

**PROPOSED REVISIONS TO THE RULES GOVERNING ADMISSION TO THE BAR  
PROPOSAL 2025-024**

**March 6, 2025**

The Supreme Court Clerk's Office and the Board of Bar Examiners have recommended amendments to Rules 15-102, 15-203, 15-205, 15-207, and 15-301 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court  
New Mexico Supreme Court  
P.O. Box 848  
Santa Fe, New Mexico 87504-0848  
rules.supremecourt@nmcourts.gov  
505-827-4837 (fax)

**Your comments must be received by the Clerk on or before April 5, 2025**, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

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**15-102. Definitions and rules of construction.**

For purposes of these rules:

- A. "ABA" means the American Bar Association;
- B. "active practice of law" means:

- (1) the following activities, if performed in a state in which the applicant is admitted and authorized to practice law, or, if performed in a state that affirmatively permits this activity by a lawyer not admitted in that state, however, in no event shall any activities performed under any rule regarding the practice of law pending admission or in advance of admission to practice law in another state be accepted toward the durational requirements:

- (a) representation of one or more clients in the private practice of law;
    - (b) service as a lawyer with a local, state, territorial, or federal agency, or governmental branch, including United States military service with any branch of the United States military;

- (c) full time teaching at a law school formally accredited by the ABA;
    - (d) service as a judge in a local, state, territorial, or federal court of record of the United States;

- (e) service as a judicial law clerk in a local, state, territorial, or federal court of record of the United States;

(f) service as in-house counsel provided to the applicant's employer or its organizational affiliates; or

(g) any combination of the above.

(2) The active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the state in which it was performed or in the state in which the clients receiving the unauthorized services were located.

C. "admission" means the admission, re-admission, or reinstatement of a license to practice law in the State of New Mexico and membership in the State Bar of New Mexico;

D. "bar examiner" means a member of the board;

E. "board" means the Board of Bar Examiners of the State of New Mexico, which is a standing committee of the Supreme Court;

F. "conditional admission" means the grant of a license to practice law subject to the supervision the board, and under conditions approved by the Supreme Court;

G. "dependent" is used as defined by the United States Department of Defense (or, for the Coast Guard when it is not operating as a service in the United States Navy, by the United States Department of Homeland Security);

H. "government entity" means any state agency or any local public body as defined in these rules;

I. "in good standing" means unconditionally admitted to the practice of law by a state lawyer licensing authority, and:

(1) not disbarred in any state;

(2) not suspended from the practice of law in any state for disciplinary reasons;

(3) not resigned or withdrawn from any state lawyer licensing authority while under disciplinary suspension by, or while undergoing disciplinary proceedings by, that state;

(4) not the subject of current or pending disciplinary proceedings in any state;

and

(5) if previously disbarred or suspended by a state lawyer licensing authority, duly and fully reinstated in that state, although reinstatement is not required where the disbarment or suspension is solely due to the applicant's failure to pay dues or failure to comply with mandatory continuing legal education requirements outside the state of New Mexico;

J. "lawyer" means a person, admitted to a state bar, who by education and training may legally perform legal service in that state;

K. "legal service" means advising, advocating, or counseling to or for others about a matter involving law which may not be lawfully performed by someone who is not a lawyer;

L. "local public body" means all political subdivisions of this state and their agencies, instrumentalities, and institutions;

M. "MBE" means the Multi-State Bar Examination prepared and administered by the NCBE;

N. "MEE" means the Multi-State Essay Examination prepared and administered by the NCBE;

O. "military spouse attorney" means an attorney who is the spouse of an active duty service member of the United States Uniformed Services stationed within the State of New Mexico and resides or intends to reside in the State of New Mexico within the next six (6) months of the date of an application for a limited license;

P. “MPRE” means the Multi-State Professional Responsibility Examination prepared and administered by the NCBE;

Q. “MPT” means the Multi-State Performance Test prepared and administered by the NCBE;

R. “NCBE” means the National Conference of Bar Examiners;

S. “notice” means delivery to the person affected by the item being delivered, which shall be effective either on (1) placing the document or letter in the United States first class mail with a proper address and postage pre-paid, or (2) submitting the document or letter by electronic means previously authorized by the intended recipient, which is not returned as undeliverable; notice to the board under these rules is effective by sending an electronic submission to the email address(es) or electronic submission portal identified by the board for that purpose, or, when permitted under these rules, in-hand delivery of paper documents to front desk personnel at the board’s offices during normal business hours;

T. “practice law,” “practice of law,” and variations thereof, means providing or performing legal services;

U. “prove” means, unless otherwise specified, to prove by a preponderance of the evidence;

V. “public defender clients” means persons represented under contract with the Law Offices of the Public Defender for the State of New Mexico;

W. “qualified legal services provider” means a not-for-profit legal services organization whose primary purpose is to provide legal services to low income clients or a legal department within a non-profit organization that employs at least one (1) lawyer full-time to provide legal services to low income clients; and

(1) is an organization described in Section 501(c)(3) and exempt from federal income taxes under Section 501(a) of the Internal Revenue Code of 1986 or corresponding provisions of federal income tax laws from time to time in effect;

(2) is registered with the New Mexico Attorney General Registry of Charitable Organizations in compliance with the New Mexico Charitable Solicitations Act; and

(3) is recommended by the New Mexico Commission on Access to Justice;

X. “reciprocal state” and “reciprocal states” means a state or states approved as reciprocal to New Mexico by the Supreme Court as of the date an application is submitted, the current list for which is available from the board and publicly posted on the board’s website;

Y. “rules” and “these rules” means the Rules Governing Admission to the Bar, Rules 15-101 to -608 NMRA;

Z. “serious crime” means:

(1) any felony; or

(2) any lesser crime a necessary element of which, as determined by the statutory or common law definition of that crime, involves:

(a) conduct as an attorney;

(b) interference with the administration of justice;

(c) false swearing;

(d) misrepresentation;

(e) fraud;

(f) willful failure to file tax returns;

(g) deceit;

(h) bribery;  
(i) extortion;  
(j) misappropriation;  
(k) theft; or  
(l) an attempt to commit, a conspiracy to commit, or a solicitation of another to commit a “serious crime”;

AA. “service member” is used as defined by the United States Department of Defense;

BB. “service on the board,” “serving the board,” and reasonable variations thereof, means un-returned electronic submission or delivery of documents described in these rules to the email address(es) or electronic submission portal identified by the board for that purpose, and, when permitted under these rules, in-hand delivery of paper documents to front desk personnel at the board’s offices during normal business hours;

CC. “state” means any of the fifty (50) states, territories, or protectorates of the United States, and the District of Columbia;

DD. “state agency” means any of the branches, agencies, departments, boards, instrumentalities, or institutions of the State of New Mexico;

EE. “Supreme Court” means the New Mexico Supreme Court;

FF. “suspended” and “suspension” means suspension, lapse, or other prohibition from the practice of law, for reasons other than nonpayment of dues or failure to complete mandatory continuing legal education requirements;

GG. “UBE” means the Uniform Bar Examination prepared and administered by the NCBE[-];

HH. “fully executed oath” means a completed, signed, and notarized copy of the oath contained in Rule 15-208 NMRA, as provided by the board, that has been returned in accordance with the board’s policies and procedures; and

II. “administered oath” means the formal act of taking the oath contained in Rule 15-208 NMRA, which is completed when an applicant solemnly declares their commitment to the principles set forth in the oath before the Chief Clerk of the Supreme Court or their designee.

[As amended, effective November 1, 1994; as amended by Supreme Court Order No. 14-8300-001, effective June 1, 2015; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

### **15-203. Application.**

A. **Form of application.** All applications shall:

(1) be made under oath or affirmation;  
(2) be on forms or in a method as may be required by the board;  
(3) include the applicant’s full name, any aliases or other names used, age, current residence, residential addresses for at least the five (5) years immediately preceding the date of application, citizenship, occupations, general and legal background, information as to the applicant’s background and moral character, and other information as may be required by the board; and

(4) contain any information relating to the applicant’s qualifications and eligibility as may be required by the board.

B. **Additional documentation.** Unless otherwise specified for the chosen method of licensure, after submitting an application, an applicant shall cause to be submitted to the board the following within the prescribed time period:

(1) **Credit report.** A full credit report issued by one (1) of the three (3) major credit reporting agencies and printed within thirty (30) days of submission of the application for admission.

C. **Separate documentation.** Unless otherwise specified for the chosen method of licensure, an applicant shall promptly arrange for the following to be submitted to the board directly from the appropriate issuing person or body:

(1) **Transcript.** A properly authenticated law school transcript evidencing graduation with a juris doctor or bachelor of laws and letters degree from a law school;

(2) **Law school certification form.** A grant of permission, in a form prescribed by the board, permitting the board to obtain specified information from the applicant's law school;

(3) **Fingerprints.** Fingerprints pursuant to a method or service prescribed by the board, for the purposes of obtaining the applicant's identification record from the Federal Bureau of Investigation and New Mexico Department of Public Safety; and

(4) **Character and fitness statements.** Character and fitness statements from three (3) actively licensed attorneys certifying that the applicant is a person of good moral character and physically and mentally qualified for admission. The statements must be from persons who are in good standing in any state, familiar with the applicant's qualifications, and not related to the applicant.

D. **Documentation if admitted to another bar.** Unless otherwise specified for the chosen method of licensure, for each state in which an applicant is, or has previously been admitted to practice law, the applicant shall also arrange for the following to be submitted directly to the board:

(1) **Good standing certificate.** One (1) or more certificates by the state's law license issuing authority to the effect that the applicant is in good standing;

~~(a) is in good standing to practice law and has not been disbarred, been placed under suspension, or withdrawn or resigned from the practice of law while under disciplinary investigation;~~

~~(b) not the subject of any pending disciplinary investigations or proceedings; and~~

~~(c) if the applicant has been suspended or disbarred, that the applicant has been duly reinstated;~~

(2) **Disciplinary history.** A document showing the applicant's disciplinary history from that state's issuing authority, describing all of the applicant's history of discipline that is disclosable based on that state's rules and policies;

(3) **Unaccredited law school applicants.** If the applicant is not a graduate of a law school accredited by the ABA at the time of the applicant's graduation:

(a) The character and fitness statements referenced above must be from members of the bar of each state in which applicant is admitted; and

(b) Each of the good standing certificate(s) referenced above must also state that the applicant has been licensed to practice law in that state for at least four (4) years before the date of the certificate.

E. **Course on New Mexico law.** All applicants must submit to the board, prior to being issued a license, evidence of attendance at, and successful completion of, a course approved

by the board or Supreme Court, which shall include Indian law, New Mexico community property law, and professionalism.

F. **Filing deadlines.** The filing deadlines, if any, for an application and required documentation, are as described in the rule for each method of licensure. For any application-related deadline specified in these rules, a filing shall be considered timely if the document is submitted in the manner specified by the board before 5:00 p.m. Mountain Time on the day of the deadline. The board shall not accept an application filed after the specified deadlines.

G. **Updating required.** Throughout the pendency of an application, including any character and fitness review, and any period during which a matter is on appeal to the Supreme Court, an applicant shall continually update the board with respect to all matters inquired of in the application or by the board.

H. **Repeat applications.** The number of repeat applications for any method of licensure that an applicant may make, or the number of examinations that an applicant may take, is unlimited. Thus, if an applicant is denied admission, withdraws an application, or after submitting an application does not receive a license for any other reason, the applicant may again submit an application according to Rule 15-201(D) NMRA. Any resubmitted application shall be accompanied by payment of all prescribed fees for the selected method of licensure.

I. **Withdrawal of application.** An applicant may, at any time before admission or denial of admission, withdraw an application by giving notice to the board. The board may deem an applicant's application withdrawn if the applicant has failed to respond to requests in Paragraph (G) within six (6) months of the request or failed to submit all documents requested by the board by twelve (12) months after the submission date of the application, although an applicant may request a six (6) month extension of time to submit documents requested by the board by submitting a written request before the expiration of the twelve (12) month period. An applicant whose application has been withdrawn may file a new application following the procedure described in Rule 15-201(D) NMRA. Fees and costs paid on a withdrawn application shall be forfeited and not returned except as described in Rule 15-204 NMRA.

J. **Document retention and destruction.** No original papers submitted by an applicant will be returned. The board may destroy documents in compliance with records retention requirements set forth in 1.21.2.667-668 NMAC.

K. **No deferrals.** An application may not be deferred.  
[As amended, effective November 14, 1988; July 24, 1996; February 28, 2002; as amended by Supreme Court Order No. 07-8300-004, effective March 1, 2007; as amended by Supreme Court Order No. 14-8300-021, effective for the February 2015 bar examination and subsequent bar examinations; as amended by Supreme Court Order No. 15-8300-018, effective November 1, 2015; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

### **15-205. Evaluation of qualifications, character and fitness.**

A. **Purpose; burden.** To assure the protection of the public and to safeguard the justice system, an applicant for any methods of licensure must prove the applicant is qualified, has good character, and is fit to practice law.

B. **Applicant's history.** To enable the board to evaluate an applicant's character and fitness, an applicant shall inform the board of applicant's history regarding the following:

- (1) unlawful conduct;

- (2) academic misconduct;
- (3) misconduct in employment;
- (4) acts involving dishonesty, fraud, deceit, or misrepresentation;
- (5) acts which demonstrate disregard for the rights or welfare of others;
- (6) abuse of legal process, including the filing of vexatious or frivolous lawsuits;
- (7) neglect of financial responsibilities or professional obligations;
- (8) violation of an order of a court, including child support orders;
- (9) conduct that evidences current mental or emotional instability that may impair the ability to practice law;
- (10) conduct that evidences current drug or alcohol dependence or abuse that may impair the ability to practice law;
- (11) denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (12) disciplinary action by a lawyer disciplinary agency or other professional disciplinary entity;
- (13) suspension of a lawyer's license by any entity, including suspensions for non-payment of dues and failure to comply with mandatory continuing legal education requirements;
- (14) making of false statements, including omissions, on bar applications in any state; or
- (15) as otherwise determined by the board for just and good cause.

C. **Review.** The board shall review each application to determine whether an applicant is qualified for admission including whether the applicant's present character and fitness qualifies the applicant for admission. To enable the board to reach a determination, an applicant shall supply additional information as requested by the board. The board may conduct further inquiry into an applicant's qualifications by conducting investigations, interviews, and hearings as described in Article 4 of these rules.

D. **Factors considered.** In making its determination, the board shall consider the following factors in assigning weight and significance to an applicant's prior conduct:

- (1) the applicant's age at the time of the conduct;
- (2) the recency of the conduct;
- (3) the reliability of the information about the conduct;
- (4) the seriousness of the conduct;
- (5) the factors underlying the conduct;
- (6) the cumulative effect of the conduct or information;
- (7) the evidence of rehabilitation;
- (8) the applicant's positive social contributions since the conduct;
- (9) the applicant's contributions to the practice of law in New Mexico;
- ~~(9)~~(10) the applicant's candor in the admissions process; and
- ~~(10)~~(11) the materiality of any omissions or misrepresentations.

E. **Conviction; rehabilitation.** An applicant who has been convicted of a serious crime must put forth clear and convincing evidence of good moral character by showing that the applicant is rehabilitated and satisfies all other requirements for good moral character.

F. **Additional Factors.** In addition to the applicant's history and the board's investigation regarding an applicant, the board shall consider whether an applicant has:

(1) been civil and professional in communications with the board, and any disciplinary or licensing agency; and

(2) adhered to the board's orders, rules, and processes.

[As amended, effective November 14, 1988; November 1, 1994; July 17, 1995; July 24, 1996; July 6, 1998; February 28, 2002; as amended by Supreme Court Order No. 11-8300-032, effective September 1, 2011; as amended by Supreme Court Order No. 13-8300-048, effective December 6, 2013, for applications for the July 2014 bar examination and subsequent bar examinations; as amended by Supreme Court Order No. 15-8300-018, effective November 1, 2015; as amended by Supreme Court Order No. 16-8300-004, effective immediately for applications for the February 2017 bar examination and thereafter; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**Committee commentary. —**

[1] The requirements of this rule are intended to assist the board in assessing whether an applicant has demonstrated:

(a) the ability to reason, recall complex factual information, and integrate that information with complex legal theories;

(b) the ability to communicate with clients, attorneys, courts, and others with a high degree of organization and clarity;

(c) the ability to use good judgment on behalf of clients and in conducting one's professional business;

(d) the ability to conduct oneself with respect for and in accordance with the law;

(e) the ability to avoid acts that exhibit disregard for the rights, health, safety, and welfare of others;

(f) the ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal;

(g) the ability to act diligently and reliably in fulfilling one's obligations to clients, attorneys, courts, and others; and

(h) the ability to comply with deadlines and time constraints.

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**15-207. Licensure.**

A. **Recommendation and order.** On determination that an applicant has qualified for admission, the board shall recommend admission to the Supreme Court, and identify whether the license is a limited license. On receipt of the board's recommendation, the Supreme Court may review an applicant's application and record, and if satisfied the applicant is qualified, enter an order granting the applicant admission subject to any limitations or conditional admission identified by the board or imposed by the Supreme Court. If the Supreme Court is not satisfied an applicant is qualified, it may refuse the board's recommendation, set the matter for oral argument, remand the matter to the board for further proceedings, or take other action it deems appropriate.



B. ~~Admitted applicants[; roll of attorneys; swearing in; deadline.~~ An applicant who receives an order granting admission shall sign the roll of attorneys and be sworn in using the oath in Rule 15-208 NMRA. ~~Admitted applicants may be sworn in and sign the roll of attorneys: (1) at a ceremony arranged by the board and Supreme Court, or (2) by making arrangements with the Clerk of the Supreme Court. All admitted applicants shall complete this process within six (6) months of the date of the order granting admission. If, before the expiration of this six (6) month deadline, the board receives a written request from an applicant showing good cause for an extension, the board may grant an extension. Any applicant who fails to complete the process by the deadline without timely extension shall be deemed to have withdrawn the application for admission.~~ If the Supreme Court is satisfied that an applicant is qualified for admission, the applicant will be admitted to the practice of law before the courts of the State of New Mexico consistent with the following procedures and subject to any limitations or conditional admission requirements identified by the board or imposed by the Supreme Court.

(1) Limited License Applicants. With the exception of in-house counsel limited license applicants, the Supreme Court will enter an order granting a limited license to the applicant. The admitted limited license applicant may begin practicing law under the limited license upon delivery to the board of a fully executed oath and other paperwork prescribed by the board. Continued practice under the limited license is subject to the board's character and fitness determination and the completion of all application requirements, if applicable.

(2) In-house Counsel Limited License Applicants. After completion of all application requirements, the board will notify an applicant for an in-house counsel limited license that it has recommended the applicant's admission to the Supreme Court. Applicants may begin to practice law after receiving an order from the Supreme Court granting an in-house counsel limited license to the applicant and upon delivery to the board of a fully executed oath.

(3) Other Non-Examination Applicants. The board will notify other applicants who are not applying for a limited license or are not seeking to be admitted by examination that it has recommended the applicant's admission to the Supreme Court. Applicants may begin to practice law upon completion of any additional paperwork prescribed by the board, after returning a fully executed oath to the board as contained in Rule 15-208 NMRA, and after signing the roll of attorneys maintained by the Clerk of the Supreme Court. The signing of the roll of attorneys will occur as scheduled by the Clerk of the Supreme Court with the assistance of the board. All non-examination applicants shall complete the admission process within six (6) months of the date the applicant is notified that the applicant is recommended for admission. If, before the expiration of this six (6) month deadline, the board receives a written request from an applicant showing good cause for an extension, the board may grant an extension. An applicant who fails to complete the process by the deadline in this rule shall be deemed to have withdrawn the application for admission.

(4) Reinstatement Applicants. The board will notify reinstatement applicants that it has recommended the applicant's admission to the Supreme Court. Applicants may begin to practice law upon completion of any additional paperwork prescribed by the board, after returning a fully executed oath to the board as contained Rule 15-208 NMRA, issuance of a Clerk's Certificate of Reinstatement issued by the Supreme Court Clerk, and completion of any forms, payment of dues, or completion of continuing legal education credits as required by the New Mexico State Bar.

(5) Examination Applicants. Examination applicants may begin to practice law upon completion of:

(a) any additional paperwork prescribed by the board;

(b) attending a swearing-in ceremony in which the applicant completes an administered oath and signs the roll of attorneys maintained by the Clerk of the Supreme Court. The swearing-in and signing of the roll of attorneys must occur by attending a ceremony arranged by the Supreme Court with the assistance of the board. The process shall be completed by an applicant within six (6) months of the date of being notified admission has been granted. If, before the expiration of this six (6) month deadline, the board receives a written request from an applicant showing good cause for an extension, then the board may grant an extension to complete the process. Any examination applicant whom the board has determined is qualified for admission, but who fails to complete the admissions process by the deadline in this rule shall be deemed not in good standing.

[As amended, effective November 1, 1994; July 24, 1996; as amended by Supreme Court Order No. 11-8300-032, effective September 1, 2011; as amended by Supreme Court Order No. 15-8300-018, effective November 1, 2015; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

#### **15-301. Examination method.**

A. **Description.** As further specified in this rule, a qualified applicant may apply for a license to be issued on the applicant's satisfactory completion of all requirements for this method of licensure, including receipt of a passing score on the bar examination. Recent law school graduates typically select this method of licensure, although the method of licensure described in this rule may be sought by any qualified applicant.

B. **Application deadlines.** A complete application for a license under this rule, along with required fees, must be submitted to the board on or before the deadlines specified below. Applications for the February examination will open on September 1st of each year. Applications for the July examination will open on February 1st of each year. An application submitted after the pertinent filing deadline will be rejected.

(1) Applications filed after November 1st for the February examination shall incur a late fee;

(2) The final deadline to submit an application for the February examination shall be ~~January 1<sup>st</sup>~~ December 15th of the previous year;

(3) Applications filed after May 1st for the July examination shall incur a late fee;

(4) The final deadline to submit an application for the July examination shall be ~~June 1<sup>st</sup>~~ May 15th of the same year.

C. **Qualifications.** An applicant for license under this rule shall provide proof that the applicant meets the qualifications set forth in Rule 15-202 NMRA, and must pass all examinations described in Rule 15-501(A) NMRA.

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

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

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

(2) the applicant may take examinations described in Article 5 of these rules, even if a character and fitness evaluation is not yet complete; and

(3) on the board's determination the applicant is qualified and possesses the requisite character and fitness, and that the applicant has passed the MPRE, and the applicant has passed the examination of the minimum competence to practice law within two (2) years of completing all requirements under these rules, the board shall follow the requirements of Rule 15-207(A) NMRA for recommending issuance of a license to the applicant, and the applicant shall comply with the requirements of Rule 15-207(B) NMRA. The board may extend the expiration of examination results on showing of good cause.

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

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

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

(3) **Late fee.** When applicable as set forth in Paragraph B of this rule, a late fee of five hundred dollars (\$500.00).

G. **Specific ongoing requirements.** An applicant approved for a license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA.

H. **Limitations.** A person practicing law under a license issued under this rule is not subject to any limitation, unless otherwise ordered by the Supreme Court.

I. **Expiration.** A license issued under this rule does not expire.

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

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

[As amended, effective November 1, 1994; as amended by Supreme Court Order No. 20-8300-001, effective August 31, 2020; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**Revised Comment to Proposed Revisions to the Rules Governing Admission to the Bar:**

**Proposal 2025-024**

**Resubmitted April 10, 2025**

Dear Ms. Elizabeth Garica:

My name is Rhys Llewellyn, an attorney working for Dixon Scholl Carrillo, and along with my colleague Briggs Cheney write to express our support for the proposed rule changes to the Rules Governing Admission to the Bar as stated in Proposal 2025-024 and to advocate for the inclusion of additional language to remedy the injustice of excluding lawyers who are otherwise competent and in good standing in their respective jurisdictions merely because they did not sit of a bar exam. In so far as the proposed rule changes do not create a path for “non-examination applicants,” we recommend that the Board adopt an exception to Rule 15-501(A) and Rule 15-502(A) to create a path for admission to the New Mexico Bar for qualified and otherwise compliant applicants who are licensed in other states that do not require examination to be admitted to their Bars.

**Support for the Proposed Revisions and Need for Additional Revisions**

The Proposed Rule changes seem to create a new class of applicant which is otherwise not discussed or defined in the Rules Governing Admission to the Bar referred to in the Proposed Revisions as “Other Non-Examination Applicants”. The proposed revisions to Rule 15-207(B) state:

Other Non-Examination Applicants. The board will notify other applicants who are not applying for a limited license or are not seeking to be admitted by examination that it has recommended the applicant’s admission to the Supreme Court. Applicants may begin to practice law upon completion of any additional paperwork prescribed by the board, after returning a fully executed oath to the board as contained in Rule 15-208 NMRA, and after signing the roll of attorneys maintained by the Clerk of the Supreme Court. The signing of the roll of attorneys will occur as scheduled by the Clerk of the Supreme Court with the assistance of the board. All non-examination applicants shall complete the admission process within six (6) months of the date the applicant is notified that the applicant is recommended for admission. If, before the expiration of this six (6) month deadline, the board receives a written request from an applicant showing good cause for an extension, the board may grant an extension. An applicant who fails to complete the process by the deadline in this rule shall be deemed to have withdrawn the application for admission.

The term Non-examination Applicant is not defined elsewhere in the Rules Governing Admission to the Bar. While we recognize Rules 15-302 through Rule 15-309 provide alternate paths for applicants who are not *retaking* a Bar Exam to seek admission, the term Non-examination Applicant included in the proposed revisions seems to encompass a broader group of applicants. Although we recognize that the cited proposed revision does

not change or address the requirements for admission to the Bar under Rule 15-202 or Rule 15-501 but merely changes the procedure for licensure after an applicant has already been admitted, we believe the proposed language provides the Board an opportunity to remedy an injustice existing in the Rules Governing Admission. Namely, the inflexible application of the Rules to deny otherwise competent attorneys in good standing in their respective states admission to the New Mexico Bar solely premised on the fact that they were not required to take a Bar exam to be licensed in their states.

We believe that the creation of the term “Non-examination Applicant” provides the Board an opportunity to adopt a narrow an exception to Rule 15-501(A) and create a path for lawyers who are barred in states which do not require completion of a Bar exam to become licensed in New Mexico, if they meet all the other requirements under Rule 15-303. The admission of those lawyers in their respective states and their experience and good standing as lawyers in those states after admission should be considered adequate grounds upon which the Board can evaluate the applicants’ competence and character and fitness. We trust the Board’s experience and wisdom can ensure that any attorney seeking a reciprocal license in New Mexico is well vetted without the necessity of requiring them to take a Bar Exam. We leave the specifics of any exception up to the Board but suggest that there are many other methods by which the Board could determine the competency of a lawyer seeking a reciprocal license without requiring them to sit for an exam including seeking references regarding the quality of their work, reviewing writing samples, or interviewing the lawyer. In any case, it would be a missed opportunity to adopt the well-thought-out proposed revisions without addressing this obvious issue with the Rules described above.

### **Conclusion**

In short, Mr. Cheney, and I support the proposed revisions and hope that Board takes this opportunity to remedy the related and serious issue of requiring applicants for reciprocal licenses to sit for a Bar Exam when they were not required to take an Exam to obtain a license in their state of origin. We believe by drafting and adopting a narrow exception to Rule 15-501(A) and Rule 15-303(C) allowing those reciprocal applicants to obtain a license in New Mexico without sitting for an Exam, serves New Mexico Public Policy and the New Mexico Bar. Thank you for your consideration of the above comment and if the Board has any questions or concerns, we would be more than happy to discuss the proposal in greater detail.

Sincerely,

/s/ Rhys Llewellyn  
Rhys D. Llewellyn  
Briggs F. Cheney  
DIXON•SCHOLL•CARRILLO•P.A.