

**PROPOSED REVISIONS TO THE CODE OF PROFESSIONAL CONDUCT
PROPOSAL 2026-013**

March 6, 2026

The Code of Professional Conduct Committee has recommended amendments to Rule 24-108 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, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court’s website for public viewing.

24-108. Pro bono public service.

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

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

(1) contributing financial support to organizations that provide legal services to persons of limited means in New Mexico, in the amount of ~~[five hundred dollars (\$500)]~~ one (1) percent of that lawyer's annual federal adjusted gross income (AGI) from the practice of law in New Mexico; or

(2) providing a combination of pro bono hours and a financial contribution proportional to the number of pro bono hours less than fifty (50), as suggested by the examples in this table:

[Pro Bono Hours	0	5	10	15	20	25	30	35	40	45	50+
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<u>Suggested Contribution</u>	\$500	\$450	\$400	\$350	\$300	\$250	\$200	\$150	\$100	\$50	<u>Attorney Discretion]</u>
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<u>Hours of Pro Bono Service Per Year</u>	<u>0</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>50+</u>
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<u>Suggested Contribution</u>	<u>Lawyer with \$50,000 Annual Federal AGI from NM Law Practice</u>	<u>\$500</u>	<u>\$400</u>	<u>\$300</u>	<u>\$200</u>	<u>\$100</u>	<u>Lawyer's Discretion</u>
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<u>Suggested Contribution</u>	<u>Lawyer with \$75,000 Annual Federal AGI from NM Law Practice</u>	<u>\$750</u>	<u>\$600</u>	<u>\$450</u>	<u>\$300</u>	<u>\$150</u>	<u>Lawyer's Discretion</u>
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<u>Suggested Contribution</u>	<u>Lawyer with \$100,000 Annual Federal AGI from NM Law Practice</u>	<u>\$1,000</u>	<u>\$800</u>	<u>\$600</u>	<u>\$400</u>	<u>\$200</u>	<u>Lawyer's Discretion</u>
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<u>Suggested Contribution</u>	<u>Lawyer with \$150,000 Annual Federal AGI from NM Law Practice</u>	<u>\$1,500</u>	<u>\$1,200</u>	<u>\$900</u>	<u>\$600</u>	<u>\$300</u>	<u>Lawyer's Discretion</u>
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<u>Suggested Contribution</u>	<u>Lawyer with \$200,000 Annual Federal AGI from NM Law Practice</u>	<u>\$2,000</u>	<u>\$1,600</u>	<u>\$1,200</u>	<u>\$800</u>	<u>\$400</u>	<u>Attorney Discretion</u>
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C. Pro Bono Certification.

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

- (1) the number of hours the lawyer dedicated to pro bono legal services, and
- (2) if the lawyer has satisfied the obligation by contribution or part contribution,

the amount of that contribution.

[Approved by Supreme Court Order No. 08-8300-004, effective March 15, 2008; as amended by Supreme Court Order No. _____, effective _____.]

Committee commentary. — The provisions of this rule are an affirmation of the lawyer's professional responsibility, as provided in Rule 16-601 NMRA and are not mandatory nor do they

constitute a basis for discipline under the Rules Governing Discipline for the State Bar of New Mexico. However, the reporting requirements of Paragraph C of this rule are mandatory, and the failure to report this information shall be treated in the same manner as failure to pay dues or comply with mandatory continuing legal education. The information provided under this rule is designed for statistical purposes only and shall be used by the State Bar of New Mexico and distributed only in statistical form. Individual attorney responses shall remain confidential.

While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in Subparagraphs (A)(1) and (A)(2) of Rule 16-601 NMRA, to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in the variety of ways as set forth in Paragraphs B, C, and D of Rule 16-601 NMRA. Constitutional, statutory, or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in Paragraphs A and B of Rule 16-601 NMRA. Accordingly, where those restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in Paragraphs C and D of Rule 16-601 NMRA. Court attorneys are permitted to provide pro bono legal services if the services are consistent with any rules or policies set forth by the Supreme Court and do not violate any restriction prohibiting them from engaging in the outside practice of law. Full-time justices, judges, hearing officers, and special commissioners are prohibited from providing pro bono legal services. *See* Rule 21-310 NMRA; Rule 21-004(C) NMRA.

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

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

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



New Mexico
Courts

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

Supreme Court <noreply@nmcourts.gov>
Reply-To: noreply@nmcourts.gov
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Sat, Mar 14, 2026 at 12:01 PM

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Proposal Number 2026-013

Comment These changes are not workable. I am a retired person who has an active license. I do not collect fees for the legal work I do - but I do have income streams not related to the practice of law. How do you propose for this AGI to be overseen/audited? Leave the rule as is
