

**PROPOSED REVISIONS TO THE RULES GOVERNING ADMISSION TO THE BAR
PROPOSAL 2026-031**

March 6, 2026

The Board of Bar Examiners has recommended amendments to Rules 15-102, 15-204, 15-302, 15-502, 15-503, 15-309, 15-504, and 15-506 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.

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-retained 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 or affirmation” 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 or affirmation” 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[-]; and

JJ. “NextGen UBE” means the NextGen Uniform Bar Examination prepared and administered by the NCBE.

[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. S-1-RCR-2025-00122, effective January 2, 2026; as amended by Supreme Court Order No. _____, effective _____.]

15-204. Fees and costs.

A. **Application fees and costs.** Every submitted application shall be accompanied by the fees and costs described in the rule for the applicant’s chosen method of licensure in the manner identified by the board. Except for deposits made under Paragraph C of this rule, all fees and costs paid to the board under these rules shall be non-refundable. Regardless of timing, fees and costs shall not be returned by the board for any reason, including but not limited to denial of admission, withdrawal of an application, and failure to pursue admission after application.

B. **Pass-through costs.** Applications for certain methods of licensure require the board to purchase services and materials, or obtain information directly from certain sources, the actual costs for which shall be directly passed through to an applicant. The board shall publish a

schedule of the items and the costs, which shall be updated by the board from time to time. The board may collect some pass-through costs up front, may direct the applicant to pay some pass-through costs directly to the vendor, or may require payment of pass-through costs as they are incurred (or about to be incurred) by the board. Items for which costs and fees are passed through to an applicant may include, but are not limited to:

- (1) investigations;
- (2) NCBE investigation;
- (3) NCBE application;
- (4) NCBE scoring;
- (5) MPRE score transfer or reporting as may be required by the NCBE;
- (6) UBE or NextGen UBE score transfer or reporting as may be required by the

NCBE;

- (7) law school transcripts requested by the board;
- (8) Certificates of Good Standing and Certificates of Disciplinary History requested by the board;
- (9) fingerprinting;
- (10) credit reports;
- (11) laptop registration fees; and
- (12) examination materials.

C. **Advance deposits against certain costs.** If the board requires an applicant to place funds on deposit in anticipation of the board incurring certain costs related to character and fitness evaluations, any hearing, and any appeals, the applicant shall submit the required funds to the board which shall be placed in an IOLTA account. The board shall apply the deposited funds to actual costs as they are incurred, and account to the applicant as funds are expended. On payment of the final invoice of costs, the board shall return any surplus funds to the applicant. If the funds on deposit are less than the costs incurred, the applicant shall pay the deficiency to the board. [Withdrawn by Supreme Court Order No. 15-8300-018, effective November 1, 2015; as reinstated by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-302. UBE and NextGen UBE score transfer 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 UBE or NextGen UBE in a state other than New Mexico.

B. **Application deadlines.** An application for a license under this rule may be submitted at any time.

C. **Qualifications.** An applicant for a license under this rule shall provide proof that the applicant meets the qualifications set forth in Rule 15-202 NMRA, and must provide proof that the applicant has received a passing score on the examination of the minimum competence to practice law within five (5) years before the date of submission of the application, and has received a passing score on the examination of professional responsibility and legal ethics.

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; and

(2) on the board's determination the applicant is qualified and possesses the requisite character and fitness, then the board shall follow the requirements of Rule 15-207(A) NMRA for recommending issuance of a license to the applicant.

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; and

(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.

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. 15-8300-018, effective November 1, 2015; as amended by Supreme Court Order No. 16-8300-035, effective for status changes on or after December 31, 2016; as amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-309. Reinstated license method.

A. **Description.** As further specified in this rule, a person who was previously admitted to practice law in New Mexico on a non-limited license may apply for admission under this method of licensure if the applicant (1) withdrew from the practice of law before January 1, 2017, (2) transferred to inactive status under Rule 24-102.2(E) NMRA and has remained inactive for a period of two (2) years or more, (3) was suspended from the practice of law under Rule 24-102 NMRA and has remained in suspended status for a period of two (2) years or more;~~(3)~~ (4) was suspended from the practice of law under Rule 24-102 NMRA and is required to submit an application to the board under Rule 24-102(F) NMRA, or ~~(4)~~ (5) was ordered by the Supreme Court to reapply for licensure through the board.

B. **Application deadlines.** An application for a license under this rule may be submitted at any time.

C. **Qualifications.** An applicant for a license under this rule shall submit an application for this method of licensure as prescribed by the board, and shall prove the applicant:

(1) meets the qualifications set forth in Rule 15-202 NMRA;
(2) satisfies all applicable requirements for an active status attorney in New Mexico;

(3) has the requisite character and fitness to practice law in New Mexico; and
(4) if referred to the board under Rule 24-102(F)(2) NMRA or suspended under Rule 24-102 NMRA for any other reason:

(a) has remedied all deficiencies that led to the suspension;
(b) is current on dues owed to the State Bar of New Mexico;
(c) has satisfied all mandatory continuing legal education credits required under Rules 18-101 to -303 NMRA;

(d) has complied with any other requirements imposed by the Supreme Court, including, but not limited to, enrollment in and attendance of specific continuing legal education classes or bar review courses; and

(e) has, if applicable, paid the fee described in Rule 24-102(F)(1) 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 evaluating the applicant's character and fitness.

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; and

(2) on the board's determination that the applicant has the requisite character and fitness, is qualified, and has complied with any requirements for that applicant set by the Supreme Court, the board shall recommend to the Supreme Court that the applicant be reinstated, and the Clerk of the Supreme Court shall summarily issue the applicant a certificate of reinstatement to active status unless otherwise ordered by the Supreme Court.

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; and

(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.

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.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023.]

Committee commentary.— This rule only permits reinstatement in the specified instances. An attorney suspended under the Rules Governing Discipline, Rules 17-101 to -316 NMRA, must seek reinstatement as described in those rules. An attorney who withdrew from the State Bar of New Mexico on or after December 31, 2016, must apply for admission under another method of licensure. *See* Rule 24-102.2(G) NMRA.

An attorney suspended under Rule 24-102 NMRA is not required to submit an application to the board if it is that attorney's first suspension under that rule. *See* Rule 24-102(F)(2).

[Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-502. Examination of minimum competence to practice law.

A. UBE Exam.

(1) The examination to test an applicant's minimum competence to practice law shall be the UBE or the NextGen UBE. [~~The UBE consists of six (6) MEE questions, two (2) MPT items, and the MBE, all administered during a single examination administered over two or more consecutive days.~~] The examination may test any subject matter identified by the NCBE as areas of law that may be tested on the UBE. [~~Questions on the examination will be unlabeled as to subject matter and are not limited to a single subject matter.~~]

(2) The examination to test an applicant's minimum competence to practice law administered by the board shall be the UBE, until such date as the Supreme Court orders the board to administer the NextGen UBE.

B. **Passing score.** [~~For all applicants, the minimum passing score on the UBE shall be two hundred sixty (260).~~] The Supreme Court, in consultation with the board, shall determine the minimum passing score for the UBE and NextGen UBE. To successfully pass an examination, an examinee must attain at least the minimum passing score in effect on the date that examination was given. The minimum passing score currently ordered by the Supreme Court, and any upcoming modifications to the minimum passing score, shall be published on the board's website.

C. **Timing.** All components of the [~~UBE~~] examination to test an applicant's minimum competence to practice law must be taken, and a passing score received, within the same examination period.

D. **Results.** Results of the examination of minimum competence to practice law shall be released as described in Rule 15-505 NMRA.

E. **Maximum attempts.** An applicant may not apply pursuant to Rule 15-301 NMRA if the applicant has taken, and failed, an examination of the minimum competence to practice law four (4) or more times in any state beginning with exams taken with the effective date of this rule. An applicant who has exceeded the maximum number of attempts may seek leave to apply for a fifth, and final, attempt to pass the examination of the minimum competence to practice law along with proof of extraordinary circumstances warranting an additional attempt.

~~[E.—~~ **Weighting; scaling.** ~~The raw scores assigned to the MEE and MPT answers by the graders shall reflect the relative quality of each answer (ranging from non-responsive to well above average). The MEE and MPT raw scores shall be combined and converted to the MBE scale to calculate written scaled scores according to the method used by the NCBE for jurisdictions that administer the UBE. The written scaled scores and the MBE scaled scores shall be combined to determine UBE total scores, with the MEE weighted thirty percent (30%), the MPT weighted twenty percent (20%), and the MBE weighted fifty percent (50%). Scaled scores shall be used to assure that the standard used to measure competence is not affected by the difficulty of the particular test or the ability of the applicants sitting for a particular examination.]~~
[Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-503. Examination of professional responsibility and legal ethics.

A. **MPRE.** The examination to test an applicant's understanding of and familiarity with the rules of professional conduct and legal ethics shall be the MPRE.

B. **Passing score.** ~~[For all applicants, the minimum passing score on the MPRE shall be a scaled score of eighty (80).]~~ The Supreme Court, in consultation with the board, shall determine the minimum passing score for the MPRE. To successfully pass an examination, an examinee must attain at least the minimum passing score in effect on the date that examination was given. The minimum passing score currently ordered by the Supreme Court, and any upcoming modifications to the minimum passing score, shall be published the board's website.

C. **Timing.** An applicant shall achieve a minimum passing score on the MPRE before being recommended for admission.

D. **Results.** Results of the examination to test an applicant's understanding of and familiarity with the rules of professional conduct and legal ethics shall be reported to the applicant and the board by the NCBE.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-504. Grading and scoring.

A. **Policies and graders.** Subject to the approval of the Supreme Court, the board may adopt grading policies and standards consistent with NCBE policies for grading of the various examinations administered by the NCBE, may delegate grading responsibility to the NCBE for any examination administered by the NCBE, or may adopt grading policies and standards, and appoint graders for examinations administered by the board.

B. **Nonidentity grading.** For examinations administered by the board, every applicant shall be assigned an examination number. Grading of examinations shall be anonymous, and the information matching the names and code numbers of the applicants shall be kept in the custody of the secretary of the board, or another person designated by the board, until all ~~[papers]~~ examinations have been finally graded, all numerical or percentage grades for each applicant have been compiled~~[, all examinations eligible for regrade have been regraded,]~~ and each applicant has been determined by examination number to have either passed or failed the bar examination. This information will not be provided to exam graders during the grading process.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-506. Right to inspect.

A. **Test scores; inspection.** An applicant who did not receive a passing score on an examination may inspect the examination questions and answers only as described in this rule. An applicant who passes the examination shall have no right to inspect any portion of the exam or the applicant's answers. No inspection of questions or answers of an examination administered by the NCBE shall be allowed unless authorized by the NCBE. On the NCBE's authorization to release examination information, an applicant may inspect the [examination] portions of the examination authorized by NCBE by submitting the required fee to the board, but must do so no later than sixty (60) days after an applicant is notified of the examination results. ~~[Only the following portions of an examination may be inspected:~~

- ~~(1) — the MEE and MPT questions of the examination;~~
- ~~(2) — the applicant's answers to the MEE and MPT questions; and~~
- ~~(3) — sample answers for each question.]~~

B. **Examination grading score review.** ~~[Before the publication of the results of the UBE, the board or its designee shall review and regrade as necessary the MEE and MPT answers for any applicant whose total UBE score is six (6) points below the minimum passing score. The total UBE score after the regrade shall be the final score for that applicant.]~~ Any applicant who has not received a passing score on the examination [UBE], but otherwise is qualified for admission may, within thirty (30) days of being notified of the ~~[UBE]~~ examination results, make written request that the board review the mathematical accuracy of the scoring of the applicant's examination. The board or its designee shall promptly review the scoring and take any action necessitated by the review. ~~[The regrade shall be conducted by a different person than the original grader.]~~ Any actual cost for review of the mathematical accuracy of the scoring shall be paid by the applicant.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]