

**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**November 1, 2018**

**NO. 18-8300-018**

**IN MATTER OF THE WITHDRAWAL  
OF THE RULES OF LEGAL SPECIALIZATION  
AND THE AMENDMENT OF RULE 16-704 NMRA  
OF THE RULES OF PROFESSIONAL CONDUCT  
TO PERMIT THE STATE BAR OF NEW MEXICO  
TO ADMINISTER LEGAL SPECIALIZATION  
CERTIFICATIONS IN NEW MEXICO**

**ORDER**

WHEREAS, this Court previously established a legal specialization program to be administered by the Board of Legal Specialization under the Rules of Legal Specialization, Rules 19-101 to 19-312 NMRA;

WHEREAS, the Court wishes to discontinue the legal specialization program operated by the Board of Legal Specialization and permit the State Bar of New Mexico to develop a new legal specialization program operated under the authority and control of the Board of Bar Commissioners of the State Bar of New Mexico (State Bar);

WHEREAS, the State Bar has expressed its willingness to continue oversight of attorneys currently certified as legal specialists under the Rules of Legal Specialization until those certifications expire by their own terms or the State Bar creates a new legal specialization program to certify such attorneys as legal specialists;

WHEREAS, the State Bar has offered to assist with the winding down of operations of the Board of Legal Specialization in anticipation of the State Bar assuming responsibility for the creation of a new legal specialization program for interested attorneys licensed in New Mexico;

WHEREAS, an amendment to Rule 16-704 NMRA of the Rules of Professional Conduct is recommended to facilitate the State Bar's oversight of current legal specialists and development of a new legal specialization program; and

WHEREAS, in light of the foregoing and the Court being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Petra Jimenez Maes, Justice Charles W. Daniels, Justice Barbara J. Vigil, and Justice Gary L. Clingman concurring;

NOW, THEREFORE, IT IS ORDERED that the Rules of Legal Specialization shall be WITHDRAWN, effective December 31, 2018;

IT IS FURTHER ORDERED that the amendment of Rule 16-704 NMRA is APPROVED, effective December 31, 2018;

IT IS FURTHER ORDERED that the Clerk of the Court is authorized and directed to give notice of the above-referenced amendments by posting them on the New Mexico Compilation Commission web site and publishing them in the *Bar Bulletin* and *New Mexico Rules Annotated*;

IT IS FURTHER ORDERED that, notwithstanding the withdrawal of the Rules of Legal

Specialization, the Board of Bar Commissioners of the State Bar of New Mexico (State Bar) may continue to rely on the provisions in those rules for the oversight of attorneys currently holding legal specialization certifications until such time that those certifications expire by their own terms or the State Bar offers a new legal specialization program for such attorneys, whichever comes first, provided that such attorneys meet all requirements established by the State Bar for continued certification as a legal specialist in their chosen area of law;

IT IS FURTHER ORDERED that legal specialization certifications that expire at the end of 2018 may be extended by the State Bar for an additional one-year period, upon request of attorneys holding such certifications and subject to such requirements as the State Bar may establish;

IT IS FURTHER ORDERED that State Bar shall coordinate with the Board of Legal Specialization to refund any fees paid by attorneys who submitted applications for legal specialization certification under the Rules of Legal Specialization that have not been processed by the Board of Legal Specialization;

IT IS FURTHER ORDERED that, after the payment of any outstanding refunds, debts, and liabilities of the Board of Legal Specialization, all remaining funds, financial accounts, and tangible assets held in the name of the Board of Legal Specialization shall be transferred to the State Bar to facilitate the State Bar's oversight of currently certified legal specialists and development of a new legal specialization program, and the Chair of the Board of Legal Specialization shall be authorized and directed to execute documents and take any other actions necessary to effectuate the transfer of all such funds, accounts, and tangible assets to the State Bar;

IT IS FURTHER ORDERED that the Chair of the Board of Legal Specialization shall facilitate the assignment of any existing contracts to which the Board of Legal Specialization is a party that the State Bar is willing to assume and deems necessary for the State Bar's legal specialization activities;

IT IS FURTHER ORDERED that the State Bar shall not be liable or responsible for any other known or unknown claims or liabilities of the Board of Legal Specialization not expressly assumed by the State Bar;

IT IS FURTHER ORDERED that the Chair of the Board of Legal Specialization shall, upon completion of the transfer of all functions, funds, accounts, agreements, and assets authorized under this order, take any other steps necessary to wind down any remaining affairs of the Board of Legal Specialization, whereupon Board of Legal Specialization shall be dissolved.

IT IS SO ORDERED.

WITNESS, Honorable Judith K. Nakamura, Chief Justice  
of the Supreme Court of the State of New Mexico, and  
the seal of said Court this 1st day of November, 2018.

( S E A L )

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Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico