

1 **Bylaws**

2 **ARTICLE I**

3 **PURPOSES**

4 The purposes of the State Bar of New Mexico (hereinafter referred to as the “State Bar”), in conjunction with
5 Rule 24-101, are:

6 To aid in improving the administration of justice;

7 To promote the interests of the legal profession in the State of New Mexico;

8 To promote and support the needs of all members, including the full and equal participation by
9 minorities and women in the State Bar and the legal profession at large;

10 To improve the relationships between the legal profession and the public;

11 To encourage and assist in the delivery of legal services to all in need of such services;

12 To foster and maintain high ideals of integrity, learning, competence and public service;

13 To provide a forum for the discussion of subjects pertaining to the practice of law and law reform;

14 To promote and provide continuing legal education in technical fields of substantive law and practice;

15 To participate in the legislative, executive and judicial processes by informing its membership about
16 issues affecting the legal system and relating to the purposes of the State Bar, and upon approval by
17 the Board of Bar Commissioners (hereinafter referred to as the “BBC”), to take such further action as
18 may be necessary to present the views of the BBC to the appropriate court, executive office or
19 legislative body for consideration.

1 **ARTICLE II**

2 **MEMBERSHIP**

3 **Section 2.1 Active Status Member.**

4 An attorney who is on the roll of attorneys admitted to the practice of law by the Supreme Court of New
5 Mexico shall maintain active status membership, unless granted inactive status in accordance with these
6 bylaws. An active status member in good standing shall have full voting privileges, and shall be eligible to
7 hold any elective or appointive office.

8 **Section 2.2 Inactive Status Member.**

9 An active status member shall become an inactive status member upon written request directed to the office
10 of the Executive Director certifying that he or she will be retired or that he or she does not and will not be
11 practicing law in New Mexico. Such request must be received in the State Bar office prior to February 1 of
12 the year inactive status is to be granted. Inactive members have no voting rights and no right to notices.
13 Inactive status members may choose to receive the *Bar Bulletin* electronically free of charge or may receive
14 the paper publication upon payment of a publication fee in the amount to be determined by the Executive
15 Director. To resume active status, a member must petition the Supreme Court and fulfill any necessary
16 requirements imposed by the Supreme Court including payment of the appropriate fee.

17 **Section 2.3 License Fees.**

18 The annual license fees for active and inactive status members shall be determined and fixed by the BBC
19 prior to January of each calendar year. Every member of the State Bar shall, prior to the first day of January
20 of each year, pay to the Executive Director of the State Bar an annual license fee, which fee shall be
21 determined and fixed by the BBC and approved by the Supreme Court prior to January of each calendar
22 year. Active members whose dues are received after the first day of February will be assessed a late
23 payment penalty of one hundred dollars (\$100.00). Active members who fail to disclose professional liability
24 insurance coverage information after the first day of March will be assessed a late disclosure penalty of one
25 hundred dollars (\$100.00). Inactive members whose dues are received after the first day of February will be
26 assessed a late penalty of fifty dollars (\$50.00). If the member's dues and late penalty are not received
27 before the last day of March, the BBC shall, through its Executive Director, certify to the Supreme Court the
28 names of all members failing to pay their annual license fees and late penalties. New admittees shall pay
29 the annual license fee fixed by the State Bar on or before the first day of the first month following the date of

30 their admission prorated for the number of full months remaining in the calendar year following the date of
31 their admission to the Bar. Whenever the BBC shall cause to be certified to the Supreme Court that any
32 member of the State Bar has failed or refused to pay the license fee or late penalty imposed herein, the Clerk
33 of the Supreme Court shall issue a citation to each such delinquent member requiring the member to show
34 cause before the Court, within fifteen (15) days after service of such citation, why he or she should not be
35 suspended from the right to practice in the courts of this state. Service of such citation may be personal or by
36 mail. The payment of such delinquent license fee on or before the return day of such citation, and payment
37 of accrued costs, shall be deemed sufficient showing of cause, and shall serve to discharge the citation.

38 The BBC may waive all or part of any license fee in cases of extreme individual hardship. Any member
39 suspended because of noncompliance with Supreme Court rules governing the practice of law shall not be
40 reinstated until they have fully complied with and paid all penalties and fees.

41 All monies collected by the Executive Director of the State Bar in accordance with this rule shall be deposited
42 in an account designated as State Bar of New Mexico general fund and shall be disbursed by order of the
43 BBC in carrying out its functions, duties and powers.

44 **Section 2.4 Register of Members.**

45 The Executive Director shall keep a register of members of the State Bar which shall contain such matters of
46 information, including specialization, as the BBC may determine to be proper and desirable.

47 **Section 2.5 Voluntary Withdrawal.**

48 Any attorney in good standing and without a pending disciplinary action shall notify the Supreme Court in
49 writing for voluntary withdrawal as a member of the State Bar. Upon the filing of such petition, the court may
50 enter an order terminating his or her membership in the State Bar, and he or she shall not thereafter be
51 entitled to practice law in the courts of this state. No order of suspension for failure thereafter to pay the
52 annual bar license fee will be entered against such member, and the withdrawal will not prejudice his or her
53 record or standing during the period of his or her membership in the State Bar. To resume active status, a
54 member must petition the Supreme Court and fulfill any necessary requirements imposed by the Supreme
55 Court including payment of the appropriate fee.

56 **Section 2.6 Paralegal Member.**

57 A paralegal who qualifies under Article VIII, Section 8.3 of these Bylaws as amended, shall be entitled to
58 membership in the Paralegal Division in accordance with the Bylaws and Standing Rules governing that

59 division. The provisions of Section 2.1 through 2.5 of this Article II of these Bylaws are not applicable to
60 paralegal members. The Chair of the Paralegal Division, or its designee, shall sit as a liaison member to the
61 BBC. A member of the Paralegal Division shall not have voting privileges on the BBC, and shall not be
62 eligible to hold an elective or appointed State Bar office; however, a member of the Paralegal Division may
63 be a voting member of any committee if its chair so permits, or of a section if that section's bylaws permit.
64 Except as set forth in Section 4.1, any and all other expenses incurred by the Paralegal Division shall be the
65 responsibility of the Paralegal Division, and the State Bar of New Mexico will not be responsible for said
66 expenses or for reimbursing the Paralegal Division for any said expenses.

67 **Section 2.7 Honorary Judicial Members.**

68 All circuit court of appeals judges, district court judges, bankruptcy judges and full-time magistrates of the
69 United States who reside in New Mexico and all full-time judges of tribal courts who have an LL.B. or J.D.
70 degree and who reside in New Mexico or exercise jurisdiction in New Mexico shall be honorary members of
71 the State Bar with the same rights and privileges as active status members. Honorary members shall not pay
72 any license fees and may not engage in the private or public practice of law.

73 **Section 2.8 Law Student Members.**

74 A law student studying law at any level at an ABA-accredited law school may become a student member of
75 the State Bar of New Mexico. Membership includes online access to the *Bar Bulletin*, membership in the
76 Young Lawyers Division (YLD) and practice sections (maximum of two per year), and participation in State
77 Bar committees. Student membership in the State Bar does not constitute a license to practice law. Student
78 members of sections and committees may be voting members of any committee if its chair so permits, or of a
79 section if that section's bylaws permit. The annual fee shall be determined and fixed by the BBC prior to
80 January of each calendar year.

81 **Section 2.9 Affiliate Members.**

82 The State Bar recognizes as affiliates, without the rights and privileges of membership, members of the legal
83 profession not licensed to practice law in New Mexico, but who are licensed to practice law in another state
84 and are in good standing in active or inactive status in all jurisdictions in which they are licensed. An affiliate
85 membership is not a license to practice law in New Mexico. Affiliate members may be furnished copies of
86 State Bar publications and may be entitled to attend and participate, without the right to vote or hold office, in

87 those meetings and activities conducted by the State Bar and of its component parts or sections. The annual
88 fee shall be determined and fixed by the BBC prior to January of each calendar year.

89 **Section 2.10 Legal Service Provider Limited Law License.**

90 An attorney granted a legal services limited license pursuant to Rule 15-301.2 NMRA shall be a member of
91 the State Bar of New Mexico and shall be subject to the Rules of Professional Conduct and the Rules
92 Governing Discipline. Licensees shall pay a reduced annual State Bar membership fee of one hundred
93 dollars, consisting of a State Bar services fee of fifty dollars and a disciplinary fee of fifty dollars in lieu of the
94 fee required by Rule 17-203 NMRA.

1 **ARTICLE III**

2 **MEETINGS OF THE STATE BAR**

3 **Section 3.1 Annual Meeting.**

4 The Annual Meeting of the State Bar shall be held each year at such time and place as shall be fixed by the
5 BBC, provided however, that the Annual Meeting shall not be held outside the State of New Mexico in
6 successive years.

7 **Section 3.2 Notice of Annual Meeting.**

8 Notice of the Annual Meeting shall state the time and place for the holding of such meeting and shall be
9 published in the *Bar Bulletin* at least 60 days before said meeting.

10 **Section 3.3 Resolution and Motions.**

11 Resolutions or motions to be presented for consideration at the Annual Meeting must be submitted in writing
12 and received at the office of the Executive Director 30 days prior to the Annual Meeting. This 30 days' notice
13 requirement may be suspended by a two-thirds vote of those attending the Annual Meeting upon a finding of
14 an emergency. Any resolution adopted by the membership at the Annual Meeting is advisory and requires
15 only that the BBC consider the substance of the motion at its next regularly scheduled meeting.

16 **Section 3.4 Special Meetings.**

17 Special meetings of the State Bar shall be called by the President of the BBC upon a majority vote of that
18 body. Except by unanimous consent of the members present, special meetings may consider only such
19 matters as are set forth in the call of the meeting.

20 **Section 3.5 Notice of Special Meetings.**

21 Notice of a special meeting of the State Bar shall state a time and place of the holding of such meeting and
22 shall be given to the members of the State Bar by mail or publication in the *Bar Bulletin* at least 10 days prior
23 to said meeting. Said notice shall state generally the matters to be considered at said meeting.

24 **Section 3.6 Parliamentary Rules.**

25 Proceedings at all meetings of the State Bar shall be governed by Roberts Rules of Order, current edition,
26 unless modified by the specific terms of these Bylaws.

1 **ARTICLE IV**

2 **BOARD OF BAR COMMISSIONERS**

3 **Section 4.1 BBC Powers and Composition.**

4 The BBC is created as the governing board of the State Bar of New Mexico and shall fulfill its purposes as
5 set forth in Article I and shall also set policies necessary to conduct its activities. The BBC shall have 22 Bar
6 Commissioners (hereinafter referred to as "Commissioners" or "members of the Board") consisting of twenty
7 (20) Bar Commissioners elected from districts established by the Supreme Court, the Chair of the Young
8 Lawyers Division and the Delegate from the Senior Lawyers Division. The chair of the Paralegal Division or
9 its designee, shall sit as a liaison member to the BBC. The Paralegal Division liaison to the BBC will be
10 reimbursed for BBC meeting expenses in accordance with the policy governing Commissioners. Any and all
11 other expenses incurred by the Paralegal Division shall be the responsibility of the Paralegal Division, and
12 the State Bar of New Mexico will not be responsible for said expenses or for reimbursing the Paralegal
13 Division for any said expenses. The chair of the Paralegal Division or its designee, shall have a non-voting
14 position on the BBC and will not be included in determining whether or not a quorum of the BBC exists for
15 any meeting. The BBC has perpetual succession and may use a common seal. The immediate past
16 president shall be a voting member of the BBC for a period of one year.

17 **Section 4.2 Terms of Office.**

18 *Subsection 4.2 a Length of Terms.*

19 Commissioners shall be elected to terms of three years commencing January 1 and shall hold office until
20 their successors are elected or appointed and qualified. No Commissioner shall be elected to more than
21 three consecutive three-year terms, except as provided for in Section 5.5.

22 *Subsection 4.2 b Forfeiture of Position.*

23 If a Commissioner is absent, except for reasons occasioned by physical or mental disability, from three (3)
24 consecutive BBC meetings or is absent for a total of four (4) BBC meetings in any year, his or her term is
25 subject to termination by the BBC upon 20 days' written notice to the Commissioner. The Commissioner
26 may make written request for a hearing before the BBC at its next regularly scheduled meeting. The
27 decision of the BBC to terminate shall be final. Any vacancy created by action of the BBC shall be filled
28 pursuant to Section 4.3. Any Commissioner whose term is terminated pursuant to this subsection shall not
29 be a candidate for appointment or election to fill the remainder of the term, pursuant to Sections 4.3 and 4.4.

30 *Subsection 4.2 c Removal of Officers and Commissioners.*

31 i) Any five commissioners may sign a petition seeking the removal of an officer or commissioner and present
32 that petition to the Executive Director. The Petition for Removal shall set forth the reasons for removal. Upon
33 receipt of the Petition for Removal, the Executive Director shall send written notice to all commissioners
34 that removal of the officer(s) or commissioner(s) has been requested, along with a copy of the Petition for
35 Removal. Notice that a Motion to Remove an officer or commissioner is going to be presented shall be sent
36 by the Executive Director no less than 30 days prior to the meeting at which such motion will be made.

37 ii) An officer or commissioner may be removed for cause by a three-quarters (3/4) vote of the full BBC
38 present at a regularly scheduled meeting of that body.

39 iii) One of the commissioners who signed the Petition for Removal must make the Motion to Remove at the
40 meeting and the motion must be seconded before any discussion can be held. The movant shall be the first
41 to speak, followed by the officer or commissioner being challenged. Other commissioners may speak in
42 favor of or against the motion. At the conclusion of the discussion, a vote shall be taken in accordance with
43 Subsection 4.2c(ii) above. If the vote is to remove the officer or commissioner, it shall take place
44 immediately, and if the individual is an officer, he or she shall also forfeit his or her seat as a commissioner.

45 iv) The vacancy shall be filled in accordance with these bylaws.

46 v) The term "cause" shall be defined as the commission of a felony or misdemeanor other than a traffic
47 violation, the commission of an act involving embezzling State Bar funds, even if no charges are brought,
48 violation of a fiduciary duty owed to the State Bar of New Mexico, sexual harassment, moral turpitude,
49 disbarment or suspension from the practice of law in any state in which the individual has been admitted.

50 **Section 4.3 Vacancies.**

51 Vacancies on the BBC shall be filled by appointment of that body and members so appointed shall serve
52 until December 31. An election of a Commissioner to fill the unexpired term shall be held with the next
53 regular election of Commissioners following the appointment to fill the vacancy. If the vacancy occurs with
54 two or less BBC meetings remaining in that year, that body has the discretion not to fill the vacancy.

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59 **Section 4.4 Elections.**

60 *Subsection 4.4 a Notice.*

61 Not less than 60 days before November 30th, the Executive Director of the Bar shall notify the members of
62 the State Bar who are active status members of the names of the Commissioners whose terms shall expire
63 that year and the Bar Commissioner district from which they were elected.

64 *Subsection 4.4. b Nominations.*

65 Nominations of active status members to fill the vacancies caused by the expiration of the term of such
66 Commissioners shall be made by petition of 10 or more active status members of the Bar who are in good
67 standing and whose principal place of practice (address of record) is in the respective district. Active status
68 members whose principal place of practice (address of record) is in El Paso County, Texas, may nominate
69 members for the third and sixth judicial districts. Nominations of active status members to fill the out-of-state
70 district commissioner position shall be made by petition of 10 or more active status members of the Bar who
71 are in good standing and whose principal place of practice (address of record) is outside the state of New
72 Mexico, but not in El Paso County, Texas. The petitions must be received in writing in the office of the
73 Executive Director of the Bar by 5:00 p.m. MST on or before the date fixed in the notice from the Executive
74 Director.

75 *Subsection 4.4 c Eligibility.*

76 All active status members of the State Bar who maintain a principal place of practice (address of record)
77 within the State shall be eligible for nomination and election. A member shall be nominated from the District
78 in which his or her principal place of practice (address of record) is located, except for the out-of-state district
79 commissioner whose principal place of practice (address of record) may be in any district in New Mexico. No
80 state or federal judge shall be eligible to serve as a member of the BBC of the State Bar while in office.

81 *Subsection 4.4 d Ballots.*

82 Not less than twenty (20) days before November 30th, the Executive Director of the Bar shall conduct an
83 election either by mail or electronic means for the active status members, setting forth the names of all
84 persons duly nominated, grouped by district, and the length of the full or partial term for which a
85 Commissioner will be elected. The order of the listing of the names on the ballot shall be determined by lot.

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88 *Subsection 4.4 e Voting.*

89 Members shall vote for nominees from the district in which the member's principal place of practice (address
90 of record) is located. Active status members who reside outside the State of New Mexico shall vote for
91 nominees for the out-of-state district commissioner position, except for active status members who reside in
92 El Paso County, Texas who shall vote for nominees representing the third and sixth judicial districts.

93 *Subsection 4.4 f Close of Election and Counting of Ballots.*

94 The election shall close at noon on November 30th, at which time the votes shall be counted and/or tallied
95 under the supervision of a BBC member who is not a candidate for re-election with the assistance of the
96 Executive Director, or his or her designee. In districts where more than one Commissioner is to be elected,
97 the candidates with the highest number of votes for the number of available positions shall be elected but
98 any partial term shall be filled by the candidate with the least number of votes from among those candidates
99 who are elected, unless otherwise agreed to by the candidates. The results of the election shall be certified
100 and published in the *Bar Bulletin*.

101 *Subsection 4.4 g Election by Acclamation.*

102 When only one nomination is received to fill a vacancy on the BBC, the sole nominee shall be deemed
103 elected by acclamation and so certified.

104 *Subsection 4.4 h Disputed Election.*

105 In the event there is any dispute in the election of a Commissioner, the dispute shall be decided by the BBC
106 at its first meeting after the election and its decision shall be final.

107 *Subsection 4.4 i Affidavit.*

108 Prior to serving on the BBC, a person elected or appointed to the BBC shall first sign a confidentiality policy
109 and file an affidavit with the Executive Director stating that he or she consents to being a member of that
110 body.

111 **Section 4.5 Meetings.**

112 *Subsection 4.5 a Regular Meetings.*

113 Unless otherwise ordered by the BBC, meetings of that body shall be held at regular intervals at least
114 quarterly at such site as the BBC may designate. Meetings include electronic meetings such as
115 teleconference or videoconference so long as the meeting provides, at a minimum, conditions of opportunity
116 for simultaneous aural communication among all participating members. Dates for regular meetings of the

117 BBC for the ensuing year shall be set prior to the last meeting of the current year and shall be published in
118 the *Bar Bulletin*.

119 *Subsection 4.5 b Special Meetings.*

120 The President, in his or her discretion, may, or upon written request of three Commissioners filed with the
121 Executive Director, shall call special meetings of the BBC. If the President shall, for any reason, fail or
122 refuse for a period of five days after request therefore to call a special meeting, the Executive Director or
123 some other person designated by the three Commissioners joining in the request shall call the meeting. The
124 date fixed for said meeting shall not be less than five days from the date of said call.

125 *Subsection 4.5 c Notice of Special Meetings.*

126 Notice of Special Meetings shall be sent by the Executive Director or by the person designated by the
127 Commissioners in the call. The notice shall set forth the day and hour of the meeting and the place and
128 purpose for holding the meeting. At Special Meetings, only such matters as are set forth in the call of the
129 meeting shall be considered.

130 *Subsection 4.5 d Executive Sessions of the BBC.*

131 The BBC may be called into Executive Session by a motion. A motion to go into Executive Session is a
132 question of privilege and therefore is adopted by a majority vote. Members, special invitees, and such staff
133 members as the BBC or its rules may determine to be necessary are allowed to remain in the room. Matters
134 to be handled in Executive Session are: personnel matters (including salaries of State Bar staff), discussions
135 of pending or threatened litigation, and disciplinary action regarding BBC members. The proceedings of the
136 Executive Session are confidential. Any records or proceedings of any Executive Session must be read and
137 acted upon only in Executive Session. The BBC may, by majority vote, disclose in open session anything
138 discussed in Executive Session.

139 *Subsection 4.5 e Parliamentary Rules.*

140 Proceedings at all meetings of the State Bar shall be governed by Roberts Rules of Order, current edition,
141 unless modified by the specific terms of these Bylaws.

142 *Subsections 4.5 f Parliamentarian.*

143 The President may appoint a Parliamentarian who shall be a member of the BBC and shall decide all
144 questions of parliamentary procedure in accordance with these Bylaws, the Articles of Incorporation of the
145 State Bar of New Mexico and Robert's Rules of Order, Newly Revised. Any Commissioner can, during a

146 meeting, request a ruling from the Parliamentarian regarding an issue of parliamentary procedure. The
147 Parliamentarian shall also serve as a member of the Policies and Bylaws Committee.

148 *Subsection 4.5 g Quorum.*

149 A quorum at any meeting of the BBC shall consist of fifty (50) percent plus one of the voting Commissioners.
150 Action can only be taken at a meeting when a quorum is present. No official action at a meeting can be
151 taken if no quorum is attained. However, once a quorum is lost, any remaining item on the agenda which
152 was disseminated to all the Commissioners prior to the date of the meeting can be discussed and voted
153 upon.

154 **Section 4.6 Reimbursement for Expenses.**

155 Members of the BBC shall be paid per diem and mileage as reimbursement for their expenses incurred by
156 their attendance at regular and special BBC meetings and committee meetings of the BBC in accordance
157 with the rate set forth in Rule 24-102 NMRA.

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159 **ARTICLE V**

160 **OFFICERS OF THE STATE BAR**

161 **Section 5.1 Officers.**

162 The officers of the State Bar shall be a President, a President-Elect, a Secretary-Treasurer, and the
163 Immediate Past President.

164 **Section 5.2 Nominations, Elections and Terms.**

165 At a regular meeting of the BBC at least 30 days prior to November 30th, the BBC shall elect a President-
166 Elect, who shall become President in the following year, and Secretary-Treasurer, who along with the
167 President and Immediate Past President, shall serve as the officers of the BBC. Officers shall be elected to
168 a term of one year. Terms of office for the officers of the BBC shall commence January 1st and officers shall
169 serve until their successors are elected and take office. Officers shall be elected from among those
170 Commissioners nominated for office at the regular meeting of the BBC immediately preceding the election.
171 They shall be elected by secret ballot by a majority vote of those Commissioners voting in person at said
172 meeting, unless elected by acclamation.

173 **Section 5.3 Qualifications.**

174 All officers of the State Bar shall be members of the BBC at the time of their election.

175 **Section 5.4 Vacancies.**

176 Should a vacancy occur for any reason during the term of office of an officer of the State Bar, a successor
177 shall be elected at the next regular meeting of the BBC to serve the remainder of the term, except for the
178 office of the Immediate Past President which shall remain vacant for the remainder of the year.

179 **Section 5.5 Extension of Commissioner Terms.**

180 Extension of Commissioner terms will be handled in accordance with Rule 24-101(J) NMRA.

181 **Section 5.6 Duties of Officers and Executive Director.**

182 *Subsection 5.6 a President.*

183 The President shall preside over meetings of the BBC and the Executive Committee and engage in those
184 activities delegated to him or her by the BBC, appoint and announce, as soon as reasonably practical after
185 January 1st, the membership of all committees for the ensuing year, the appointment of which shall not
186 otherwise have been made. The terms of all committee appointments end on December 31st. The
187 President shall be an ex officio member of every committee and section, with the exception of the Executive

188 Committee of which the President shall be the chair. The BBC shall determine from time to time which
189 committees shall be standing committees.

190 *Subsection 5.6 b President-Elect.*

191 In addition to those duties assigned to him or her by the President, the President-Elect shall perform the
192 duties of the President during any absence or disability of the President.

193 *Subsection 5.6 c Secretary-Treasurer.*

194 The Secretary-Treasurer shall have responsibility for preparing annual budgets, maintaining accurate
195 accounts of all receipts and disbursements and filing all tax reports, unless otherwise delegated. The
196 Secretary-Treasurer shall also perform such duties as are assigned to him or her by the President.

197 *Subsection 5.6 d Executive Director.*

198 The BBC shall select and employ an Executive Director whose compensation shall be fixed by the BBC and
199 who shall perform such duties as are prescribed by the BBC. The BBC may remove the Executive Director
200 with or without cause.

1 **ARTICLE VI**

2 **EXECUTIVE COMMITTEE**

3 **Section 6.1 Executive Committee.**

4 The Executive Committee shall consist of the President, the President-Elect, the Secretary-Treasurer, the
5 immediate Past President, and two or more additional voting members of the BBC to be appointed by the
6 President for one-year terms each. The Executive Director shall serve as a non-voting ex-officio member of
7 the committee.

8 **Section 6.2 Duties of the Executive Committee.**

9 The Executive Committee shall have the following powers and duties:

10 a. Between the regular and special meetings, the Executive Committee shall have the power to act
11 on any matter delegated to it by the BBC or on matters that must be decided prior to the next
12 regularly scheduled BBC meeting and issue necessary public statements as defined by Article X.
13 Issues concerning governmental affairs shall be addressed pursuant to Article XI.

14 b. The committee shall hold meetings and, when action is taken, keep minutes of all of those
15 proceedings. A copy of such minutes shall, after approval by members of the committee, be sent to
16 all directors as a matter of information. Meetings may be conducted telephonically or by
17 videoconference.

18 c. Any action taken by the Executive Committee within the limits provided by law shall be presented
19 to the BBC for ratification.

20 d. The President of the State Bar shall be the chair of the Executive Committee and the President-
21 elect shall act as the vice-chair. Meetings of the committee shall be held at the call of the chair, the
22 vice-chair, the Executive Director of the State Bar of New Mexico or any two members of the
23 Executive Committee.

24 e. A majority of the committee shall be necessary to constitute a quorum.

1 **ARTICLE VII**

2 **BUDGET**

3 **Section 7.1 Preparation.**

4 The Executive Director, with the assistance of a Finance Committee appointed by the President, shall
5 prepare and submit a proposed annual budget to the BBC no later than the second to last meeting of the
6 year.

7 **Section 7.2 Budget Procedures.**

8 The budget procedures shall be as follows:

9 a. The Finance Committee will prepare a proposed functional budget which will topically categorize
10 expenditures by major categories and allocate these expenditures according to whether the
11 expenditure is chargeable or non-chargeable to dues.

12 b. The BBC will review and approve the budget no later than the second to last meeting of the year.

13 c. An independent auditor will prepare a verification that the charges attributable and allocated to
14 each activity or category of expenditures is a reasonable forecast in accordance with the guidelines
15 established by the American Institute of Certified Public Accountants. The auditor will also prepare a
16 verification of chargeable and non-chargeable expenses from the most recent year in which audited
17 information is available and will verify that such expenses are fairly presented.

18 d. The State Bar shall publish a notice in the *Bar Bulletin* advising that the Budget Disclosure
19 document is posted on the State Bar Web site with a detailed explanation of each member's right to
20 deduct from his or her dues payment the proportional share of any non-chargeable expenses
21 identified in the budget and to object to any of the chargeable expenses in the budget on the
22 grounds that a challenged expenditure is not for the permissible purpose of regulating the profession
23 or improving the quality of legal service to the people of the State of New Mexico (*See Keller v. State*
24 *Bar of California*, 496 U.S. 1 (1989)) or that an error was made in calculating a non-chargeable
25 expense. At least thirty days from the date of publication of the budget will be allowed for written
26 challenges.

27 e. In the event challenges are received, the BBC at its next regularly scheduled meeting or at a
28 special meeting will consider the challenges. The BBC may remove the challenged activity from the
29 budget, may give a pro rata refund to the challenger, or may submit the dispute to the New Mexico

30 Supreme Court or its designee for an impartial decision. The BBC or a challenger may specifically
31 request that the New Mexico Supreme Court appoint another impartial decisionmaker.

32 f. The dispute shall be heard as expeditiously as possible. The Bar will bear the burden of showing
33 that the financial disclosures are accurate and that the challenged matters are within the scope of
34 permissible activities for which mandatory dues may be used under *Keller*. Upon request, a
35 challenger will be given reasonable access to information relevant to the challenge which is available
36 or within the control of the Bar. The challenger shall be given an opportunity to present evidence
37 and to present written arguments in support of a challenge. The decisionmaker will issue a written
38 decision on whether the challenged expenditure is chargeable or non-chargeable to mandatory dues
39 and whether the disclosed expense for a non-chargeable expense is accurate. The decisionmaker
40 shall also determine the amount of refund, if any.

41 g. If the decision is rendered before the dues are payable and the decision is that the expenditure is
42 non-chargeable, then the BBC may decide to eliminate the expenditure from the budget or to allow
43 the challenger to deduct the pro rata portion from the annual dues. If the decision is not rendered
44 before dues are payable, the BBC shall escrow the challenged portion of each challenger's dues into
45 a separate interest bearing bank account and in the event of a decision that the expenditure is non-
46 chargeable, will immediately pay each challenger the applicable pro rata share of dues together with
47 accrued interest.

48 h. The BBC will submit on or before January 1 its proposed budget to the Supreme Court for
49 approval. The Court's approval will be subject to the challenge procedures outlined above but the
50 existence of challenges will not preclude approval of the remainder of the budget.

51 **Section 7.3 Budget Limits and Approval Authority.**

52 Expenditure categories or line items in the annual budget as approved by the BBC shall be deemed to be
53 limits on such expenditures, and any line item or expenditure which would exceed or increase the budget or
54 any non-budgeted item, which is an item that was included or anticipated in the final budget, must be
55 approved by the BBC.

56 **Section 7.4 Monthly Financial Reports.**

57 Regular monthly financial reports shall be submitted by the Finance Committee to the BBC at each regular
58 meeting, showing income and expenses each month and the year-to-date as compared to the budget.

1 **ARTICLE VIII**

2 **DIVISIONS**

3 **Section 8.1 Young Lawyers Division.**

4 Membership of the Young Lawyers Division shall consist of all members of the state bar of any state in good
5 standing under thirty-six (36) years of age, or those members who have been admitted to the State Bar of
6 any state less than five (5) years. Membership shall terminate automatically as of December 31st after a
7 member attains thirty-six (36) years of age or five (5) years after admission to the state bar of any state,
8 whichever last shall occur. An individual elected as Chair-elect prior to his/her thirty-sixth (36th) birthday may
9 serve in that capacity, as well as, that of Chair and Past Chair, in accordance with these bylaws. No one
10 who is thirty-six (36) or older shall otherwise, except in accordance with this Article, be elected to an office of
11 the YLD. An individual who qualifies as a member of the Young Lawyers Division on the basis that he/she
12 has not been admitted to any state bar for more than five (5) years, may not serve as an officer of the
13 Division if such service would extend beyond the fifth (5th) year of that admission.

14 **Section 8.2 Senior Lawyers Division.**

15 Membership in the Senior Lawyers Division shall consist of all members of the State Bar in good standing
16 who are 55 years of age or older and who have practiced law for 25 years or more. Inactive members who
17 are 55 years of age or older shall be eligible for membership and may hold office in the division.

18 **Section 8.3 Paralegal Division.**

19 A person may become a member of the paralegal division if the person: 1) contracts with or is employed by
20 an attorney, law firm, corporation, governmental agency, or other entity; 2) performs substantive legal work
21 as defined in Rule 20-102 NMRA; and 3) meets one or more of the following qualifications:

- 22 (a) Graduation from a paralegal program that is:
- 23 (i) approved by the American Bar Association;
 - 24 (ii) an associate degree program;
 - 25 (iii) a post-baccalaureate certificate program in paralegal studies;
 - 26 (iv) a bachelor's degree program; or
 - 27 (v) a post-secondary legal assistant program which consists of a minimum of 60
28 semester hours or equivalent (as defined by the American Bar Association
29 Guidelines for the Approval of Paralegal Education Programs) of which at least 18

30 semester hours or equivalent are general education courses and 18 semester hours
31 or equivalent are legal specialty courses.

32 (b) A bachelor's degree in any field plus two years of substantive law-related experience under
33 the supervision of a licensed attorney. Successful completion of at least 15 semester hours
34 of substantive paralegal courses may be substituted for one year of law-related experience.

35 (c) Graduation from an accredited law school and not disbarred or suspended from the practice
36 of law by the State of New Mexico or any other jurisdiction; or

37 (d) Certification by the National Association of Legal Assistants, Inc., or the National Federation
38 of Paralegal Associations, Inc., or other equivalent national or state competency examination
39 plus at least one (1) year of substantive law-related experience under the supervision of a
40 licensed attorney.

41 **Section 8.4 Rules and Regulations of the Division.**

42 The rules and regulations of each Division shall be in accordance with the Division's bylaws as approved by
43 the BBC.

1 **ARTICLE IX**

2 **SECTIONS, COMMITTEES AND COMMISSIONS**

3 **Section 9.1 Sections.**

4 The BBC shall create such sections within the State Bar as it shall deem advisable. A member of the State
5 Bar who wishes to create a section shall submit to the BBC for consideration the following: 1) a petition
6 signed by a minimum of 50 members; 2) proposed dues amount; 3) a statement of the need for the proposed
7 section; and 4) the proposed activities of the section for the first two (2) years of operation.

8 *Subsection 9.1 a Section Membership, Board Membership and Officers.*

9 Membership in sections shall be open to all active and inactive members of the State Bar and may be open
10 to persons not members of the State Bar, including law students and paralegals, as specified in section
11 bylaws. Persons who are not members of the State Bar (non-attorney associate members) cannot be voting
12 members of the section, but may be members of the board of a section, so long as their number does not
13 exceed three members of the board and constitutes a minority of the board, as provided by section bylaws.
14 Section officers shall be active attorney members of the State Bar of New Mexico.

15 *Subsection 9.1 b Relationship between the State Bar and Sections*

16 The sections shall give notice and a copy of all reports, publications, recommendations or actions of the
17 section that are announced or distributed outside of the section's membership prior to announcement or
18 distribution outside of the section's membership to the Executive Director of the State Bar. No report,
19 publication, recommendation, or any action of any section shall be considered as the action of the State Bar,
20 and all reports, publications, recommendations or other actions shall clearly state that they are not the
21 actions of the State Bar and are not sanctioned or approved by the State Bar.

22 *Subsection 9.1 c Section Funds.*

23 All funds generated by the section dues and activities are and shall be funds of the State Bar of New Mexico.
24 Funds shall be expended by the section only pursuant to a budget approved by the Executive Director of the
25 State Bar. The section's fund balance on December 31st of each year shall be considered carryover funds
26 and shall be included in the section's budget for the coming fiscal year. All funds in excess of one year's
27 worth of dues will be transferred to the State Bar General Account, unless the section requests that the funds
28 not be transferred. The request must be made to the Board of Bar Commissioner's Finance Committee prior
29 to November 15 when the funds would be transferred and should include a plan detailing the ways in which

30 the excess funds would be spent in the following year. Unbudgeted section funds may only be used for
31 State Bar purposes.

32 **Section 9.2 Committees.**

33 The President of the State Bar shall, with the approval of the BBC, as soon as practical after January 1st,
34 determine which committees he or she deems advisable and appoint and announce the membership of all
35 such committees. Paralegals and student members of the State Bar may have voting rights in a committee
36 in accordance with Section 2.6 or 2.8. The committees shall be governed by policies established by the
37 BBC. Such committees, as determined by the President with the approval of the BBC, may be either
38 standing, internal or special, as defined herein. Except as set forth in Article XI, no report or
39 recommendation or any action of any committee shall be considered as the action of the State Bar unless
40 and until it has been approved by the BBC.

41 *Subsection 9.2 a Standing Committee.*

42 Standing Committees serve to strengthen the profession, provide resources to members, improve public
43 understanding of legal issues and process, or increase access to the legal system and may be funded by the
44 committee budget pool. Proposed budgets shall be submitted by each standing committee to the BBC prior
45 to the budget meeting upon request from the Finance Committee. Membership is open to all members of the
46 State Bar, but some committees are limited in size or require particular qualifications.

47 *Subsection 9.2 b Internal Committee.*

48 Internal Committees are created to assist in the governance of the State Bar, consist only of BBC members
49 and may be funded by the BBC budget.

50 *Subsection 9.2 c Special Committee*

51 Special Committees are committees that are delegated a specific charge by the BBC or the President and
52 can be either ongoing or temporary. Special committees can consist of BBC and non-BBC members, may
53 be funded through the BBC budget and shall report back to the BBC periodically, including a final report.

54 **Section 9.3 Reports of Sections and Committees.**

55 All standing committees and sections shall present to the BBC an annual report of their activities during the
56 previous 12 months and such other reports as may be requested by the President of the BBC. Annual
57 written reports of all sections and standing committees, with their recommendations, shall be presented to
58 the Executive Director of the State Bar by December 31. If a section or standing committee does not submit

59 an annual report by December 31, it will be placed on the sunset list for the following year pursuant to
60 Section 9.4 below.

61 **Section 9.4 Annual Review of Sections and Committees.**

62 The BBC or its designee shall establish a sunset date for each section and standing or special committee
63 that shall be on December 31 of a selected year. On or before September 1 of the sunset year, a member or
64 members of the Bar may petition the BBC to continue the section or standing or special committee. If no
65 member of the Bar petitions the BBC to continue the section/standing or special committee, it will
66 automatically cease to exist on its sunset date unless the BBC on its own motion votes to continue the
67 section/standing or special committee. The petition must contain reasons why the section/standing or
68 special committee should be continued. If the BBC determines that the petition contains sufficient reason to
69 continue the section/standing or special committee, it will be continued. Otherwise, the section/standing or
70 special committee will be abolished. If a section/standing or special committee is continued beyond its
71 sunset date, it will be subject to sunset again in five years, at which time the petition process set forth in this
72 section will be required to continue the section/standing or special committee.

73 **Section 9.5 Bylaw and Policy Compliance by Sections and Committees.**

74 Sections are required to follow their Bylaws. Amendments to section bylaws must be consistent with the
75 model section bylaws adopted by the BBC and shall be reviewed by the General Counsel of the State Bar of
76 New Mexico and shall be approved by the BBC. Sections and committees must comply with the Bylaws and
77 Policies of the State Bar of New Mexico. Failure to do so may result in being placed on the sunset list to be
78 heard at the next meeting of the BBC.

79 **Section 9.6 Commissions.**

80 The President, with BBC approval, shall establish Commissions as deemed advisable. The President shall, no
81 less than 30 days before the creation of the Commission is to be voted upon, set forth in writing, and distribute
82 it to the members of the BBC, the charge or purpose of the commission, its proposed makeup, specifying the
83 criteria for the members, not the individuals, themselves, the chair and the intended life span of the
84 commission. No Commission shall be created unless a motion to do so receives a 2/3 vote of a quorum
85 present. The President must set forth his proposed make up of the Commission prior to the vote for its
86 approval by the BBC. A Commission may consist of individuals who are not members of the State Bar of New
87 Mexico. Commissions are subject to the same sunset procedures as sections and committees.

1 **ARTICLE X**

2 **PUBLIC STATEMENTS**

3 **Section 10.1 Public Statements on Behalf of the State Bar of New Mexico.**

4 Except as set forth in Article XI, the President, with approval of the Executive Committee, may issue public
5 statements involving the purposes established in Article I.

6 **Section 10.2 Public Statements by Sections, Committees, Divisions and Commissions.**

7 Except as set forth in Article XI, no section, committee, division or commission shall publicly release or
8 announce any recommendation or action of the section, committee, division or commission unless the
9 Executive Director determines:

10 (a) The recommendation or action is germane to the purpose of the section, committee, division or
11 commission;

12 (b) The recommendation or action was taken by a majority of the Board of Directors of the section or
13 division or a majority of the members of the committee or commission; and,

14 (c) The release or announcement indicates it is the action of the section, committee, division or
15 commission and does not represent the view or action of the State Bar.

16 If the Executive Director disapproves any release or announcement, the matter shall be submitted to the
17 Executive Committee of the BBC for final approval or disapproval.

1 **ARTICLE XI**

2 **GOVERNMENTAL AFFAIRS**

3 **Section 11.1 The Governmental Affairs Committee (GAC)**

4 The BBC may designate a Governmental Affairs Committee (GAC) to facilitate the participation in the
5 Legislative-Executive-Judicial process pursuant to Rule 24-101(A) NMRA. Unless otherwise directed by the
6 the BBC, all State Bar activities related to the Legislative, Judicial and/or Executive process shall be referred
7 by the BBC to the GAC. State Bar sections, committees, divisions and commissions shall be governed by
8 Section 11.7 below. The President of the BBC shall appoint up to eleven members of the BBC to serve on
9 the GAC. The Past President of the BBC shall serve as chair of the committee. If the Past President
10 declines to serve as chair, then the GAC shall elect a chair. The Executive Director and the General
11 Counsel of the State Bar shall sit on the committee in an ex-officio capacity and shall not have a formal vote.

12 **Section 11.2 Authorized Activities in the Legislative-Executive-Judicial Process**

13 *Subsection 11.2(a) Authorized activities of the State Bar of New Mexico*

14 Authorized activities related to the core purpose of the State Bar of New Mexico or its designees pertaining
15 to governmental affairs shall be limited to the following without further authority from the BBC:

- 16 1) the regulation and discipline of attorneys and the practice of law;
- 17 2) the competency and professional responsibility of lawyers including education and ethics;
- 18 3) the regulation of lawyer trust accounts;
- 19 4) increasing the availability and the provision of legal services;
- 20 5) improving the functioning of the courts and justice system;
- 21 6) improving access to the courts;
- 22 7) judicial independence;
- 23 8) improving the fairness, efficacy and efficiency of the courts;
- 24 9) the jurisdiction of the courts;
- 25 10) the provision of content neutral technical assistance and expertise regarding the drafting of rules
26 and statutes pertaining to practice, procedures and evidence;
- 27 11) the governance and business activities of the State Bar of New Mexico;
- 28 12) defending legal and administrative actions and claims brought against the State Bar of New
29 Mexico.

30 *Subsection 11.2(b) State Bar of New Mexico staffing of GAC*

31 The BBC may, at its discretion, permit the utilization of internal staff for the purpose of pursuing the activities
32 of this Article.

33 **Section 11.3 Specifically Prohibited Activities**

34 No governmental affairs activities intended to influence legislation may be funded with members' mandatory
35 dues, unless the legislation in question is limited to matters within the scope of permissible activities as
36 described in Section 11.2. Furthermore, the BBC and the State Bar of New Mexico are prohibited from
37 engaging in activities having as the main emphasis a political or ideological coloration which is not
38 reasonably related to the advancement of the core purpose of the State Bar of New Mexico and those goals
39 set forth in Section 11.2.

40 **Section 11.4 Approval of Positions on Matters Pertaining to Governmental Affairs**

41 Except as permitted herein, no officer or member of the BBC or employee or volunteer of the State Bar of the
42 State of New Mexico shall represent to any member of the Legislature, Executive or Judiciary that the BBC
43 or GAC has taken a position on a specific matter related to governmental affairs or, conduct any lobbying
44 activities regarding such matters except as follows:

45 1) If the activity falls solely within the permitted activities identified in Section 11.2, then by a two-
46 thirds (2/3) vote of the members of the GAC present at a meeting, either in person or via telephonic or
47 videoconferencing, once a quorum has been attained. If the vote is taken solely by electronic means, the
48 vote must be unanimous. The GAC shall report regularly to the BBC regarding any action taken;

49 2) It is recognized that many activities may involve multiple issues, some of which are permitted and
50 some which may be prohibited by Section 11.3. If that is the case, before the BBC or its designee
51 representing the State Bar of New Mexico may state that it is taking an official position on a subject matter, it
52 must have been approved by a:

53 A) two-thirds (2/3) of the members of the GAC present at a meeting, either in person or via
54 telephonic or videoconferencing, once a quorum has been attained. If the vote is taken solely by electronic
55 means, the vote must be unanimous, and

56 B) two-thirds (2/3) of the members present at a regular or special meeting of the BBC, once
57 a quorum has been attained. Because it is recognized that there is a need for deliberation, for the purposes
58 of this section, no vote of the BBC shall be taken via email or by proxy.

59 **Section 11.5 Expedited Matters**

60 It is recognized that it may be necessary to expedite decisions of the GAC during Legislative sessions or the
61 fact finding process. If the issue to be addressed falls solely within one of the permitted activities identified in
62 Section 11.2, the President of the BBC or his or her designee may, if requested, poll the members of the
63 GAC either telephonically, by video conferencing or by email. A two-thirds (2/3) vote of the members of the
64 GAC is necessary before the President or his designee can represent to the governmental body that the
65 BBC and the State Bar have taken a specific position on that issue. The President must then report to the
66 entire BBC the request, who made the request and why, the vote of the GAC and the results of his/her efforts
67 before the governmental body within 10 days. This can be conveyed electronically.

68 **Section 11.6 Notification of Governmental Advocacy and Payment of Expenses.**

69 Except as set forth in Section 11.5, to the extent reasonably practical, the membership of the Bar shall be
70 notified of proposed governmental advocacy, in advance, by notice published in the *Bar Bulletin*. The BBC,
71 in its annual budgeting process, shall determine an amount to be allocated each year toward the
72 governmental affairs activities. The full amount and the BBC's proposed action shall be disclosed to the
73 members of the Bar in the annual budget disclosure statement. If mandatory dues are allocated or spent for
74 governmental affairs activities which are not related or germane to the organization's purposes as set forth in
75 Article I and/or Article XI, Section 11.2, then the members shall have the option of paying only such portions
76 of the dues which are to be used for permissible purposes. When the dues notice is sent out to the members
77 of the State Bar of New Mexico, there shall be a specific line on the dues form allowing each member the
78 right to a refund for that portion and not have any of the member's mandatory dues applied toward that
79 governmental affairs activity.

80 **Section 11.7 Legislative, Executive and Judicial Advocacy by Sections, Committees, Divisions and**
81 **Commissions of the State Bar.**

82 Legislative, executive and judicial advocacy by sections, committees, divisions and commissions of the State
83 Bar of New Mexico shall be conducted only in a manner consistent with and in accordance with these
84 Bylaws.

85 *Subsection 11.7(a) Position Advanced by Committees, Divisions and Commissions.*

86 No committee, division or commission of the State Bar is authorized to engage in activity designed to
87 influence a legislative, executive or judicial position without the advance approval of the BBC pursuant to this

88 Article. Any proposed governmental advocacy shall be presented to the GAC setting forth the specific
89 position to be taken as well as the proposed method and manner of presenting the same. If State Bar funds
90 are to be used to present said position, the proposal must be approved by resolution of the BBC by a vote of
91 two-thirds (2/3) of that body present at a regular or special meeting of the BBC.

92 *Subsection 11.7(b) Position Advanced by Sections.*

93 (1) Sections of the State Bar are not prohibited from providing governmental or fact-finding bodies with
94 content-neutral technical assistance within the field of legal expertise of the section. The decision of the
95 Board of Directors of a section to provide legislators with content-neutral technical assistance shall be
96 brought to the attention of the GAC as soon as practicable, and the furnishing of such assistance shall
97 thereafter be reported in the Bar Bulletin.

98 (2) Sections are not prohibited from lobbying for or against legislation within the field of legal expertise of the
99 section but must comply with the requirements set forth herein. This may include contacting legislators,
100 testifying before committees, or making public statements in the media.

101 (3) No mandatory bar dues shall be expended in the activities described in paragraphs 11.7 b (1) and (2)
102 above. Sections shall reimburse the State Bar for any staff time and/or expenses incurred.

103 (4) Neither the section nor any person acting on its behalf should take any action to support or oppose
104 legislation unless the position has been approved by a two-thirds vote of the Board of Directors of the section
105 after giving reasonable notice to the membership of the section and the BBC. In addition, a section by
106 amendment of its bylaws may adopt a more stringent procedure such as submitting the lobbying position to
107 an actual vote of the section membership or other poll of section membership in order to establish section
108 approval. The results of all votes by section Board of Directors on proposals to support or oppose legislation
109 shall be transmitted immediately to the GAC and published within a reasonable time in the *Bar Bulletin*.

110 When a section Board of Directors adopts a position by a less-than-unanimous vote, a roll-call vote shall be
111 taken, and each Director's vote shall be included in the published notice. A section may adopt a general
112 position in anticipation of legislative action even though specific legislation may not have been introduced.
113 Also, the section is authorized to represent the section's position in connection with any amendments or
114 substitute legislation which is consistent with the original position adopted by the Board of Directors of the
115 section.

116 (5) If, upon recommendation of the GAC, the BBC finds that the section did not properly follow the
117 procedures for obtaining section approval for the lobbying activity or legislative position, then the BBC shall
118 direct the section to discontinue those activities until it has complied with this article.

119 (6) In addition to the other requirements, all lobbying materials shall state: This position is neither endorsed
120 nor approved by the State Bar. All speakers on behalf of sections, while lobbying, shall make a similar
121 announcement. No section can engage in litigation or file amicus briefs.

1 **ARTICLE XII**

2 **INDEMNIFICATION OF OFFICERS AND DIRECTORS**

3 The State Bar shall indemnify any director, former director, officer or former officer of the State Bar, including
4 State Bar division and section officers, section directors and committee chairs, against: (1) reasonable
5 expenses, costs and attorneys fees, actually and reasonably incurred by said director, former director, officer
6 or former officer in connection with the defense of any action, suit or proceeding, civil or criminal, in which
7 he/she is made a party by reason of being or having been a director or being or having been an officer, and
8 (2) any amounts paid to satisfy a judgment or to compromise or settle any claim; provided, however, that the
9 State Bar will not indemnify directors or officers against liability caused by breaches or failure to perform the
10 duties of a director or officer which constitutes willful misconduct or recklessness. The intent of this bylaw is
11 to permit indemnification under the broadest interpretation of the conditions under which indemnification is
12 permitted by NMSA 1978, § 53-8-26 (1987). Indemnification may be made in advance or at the time of
13 actual payment by the director or officer for reasonable expenses to be incurred in connection with the
14 defense of the action, suit or proceeding, or at the time of any settlement or payment or judgment; provided,
15 however, if it is determined that the director or officer is liable on the basis that he/she breached or failed to
16 perform duties and that the breach or failure to perform constitutes willful misconduct or recklessness, then
17 the director or officer must reimburse the State Bar for all sums which he/she was ineligible to receive.

1 **ARTICLE XIII**

2 **APPOINTMENTS**

3 **Section 13.1**

4 In addition to the appointments for various State Bar committees and commissions, the President and/or the
5 BBC are required to make the following appointments:

6 A. BBC Appointments

7 1. Judicial Standards Commission. NMSA 1978, § 34-10-1 (1999) requires the BBC to appoint two
8 commissioners for four-year terms. Prior to June 30 in each even numbered year, the BBC shall
9 appoint one Commissioner who shall be a lawyer but not a member of the BBC.

10 2. The BBC shall appoint two delegates to the American Bar Association, with one being a member
11 of the Young Lawyers Division, for two-year terms.

12 3. Supreme Court Committees. Rule 23-106 NMRA allows the BBC to appoint a liaison to each
13 standing, special or temporary committee for a term of one year.

14 4. The BBC shall appoint representatives to New Mexico Legal Aid and DNA - People's Legal
15 Services, Inc.

16 5. The BBC shall appoint one representative to the Civil Legal Services Commission for a three-year
17 term.

18 6. The BBC shall appoint three representatives to the New Mexico Access to Justice Commission for
19 three-year terms.

20 7. The BBC shall appoint three representatives to the Access to Justice Fund Grant Commission for
21 two and three-year terms.

22 8. The BBC shall appoint two representatives to the New Mexico Client Protection Fund Commission
23 for three-year terms.

24 B. President's Appointments.

25 1. Risk Management Advisory Board. NMSA 1978, § 15-7-4 requires the President to appoint an
26 attorney to serve on this Board for a term of four years.

27 2. Disciplinary Board. Rule 17-101 NMRA requires the President to appoint an attorney for a term of
28 three years.

- 29 3. Judicial Nominating Commissions. N.M. Constitution Art. VI, Sec. 35, 36 and 37 requires the
30 President to appoint at least four members of each commission (appellate, district court and
31 metropolitan court). The term of appointment is not specified. Each appointee shall serve at the
32 pleasure of the President.
- 33 4. Rocky Mountain Mineral Law Foundation. The President shall appoint a lawyer for a three-year
34 term.

1 **ARTICLE XIV**

2 **OFFICE OF THE STATE BAR**

3 The office of the State Bar of New Mexico shall be maintained in the City of Albuquerque, New Mexico. The
4 registered agent shall be the Executive Director of the State Bar.

5

6

7 **ARTICLE XV**

8 **AMENDMENTS**

9 These Bylaws may be amended by the BBC at any regular meeting of the BBC. No amendment shall be
10 proposed or considered except after 30 days advance notice of the proposed amendment to the members of
11 the BBC. This requirement of advance notice may be waived by unanimous written consent of all
12 Commissioners.

13 Amendments to the Bylaws may only be adopted by the affirmative vote of two-thirds of the members of the
14 BBC present once a quorum is attained.