

1 **15-308. In-house counsel limited license method.**

2 A. **Description.** As further specified in this rule, an applicant may apply for a limited  
3 license permitting that applicant to practice law as in-house counsel in New Mexico under this  
4 method of licensure.

5 B. **Application deadlines.** An application for a license under this rule may be  
6 submitted at any time. Any attorney practicing as in-house counsel without a license to practice  
7 law shall have one year from the date this rule is effective to file an application with the board.

8 C. **Qualifications.** An applicant for a license under this rule shall provide proof that  
9 the applicant meets the qualifications set forth in Rule 15-202 NMRA, and has received passing  
10 scores on all examinations described in Rule 15-501(A) NMRA. In addition, the applicant must:

11 (1) have been admitted to practice law in at least one (1) state and be currently  
12 an active member in good standing in that state;

13 (2) be employed by a corporation, company, partnership, association, or other  
14 non-governmental business entity with a place of business in New Mexico;

15 (3) submit a certificate from an officer, director, or the general counsel of the  
16 applicant's employer verifying the applicant is presently and exclusively employed as in-house  
17 counsel for that employer;

18 (4) have never been denied a license to practice law in any state based on the  
19 applicant's character and fitness;

20 (5) have not, within the five (5) years preceding application under this rule,  
21 taken and failed the examination of the minimum competence to practice law in New Mexico, as  
22 described in Article 5 of these rules;

1                   (6)     not be, nor have ever been, admitted to the practice of law in New Mexico,  
2 unless the applicant had voluntarily withdrawn or resigned from membership in the State Bar of  
3 New Mexico while in good standing;

4                   (7)     have not been previously denied licensure in any state;

5                   (8)     have not previously engaged in the unauthorized practice of law in any state;

6                   (9)     at the time of submitting the application have never been disbarred or  
7 suspended from the practice of law in another state; and

8                   (10)    establish that if the applicant resigned or voluntarily withdrew from the  
9 practice of law in another state, that when the resignation or withdrawal occurred, the applicant  
10 was in good standing in that state.

11           D.     **Character and fitness.** The board shall make a determination about the character  
12 and fitness of an applicant as set forth in Rule 15-205 NMRA for any applicant who has submitted  
13 an application for a license under this rule. An applicant shall pay any fees and costs associated  
14 with evaluating the applicant's character and fitness.

15           E.     **Procedure for issuance.** On the board's receipt from an applicant of (a) a  
16 completed application for a license under this rule, (b) the required fees and costs, and (c)  
17 documents required by Paragraph C, then

18                   (1)     the board shall evaluate the applicant's character and fitness as described in  
19 Rule 15-205 NMRA, and

20                   (2)     on the board's determination the applicant has the requisite character and  
21 fitness and meets the qualifications, the board shall follow the requirements of Rule 15-207(A)  
22 NMRA for recommending issuance of a license to the applicant, and the applicant shall comply  
23 with the requirements of Rule 15-207(B) NMRA.

1           F.     **Fees and costs.** The following fees and costs must be paid by the applicant on  
2 submission of the application for a license under this rule, and shall not offset fees and costs  
3 required to apply for another method of licensure:

4                 (1)     ***Application fee.*** An application fee according to a published schedule of  
5 application fees promulgated by the board and approved by the Supreme Court, and

6                 (2)     ***Investigation costs.*** Investigation costs according to the schedule of pass-  
7 through costs promulgated by the board as described in Rule 15-204(B) NMRA.

8           G.     **Specific ongoing requirements.** An applicant approved for a license under this  
9 rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA, and shall  
10 annually submit a certificate described in Subparagraph (C)(3), above.

11           H.     **Limitations.**

12                 (1)     A person practicing law under a license issued under this rule may only:

13                         (a)     provide advice or legal services exclusively to the employer named  
14 in the application submitted for this method of licensure;

15                         (b)     provide legal advice to the directors, officers, employees, and agents  
16 of the business organization with respect to the employer's business affairs;

17                         (c)     negotiate and document matters for the business organization;

18                         (d)     represent the employer in its dealings with any New Mexico court,  
19 administrative agency or commission; and

20                         (e)     provide pro bono legal services in New Mexico under the auspices  
21 of organized legal aid societies, Supreme Court, or bar association projects, or under the  
22 supervision of an attorney licensed to practice law in New Mexico who is also working on the pro  
23 bono representation.

- 1                   (2)    A person practicing law under a license issued under this rule may not:
- 2                           (a)    represent or give advice to any shareholder, owner, partner, officer,
- 3 employee, or other agent with respect to any personal matter or transaction;
- 4                           (b)    offer legal services or advice to any third party having dealings with
- 5 the attorney's employer; or
- 6                           (c)    offer legal services or advice to the public.

7           **I.    Expiration.**

- 8                   (1)    A license issued under this rule shall expire on the earlier of:
- 9                           (a)    the licensee's cessation of employment with the employer identified
- 10 in the application, unless the licensee has:
- 11                               (i)    been issued a license to practice law under another method
- 12 of licensure described in these rules;
- 13                               (ii)   already accepted employment with a qualified business; and
- 14                               (iii)  notified the board of the change in employment; or
- 15                           (b)    the licensee being issued a license to practice law under another
- 16 method of licensure described in these rules.
- 17                   (2)    On expiration of a license issued under this rule, the board shall notify the
- 18 Supreme Court that the in-house counsel license has expired and whether the attorney has been
- 19 issued a license under another method of licensure. The Supreme Court shall then summarily order
- 20 that the attorney may no longer practice law under that limited license.
- 21                   (3)    An attorney whose in-house counsel license has expired, and who resides
- 22 or maintains a residence within this state, shall not be admitted to the practice of law for a particular
- 23 case under the pro hac vice rules approved by the Supreme Court.

1           J.       **Suspension.** A license issued under this rule is subject to suspension as described  
2 in the Rules Governing Discipline, Rules 17-101 to -316 NMRA.

3           K.       **Revocation.** A license issued under this rule is subject to revocation as described  
4 in Rule 15-201(F) NMRA and the Rules Governing Discipline, Rules 17-101 to -316 NMRA.

5 [Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023.]

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7           **Committee commentary.** — *See* Rule 16-505 NMRA regarding the unauthorized practice  
8 of law.

9 [Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023.]