

**PROPOSED REVISIONS TO THE SUPREME COURT GENERAL RULES
PROPOSAL 2025-029**

March 6, 2025

The Supreme Court Clerk's Office has recommended adoption of new Rule 23-117 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.

[NEW MATERIAL]

23-117. Qualifications of judicial nominees.

A. When the New Mexico Constitution or state or local law requires a judicial nominee to have been in the actual practice of law or to be a licensed member of the New Mexico Bar, the nominee must, at the time of application for a judicial vacancy, be admitted to the New Mexico Bar under Rules 15-301, 15-302, or 15-303 NMRA. For purposes of this rule, a nominee licensed under a limited licensure rule as provided for in Rule Set 15 is not a licensed member of the New Mexico Bar.

**New Mexico
Courts**

Amy Feagans <supajf@nmcourts.gov>

[rules.supremecourt-grp] Open for Comment Form submitted on Supreme Court

Supreme Court <noreply@nmcourts.gov>

Thu, Mar 6, 2025 at 5:34 PM

Reply-To: noreply@nmcourts.gov

To: rules.supremecourt@nmcourts.gov

Name	Dylan
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Phone Number	5059899614
Email	doreilly@mstlaw.com
Proposal Number	2025-029
Comment	<p>This proposed rule requires that judicial nominees be admitted to practice law under one of the three non-limited license methods. I think that sentiment is appropriate, but I see two issues.</p> <p>First, the proposed rule references licenses issued pursuant to specific rule numbers (corresponding to examination, reciprocal admission, and UBE waivers). Since the Rules Governing Admission to the Bar were only recently amended and restated with the new numbering, this could be read to exclude persons who were admitted prior to the re-numbering.</p> <p>It might be better to simply state that all nominees must be licensed to practice law in New Mexico, but not be doing so via any of the limited license methods. I would also suggest excluding attorneys who are practicing on a conditional license.</p> <p>Second, as the proposed rule is currently drafted, an attorney reinstated to practice under Rule 15-309 "Reinstated license method" might not qualify to be a judicial nominee. The above suggestion would also resolve that potential problem.</p> <p>Thank you,</p> <p>Dylan O'Reilly</p>

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Proposal Number 2025-029

Comment

This proposed rule requires that judicial nominees be admitted to practice law under one of the three non-limited license methods. I think that sentiment is appropriate, but I see two issues.

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It might be better to simply state that all nominees must be licensed to practice law in New Mexico, but not be doing so via any of the limited license methods. I would also suggest excluding attorneys who are practicing on a conditional license.

Second, as the proposed rule is currently drafted, an attorney reinstated to practice under Rule 15-309 "Reinstated license method" might not qualify to be a judicial nominee. The above suggestion would also resolve that potential problem.

Thank you,

Dylan O'Reilly



New Mexico
Courts

Alyssa Segura <supams@nmcourts.gov>

[rules.supremecourt-grp] Comment re: Proposal 2025-029

Catherine Taylor <lalmcet@nmcourts.gov>

Fri, Apr 4, 2025 at 3:38 PM

Reply-To: lalmcet@nmcourts.gov

To: rules.supremecourt@nmcourts.gov

re: Proposal 2025-029

There is no logical or reasonable basis to prevent a limited license attorney from consideration for the bench simply because of the steps they took to become licensed. A limited license attorney must meet the same qualifications (*see* Rule 15-202); is subject to the same evaluation of their qualifications, character and fitness (*see* Rule 15-205); as well as held to the same standards for discipline and professional conduct, required to pay the same dues, and comply with MCLE (*see* Rule 15-206).

Nothing accompanying this proposed rule has provided a reason for its consideration. On its face, it blatantly discriminates against those who are working under a limited license in New Mexico—even though they are qualified professionals and are held to the same high standards.

The New Mexico State Bar's alternative methods of licensure help meet the demand for attorneys in New Mexico. With the transient populations of our military bases; the increase in hiring at the national labs; the growth of the oil and gas, aeronautics and film industries, to name just a few throughout the state, New Mexico has recognized the pool of qualified and experienced trailing spouses, partners, and family members who bring new perspectives and ideas to the practice of law in New Mexico.

Even the New Mexico Constitution recognizes the transitory nature of our modern era wherein it sets out the qualifications for a Supreme Court Justice in Art. VI, Sec. 8, requiring a minimum of 10 years of law practice anywhere, but residency in New Mexico for three years immediately preceding assumption of office:

No person shall be qualified to hold the office of justice of the supreme court unless that person is at least thirty-five years old and has been in the actual practice of law for at least ten years preceding that person's assumption of office and has resided in this state for at least three years immediately preceding that person's assumption of office. The actual practice of law shall include a lawyer's service upon the bench of any court of this state. The increased qualifications provided by this 1988 amendment shall not apply to justices and judges serving at the time this amendment passes or elected at the general election in 1988. (As amended November 8, 1988.)

(It is noteworthy that the 1988 amendment, adopted in the general election November 8, 1988, rewrote this section after the ruling in *Hannett v. Jones*, 1986-NMSC-047).

Alternative licensing methods further support the Supreme Court's commitment to inclusion and diversity, recently reaffirmed in February 2025, by acknowledging the trailing family members of those who take jobs in New Mexico; by providing a pathway for experienced attorneys to continue working without the disruption and expense of a bar exam after years of practice; and recognizing that age and experience are valuable assets.

The proposed rule would unfairly limit judicial nominee eligibility to only three methods of licensure:

Rule 15-301. Examination method.

While it might seem understandable at first glance that the Supreme Court would show preference to attorneys who took their bar exam in New Mexico, any preference is misplaced. New Mexico uses the Uniform Bar Exam (UBE)-- the same exam administered in 38 other states and the District of Columbia.

There is nothing unique or particular to New Mexico in the bar exam. In fact, all applicants must complete a separate New Mexico Law course, regardless of licensure method.

The examination method is also acknowledged as the likeliest path for recent law school graduates. (see Rule 5-301(A)).

Rule 15-302. UBE score transfer method.

The UBE score transfer method also favors recent graduates. This method allows an applicant who took the UBE in another state within the previous five years, and achieved a score that meets New Mexico's passing score requirement, to be admitted to New Mexico's bar. Again, the UBE does not address New Mexico law. So what is the reason to confine eligibility for a judicial nomination only to those who took the UBE?

Rule 15-303. Reciprocal license method.

The reciprocal license method is available to attorneys licensed for four of the last six years immediately preceding application in states with which New Mexico has reciprocity. Currently, the eligible list of reciprocity states excludes only those states that don't offer license reciprocity to New Mexico attorneys—simply, tit for tat. Otherwise, the same requirements—qualifications, character and fitness, etc.—and the same standards—subject to discipline and professional conduct; required to pay the same dues; comply with MCLE, etc.—apply to reciprocal licenses as to limited licenses.

Preparing for and sitting for a bar exam after years of actual practice places an unnecessary burden on limited license bar members, both financial and temporal.

As an example: without the limited license option, following my spouse to New Mexico for his job meant that I would have effectively walked away from any further advancement in my profession. I don't have the same singular focus to prepare for a bar exam at this stage of life, not to mention the expense and time it would cost me, my family and my job. I pursued a limited license as a way to continue advancing my career specifically so I would NOT have to effectively take 3 months off from work and family obligations to prepare for a bar exam. Having practiced for nearly 25 years, I am under no illusion that my work experience is any substitute for the broad, federal-law-based universe that makes up the UBE—there are plenty of instances in criminal law where New Mexico applies stricter standards than the United States Supreme Court!

Excluding a licensed attorney from eligibility for a judicial nomination based solely on the method of licensure, effectively eliminates otherwise qualified, experienced attorneys—an entire group of well-experienced practitioners, most of whom are years of actual practice beyond bar exams.

It should be that no matter how one came to practice in New Mexico, the fact that an attorney has CHOSEN TO PRACTICE LAW IN NEW MEXICO should be the primary consideration. Creating this limit on potential advancement solely based on the method of licensure eliminates qualified nominees and undermines the stated goals of the Supreme Court.

I urge you to decline adoption of the proposed rule.

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Catherine E. Taylor, J.D.
Los Alamos Magistrate Judge