

1 **24-102.2. Inactive status members; withdrawn status.**

2 A. **Definitions.** The following definitions apply to this rule:

3 (1) “Inactive status” means an attorney admitted to the State Bar of New Mexico
4 under Rule [~~15-302(A)~~] 15-201 NMRA, who has retired or discontinued the practice of law under
5 Rule 17-202(D) NMRA, and who is no longer eligible to practice law in New Mexico unless
6 practicing under a legal services provider limited law license under Rule [~~15-301.2~~] 15-
7 305 NMRA or as an emeritus attorney under Rule 24-111 NMRA.

8 (2) “Withdrawn status” means an attorney admitted to the State Bar of New
9 Mexico under Rule [~~15-302(A)~~] 15-201 NMRA, who has voluntarily withdrawn the attorney’s
10 membership under Paragraph E of this rule or had [~~such~~] the membership withdrawn by order of
11 the Supreme Court, so that the attorney is no longer eligible to practice law in New Mexico.

12 B. **Annual inactive status membership renewal.** Each calendar year, every member
13 of the state bar in inactive status shall, no later than February 1, renew the member’s inactive
14 membership with the State Bar of New Mexico. Inactive status membership renewal shall be
15 comprised of

16 (1) completion of an annual inactive status registration statement as provided in
17 Rule 24-102.1 NMRA; and

18 (2) payment to the executive director of the State Bar of New Mexico an annual
19 inactive status membership fee, which fee shall be determined and fixed by the Board of Bar
20 Commissioners [~~prior to~~] before January of each calendar year.

21 C. **Exemptions.** A member of the state bar in inactive status shall be exempt from the
22 CLE and reporting requirements of Rules 18-201 and 18-301 NMRA.

23 D. **Delinquency certification.**

1 (1) Members of the state bar in inactive status who, by February 1, do not
2 comply with one or more of the annual membership renewal requirements set forth in this rule
3 shall be assessed a late fee of fifty dollars (\$50.00) to be paid no later than April 30 of the licensing
4 year.

5 (2) If an inactive status member's dues and late penalty are not received before
6 the last day of April, the inactive status member shall be automatically placed on inactive
7 suspended status by the State Bar of New Mexico without referral to the Supreme Court and until
8 ~~[such]~~ the time ~~[as]~~ the inactive status member corrects the deficiency. During the period of
9 delinquency, the inactive status member shall not be in good standing with the State Bar of New
10 Mexico. The inactive suspended status shall not be reported to the Supreme Court nor reflected on
11 the attorney's permanent record with the Supreme Court.

12 (3) If an inactive status member remains on inactive suspended status for five
13 (5) or more years, the State Bar shall notify the clerk of the Supreme Court, who shall issue a
14 certificate of withdrawal terminating the inactive status member's membership in the State Bar of
15 New Mexico, unless otherwise directed by the Supreme Court.

16 E. **Transferring to inactive status.** An attorney who has retired or is not engaged in
17 the practice of law, may submit an application to the Board of Bar Commissioners on forms
18 provided by the state bar for transfer to inactive status under this rule. Upon approval of the
19 application by the Board of Bar Commissioners, the state bar shall notify the clerk of the Supreme
20 Court. Upon receipt of the notice, the clerk of the Supreme Court shall change the membership
21 status of the attorney on the official roll of attorneys effective as of the date on the application
22 submitted to the Board of Bar Commissioners unless the Supreme Court directs otherwise.
23 Attorneys in inactive status are not required to pay the fees required under Rule 17-203 NMRA

1 and Rule 17A-003 NMRA, but are required to pay the inactive status fee set by the Board of Bar
2 Commissioners under this rule.

3 F. **Reinstatement of inactive attorneys.** An attorney on inactive status may seek
4 reinstatement to active status under Rule [~~15-302(B)(1)~~] 15-309 NMRA.

5 G. **Withdrawn status.** Any member of the State Bar of New Mexico in good standing
6 may file a written notice with the Supreme Court for voluntary withdrawal as a member of the bar
7 of this state. Unless otherwise directed by the Supreme Court, on the filing of the written notice,
8 the Supreme Court Clerk shall issue a certificate of withdrawal terminating the petitioner's
9 membership in the State Bar of New Mexico, and the petitioner shall not thereafter be entitled to
10 practice law in the courts of this state. No order of suspension for failure thereafter to meet any of
11 the license renewal requirements in this rule or Rule 24-102 NMRA shall be entered against the
12 member, and the member's withdrawal will not prejudice the member's record or standing during
13 the period of membership in the bar of this state. Unless otherwise directed by the Supreme Court,
14 a member who has voluntarily withdrawn or been placed on withdrawn status by the Supreme
15 Court on or after December 31, 2016, shall be required to readmit under Rule [~~15-403~~] 15-
16 201 NMRA, including taking the bar examination or qualifying for [~~admission by motion~~]
17 reciprocal licensure under Rule [~~15-407~~] 15-303 NMRA.

18 H. **Notices of active status change to withdrawn status.** If a member of the state bar
19 in active status files a notice of status change from active status to withdrawn status, the Supreme
20 Court Clerk shall, [~~prior to~~] before processing [~~such a~~] this request, confirm with the Disciplinary
21 Board that no disciplinary complaints or investigations are pending. If the member is the subject
22 of a complaint or Disciplinary Board investigation, the Clerk shall not process the status change
23 until the matter is resolved, unless otherwise directed by the Supreme Court.

- 1 [Adopted by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or
- 2 after December 31, 2021; as amended by Supreme Court Order No. S-1-RCR-2024-00082,
- 3 effective December 31, 2024.]