

1 **Rule 14-415. Failure to satisfy MCLE requirements; notice; appeal procedures;**
2 **reinstatement; waivers and extensions; deferrals.**

3 (a) Exceptions. Rule 14-415 does not apply to a lawyer who is required under Rule
4 14-808 to complete NLTP requirements in a timely manner and fails to do so.

5 **(b)** Failure to comply; petition for suspension. A lawyer who fails to comply with
6 reporting provisions of Rule 14-414 shall be assessed a late fee . A lawyer who fails to
7 comply with Rule 14-414 or who files a certificate of compliance showing that he or she
8 has failed to complete the required number of hours of MCLE shall be notified that
9 unless all requirements are completed and reported within 30 days, a petition for the
10 lawyer's suspension from the practice of law will be submitted to the Supreme Court.

11 ~~(a)(1)~~-~~(b)(1)~~ The lawyer shall be given the opportunity during the 30-day period to file
12 an affidavit with the Board, disclosing facts demonstrating that the lawyer's
13 noncompliance was not willful and tendering such documents, which, if accepted, would
14 cure the delinquency. A hearing before the Board shall be granted if requested.

15 ~~(a)(2)~~-~~(b)(2)~~ If, after a hearing, or a failure to cure the delinquency by satisfactory
16 affidavit and compliance, the lawyer is suspended by the Supreme Court, the lawyer
17 shall be notified by certified mail, return receipt requested.

18 ~~(b)~~-~~(c)~~ Reinstatement. A lawyer suspended by the Supreme Court under the
19 provisions of this rule may be reinstated by the Court upon motion of the Board showing
20 that the lawyer has cured the delinquency for which the lawyer has been suspended. If
21 a lawyer has been suspended by the Supreme Court for non-compliance with this
22 article, the lawyer must then comply with all applicable rules to be eligible to return to
23 active or inactive status.

24 ~~(e)~~-~~(d)~~ Waivers and extensions of time. For good cause shown, the Board may, in its
25 discretion in cases involving hardship or extenuating circumstances, grant waivers of
26 the minimum MCLE requirements or extensions of time within which to fulfill the
27 requirements.

28 ~~(d)~~-~~(e)~~ Deferrals. The Board may in its discretion defer MCLE requirements in the
29 event of the lawyer's serious illness.

30 ~~(e)~~(f) Petition to appeal. Any lawyer who is aggrieved by any decision of the Board
31 under this rule may, within 30 days from the date of the notice of decision, appeal to the
32 Board by filing a petition setting forth the decision and the relief sought along with the
33 factual and legal basis. Unless a petition is filed, the Board's decision shall be final.

34 ~~(e)(1)~~(f)(1) The Board may approve a petition without hearing, or may set a date for
35 hearing. If the Board determines to hold a hearing, the lawyer shall be given at least 10
36 days notice of the time and place set for the hearing. Testimony taken at the hearing
37 shall be under oath. The Board shall enter written findings of fact, conclusions of law
38 and the decision on each petition. A copy shall be sent by certified mail, return receipt
39 requested, to the lawyer.

40 ~~(e)(2)~~(f)(2) The Board may grant the petitioner an extension of time within which to
41 comply with this rule as the Board considers appropriate.

42 ~~(e)(3)~~(f)(3) Decisions of the Board, other than a denial of a request for a waiver or a
43 recommendation of suspension of lawyer's license to practice, are final and are not
44 subject to further contest.

45 ~~(f)~~(g) Appeal to Supreme Court. A decision denying a request for waiver or a
46 decision to suspend the lawyer is final under paragraph (e)(3) unless within 30 days
47 after service of the findings of fact, conclusions of law and decision, the lawyer files a
48 written notice of appeal with the Supreme Court.

49 ~~(f)(1)~~(g)(1) Transcripts. To perfect an appeal to the Supreme Court, if testimony was
50 taken before the Board, the lawyer shall, at the lawyer's expense, obtain a transcript of
51 the proceedings from the Board. The Board shall certify that the transcript contains a
52 fair and accurate report of the proceedings. The Board shall prepare and certify a
53 transcript of all orders and other documents pertinent to the proceeding before it, and
54 file these promptly with the clerk of the Supreme Court. The matter shall be heard by
55 the Supreme Court under this article and other applicable rules.

56 ~~(f)(2)~~(g)(2) The time set forth in this article for filing notices of appeal are
57 jurisdictional. The Board or the Supreme Court, as to appeals pending before each such
58 body may, for good cause shown either extend the time for the filing or certification of
59 any material or dismiss the appeal for failure to prosecute.

