

Rule 15-415. Failure to satisfy MCLE requirements; notice; appeal procedures; reinstatement; waivers and extensions; deferrals.

~~(a) Failure to comply; petition for suspension. A Licensed Paralegal Practitioner who fails to comply with reporting provisions of Rule 15-414 will be assessed a late fee. A Licensed Paralegal Practitioner who fails to comply with Rule 15-414 or who files a Certificate of Compliance showing that he or she has failed to complete the required number of hours of MCLE will be notified that a petition for the Licensed Paralegal Practitioner's suspension of their license will be submitted to the Supreme Court unless all requirements are completed and reported within 30 days.~~

~~(a)(1) The Licensed Paralegal Practitioner will have the opportunity during the 30-day period to file an affidavit with the Board disclosing facts demonstrating that the Licensed Paralegal Practitioner's noncompliance was not willful and to tender such documents that, if accepted, would cure the delinquency. A hearing before the Board will be granted if requested.~~

~~(a)(2) If, after a hearing or a failure to cure the delinquency by satisfactory affidavit and compliance, the Licensed Paralegal Practitioner is suspended by the Supreme Court, the Licensed Paralegal Practitioner will be notified by certified mail, return receipt requested.~~

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

~~(c) Waivers and extensions of time. For good cause shown, the Board may use its discretion in cases involving hardship or extenuating circumstances to grant waivers of the minimum MCLE requirements or extensions of time within which to fulfill the requirements.~~

~~(d) Deferrals. The Board may defer MCLE requirements in the event of the Licensed Paralegal Practitioner's serious illness.~~

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

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

~~(e)(2) The Board may grant the petitioner an extension of time within which to comply with this rule.~~

~~(e)(3) Decisions of the Board are final and are not subject to further contest, unless the decision was a denial of a request for a waiver or a recommendation of suspension of Licensed Paralegal Practitioner's license.~~

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

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

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

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Effective November 1, 2018