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3 **Rule ~~14-415~~ 11-615. Failure to satisfy MCLE requirements; notice; appeal procedures;**  
4 **reinstatement; waivers and extensions; deferrals.**

5 (a) Failure to comply; petition for suspension. A lawyer or paralegal practitioner who  
6 fails to comply with reporting provisions of Rule ~~14-414~~ 11-614 will be assessed a late fee.

7 (1) On September 15, a lawyer who fails to comply with Rule ~~14-414~~ 11-614 or  
8 who files a Certificate of Compliance showing that the lawyer has failed to  
9 complete the required number of hours of MCLE will be administratively  
10 suspended from the practice of law, beginning on October 1, and notified of the  
11 administrative suspension by certified mail, return receipt requested.

12 (2) On September 15, failure of a paralegal practitioner to comply with Rule ~~14-~~  
13 ~~414~~ 11-614, or receipt of a Certificate of Compliance showing that the paralegal  
14 practitioner has failed to complete the required number of hours of MCLE, will  
15 result in administrative suspension of the paralegal practitioner's license,  
16 beginning on October 1, and notification of the administrative suspension by  
17 certified mail, return receipt requested.

18 (b) Reinstatement. The Supreme Court may reinstate ~~A~~ a lawyer or paralegal practitioner  
19 suspended under the provisions of this rule ~~may be reinstated by the Court~~ upon motion  
20 of the Board showing that the lawyer or paralegal practitioner has cured the delinquency  
21 for which the lawyer or paralegal practitioner has been suspended and paid all required  
22 fees.

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

28 Active Utah lawyers must comply with the Utah CLE requirements or change from active  
29 to inactive status. Active Utah paralegal practitioners will not be granted a waiver of the  
30 CLE requirements in Utah if they are living outside of Utah and practicing in other  
31 jurisdictions. These Active Utah paralegal practitioners must comply with the Utah CLE  
32 requirements or change from active to inactive status.

33 (d) Deferrals. The Board may defer MCLE requirements in the event of the lawyer's or  
34 paralegal practitioner's serious illness.

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

40 (1) The Board may approve a petition without hearing or may set a date for  
41 hearing. If the Board determines to hold a hearing, the Board will provide the  
42 lawyer or paralegal practitioner ~~will have~~ at least ~~10~~ ten days' notice of the time  
43 and place set for the hearing. Testimony taken at the hearing will be under oath.  
44 The Board ~~shall~~ will enter written findings of fact, conclusions of law, and ~~the a~~  
45 decision on each petition. ~~A copy will be sent~~ The Board will send a copy of its  
46 findings of fact, conclusions of law, and decision by certified mail, return  
47 receipt requested, to the lawyer or paralegal practitioner.

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

50 (3) Except as provided in paragraph (f), the Board's Ddecisions ~~of the Board~~ are  
51 final and are not subject to further review ~~contest, unless the decision was a denial of a~~  
52 ~~request for a waiver or a recommendation of suspension of the lawyer's or paralegal~~  
53 ~~practitioner's license.~~

54 (f) Appeal to Supreme Court. A Board decision denying a request for waiver or a Board  
55 decision to suspend the lawyer or paralegal practitioner is final ~~under paragraph (e)(3)~~  
56 and not subject to further review unless within 30 days ~~after service of the findings of~~  
57 ~~fact, conclusions of law and~~ from the date of the notice of decision, the lawyer or paralegal  
58 practitioner files a written notice of appeal with the Supreme Court.

59 (1) Transcripts. To perfect an appeal to the Supreme Court, the lawyer or  
60 paralegal practitioner must, at the lawyer's or paralegal practitioner's expense,  
61 obtain a transcript of the proceedings from the Board. If testimony was taken  
62 before the Board, the Board will certify that the transcript contains a fair and  
63 accurate report of the proceedings. The Board will prepare and certify a  
64 transcript of all orders and other documents pertinent to the proceeding before it  
65 and file the ~~mse~~ promptly with the Supreme Court clerk ~~of the Supreme Court~~.  
66 ~~The matter will be heard by t~~The Supreme Court will hear the appeal under this  
67 article and other applicable rules.

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