

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

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

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

20 ~~(e)(b)~~ Reinstatement. A lawyer suspended by the Supreme Court under the
21 provisions of this rule may be reinstated by the Court upon motion of the Board showing

22 that the lawyer has cured the delinquency for which the lawyer has been suspended. If
23 a lawyer has been suspended by the Supreme Court for non-compliance with this
24 article, the lawyer must then comply with all applicable rules to be eligible to return to
25 active or inactive status.

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

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

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

39 ~~(f)(e)~~(1) The Board may approve a petition without hearing, ~~or~~ may set a date for
40 hearing. If the Board determines to hold a hearing, the lawyer ~~shall be given~~ will have at
41 least 10 days notice of the time and place set for the hearing. Testimony taken at the
42 hearing ~~shall~~ will be under oath. The Board shall enter written findings of fact,

43 conclusions of law and the decision on each petition. A copy ~~shall~~ will be sent by
44 certified mail, return receipt requested, to the lawyer.

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

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

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

55 ~~(g)(f)~~(1) Transcripts. To perfect an appeal to the Supreme Court, ~~if testimony was~~
56 ~~taken before the Board,~~ the lawyer ~~shall~~ must, at the lawyer's expense, obtain a
57 transcript of the proceedings from the Board. If testimony was taken before the Board,
58 ~~T~~the Board ~~shall~~ will certify that the transcript contains a fair and accurate report of the
59 proceedings. The Board ~~shall~~ will prepare and certify a transcript of all orders and other
60 documents pertinent to the proceeding before it, and file these promptly with the clerk of
61 the Supreme Court. The matter ~~shall~~ will be heard by the Supreme Court under this
62 article and other applicable rules.

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