

1 **24-106. Practice by nonadmitted lawyers.**

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

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

18 (1) the nonadmitted attorney is admitted or licensed as an attorney in good
19 standing in another United States jurisdiction or before the highest court of record in any ~~[state or]~~
20 country and shall submit a certificate of good standing from every ~~[state or country]~~ jurisdiction
21 in which the attorney is admitted or licensed;

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

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

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

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

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

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

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

20 D. **Payment of fee.** With the first registration certificate in any given calendar year,
21 the nonadmitted attorney shall pay a non-refundable fee of four hundred fifty dollars (\$450) to the
22 State Bar of New Mexico. For each subsequent registration certificate in a given calendar year, the

1 nonadmitted attorney shall pay a fee of two hundred seventy-five dollars (\$275). The fee shall be
2 waived if

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

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

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

12 E. **Use of fees.** From the first fee collected in a given calendar year, the State Bar of
13 New Mexico shall pay an amount equal to the annual disciplinary fee assessment under Rule 17-
14 203(A) NMRA to the Disciplinary Board and an amount equal to the annual client protection
15 assessment [~~pursuant to~~] under Rule 17A-003 NMRA to the Client Protection Fund. From each
16 fee collected under this rule, the State Bar of New Mexico may deduct an administrative and
17 processing charge of not more than twenty-five dollars (\$25). The balance of all [~~such~~] fees
18 collected shall be held by the State Bar of New Mexico in a special fund to support the delivery of
19 civil legal services to [~~the poor~~] low-income persons. The Board of Bar Commissioners shall
20 distribute all fees held in the special fund at least annually to nonprofit organizations providing or
21 supporting the provision of civil legal services to [~~the poor~~] low-income persons as recommended
22 by the New Mexico Commission on Access to Justice and approved by the Supreme Court.

STATE BAR RULES
RULE 24-106

Supreme Court Approved
November 1, 2022

- 1 [Approved, effective January 20, 2005; as amended by Supreme Court Order No. 13-8300-040,
- 2 effective for all pro hac vice registration certificates filed on or after December 31, 2013; as
- 3 amended by Supreme Court Order No. 22-8300-018, effective December 31, 2022.]