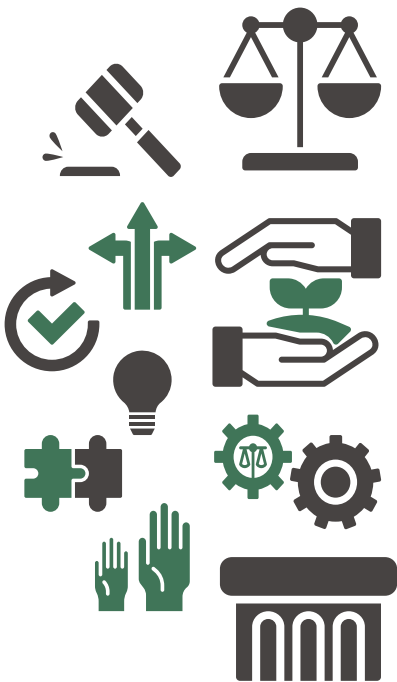


MEMBER HANDBOOK



Tools and
Resources
for a Healthy
License and
Successful
Practice

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Welcome from the State Bar of New Mexico Executive Director

Greetings! As a new or established member of the State Bar of New Mexico you are today, a part of a judicial system that dates back to the territorial days of New Mexico. Our “State Bar” was organized by a group of attorneys in 1886 who considered, “the propriety of organizing a Bar Association for the Territory,” and on January 19th of that year, created a Constitution and adopted By-Laws to govern the new association. Today, over a hundred and thirty years later, the State Bar of New Mexico exists by rule of the New Mexico Supreme Court in order to aid the courts in the administration of justice, preserving the rule of law and to foster a high standard of integrity and competence within the legal profession.

As you’ll see in the following pages of this member handbook, the New Mexico Supreme Court along with several agencies, work together to ensure that attorneys are appropriately licensed, are up to date on certifications, are able to practice competently and work ethically. The Supreme Court is responsible for the rules and policies that govern the profession and they work through the State Bar’s Board of Bar Commissioners, the Board of Bar Examiners and the Disciplinary Board to carry out these oversight functions.

Through the Board of Bar Examiners and the Disciplinary Board, the Supreme Court administers the Bar Exam, admits new attorneys, and monitors unethical conduct. In turn, the State Bar processes the annual license renewal through which attorneys certify that they have complied with the rules and procedures set forth by the Supreme Court. In addition, the State Bar provides important services to members including professional development, ethics assistance and practice management tools. You can learn more about our many programs at www.nmbar.org, by reading our publications or by contacting State Bar directly.

Please reach out to us if you have questions about the services the State Bar provides or you need clarification regarding what you need to ensure your license stays active and in good standing.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B. Spinello". The signature is fluid and cursive, with a small mark at the end.

Richard B. Spinello, Esq., Executive Director
State Bar of New Mexico

1. Licensing Process Checklist

Note: This page is meant to give members a broad overview of the licensing process and requirements directly after admission and beyond. More information about all the requirements listed below, including the corresponding rules, can be found in the rest of this handbook.

Year of Admission

- Notify the State Bar of Address of Record
- Receive Bar Card from State Bar of New Mexico including the attorney's bar number and CAID number
- Receive Paper License from Supreme Court of New Mexico

** Note: During the year of admission, members who have not been admitted in a previous jurisdiction are not required to pay licensing fees or complete MCLE requirements. Members admitted on motion (reciprocity) must pay a prorated licensing fee at the time of admission.*

First Calendar Year After Admission

- Complete Licensing Form and Certifications
 - Certify the number of pro bono hours performed or donation made to civil legal service providers
 - Certify professional liability insurance
 - Interest on Lawyer Trust Accounts (certification and CLE requirement)
 - Pay licensing fees
- Complete MCLE Requirements
 - Bridge the Gap Mentorship: Members who have not practiced for at least two years in another jurisdiction must complete the Bridge the Gap Mentorship Program and will receive required CLE credit as part of the program.
 - Members who have been admitted on motion through Reciprocity must complete the required number of CLE credits.

All Following Years

- Complete Licensing Form and Certifications (as listed above)
- Complete MCLE Requirements (as listed above)

2. Roles of Governmental and Regulatory Agencies

New Mexico Supreme Court

The Supreme Court consists of five justices. The extensive responsibilities of the Justices reflect their collective role as the highest court, and court of last resort, in the state of New Mexico with the duty to oversee the entire New Mexico Judiciary. The Court is responsible for the statewide administrative oversight of the entire Judiciary. The Court also is responsible for the admission and regulation of attorneys and judges, which includes imposing discipline against attorneys and judges for professional misconduct.



237 Don Gaspar Ave., Room 104, Santa Fe, NM 87501
PO Box 848, Santa Fe, New Mexico 87504-0848
505-827-4860
nmsupremecourtclerk@nmcourts.gov
supremecourt.nmcourts.gov

State Bar of New Mexico

The State Bar of New Mexico is a professional membership organization of attorneys licensed to practice law in New Mexico. The organization was established in 1886 and is currently a 501(c)(6) corporation. The mission of the State Bar is to be a united and inclusive organization serving the legal profession and the public. In addition to providing a number of public and member services, the State Bar administers regulatory functions including annual license renewal, the Bridge the Gap Mentorship Program, Interest on Lawyer Trust Accounts and Minimum Continuing Legal Education.



5121 Masthead St NE, Albuquerque, NM 87109
PO Box 92860, Albuquerque, NM 87199-2860
505-797-6000
sbnm@nmba.org
www.nmba.org

Disciplinary Board of the Supreme Court of New Mexico

The Court has established the New Mexico Disciplinary Board and the rules and procedures regarding the investigation of alleged unethical conduct and the unauthorized practice of law. The procedures are designed to provide a thorough and objective review of the complained of conduct and to resolve the matter in a way that is fair to those involved.

20 First Plaza NW, Suite 710, Albuquerque, NM 87102
505-842-5781
www.nmdisboard.org

Board of Bar Examiners

The Board of Bar Examiners is an agency of the Supreme Court. The BBE administers the bar exam and processes applications for admission of active members. The BBE also processes applications for reciprocal admission and limited license admission. The BBE handles reinstatement of members who have been inactive for more than one year.

20 First Plaza Center NW, Suite 710, Albuquerque, NM 87102
505-271-9706
info@nmexam.org
nmexam.org

3. License Types and Status Changes

Described below are different types of licenses available for attorneys in New Mexico. For additional information about each, reference the rule specified.

Active Status

Rule 15-101 et. seq. NMRA

Active status attorneys are on the roll of attorneys admitted to the practice of law by the New Mexico Supreme Court. An active member is in good standing and has full voting privileges and is eligible to hold any elected or appointed office.

Inactive Status

Rule 17-202(D) NMRA

Inactive status is for those members who are eligible for active status but are not currently practicing law in New Mexico and have completed an application for inactive status. There are no continuing legal education requirements during the time a member is inactive status. Membership fees are \$100 per year.

Pro Hac Vice

Rule 24-106 NMRA

Attorneys authorized to practice law before the highest court of record in any state or country who want to perform legal services on behalf of a client or party in New Mexico should consult the rules and procedures for Pro Hac Vice authorization in Rule 24-106 NMRA.

Limited License

Rule 15-301.1-.2 NMRA

There are two types of limited licenses: Public Employee Limited License (Rule 15-301.1 NMRA) and Legal Services Provider Limited License (Rule 15-301.2 NMRA).

Emeritus Status

Rule 24-111 NMRA

An emeritus attorney is an attorney who is or was a licensed attorney in good standing in the State of New Mexico or any other jurisdiction who voluntarily withdrew from the practice of law or transferred to inactive status and does not ask for or receive compensation of any kind for the performance of legal services but who is granted permission to participate in the emeritus pro bono program.

Admission by Motion

Rule 15-107 NMRA

New Mexico currently shares reciprocal admission with 36 states, the District of Columbia and the U.S. Virgin Islands. Experienced attorneys may apply for Reciprocity (also known as Reciprocal Admission or Admission on Motion) so long as they 1) are licensed and in good standing in a state that shares reciprocity with New Mexico; and 2) have engaged in the active practice of law for no fewer than five of the last seven years. There is no filing deadline and successful applicants may be sworn in throughout the year.

Applicants should bear in mind that the application process can take longer than six months and plan accordingly. For the full requirements for admission under reciprocity, review the New Mexico Rules Governing Admission. For more information, visit www.nmexam.org/reciprocity.

Status Changes

Reinstatement From Inactive Status

Rule 15-302(B) NMRA

To be reinstated as an active member, authorization is needed from the Board of Bar Examiners. The BBE will check continuing legal education records and determine if there was a prior-year deficit that needs to be completed. Members will also need to pay State Bar licensing fees and get an assessment from the Disciplinary Board. Once reinstated, a member will be subject to all parts of annual license renewal and MCLE requirements.

Withdrawn Status

Rule 24-102(F) NMRA

If you've considered all of the options available, such as inactive status, and you still feel that you would like to give up your license, the proper method is to voluntarily resign. This requires notifying the New Mexico Supreme Court and

the State Bar in writing of your intent, which will then allow you to relinquish your New Mexico license without the suspension that would occur if you simply chose not to pay your mandatory fees. Email the Supreme Court at attorneyinfochange@nmcourts.gov and copy license@nmbar.org to begin the process. If you withdraw from the State Bar but determine later on that you need an active license to practice law in New Mexico, you will need to go through the Board of Bar Examiners to either retake the bar exam or be admitted through the reciprocity rule (unless otherwise ordered by the New Mexico Supreme Court).

4. Address of Record and Name Change

Rule 17-202(A) NMRA

Changes to your address of record must be made in writing to both the State Bar of New Mexico and the Clerk of the New Mexico Supreme Court.

Online: www.nmbar.org > for Members > Change of Address and www.supremecourt.nmcourts.gov > For Attorneys > Changes to Name and Contact Information

By email: attorneyinfochange@nmcourts.gov and address@nmbar.org

By fax: 505-828-4837 and 866-588-9437

By mail: Clerk of the Supreme Court, PO Box 848, Santa Fe, NM 87504;
State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199

Name Changes

To request a name change, send a copy of your marriage certificate, divorce decree, or other order granting the name change to the Supreme Court (either by email to attorneyinfochange@nmcourts.gov or online to supremecourt.nmcourts.gov > For Attorneys > Changes to Name and Contact Information.

5. Bar Cards, CAID Numbers and Paper License

Bar Card

Upon admission to the New Mexico Bar, the State Bar of New Mexico will assign a bar number and issue a Bar Card. Bar Cards will arrive to new members in the weeks following admission.

For more information or to request a new Bar Card, furnish name, address and bar number. Send requests to sbnm@nmbar.org or PO Box 92860, Albuquerque, NM 87199. Allow two to four weeks to receive a replacement Bar Card.

Bar Number

A Bar Number is unique to each attorney and will be used for identification purposes. The Bar Number will be printed on the Bar Card. If you need access to your Bar Number prior to receiving your Bar Card, call 505-797-6083.

CAID Number

The Supreme Court issues unique Court Authorized Identification Numbers to all attorneys authorized to practice law in New Mexico for identification and registration purposes. The CAID Number will be printed on your Bar Card and is different from your Bar Number and is needed for electronic filing through New Mexico courts. If you need access to your CAID number prior to receiving your Bar Card, call 505-827-4860.

Paper License

Hard copy (ceremonial) licenses are produced twice per year in association with the two main swearing in ceremonies. Individuals sworn in at these ceremonies will receive their licenses in the months following the ceremony. Members who need a replacement license should fill out a request at nmexam.org/duplicatelicense.

6. Annual License Renewal Rule 24-102 NMRA

Licensing fees and certifications are due by Dec. 31 of each year and must be completed by Feb. 1 to avoid non-compliance and related fees. The State Bar of New Mexico processes licensing certification each year. For more information, call 505-797-6083 or email license@nmbar.org. The following certifications will be made on the annual license renewal form.

Annual Registration Statement

17-202(A)

Refer to Rule 17-202(a) NMRA.

Name, Address of Record

Official address for service of notices, pleadings, papers and information is mandatory for all active members. The address of record is a public record. The Address of Record consists of an address, phone number and email address.

Street Address

All attorneys must provide a street address where client files and other materials related to the attorney's practice are located. A member's street address can be different from their address of record and can be marked

confidential so that it will not be disclosed to the public. The street address must be a physical address. Box numbers of any kind are not permitted.

Pro Bono Hours Certification Rules 16-601 and 24-108 NMRA

Reporting of hours and/or financial contributions is mandatory; providing pro bono services or contributing is aspirational. No attorney or judge is exempt.

Professional Liability Insurance Certification Rule 16-104 NMRA

Attorneys are required to disclose whether they do or do not have insurance. If an attorney does have insurance, the attorney must disclose the name of their professional liability insurance coverage carrier, the amount of coverage per claim and their deductible.

Trust Accounting Rules 17-204 and 24-109 NMRA

IOLTA stands for Interest on Lawyers Trust Accounts which is a pooled, interest bearing demand deposit account used by lawyers to hold client funds. Lawyers may maintain IOLTA accounts only in eligible financial institutions that voluntarily agree to comply with the requirements of Rule 17-204 and 24-109 NMRA.

Continuing Education Requirement

Every attorney subject to these rules shall, no less than once every three years, attend a continuing legal education course offered or approved by the Disciplinary Board and approved for one hour or more of continuing legal education credit by the New Mexico Minimum Continuing Legal Education Board on the topic of client trust account procedures and maintenance. Exemptions for this rule do exist. Read the rule for details. Currently, the New Mexico State Bar Foundation Center for Legal Education is the only approved provider of “How to Comply with Disciplinary Board Rule 17-204.”

Certificate of Compliance

On forms provided by the state bar and approved by the Supreme Court, every attorney shall annually submit to the state bar the attorney’s Trust Account Certification/IOLTA Compliance form demonstrating either compliance with this rule, including compliance with Paragraph C of this rule, and Rule 24-109 NMRA, or claiming an exemption from this rule under Paragraph E of this rule.

Mandatory Licensure Fees

As of Jan. 1, 2018*, the annual license fee currently consists of:

- Active License Fees: \$255

- New Mexico Disciplinary Fee: \$150
- Client Protection Fund Assessment: \$15

**The annual license fees for active members are determined by the Board of Bar Commissioners prior to January of each calendar year. Attorneys admitted on motion may be required to pay reduced or prorated licensing fees during the year of admission.*

7. Minimum Continuing Legal Education

Rule 18-101 NMRA

To maintain public confidence in the legal profession and the rule of law and to promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. In recognition of this need, the New Mexico Supreme Court requires all attorneys licensed to practice law in New Mexico to receive a minimum of 12 hours of continuing legal education each year (10 hours of general and two hours of ethics/professionalism).

The MCLE program in New Mexico is administered by the State Bar of New Mexico.

Contact Information:

505-797-6054

mcle@nmbar.org

www.nmbar.org/mcle

PO Box 93070, Albuquerque, NM 87199-3070

5121 Masthead NE, Albuquerque, NM 87109

8. Bridge the Gap Mentorship Program

Rule 24-110 NMRA

The transition from law school to actual legal practice can be a stressful time. The Bridge the Gap Mentorship Program aims to ease that transition by providing practical information and pairing new attorneys with mentors. BTG is mandated by supreme court rule and administered by the State Bar of New Mexico. All newly admitted attorneys must complete the program within the first full year after admission. Exemption and deferral options exist (read the rule for details).

The BTG curriculum includes 7 credits of structured CLE classes and 5 credits earned through activities with the mentor. Structured CLE classes cover ethics and law practice topics. These classes are taught by attorneys with special expertise in each area. The mentor/new attorney activities for the remaining

5 CLE credits focus on introducing the new attorney to the legal community in New Mexico. Participation in BTG will complete the new attorney's MCLE requirements for that year.

www.nmbar.org/mentorship

bridgethegap@nmbar.org

505-797-6049

9. Certificate of Good Standing, Statement of Discipline, Letter of Membership

Certificate of Good Standing

Certificates of Good Standing are issued by the New Mexico Supreme Court, and state that a member is in good standing. Any past disciplinary action or suspension is noted on the Certificate of Good Standing. Visit <https://supremecourt.nmcourts.gov/certificates-of-goodstanding.aspx> or email nmsupremecourtclerk@nmcourts.gov to request this document. The charge for a Certificate of Good Standing is \$1.00.

Statement of Discipline

A Statement of Discipline is similar to a Certificate of Good Standing in that it notes any disciplinary action taken against an attorney, but it is obtained from the Disciplinary Board at a cost of \$10. The Statement of Discipline is required by some states when applying to take the bar exam or for admission on motion. This document needs to be requested in writing and the attorney will need to waive his/her right to confidentiality. You may contact the Disciplinary Board at 505-842-5781. This report can only be requested by the practicing attorney or by persons/entities who provide the practicing attorney's waiver.

Letter of Membership

A Letter of Membership can be obtained from the State Bar of New Mexico by calling 505-797-6000 or emailing license@nmbar.org. A Letter of Membership states when a member was admitted to the State Bar and his/her current membership status. This may be required by other states when applying to take the bar exam. This letter can only be requested by the practicing attorney.

10. Member Services Offered by the State Bar of New Mexico

Ethics Help

If you find yourself in a situation where your proper course of conduct is unclear, you should first consult the Rules of Professional Conduct. If that doesn't resolve the question, you should check the archive of published ethics advisory opinions, which includes a topical index and summaries to help steer you to the relevant opinion(s). There's a very good chance that your question has already been asked and answered, and you may find the information you need there. If not, members have access to three resources to find help and answers regarding ethical inquiries. The first two options listed below will likely yield faster assistance.

State Bar of New Mexico Ethics Helpline

When you call the Ethics Helpline, you will call the helpline and leave a message with your name and contact information. One of the ethics attorneys will call you back, usually the same or next business day. For conflict and confidentiality reasons, these are non-New Mexico attorneys. However, they are well versed in New Mexico ethics rules. The call is confidential and the State Bar pays all fees associated with the Service

800-326-8155
ethics@nmbar.org

Disciplinary Board Ethics Helpline

To use this service, call the Disciplinary Board of the New Mexico Supreme Court and explain that you are seeking assistance through the Board's Ethics Helpline. One of the staff attorneys will assist you with your questions.

505-842-5781

State Bar of New Mexico Ethics Advisory Committee

This volunteer committee meets once a month to answer ethics-related inquiries by New Mexico lawyers, helping them to interpret and apply these rules. The process is confidential between you, the committee and the State Bar Office of General Counsel. There is no guarantee that the committee will decide to take up your question and, if they do consider the question, how long the question will take to reach a consensus and draft a written informal opinion or a response.

ethics@nmbar.org

Fastcase

As a member of the State Bar, you now have free access to a variety of searchable databases to help you find cases and statutes quickly and easily. Some of the features include: the ability to search statutes by topic across multiple jurisdictions, automatic annotation, copy citation function and the ability to filter the list to cases from just one jurisdiction. Use the free tutorials, on-demand training videos and webinars to get the most out of Fastcase's tools.

<https://apps.fastcase.com/Research/Pages/Start.aspx>

Member login required.

support@fastcase.com or 866-773-2782

Lawyers Professional Liability and Insurance Committee

One of the Lawyers Professional Liability and Insurance Committee's main goals is to improve the dissemination of information regarding insurance related issues, especially for newly admitted lawyers. In addition, LPLIC publishes a list of good signs to look for when choosing a professional liability insurance company and a whitepaper "What Attorneys Need to Know About Professional Liability Insurance." View both online.

www.nmbar.org/LPL

Legal Referral Services

Each year, the New Mexico State Bar Foundation receives approximately 25,000 calls from New Mexicans looking for legal assistance. The Bar Foundation has two referral programs to help these callers. The General Referral Program charges the caller \$35 to place the case with an attorney on the referral panel. The attorney will provide a free consultation to the client. Afterwards, the attorney and client will negotiate all aspects of the case including fees. The Legal Resources for the Elderly Program is a free, statewide legal helpline and referral service for New Mexico residents age 55 and older. LREP referrals to panel attorneys are made only after an LREP staff attorney has spoken with the client and assessed the case. If the client's legal needs are beyond the services provided by the helpline and additional, full legal assistance is appropriate, the case is referred to a referral panel attorney.

Referring Clients

We hope you'll consider referring cases to us that you are not able to take.

Legal Resources for the Elderly: 505-797-6005

General Referral Program: 505-797-6066

Serve on the Referral Panel and Grow Your Practice

To serve on the referral panel, an attorney must have malpractice insurance in the minimum amount recommended by NMRA 16-104 (\$100,000 per occurrence / \$300,000 aggregate), and certify that they have sufficient expertise in each practice area in which they agree to accept referrals. Call us today to find out more about the community and business benefits of joining the referral panel www.nmbar.org/LRS

505-797-6047

Succession Planning

Creating an effective succession and transition plan will help protect your clients, hard-earned reputation, family and loved ones after your retirement, death or disability. This comprehensive plan, written by the New Mexico Supreme Court Lawyer Succession and Transition Planning Committee, includes sample forms and is designed to simplify the process of putting your plan in writing.

www.nmbar.org/NmbarDocs/forMembers/Succession/SuccessionHandbook.pdf

Board of Bar Commissioners

The Board of Bar Commissioners is composed of 21 total members: 19 elected from geographical districts, the chair of the Young Lawyers division, a delegate of the Senior Lawyers Division and a designee of the Paralegal Division. Some of the duties of commissioners include: representing the State Bar at local events, communicating regularly with constituents, ensuring financial accountability for the organization, establishing and enforcing bylaws and evaluating the State Bar's programs and operations. Find your representative in the Member Resources tab of the Bench & Bar Directory or online. Interested in getting involved with the BBC? Look for announcements in the Bar Bulletin regarding appointments to boards, committees and commissions and for election information in the fall.

www.nmbar.org/BBC

Young Lawyers Division

The Young Lawyers Division is composed of lawyers under the age of 36 as well as those who have been admitted to the practice of law in any state for five years or less. The mission of the YLD is to promote the integrity and respect of the legal profession, provide services and outreach to its members and to support and encourage public service. The YLD has many programs and events including opportunities for public service, networking and continuing legal education. The YLD is a great resource for newly admitted attorneys because you can connect with other members dealing with similar stressors and situations all while building a network of individuals for the future.

www.nmbar.org/YLD

Sections

Join a practice section and become more of an expert in your field. Membership includes networking opportunities, leadership experience, public service opportunities, discounted rates on CLE programs and more. A list of section leaders and their contact information can be found online and in the Bench & Bar Directory.

www.nmbar.org/Sections

New Mexico Judges and Lawyers Assistance Program

Changed lives... changing lives. The New Mexico Judges and Lawyers Assistance Program (NMJLAP) provides immediate, CONFIDENTIAL and continuing assistance, support and resources to judges, lawyers and law students struggling or living with substance abuse, compulsive behavior, psychological conditions and relationship conflicts that affect well-being and day-to-day living. JLAP provides services like professional assessment and referral, peer support networks, professional and peer interventions, monitored program, an employee assistance program, attorney support meetings, education and more.

www.nmbar.org/jlap

Judges: 888-502-1289

Lawyers and Law Students: 505-228-1948

Employee Assistance Program

JLAP has partnered with the Solutions Group to bring members of the State Bar, their families, and their employees a free employee assistance program. Services include up to four FREE counseling sessions/issue/year for ANY mental health, addiction, relationship conflict, anxiety and/or depression issue. Counseling sessions are with a professionally licensed therapist. Other FREE services include management consultation, stress management education, critical incident stress debriefing, video counseling, and 24X7 call center. Providers are located throughout the state. To access this service call 855-231-7737 and identify with NMJLAP. All calls are CONFIDENTIAL.

For more services, visit www.nmbar.org.



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www.nmbar.org

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