



1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **September 3, 2024**

3 **NO. S-1-AO-2024-00031**

4 **IN THE MATTER OF INACTIVE**
5 **SUSPENDED ATTORNEYS**

6 **ORDER**

7 WHEREAS, this matter came on for consideration by the Court on the
8 recommendation of the State Bar of New Mexico to authorize use of the
9 reinstatement process set forth in Rule 24-102.2 NMRA for the reinstatement of
10 inactive suspended New Mexico attorneys to inactive status, irrespective of
11 suspension date;

12 WHEREAS, Rule 24-102.2, effective for all cases filed or pending on or after
13 December 31, 2021, provides for inactive attorneys who have not paid their inactive
14 status dues by the last day of April to be “automatically placed on inactive suspended
15 status by the State Bar of New Mexico without referral to the Supreme Court and
16 until such time as the inactive status member corrects the deficiency,” and for
17 attorneys who remain in inactive suspended status for five (5) or more years to have
18 their memberships terminated and withdrawn by the Supreme Court;

1 WHEREAS, Rule 24-102 NMRA (2016), effective for all status changes on
2 or after December 31, 2016, required the Board of Bar Commissioners to certify a
3 list of all inactive members who failed to pay their inactive dues and fees by the last
4 day of March, and required the State Bar of New Mexico to automatically place
5 those delinquent inactive members on inactive suspended status “without referral to
6 the Supreme Court and until such time as the inactive member corrects the
7 deficiency”;

8 WHEREAS, the 2016 amendment transferred the responsibility of suspending
9 and reinstating inactive attorneys to the State Bar of New Mexico;

10 WHEREAS, prior to the 2016 amendment, Rule 24-102 NMRA required “any
11 member suspended,” for failure to pay dues and fees before the first day of March
12 “to petition the Board of Bar Examiners for reinstatement” and pay certain
13 reinstatement fees;

14 WHEREAS, Rule 15-302 NMRA (2015) provides attorneys who go inactive
15 *or* who are suspended for failure to pay bar dues “shall be required to file an
16 application for reinstatement to active status with the Board of Bar Examiners for
17 recommendation to the Supreme Court . . . and shall be required to pay to the Board

1 of Bar Examiners the fee of three hundred and fifty dollars (\$350),” but does not
2 address the reinstatement of inactive suspended attorneys to inactive status;

3 WHEREAS, rules addressing the reinstatement of inactive suspended
4 attorneys prior to the current Rule 24-102.2 exist in both the Rules Governing
5 Admission to the Bar and the Rules Governing the New Mexico Bar, but do not
6 provide a clear and consistent process for the reinstatement of inactive suspended
7 attorneys to inactive status; and

8 WHEREAS, the Court being desirous of clarity in the application of the
9 Court’s Rules governing attorney regulation, admission, and discipline, including
10 the reinstatement of qualifying inactive suspended attorneys, for attorneys, the
11 Court, and its agencies, and the Court having considered the foregoing and being
12 sufficiently advised, Chief Justice David K. Thomson, Justice Michael E. Vigil,
13 Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora
14 concurring;

15 NOW, THEREFORE, IT IS ORDERED that the request of the State Bar of
16 New Mexico for authorization to use the reinstatement process set forth in Rule 24-
17 102.2 for the reinstatement of qualifying inactive suspended New Mexico attorneys
18 to inactive status, irrespective of suspension date, is GRANTED; and

1 IT IS FURTHER ORDERED that that this authorization shall remain in place
2 until further order of the Court.

3 IT IS SO ORDERED.



4 WITNESS, the Honorable David K. Thomson, Chief
5 Justice of the Supreme Court of the State of New Mexico,
6 and the seal of said Court this 3rd day of September, 2024.

A handwritten signature in cursive script, reading "Elizabeth A. Garcia".

Elizabeth A. Garcia, Chief Clerk of the Supreme Court
of the State of New Mexico

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Elizabeth A. Garcia
Chief Clerk of the Supreme Court
of the State of New Mexico