

24-106. Practice by nonadmitted lawyers.

A. **Conditions of appearance.** Upon compliance with the requirements of this rule, but only in association with an active member in good standing as a member of the State Bar of New Mexico, an attorney authorized to practice law before the highest court of record in any state or country (“nonadmitted attorney”) may perform legal services on behalf of a client or a party, even though the attorney is not licensed to practice law in this state unless otherwise excepted under Rule 16-505(F) NMRA. A non-admitted attorney shall comply separately for each action, suit, proceeding, or transactional matter in which the attorney plans to perform legal services with the limitation that the non-admitted attorney may not register more than five (5) times in any given calendar year.

B. **Registration certificate.** For each action, suit, proceeding, or transactional matter in which the attorney intends to appear, the nonadmitted attorney shall file a registration certificate with the State Bar of New Mexico. Information related to the non-admitted attorney’s registration under this rule is publicly available. The attorney shall identify the proceeding in which the attorney intends to appear and the local counsel with whom the attorney is associating, and shall certify that

(1) the attorney is admitted or licensed as an attorney in good standing in another state or country and shall submit a certificate of good standing from every state or country in which the attorney is admitted or licensed;

(2) the attorney has not been disciplined, suspended, or disbarred in any jurisdiction;

(3) the attorney has not had a pro hac vice admission revoked in any jurisdiction;

(4) the attorney will comply with applicable statutes, laws, and procedural rules of the state of New Mexico; and

(5) the attorney will comply with the Rules of Professional Conduct, the Rules Governing Discipline, the Rules Governing the New Mexico Bar, and the rules governing civil, criminal, and appellate procedure approved by the Supreme Court, and will submit to the jurisdiction of the New Mexico courts and the Disciplinary Board with respect to acts and omissions occurring during the attorney’s admission under this rule and with respect to the requirements of Rules 1-089.1, 2-107, 3-107, 5-108, 12-302, 16-104(C) and 24-106 NMRA;

C. **Process following disclosure of discipline.**

(1) If the attorney has been disciplined, suspended, disbarred, or had a pro hac vice admission revoked in any jurisdiction, the attorney shall submit the details of the same to the Disciplinary Board for investigation and recommendation to the court in which the attorney seeks to practice pro hac vice.

(2) During the pendency of the pro hac vice application or admission, should the attorney’s status in any jurisdiction change the attorney shall immediately notify the court in which the attorney is practicing pro hac vice, the State Bar of New Mexico, and the Disciplinary Board for further action.

D. **Payment of fee.** With the first registration certificate in any given calendar year, the nonadmitted attorney shall pay a non-refundable fee of four hundred fifty dollars (\$450) to the State Bar of New Mexico. For each subsequent registration certificate in a given calendar year, the nonadmitted attorney shall pay a fee of two hundred seventy-five dollars (\$275). The fee shall be waived if

(1) the nonadmitted attorney certifies that the attorney is employed by a governmental authority and will be performing legal services on behalf of a governmental authority in the proceeding for which the attorney is registering;

(2) the attorney is employed by an agency providing legal services to indigent clients and will be performing legal services on behalf of an indigent client in the proceeding for which the attorney is registering; or

(3) the attorney will otherwise be performing legal services on behalf of an indigent client in a proceeding for which the attorney is registering and will be charging no fee for the services.

E. **Use of fees.** From the first fee collected in a given calendar year, the State Bar of New Mexico shall pay an amount equal to the annual disciplinary fee assessment under Rule 17-203(A) NMRA to the Disciplinary Board and an amount equal to the annual client protection assessment pursuant to Rule 17A-003 NMRA to the Client Protection Fund. From each fee collected under this rule, the State Bar of New Mexico may deduct an administrative and processing charge of not more than twenty-five dollars (\$25). The balance of all such fees shall be held by the State Bar of New Mexico in a special fund to support the delivery of civil legal services to the poor. The Board of Bar Commissioners shall distribute all fees held in the special fund at least annually to nonprofit organizations providing or supporting the provision of civil legal services to the poor as recommended by the New Mexico Commission on Access to Justice and approved by the Supreme Court.

[Approved, effective January 20, 2005; as amended by Supreme Court Order No. 13-8300-040, effective for all pro hac vice registration certificates filed on or after December 31, 2013.]