

RULE 419
ADMINISTRATIVE SUSPENSIONS AND TERMINATIONS

- (a) **Applicability.** This rule governs suspensions for failing to pay the license fees required by Rule 410, SCACR, or to comply with the continuing legal education requirements of Rule 408, SCACR, and the regulations implementing that rule. This rule is applicable to persons licensed to practice law under Rules 402, 405, 414, and 415, and to persons licensed as a foreign legal consultant under Rule 424, SCACR.
- (b) **Due Date of Fees and Reports.**
- (1) Annual license fees required by Rule 410, SCACR, shall be due not later than January 1.
 - (2) Reports of compliance with continuing legal education requirements required by Rule 408, SCACR, and the regulations of the Commission on Continuing Legal Education and Specialization (Commission), including the required fee, shall be due not later than March 1. The reporting period for lawyers, judges and foreign legal consultants shall run from March 1 through the last day in February, annually.
- (c) **Failure to Comply.**
- (1) Promptly after January 15, the Bar shall notify persons who have failed to pay the annual license fees and assessments, including payment of any penalty, that they will be suspended if they do not pay those fees by February 15.
 - (2) Promptly after March 15, the Commission shall notify persons who have failed to file a report of compliance and pay the annual filing fee, including payment of any penalty established by the Commission, that they will be suspended if they do not file the report of compliance and pay the filing fee and any penalty by April 15.
- (d) **Suspension by Supreme Court.**
- (1) Promptly after February 15, the Bar shall forward a list of the persons who have not paid their license fees and penalties to the Clerk of the South Carolina Supreme Court. Those persons shall be suspended by order of the South Carolina Supreme Court and shall thereafter forward their certificate of admission or license to the Clerk of the South Carolina Supreme Court.
 - (2) Promptly after April 15, the Commission shall forward a list of the lawyers who have not filed reports of compliance with continuing legal education requirements and any required fee and penalty to the Clerk of the South Carolina Supreme Court. Those lawyers shall be suspended by order of

the South Carolina Supreme Court and shall thereafter forward their certificate of admission or license to the Clerk of the South Carolina Supreme Court.

- (e) **Reinstatement by Supreme Court.** Any person seeking reinstatement following a suspension under this rule must petition the South Carolina Supreme Court. The petition for reinstatement must be accompanied by a written statement from the South Carolina Bar showing that the person has paid all license fees and penalties due to the South Carolina Bar and by a written statement from the Commission showing that the person is current on all continuing legal education requirements, including any fees and penalties. The petition shall be accompanied by a filing fee of \$200 if the person has been suspended for two years or less, a filing fee of \$400 if the person has been suspended more than two years, and a filing fee of \$600 if the person has been suspended for more than four years. A proof of service showing that a copy of the petition has been served on the Office of Disciplinary Counsel shall be filed with the petition. The Court may take such action as it deems appropriate on the petition for reinstatement, including, but not limited to, requiring the person to appear before the Court for a hearing, referring the petition to the Committee on Character and Fitness or referring the petition to the Commission on Lawyer Conduct for investigation and a recommendation as to the propriety of reinstatement. The petition of any person who has been suspended for more than four years shall be referred to the Committee on Character and Fitness for a recommendation as to whether the person has the character and fitness to again engage in the practice of law in South Carolina.

For a person holding a limited certificate or licensed as a foreign legal consultant, any petition for reinstatement must be filed within ninety (90) days of the date of the suspension. Otherwise, the expiration of the license based on the suspension under Rules 405, 414, 415 or 424 shall be final.