Review — Has No Law License?

I saw a note slide across the #TCOT feed on Twitter last night that mentioned Michelle Obama had no law license. This struck me as odd, since (a) she went to school to be a lawyer, and (b) she just recently held a position with the University of Chicago Hospitals as legal counsel — and that's a pretty hard job to qualify for without a law license.

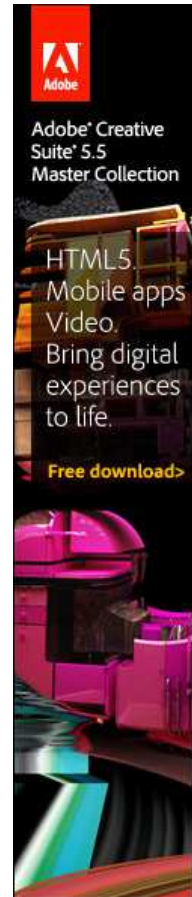
But being a licensed professional myself, I knew that every state not only requires licensure, they make it possible to check online the status of any licensed professional. So I did, and here's the results from the ARDC Website:

She "voluntarily surrendered" her license in 1993. Let me explain what that means. A "Voluntary Surrender" is not something where you decide "Gee, a license is not really something I need anymore, is it?" and forget to renew your license. No, a "Voluntary Surrender" is something you do when you've been accused of something, and you "voluntarily surrender" your license five seconds before the state suspends you.

Here's an illustration: I'm a nurse. At various times in my 28 years of nursing I've done other things when I got burned out; most notably a few years as a limousine driver; even an Amway salesman at one point. I always, always renewed my nursing license — simply because it's easier to send the state \$49.00 a month than to pay the \$200, take a test, wait six weeks, etc., etc. I've worked (recently) in a Nursing Home where there was an 88 year old lawyer and a 95 year old physician. Both of them still had current licensures as well. They would never DREAM of letting their licenses lapse.

I happen to know there is currently in the Indiana State Prison in Michigan City Indiana an inmate who is a licensed physician, convicted of murder when he chased the two burglars who entered his home and terrorized his family into the street and killed them. (And I can't say I blame him for that, either.) This physician still has an active medical license and still sees patients, writes prescriptions, etc all from inside the prison. And he renews his medical license every two years, too. I tried looking up why she would "Voluntarily surrender" her license, but Illinois does not have it's 1993 records online.

But when I searched for "Obama", I found this:



"Voluntarily retired" — what does that mean? Bill Clinton hung onto his law license until he was convicted of making a false statement in the Lewinsky case and had to "Voluntarily Surrender" his license too. President Barack Obama, former editor of the Harvard Law Review, is no longer a "lawyer". He surrendered his license back in 2008 possibly to escape charges that he "fibbed" on his bar application.

This is the former editor of the Harvard Law Review who doesn't seem to give a crap about his law license.

Something else odd; while the Search feature brings up the names, any searches for the Disciplinary actions ends quickly.

As in, Too Quickly. Less than a half-second quickly on a Search Engine that can take five seconds to Search for anything. As in, "there's a block on that information" kind of thing.

So we have the first Lawyer President and First Lady — who don't actually have licenses to practice law. There's more to this story, I'm sure. I'll let you know when I find it.

Origins: The text quoted above is just one example of several similar items that have been circulated during or since the 2008 U.S. presidential election, all suggesting (without evidence) that Barack and Michelle Obama, both of whom obtained licenses to practice law in Illinois, gave up those licenses for questionable reasons. Such claims are based on misreadings of information about license status and erroneous interpretations and assumptions about such information:

I saw a note slide across the #TCOT feed on Twitter last night that mentioned Michelle Obama had no law license. This struck me as odd, since (a) she went to school to be a lawyer, and (b) she just recently held a position with the University of Chicago Hospitals as legal counsel — and that's a pretty hard job to qualify for without a law license.

This lead-in is wrong on two counts: Michelle Obama does in fact have a license to practice law in Illinois (it is currently on inactive status), and she did not hold a position as legal counsel with the University of Chicago Hospitals (she [worked](#) at that institution as Executive Director for Community Affairs and then Vice President for Community and External Affairs). None of her job duties at the University of Chicago Hospitals required her to have an active law license.

She "voluntarily surrendered" her license in 1993. Let me explain what that means. A "Voluntary Surrender" is not something where you decide "Gee, a license is not really something I need anymore, is it?" and forget to renew your license. No, a "Voluntary Surrender" is something you do when you've been accused of something, and you "voluntarily surrender" your license five seconds before the state suspends you.

This passage is also wrong: Michelle Obama did not "voluntarily surrender" her law license; she voluntarily requested that her license be placed on "inactive" status. The difference is crucial: a lawyer who has surrendered his law license has given it up and therefore no longer has a license; a lawyer who has gone on inactive status still holds a valid law license but is not currently engaged in any professional activities that require it to be active.

At various times in my 28 years of nursing I've done other things when I got burned out; most notably a few years as a limousine driver; even an Amway salesman at one point. I always, always renewed my nursing license — simply because it's easier to send the state \$49.00 a month than to pay the \$200, take a test, wait six weeks, etc., etc. I've worked (recently) in a Nursing Home where there was an 88 year old lawyer and a 95 year old physician. Both of them still had current licensures as well.

They would never DREAM of letting their licenses lapse.

A lawyer's holding active status can entail a number of obligations (financial and otherwise): paying bar association fees, carrying malpractice insurance, taking continuing legal education classes, etc. Therefore, lawyers who are not in practice (i.e., do not appear in court or counsel clients) and do not expect to return to practice in the near future will commonly request that their licenses be placed on inactive status in order to avoid these ongoing obligations.

Reactivating an inactive law license is a fairly easy procedure, as noted in the [Volokh](#) group blog for law professors:

The fact that someone who doesn't actually practice law, and is unlikely to practice law, voluntarily retires is hardly a sinister signal: It costs money to be a member of the bar, and if you're not going to practice, it may make sense to retire. Nor does this somehow undermine claims that he's a lawyer; a retired lawyer is still commonly called a lawyer — as an indication of what he has studied, and his general professional field — even if he is no longer a member of the bar.

The bar record says that [Michelle Obama] is "Voluntarily inactive." This is even more common for lawyers who don't need a bar card, such as many lawyers who don't appear in court or counsel clients other than employer. Being an active status lawyer costs more money than being inactive, and it requires one to do Continuing Legal Education classes, unless one is in certain jobs for which the CLE requirements are waived. The difference in bar fees, for instance, is why I myself was inactive in 2001. Moreover, it's pretty easy to switch back to active status should one need to do that.

The following passage includes the erroneous implication that Barack Obama gave up his law license to avoid disciplinary action:

"Voluntarily retired" — what does that mean? Bill Clinton hung onto his law license until he was convicted of making a false statement in the Lewinsky case and had to "Voluntarily Surrender" his license too. President Barack Obama, former editor of the Harvard Law Review, is no longer a "lawyer". He surrendered his license back in 2008 possibly to escape charges that he "fibbed" on his bar application.

This is incorrect: Barack Obama did not "surrender" his law license. Like Michelle, Barack Obama had no need for an active law license for the work in which he was engaged, so he chose not to maintain it (but unlike his wife, he "voluntarily retired" rather than going on "voluntarily inactive" status). Neither of the Obamas was irrevocably stripped of their law licenses through the action of "surrendering" them.

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Not true. Information about the statuses of both [Barack](#) and [Michelle](#) Obama's licenses is readily retrievable, both show no record of any disciplinary actions or pending proceedings, and the elapsed time for searches we performed on their information was comparable to that for searches on information about other names in the Illinois ARDC database.

(The "Malpractice Insurance" section of Michelle Obama's license information which includes a notation about her being on "court ordered inactive status" is not, as commonly misinterpreted, an indication of any wrongdoing on her part. That terminology is used simply because prior to the end of 1999, the Illinois ARDC [rules](#) required "a proceeding in the Court for any voluntary transfer to inactive status, whether because of some incapacitating condition or solely as a matter of the lawyer's preference because the lawyer would not be practicing law.")

So we have the first Lawyer President and First Lady — who don't actually have licenses to practice law.

This is hardly remarkable or suspicious: neither of the Obamas holds a currently active law license because neither President of the United States nor First Lady is a

position that requires one. It's also inaccurate in referring to the Obamas as the "first Lawyer President and First Lady," as both Bill and Hillary Clinton held law degrees and engaged in legal work prior to the former's election to the presidency.

Last updated: 8 April 2010

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