

24-110. "Bridge the Gap: Transitioning into the Profession" program.

A. **Applicability; deadlines; continuing legal education credit.** Every new lawyer admitted to practice law in New Mexico on active status shall timely complete the requirements of the "Bridge the Gap: Transitioning into the Profession" (Bridge the Gap) program administered by the State Bar of New Mexico unless otherwise specified in this rule. For purposes of this rule, a "new lawyer" means any person admitted to practice law in New Mexico after the effective date of this rule.

(1) A new lawyer shall enroll in the Bridge the Gap program within thirty (30) days after admission to the bar. A new lawyer shall complete the Bridge the Gap program by December 31 of the first full calendar year following the date that the new lawyer is admitted to the bar, which includes but is not limited to filing with the state bar a Bridge the Gap Completion Certification executed by the assigned mentor attesting to successful completion of the Bridge the Gap program.

(2) A new lawyer who successfully completes the Bridge the Gap program shall receive credit for the first full year of minimum continuing legal education requirements. The Commission on Professionalism shall certify the new lawyer's completion of the program to the minimum continuing legal education board, and the credits shall be awarded in the compliance year when the program was completed. Any deferral or exemption granted to a new lawyer under Paragraphs D or E of this rule does not defer or exempt the new lawyer from the minimum continuing legal education requirements under Rule 18-201 NMRA.

B. **Appointment and training of qualified mentors; continuing legal education credit.**

(1) The Commission on Professionalism shall certify and recommend qualifying lawyers to serve as mentors in accordance with the minimum requirements of the Bridge the Gap program guidelines for appointment by the Supreme Court. The Commission shall also be responsible for providing training materials for new mentors in accordance with the Bridge the Gap program guidelines. The Supreme Court shall issue orders of appointment for all lawyers appointed as mentors, who are then authorized, but not required, to serve indefinitely as mentors in the Bridge the Gap program unless otherwise ordered by the Supreme Court.

(2) A lawyer who participates in the Bridge the Gap program as an appointed mentor may receive up to one (1) compliance year's worth of continuing legal education credits every other compliance year. The Supreme Court's Commission on Professionalism shall certify to the minimum continuing legal education board when a mentor has completed participation in a mentorship program with a new lawyer.

C. **Administration.** The State Bar of New Mexico shall be responsible for administering the Bridge the Gap program, which shall include the following:

(1) establish guidelines for the program subject to approval of the Supreme Court under Paragraph H of this rule;

(2) certify compliance and completion of the program by new lawyers;

(3) develop and approve the program's operating procedures, budget, and staffing; and

(4) submit an annual status report to the Supreme Court by March 1 of each year.

D. **Deferrals.**

(1) A new lawyer serving a judicial law clerkship may apply for a deferral

from the State Bar depending on the expected termination date of the new lawyer's clerkship, which shall be granted for the duration of the new lawyer's clerkship provided that the new lawyer reports annually to the State Bar on the status of the clerkship and enrolls in the Bridge the Gap program within thirty (30) days of the termination of the clerkship.

(2) A new lawyer who is not engaged in the practice of law or who is unemployed may petition the State Bar for temporary deferral of the requirements in this rule, which may be granted upon a showing of financial hardship or other good cause. A new lawyer who is denied a temporary deferral may petition the Commission on Professionalism for review. The Commission's decision is final.

(3) A new lawyer granted a deferral under this paragraph shall enroll in the Bridge the Gap program no later than thirty (30) days after expiration of the deferral period and shall complete the Bridge the Gap program requirements by December 31 of the first full calendar year following the expiration of the deferral period.

E. **Exemptions.** The following new lawyers are exempt from completing the Bridge the Gap program:

- (1) new lawyers on active status who do not practice in New Mexico;
- (2) new lawyers who have practiced law in another state for a minimum of two (2) years in the last five (5) years prior to admission in this state; and
- (3) new lawyers admitted under a limited license pursuant to Rule 15-301.1 NMRA or Rule 15-301.2 NMRA.

F. **Cost.** Participation in the Bridge the Gap program requires payment of a three hundred dollar (\$300.00) administrative fee by the new lawyer to the State Bar of New Mexico. One half of the fee is due on or before March 1 of the year immediately after admission and the remainder of the fee is due by December 31 of that same year.

G. **Administrative suspension of license for non-compliance.** Whenever the executive director of the State Bar of New Mexico shall certify in writing to the Supreme Court that a new lawyer has failed or refused to comply with the provisions of this rule, the clerk of the Supreme Court shall issue a citation to the new lawyer requiring the new lawyer to show cause before the Court, within fifteen (15) days after service of such citation, why the new lawyer should not be suspended from the right to practice in the courts of this state. Service of the citation may be by personal service or by first class mail postage prepaid. The new lawyer's compliance with the provisions of this rule on or before the return day of such citation shall be deemed sufficient showing of cause and shall serve to discharge the citation.

H. **Bridge the Gap program curriculum and other information.** The State Bar is responsible for developing and maintaining a program manual and other training materials, to be approved by the Supreme Court, necessary for the implementation and operation of the program.

I. **Conflicts and confidentiality in outside mentoring.**

(1) An outside mentoring relationship exists when the mentoring lawyer and new lawyer are not employed by the same law firm or agency. The mentoring lawyer is presumed not to have a lawyer-client relationship with the new lawyer's client and the new lawyer's client is not an intended beneficiary of the outside mentoring relationship between the mentoring lawyer and the new lawyer. When allowed by Rule 16-101 NMRA, the mentoring lawyer may provide or the new lawyer may seek short-term limited guidance or counsel, within an outside mentoring relationship, without expectation by either lawyer or the new lawyer's clients that a lawyer-client relationship has been formed by the mentoring lawyer with the new

lawyer's clients or that representation is being provided in the matter to the new lawyer's clients by the mentoring lawyer.

(2) Where practical the new lawyer and the mentoring lawyer shall discuss new lawyer client specific issues in hypothetical terms within an outside mentoring relationship. Regardless of whether issues are discussed in hypothetical terms, the outside mentoring lawyer shall run a conflict check and shall treat all client information discussed with the new lawyer as confidential under Rules 16-106 to 16-112 NMRA. Although the outside mentoring lawyer is presumed not to have a lawyer-client relationship with the new lawyer's client, the outside mentoring lawyer is presumed to be a representative of the new lawyer employed to assist the new lawyer in the rendition of professional legal services under Subparagraph (3) of Paragraph A of Rule 11-503 NMRA.

(3) Subparagraphs (1) and (2) of this paragraph do not apply to lawyers who are outside mentors providing, or new lawyers seeking, counsel or guidance on an on-going or regular basis relating to the needs of or litigation regarding a specific client, whether within or without the context of the mentoring relationship. If the lawyers are engaged in on-going or regular guidance or counsel related to a specific client or clients such that a lawyer-client relationship exists between the new lawyer's client and the mentoring lawyer, then the new lawyer and the mentoring lawyer must comply with the relevant New Mexico Rules of Professional Conduct.

[Adopted by Supreme Court Order No. 11-8300-024, effective for all lawyers admitted to practice law in New Mexico after April 6, 2011; as amended by Supreme Court Order No. 14-8300-018, effective December 31, 2014.]