

1 **24-108. Pro bono publico service.**

2 A. **Professional Responsibility.** In attempting to meet the professional responsibility
3 established in Rule 16-601 NMRA of the Rules of Professional Conduct, a lawyer should aspire
4 to render at least fifty (50) hours of pro bono publico legal services per year. The substantial
5 majority of the fifty (50) hours of service should be provided as indicated in Subparagraphs (1)
6 and (2) of Paragraph A of Rule 16-601 NMRA of the Rules of Professional Conduct. Additional
7 services may be provided as indicated in Paragraphs B or C of Rule 16-601 NMRA of the Rules
8 of Professional Conduct.

9 B. **Financial Contribution.** Alternatively or in addition to the service provided under
10 Paragraph A of this rule, a lawyer may fulfill this professional responsibility by:

11 (1) contributing financial support to organizations that provide legal services to
12 persons of limited means in New Mexico, in the amount of five hundred dollars (\$500) per year;
13 or

14 (2) providing a combination of pro bono hours and a financial contribution as
15 suggested in this table:

Pro Bono Hours	0	5	10	15	20	25	30	35	40	45	50+
Suggested Contribution	\$500	\$450	\$400	\$350	\$300	\$250	\$200	\$150	\$100	\$50	Attorney Discretion

16 C. **Pro Bono Certification.** Each lawyer of the bar shall annually certify whether the
17 lawyer has satisfied the lawyer's professional responsibility to provide pro bono services to the
18 poor. Each lawyer shall certify this information through a form that is made a part of the lawyer's
19 annual membership fees statement that shall require the lawyer to report the following information:

20 (1) the number of hours the lawyer dedicated to pro bono legal services, and

1 (2) if the lawyer has satisfied the obligation by contribution or part contribution,
2 the amount of that contribution.

3 [Approved by Supreme Court Order No. 08-8300-004, effective March 15, 2008.]

4 **Committee commentary.** — The provisions of [~~Rule 24-108 NMRA of the Rules~~
5 ~~Governing the New Mexico Bar~~] this rule are an affirmation of the lawyer’s professional
6 responsibility, as provided in Rule 16-601 NMRA [~~of the Rules of Professional Conduct~~] and are
7 not mandatory nor do they constitute a basis for discipline under the Rules Governing Discipline
8 for the State Bar of New Mexico. However, the reporting requirements of Paragraph C of [~~Rule 24-~~
9 ~~108 NMRA of the Rules Governing the New Mexico Bar~~] this rule are mandatory, and the failure
10 to report this information shall be treated in the same manner as failure to pay dues or comply with
11 mandatory continuing legal education. The information provided [~~pursuant to~~] under this rule is
12 designed for statistical purposes only and shall be used by the State Bar of New Mexico and
13 distributed only in statistical form. Individual attorney responses shall remain confidential.

14 While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono
15 services exclusively through activities described in Subparagraphs [~~(1) and (2) of Paragraph A~~]
16 [~~(A)(1) and (A)(2) of Rule 16-601 NMRA [of the Rules of Professional Conduct]~~], to the extent that
17 any hours of service remained unfulfilled, the remaining commitment can be met in the variety of
18 ways as set forth in Paragraphs B, C, and D of Rule 16-601 NMRA [~~of the Rules of Professional~~
19 ~~Conduct~~]. Constitutional, statutory, or regulatory restrictions may prohibit or impede government
20 and public sector lawyers and judges from performing the pro bono services outlined in
21 [~~Subparagraphs (1) and (2) of Paragraph A~~] Paragraphs A and B of Rule 16-601 NMRA [~~of the~~
22 ~~Rules of Professional Conduct~~]. Accordingly, where those restrictions apply, government and
23 public sector lawyers and judges may fulfill their pro bono responsibility by performing services

1 outlined in Paragraphs ~~[B,~~ C and D of Rule 16-601 NMRA ~~[of the Rules of Professional~~
2 ~~Conduct]~~. Court attorneys are permitted to provide pro bono legal services if the services are
3 consistent with any rules or policies set forth by the Supreme Court and do not violate any
4 restriction prohibiting them from engaging in the outside practice of law. Full-time justices, judges,
5 hearing officers, and special commissioners are prohibited from providing pro bono legal services.
6 See Rule 21-310 NMRA; Rule 21-004(C) NMRA.

7 Attorneys licensed in New Mexico who reside outside of New Mexico may fulfill their pro
8 bono responsibilities in their own state or provide monetary contributions to organizations
9 providing assistance in New Mexico.

10 To facilitate the goals of this rule, the Supreme Court adopted an order on April 28, 2006,
11 establishing district court pro bono committees in each judicial district. Under the Pro Bono Plan
12 adopted by the Court, a local pro bono committee convened by the chief judge and comprised of
13 local lawyers, judges, legal service providers, and other interested participants shall establish a
14 local pro bono plan. The time deadlines and content for local pro bono plans shall be recommended
15 by the Supreme Court's Access to Justice Commission and established by further administrative
16 order of the Supreme Court.

17 [As amended by Supreme Court Order No. S-1-RCR-2024-00073, effective August 23, 2024.]