

## **RULE 419 ADMINISTRATIVE SUSPENSIONS**

**(a) Applicability.** This rule governs suspensions by the South Carolina Bar, pursuant to the Bylaws of the South Carolina Bar, for failure to pay annual license fees, including Lawyers' Fund for Client Protection assessment, and/or by the Commission for Continuing Legal Education and Specialization, pursuant to the Regulations for Mandatory Continuing Legal Education for Judges and Active Members of the South Carolina Bar, for failure to file a report establishing compliance with mandatory continuing legal education requirements and failure to pay the annual filing fee.

**(b) Due Date of Fees and Reports.**

(1) Annual license fees and assessments required by the Bylaws of the South Carolina Bar and Rule 411(d)(1), SCACR, shall be due not later than January 1. A lawyer who has failed to pay the annual license fees and assessments including payment of any penalty established by the Bar, by January 31 will be automatically suspended by the Bar.

(2) Reports of compliance with continuing legal education requirements required by the Regulations for Mandatory Continuing Education for Judges and Active Members of the South Carolina Bar shall be due not later than March 1. A lawyer who has failed to file a report of compliance and pay the annual filing fee, including payment of any penalty by the Commission, by March 31 will be automatically suspended by the Commission. The reporting period for lawyers and judges shall run from March 1 through the last day in February, annually.

**(c) Failure to Comply.**

(1) Promptly after January 31, the Bar shall notify the lawyers who have failed to pay the annual license fees and assessments, including payment of any penalty established by the Bar, that they have been suspended and that, if they have not complied and been reinstated by the Bar by March 1, their names will be published in the Advance Sheets.

(2) Promptly after March 31, the Commission shall notify the lawyers who have failed to file a report of compliance and pay the annual filing fee, including payment of any penalty by the Commission, that they have been suspended and that, if they have not complied and been reinstated by the Commission by May 1, their names will be published in the Advance Sheets.

**(d) Reinstatement by Bar and Commission.**

(1) The Bar shall forward a list of the lawyers who remain suspended after March 1 for failure to pay the annual license fees and assessments, including payment of any penalty established by the Bar, to the Clerk of the Supreme Court. The names of those lawyers shall be published in the Advance Sheets. The suspended lawyers shall have until April 1 to comply and seek reinstatement through the Bar.

(2) The Commission shall forward a list of lawyers who remain suspended after May 1 for failure to file a report of compliance and pay the annual filing fee, including payment of

any penalty by the Commission, to the Clerk of the Supreme Court. The names of those lawyers shall be published in the Advance Sheets. The suspended lawyers shall have until June 1 to seek reinstatement through the Commission.

**(e) Suspension by Supreme Court.**

(1) Promptly after April 1, the Bar shall forward a list of the lawyers who remain suspended for failure to pay annual license fees 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 to practice law in this state to the Clerk of the South Carolina Supreme Court.

(2) Promptly after June 1, the Commission shall forward a list of the lawyers who remain suspended for failure to file reports of compliance with continuing legal education requirements 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 to practice law in this state to the Clerk of the South Carolina Supreme Court.

**(f) Reinstatement by Supreme Court.** Any lawyer seeking reinstatement after April 1, in the case of a lawyer suspended for failure to pay license fees, and June 1, in the case of a lawyer suspended for failing to file reports of Continuing Legal Education compliance must petition the South Carolina Supreme Court. The petition for reinstatement shall comply with the requirements of Rule 32, RLDE, Rule 413, SCACR, to include a filing fee of \$200. The Court may take such action as it deems appropriate in acting on the petition for reinstatement, including, but not limited to, requiring the lawyer 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.

**(g) Termination.** If a lawyer fails to seek reinstatement within three (3) years of being suspended by the Court, the lawyer's membership in the South Carolina Bar shall be terminated and the lawyers' name shall be removed from the rolls of attorneys. The lawyer must thereafter comply with Rule 402, SCACR, to be readmitted to the practice of law in this state.