

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

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

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

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

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

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

23 ~~(d)(c)~~ Waivers and extensions of time. For good cause shown, the Board may, ~~in use~~ its discretion in
24 cases involving hardship or extenuating circumstances, to grant waivers of the minimum MCLE
25 requirements or extensions of time within which to fulfill the requirements. Active Utah lawyers will not be
26 granted a waiver of the CLE requirements in Utah if they are living outside of Utah and practicing law in
27 other jurisdictions. These Active Utah lawyers must comply with the Utah CLE requirements or change
28 from active to inactive status.

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

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

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

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

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

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

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

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