

**PROPOSED REVISIONS TO THE RULES GOVERNING ADMISSION TO THE BAR
PROPOSAL 2026-033**

March 6, 2026

The Board of Bar Examiners has recommended amendments to Rules 15-304, 15-305, 15-306, and 15-310 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.

15-304. Public employee and public defender limited license method.

A. **Description.** As further specified in this rule, an applicant may apply for a limited license which permits that applicant to practice on behalf of government agencies or in the representation of public defender clients. Submission of a complete application by a qualified applicant will result in expedient issuance of a ~~[temporary] limited license that is conditional upon the board's completion of its investigation. [limited license until the board completes its investigation at which time the applicant may be issued a limited license.]~~

B. **Application deadline.** 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:

- (1) meets the qualifications set forth in Rule 15-202 NMRA;
- (2) is actively licensed to practice law in at least one other state without condition, restriction, or limitation;
- (3) is in good standing in all states in which applicant has ever been licensed to practice law;
- (4) has passed the examination of professional responsibility and legal ethics described in Rule 15-503 NMRA; and
- (5) is employed by a government entity or by either a firm or organization that has been awarded a contract to represent public defender clients, by providing a certificate from

the applicant's supervisor confirming the applicant has been so employed, and committing to notify the board and the Supreme Court when the applicant is no longer employed by the government entity, firm, or organization.

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.** Within ten (10) business days of the board's receipt from an applicant of (a) a completed application for a license under this rule, (b) the required fees, and (c) documents described in Subparagraphs (C)(1) and (C)(2), above, the board shall provide the applicant's name to the Supreme Court for issuance of a [temporary] limited license;

(1) The Clerk of the Supreme Court shall then promptly issue a [temporary] limited license to the applicant;

(2) The board shall then complete an investigation and make a determination of the applicant's character and fitness; and

(3) on the board's determination the applicant is qualified and has 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.]~~ file a notice with the Supreme Court indicating that the applicant has satisfied the requirements of Rules 15-202 and 15-205 NMRA.

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.

G. **Specific ongoing requirements.** ~~[An applicant approved for a temporary limited license or limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA, and additionally, the attorney shall inform the board immediately of change of employment.]~~ An applicant or licensee approved for a limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA, and additionally, the attorney shall inform the board immediately of change of employment.

H. **Limitations.** A person practicing law under a license issued under this rule may only practice law as:

(1) an employee of a governmental entity, or

(2) as a private practice attorney exclusively employed in the exclusive representation of public defender clients.

I. **Expiration.**

(1) A license issued under this rule shall expire on the earlier of:

(a) the applicant's or licensee's cessation of employment with the governmental entity, unless the applicant or licensee:

(i) has already accepted employment with another government entity;

(ii) notifies the board of the change in employment; and

(iii) provides a new certificate as described in Subparagraph (C)(4) of this rule; or

(b) the applicant or licensee being issued a license to practice law under another method of licensure described in these rules.

(2) On expiration of the limited license, the board shall notify the Supreme Court that the limited license has expired, and whether the attorney has been issued a license under another method of licensure. The Supreme Court shall then summarily order that the attorney may no longer practice law under that limited license.

(3) An attorney whose [~~temporary~~]limited license or limited license has expired, and who resides in or maintains a residence within this state, shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

J. **Suspension.** A license issued under this rule is subject to suspension as described in the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, before the board completes its investigation under Subparagraph (E)(3) of this rule, a [~~temporary~~] limited license issued under this rule may be suspended by the Supreme Court for an indefinite period as follows:

(1) **Petition by board.** The board may file a petition, under Rule 15-404 NMRA, to suspend a [~~temporary~~] limited license which shows that the [~~licensee~~] applicant has not qualified for the license, complied with board requirements for a character and fitness investigation, responded to requests for information, appeared for a scheduled hearing, or produced records or documents requested by the board. One or more affidavits shall be attached to the petition identifying the efforts undertaken by the board to obtain the [~~licensee's~~] applicant's cooperation and compliance, whether the [~~licensee~~] applicant interposed objections to producing the records or documents, and whether objections interposed by the [~~licensee~~] applicant appear to have been made in good faith. In addition to service requirements required for a petition, a copy of the petition shall be served on the [~~licensee's~~] applicant's employer. Any response filed by the [~~licensee~~] applicant shall set forth facts showing that the [~~licensee~~] applicant has complied with the board's requests or the reasons why the [~~licensee~~] applicant has not complied.

(2) **Reinstatement.** The Supreme Court may summarily reinstate a [~~temporary~~] limited license suspended under the provisions of this paragraph, on the [~~licensee's~~] applicant's filing of a motion for reinstatement with the Supreme Court, which proves compliance with the requirements of the board as alleged in the petition to suspend or as otherwise ordered by the Supreme Court. The [~~licensee~~] applicant shall serve the motion on the board, and the board may file a response within five (5) business days of service. The [~~licensee~~] applicant and the board may also submit an agreed motion to reinstate the [~~licensee's~~] applicant's [~~temporary~~] limited license.

(3) **No pro hac vice admittance.**[A] An [~~licensee~~] applicant suspended under this rule shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

K. **Revocation.** A license issued under this rule is subject to revocation as described in Rule 15-201(F) NMRA and the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, a license issued under this rule may also be revoked by the Supreme Court as follows:

(1) **Summary revocation on petition by board.** The Clerk of the Supreme Court shall summarily revoke a license issued under this rule on filing of a petition by the board, under Rule 15-404 NMRA, which shows that the board has determined the [~~licensee~~] applicant does not have the character and fitness to practice law in New Mexico. In addition to service

requirements required for petitions, a copy of the petition shall be served on the [licensee's] applicant's employer.

(2) **Other revocation.** The Supreme Court may revoke a license issued under this rule on the board's filing of a petition, under Rule 15-404 NMRA, showing the attorney's violation of this rule or any other rule approved by the Supreme Court regulating the licensing or conduct of attorneys. In addition to service requirements required for petitions, a copy of the petition shall be served on the applicant's or licensee's employer.

(3) **No appearances; no pro hac vice admission.** Except as ordered by the Supreme Court, [a] an applicant or licensee whose license has been revoked under this rule shall not appear in any court in this state as an attorney, and shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

L. End of limitation.

(1) A licensee under this method may apply to the board to practice without limitation, and is eligible to do so when the licensee has:

(a) been in the active practice of law under a limited license issued pursuant to this method of licensure described in this rule for five (5) consecutive years,

(b) complied with the requirements of Paragraph G of this rule,

(c) has been free of discipline, and

(d) satisfied all conditions, if any, imposed by the Supreme Court on the licensee.

(2) Following application by a licensee under this method, the board shall determine whether a licensee is eligible to practice without limitation, and shall recommend to the Supreme Court whether the limitations on the licensee's license to practice be removed. If the Supreme Court is satisfied the licensee is eligible to practice without limitation, it may grant the licensee a license to practice law without limitation subject to the licensee's completion of the requirements set forth in Rule 15-207(B) NMRA.

(3) Once a licensee practicing under this license has completed the requirements of Rule 15-207(B) NMRA, the provisions of Rule 15-301(G) through (K) NMRA shall apply to that licensee instead of Paragraphs G through K of this rule.

[Approved, effective June 13, 2000; as amended effective February 28, 2002; October 24, 2003; March 29, 2004; as amended by Supreme Court Order No. 05-8300-010, effective September 1, 2005; as amended by Supreme Court Order No. 17-8300-007, effective August 1, 2017; Rule 15-301.1 NMRA recompiled and amended as Rule 15-304 NMRA by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-305. Qualified legal services provider limited license method.

A. **Description.** As further specified in this rule, an applicant may apply for a limited license which permits that applicant to practice on behalf of a qualified legal services provider. Submission of a complete application by a qualified applicant will result in expedient issuance of a [temporary] limited license that is conditional upon the board's completion of its investigation. [~~until the board completes its investigation at which time the applicant may be issued a limited license.~~]

B. **Application deadline.** 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:

- (1) meets the qualifications set forth in Rule 15-202 NMRA;
- (2) is either:
 - (a) actively licensed to practice law in at least one other state without condition, restriction or limitation, and not involved in disciplinary proceedings in that state; or
 - (b) an inactive member of the State Bar of New Mexico or another state, and was not under disciplinary proceedings when inactive status was taken;
- (3) is in good standing in all states in which the applicant has ever been licensed to practice law;
- (4) has passed the examination of professional responsibility and legal ethics described in 15-503 NMRA; and
- (5) has been employed (for compensation or otherwise) by a qualified legal services provider to represent legal services clients, by providing a letter from the legal services provider employing the applicant.

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.**

- (1) Within ten (10) business days of the board's receipt from an applicant of (a) a completed application for a license under this rule, (b) the required fees, and (c) documents described in Paragraph C, above, the board shall provide the applicant's name to the Supreme Court for issuance of a [temporary] limited license;
- (2) The Clerk of the Supreme Court shall then promptly issue a [temporary] limited license to the applicant;
- (3) The board shall then complete an investigation and make a determination of the applicant's character and fitness; and
- (4) On the board's determination the applicant is qualified and has 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.]~~ file a notice with the Supreme Court indicating that the applicant has satisfied the requirements of Rules 15-202 and 15-205 NMRA.

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 temporary limited license or limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA, and additionally, the attorney shall inform the board immediately of change of employment.]~~ An applicant or licensee approved for a limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-

207 NMRA, and additionally, the attorney shall inform the board immediately of change of employment.

H. **Limitations.** A person practicing law under a license issued under this rule may only practice law by representing legal services clients through a qualified legal services provider.

I. **Expiration.**

(1) A license issued under this rule shall expire on the earlier of:

(a) the applicant's or licensee's cessation of employment with the qualified legal services provider, unless the applicant or licensee:

- (i) has already accepted employment with another qualified legal services provider;
 - (ii) notifies the board of the change in employment; and
 - (iii) provides a new certificate as described in Subparagraph (C)(4) of this rule;
- or

(b) the applicant or licensee being issued a license to practice law under another method of licensure described in these rules.

(2) On expiration of the limited license, the board shall notify the Supreme Court that the limited license has expired, and whether the attorney has been issued a license under another method of licensure. The Supreme Court shall then summarily order that the attorney may no longer practice law under that limited license.

(3) An attorney whose [~~temporary~~] limited license has expired, and who resides in or maintains a residence within this state, shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

J. **Suspension.** A license issued under this rule is subject to suspension as described in the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, before the board completes its investigation under Subparagraph (E)(3) of this rule, a [~~temporary~~] limited license issued under this rule may be suspended by the Supreme Court for an indefinite period as follows:

(1) **Petition by board.** The board may file a petition, under Rule 15-404 NMRA, to suspend a [~~temporary~~] limited license which shows that the [~~licensee~~] applicant has not qualified for the license, complied with board requirements for a character and fitness investigation, responded to requests for information, appeared for a scheduled hearing, or produced records or documents requested by the board. One or more affidavits shall be attached to the petition identifying the efforts undertaken by the board to obtain the [~~licensee's~~] applicant's cooperation and compliance, whether the [~~licensee~~] applicant interposed objections to producing the records or documents, and whether objections interposed by the [~~licensee~~] applicant appear to have been made in good faith. Any response filed by the [~~licensee~~] applicant shall set forth facts showing that the [~~licensee~~] applicant has complied with the board's requests or the reasons why the [~~licensee~~] applicant has not complied.

(2) **Reinstatement.** The Supreme Court may summarily reinstate a [~~temporary~~] limited license suspended under the provisions of this paragraph, on the [~~licensee's~~] applicant's filing of a motion for reinstatement with the Supreme Court, which proves compliance with the requirements of the board as alleged in the petition to suspend or as otherwise ordered by the Supreme Court. The [~~licensee~~] applicant shall serve the motion on the board, and the board may file a response within five (5) business days of service. The [~~licensee~~] applicant and the board may also submit an agreed motion to reinstate the [~~licensee's~~] applicant's [~~temporary~~] limited license.

(3) **No pro hac vice admittance.** [A] An [licensee] applicant suspended under this rule shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

K. **Revocation.** A license issued under this rule is subject to revocation as described in Rule 15-201(F) NMRA and the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, a license issued under this rule may also be revoked by the Supreme Court as follows:

(1) **Summary revocation on petition by board.** The Clerk of the Supreme Court shall summarily revoke a license issued under this rule on the filing of a petition by the board, under Rule 15-404 NMRA, which shows that the board has determined the [licensee] applicant does not have the character and fitness to practice law in New Mexico. In addition to service requirements required for petitions, a copy of the petition shall be served on the [licensee's] applicant's employer.

(2) **Other revocation.** The Supreme Court may revoke a license issued under this rule on the board's filing of a petition, under Rule 15-404 NMRA, showing the attorney's violation of this rule or any other rule approved by the Supreme Court regulating the licensing or conduct of attorneys. In addition to service requirements required for petitions, a copy of the petition shall be served on the applicant's or licensee's employer.

(3) **No appearances; no pro hac vice admission.** Except as ordered by the Supreme Court, [a] an applicant or licensee whose license has been revoked under this rule shall not appear in any court in this state as an attorney, and shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

L. End of limitation.

(1) A licensee under this method may apply to the board to practice without limitation, and is eligible to do so when the licensee has:

(a) been in the active practice of law under a limited license issued pursuant to this method of licensure described in this rule for five (5) consecutive years,

(b) complied with the requirements of Paragraph G of this rule,

(c) has been free of discipline, and

(d) satisfied all conditions, if any, imposed by the Supreme Court on the licensee.

(2) Following application by a licensee under this method, the board shall determine whether a licensee is eligible to practice without limitation, and shall recommend to the Supreme Court whether the limitations on the licensee's license to practice be removed. If the Supreme Court is satisfied the licensee is eligible to practice without limitation, it may grant licensee a license to practice law without limitation subject to licensee's completion of the requirements set forth in Rule 15-207(B) NMRA.

(3) Once a licensee practicing under this license has completed the requirements of Rule 15-207(B) NMRA, the provisions of Rule 15-301(G) through (K) NMRA shall apply to that licensee instead of Paragraphs G through K of this rule.

[Adopted by Supreme Court Order No. 08-8300-024, effective August 29, 2008; as amended by Supreme Court Order No. 09-8300-001, effective January 14, 2009; by Supreme Court Order No. 11-8300-048, effective January 1, 2012; as amended by Supreme Court Order No. 13-8300-012, effective May 14, 2013; as amended by Supreme Court Order No. 17-8300-007, effective August 1, 2017; Rule 15-301.2 NMRA recompiled and amended as Rule 15-305 NMRA by Supreme

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

Committee commentary. — Emeritus attorneys should be aware of additional licensure options available as described in Rule 24-111 NMRA.

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

15-306. Military spouse attorney limited license method.

A. **Description.** As further specified in this rule, an applicant may apply for a limited license which permits a military spouse attorney to practice law in New Mexico. Submission of a complete application by a qualified applicant will result in expedient issuance of a ~~[temporary]~~ limited license that is conditional upon the board's completion of its investigation. ~~[until the board completes its investigation at which time the applicant may be issued a limited license.]~~

B. **Application deadline.** 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:

(1) meets the qualifications set forth in Rule 15-202 NMRA, except the requirements of Rule 15-202(A)(2)(b) NMRA and Rule 15-203(D)(3)(b) NMRA, if applicable, are modified to require that the applicant show admission to the practice of law in one or more other states for at least two (2) of the four (4) years immediately preceding submission of an application under these rules;

(2) is either:

(a) actively licensed to practice law in at least one other state without condition, restriction or limitation, and not involved in disciplinary proceedings in any state; or

(b) an inactive member of the State Bar of New Mexico or another state, and was not under disciplinary proceedings when inactive status was taken;

(3) is in good standing in all states in which applicant has ever been licensed to practice law;

(4) has passed the examination of professional responsibility and legal ethics described in Rule 15-503 NMRA;

(5) is the spouse of an active duty service member currently stationed within the State of New Mexico, or to be stationed within the State of New Mexico within the next six (6) months; and

(6) either:

(a) currently resides in the State of New Mexico; or

(b) intends to reside in the State of New Mexico within the next six (6) months by providing a certificate to that effect signed by the applicant.

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 license under this rule. An applicant shall pay any fees and costs associated with a character and fitness hearing.

E. **Procedure for issuance.**

(1) Within ten (10) business days of the board's receipt from an applicant of (a) a completed application for a license under this rule, (b) the required fees, and (c) documents

described in Subparagraphs (C)(1) and (C)(2), above, the board shall provide the applicant's name to the Supreme Court for issuance of a ~~[temporary]~~ limited license;

(2) The Clerk of the Supreme Court shall then promptly issue a ~~[temporary]~~ limited license to the applicant;

(3) The board shall then complete an investigation and make a determination of the applicant's character and fitness; and

(4) If the board determines the applicant is qualified and has 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.]~~ file a notice with the Supreme Court indicating that the applicant has satisfied the requirements of Rules 15-202 and 15-205 NMRA.

F. **Fees and costs.** The following fees and costs must be paid by the applicant on submission of the application for 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 temporary license or limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA,]~~ An applicant or licensee approved for a limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA, and:

(1) shall inform the board immediately on an expiration event described in Paragraph I;

(2) within one (1) year of receiving a license under this rule, shall complete a trust accounting class to comply with Rule 17-204 NMRA of the New Mexico Rules Governing Discipline, unless the applicant or licensee demonstrates the exemption under Rule 17-204(E) NMRA applies; and

(3) within one hundred twenty (120) days of receiving a license under this rule, the applicant or licensee shall certify to the board that the applicant or licensee or [licensee's] their employer is in compliance with, or exempt from, the succession planning requirements of Rule 16-119 NMRA of the New Mexico Rules of Professional Conduct.

H. **Limitations.** A person practicing law under a license issued under this rule may only practice law in New Mexico as a military spouse attorney.

I. **Expiration.**

(1) A license issued under this rule shall expire:

(a) one hundred eighty (180) days after the earliest occurrence of any of the following events:

(i) the applicant or licensee ceases to be a dependent;

(ii) the service member is permanently transferred outside the jurisdiction under military orders, but if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the applicant or licensee may continue to practice under the provisions of this rule until the service member is assigned to a location with dependents authorized;

(iii) the applicant or licensee permanently relocates to another jurisdiction for reasons other than the service member's permanent transfer outside the jurisdiction; or

(iv) the applicant or licensee requests termination of the license;

or

(b) on the applicant or licensee being issued a license to practice law under another method of licensure described in these rules, in which event the applicant or licensee shall notify the board.

(2) If any event listed in Subparagraph (I)(1)(a) occurs, the applicant or licensee shall notify, in writing, the board, clients, and courts in which the applicant or licensee has entered an appearance of the event within sixty (60) days of the date on which the event occurs and take appropriate action under Rule 16-116 NMRA of the New Mexico Rules of Professional Conduct in those matters for which the termination of the limited license requires declining or terminating representation.

(3) On expiration of a license under this rule, an applicant or licensee who resides in or maintains a legal residence in this state may be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

(4) On expiration of a license under this rule, the board shall notify the Clerk of the Supreme Court that the limited license has expired, and whether the attorney has been issued a license under another method of licensure. The Supreme Court shall then summarily order that the attorney may no longer practice law under that limited license.

J. **Suspension.** A license issued under this rule is subject to suspension as described in the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, before the board completes its investigation under Subparagraph (E)(3) of this rule, a [~~temporary~~] limited license issued under this rule may be suspended by the Supreme Court for an indefinite period as follows:

(1) **Petition by board.** The board may file a petition, under Rule 15-404 NMRA, to suspend a [~~temporary~~] limited license which shows that the [~~licensee~~] applicant has not qualified for the license, complied with board requirements for a character and fitness investigation, responded to requests for information, appeared for a scheduled hearing, or produced records or documents requested by the board. One or more affidavits shall be attached to the petition identifying the efforts undertaken by the board to obtain the [~~licensee's~~] applicant's cooperation and compliance, whether the [~~licensee~~] applicant interposed objections to producing the records or documents, and whether objections interposed by the [~~licensee~~] applicant appear to have been made in good faith. In addition to other service requirements required for a petition, a copy of the petition shall be served on the [~~licensee's~~] applicant's employer. Any response filed by the [~~licensee~~] applicant shall set forth facts showing that the [~~licensee~~] applicant has complied with the board's requests or the reasons why the [~~licensee~~] applicant has not complied.

(2) **Reinstatement.** The Supreme Court may summarily reinstate a [~~temporary~~] limited license suspended under the provisions of this paragraph, on the [~~licensee's~~] applicant's filing of a motion for reinstatement with the Supreme Court, which proves compliance with the requirements of the board as alleged in the petition to suspend or as otherwise ordered by the Supreme Court. The [~~licensee~~] applicant shall serve the motion on the board, and the board may file a response within five (5) business days of service. The [~~licensee~~] applicant and the board may also submit an agreed motion to reinstate the [~~licensee's~~] applicant's [~~temporary~~] limited license.

(3) **No pro hac vice admittance.** [A] An [licensee] applicant suspended under this rule shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

K. **Revocation.** A license issued under this rule is subject to revocation as described in Rule 15-201(F) NMRA and the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, a license issued under this rule may also be revoked by the Supreme Court as follows:

(1) **Summary revocation on petition by board.** The Clerk of the Supreme Court shall summarily revoke a license issued under this rule on the filing of a petition by the board, under Rule 15-404 NMRA, which shows that the board has determined the [licensee] applicant does not have the character and fitness to practice law in New Mexico. In addition to service requirements required for petitions, a copy of the petition shall be served on the [licensee's] applicant's employer.

(2) **Other revocation.** The Supreme Court may revoke a license issued under this rule on the board's filing of a petition, under Rule 15-404 NMRA, showing the attorney's violation of this rule or any other rule approved by the Supreme Court regulating the licensing or conduct of attorneys. In addition to service requirements required for petitions, a copy of the petition shall be served on the applicant's or licensee's employer.

(3) **No appearances; no pro hac vice admission.** Except as ordered by the Supreme Court, [a] an applicant or licensee whose license has been revoked under this rule shall not appear in any court in this state as an attorney and shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

L. End of limitation.

(1) A licensee under this method may apply to the board to practice without limitation, and is eligible to do so when the licensee has:

(a) been in the active practice of law under a limited license issued pursuant to this method of licensure described in this rule for five (5) consecutive years,

(b) complied with the requirements of Paragraph G of this rule,

(c) has been free of discipline; and

(d) satisfied all conditions, if any, imposed by the Supreme Court on the licensee.

(2) Following application by a licensee under this method, the board shall determine whether a licensee is eligible to practice without limitation, and shall recommend to the Supreme Court whether the limitations on the licensee's license to practice be removed. If the Supreme Court is satisfied the licensee is eligible to practice without limitation, it may grant licensee a license to practice law without limitation subject to licensee's completion of the requirements set forth in Rule 15-207(B) NMRA.

(3) Once a licensee practicing under this license has completed the requirements of Rule 15-207(B) NMRA, the provisions of Rule 15-301(G) through (K) NMRA shall apply to that licensee instead of Paragraphs G through K of this rule.

[Adopted by Supreme Court Order No. 22-8300-013, effective October 1, 2022; Rule 15-301.3 NMRA recompiled and amended as Rule 15-306 NMRA by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. _____, effective _____.]

15-310. Former federal employee limited license method

A. **Description.** As further specified in this rule, an applicant may apply for a limited license which permits a current or former federal employee to practice law in New Mexico. Submission of a complete application by a qualified applicant will result in expedient issuance of a ~~[temporary]~~ limited license that is conditional upon the board's completion of its investigation. ~~[until the board completes its investigation at which time the applicant may be issued a limited license.]~~

B. **Application deadline.** 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:

- (1) meets the qualifications set forth in Rule 15-202 NMRA;
- (2) is either:
 - (a) actively licensed to practice law in at least one other state without condition, restriction or limitation, and not involved in disciplinary proceedings in any state; or
 - (b) an inactive member of the State Bar of New Mexico or another state, and was not under disciplinary proceedings when inactive status was taken;
- (3) is in good standing in all states in which the applicant has ever been licensed to practice law;
- (4) has passed all examinations described in Rule 15-501(A) NMRA;
- (5) is currently or was, within the last twelve (12) months, an employee of the United States Federal Government; and
- (6) practiced as an attorney for the United States Federal Government for a period of no less than two consecutive years immediately preceding the date of filing the application for licensure.

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.**

- (1) Within ten (10) business days of the board's receipt from an applicant of (a) a completed application for a license under this rule, (b) the required fees, and (c) documents required by the board, the board shall provide the applicant's name to the Supreme Court for issuance of a ~~[temporary]~~ limited license;
- (2) The Clerk of the Supreme Court shall then promptly issue a ~~[temporary]~~ limited license to the applicant;
- (3) The board shall then complete an investigation and make a determination of the applicant's character and fitness; and
- (4) If the board determines the applicant is qualified and has 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.]~~ file a notice with the Supreme Court indicating that the applicant has satisfied the requirements of Rules 15-202 and 15-205 NMRA.

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 or licensee approved for a limited license under this rule shall comply with the requirements of Rule 15-206 NMRA and Rule 15-207 NMRA, and additionally, the attorney shall inform the board immediately of change of employment.

~~[G.]~~ H. **Limitations.** A person practicing law under a license issued under this rule may only practice law in New Mexico as a former federal employee attorney.

~~[H.]~~ I. **Expiration.**

(1) A license issued under this rule shall expire:

(a) Five (5) years from the date of issuance; or

(b) On the issuance of a license to practice law under another method of licensure described in these rules; in which event the applicant or licensee shall notify the board.

(2) On expiration of a license under this rule, the board shall notify the Clerk of the Supreme Court that the limited license has expired, and whether the attorney has been issued a license under another method of licensure. The Supreme Court shall then summarily order that the attorney may no longer practice law under that limited license.

~~[I.]~~ J. **Suspension.** A license issued under this rule is subject to suspension as described in the Rules Governing Discipline, Rules 17-101 to -316 NMRA. In addition, before the board completes its investigation under Subparagraph (E)(3) of this rule, a ~~[temporary]~~ limited license issued under this rule may be suspended by the Supreme Court for an indefinite period as follows:

(1) **Petition by board.** The board may file a petition, under Rule 15-404 NMRA, to suspend a ~~[temporary]~~ limited license which shows that the ~~[licensee]~~ applicant has not: qualified for the license, complied with board requirements for a character and fitness investigation, responded to requests for information, appeared for a scheduled hearing, or produced records or documents requested by the board. One or more affidavits shall be attached to the petition identifying the efforts undertaken by the board to obtain the ~~[licensee's]~~ applicant's cooperation and compliance, whether the ~~[licensee]~~ applicant interposed objections to producing the records or documents, and whether objections interposed by the ~~[licensee]~~ applicant appear to have been made in good faith. In addition to other service requirements required for a petition, a copy of the petition shall be served on the ~~[licensee's]~~ applicant's employer. Any response filed by the ~~[licensee]~~ applicant shall set forth facts showing that the ~~[licensee]~~ applicant has complied with the board's requests or the reasons why the ~~[licensee]~~ applicant has not complied.

(2) **Reinstatement.** The Supreme Court may summarily reinstate a ~~[temporary]~~ limited license suspended under the provisions of this paragraph, on the ~~[licensee's]~~ applicant's filing of a motion for reinstatement with the Supreme Court, which proves compliance with the requirements of the board as alleged in the petition to suspend or as otherwise ordered by the Supreme Court. The ~~[licensee]~~ applicant shall serve the motion on the board, and the board may file a response within five (5) business days of service. The ~~[licensee]~~ applicant and board may also submit an agreed motion to reinstate the ~~[licensee's]~~ applicant's ~~[temporary]~~ limited license.

(3) **No pro hac vice admittance.** ~~[A]~~ An ~~[licensee]~~ applicant suspended under this rule shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

[J.] K. **Revocation.** A license issued under this rule is subject to revocation as described in Rule 15-201(F) NMRA and the Rules Governing Discipline. In addition, a license issued under this rule may also be revoked by the Supreme Court as follows:

(1) **Summary revocation on petition by board.** The Clerk of the Supreme Court shall summarily revoke a license issued under this rule on the filing of a petition by the board, under Rule 15-404, which shows that the board has determined the [licensee] applicant does not have the character and fitness to practice law in New Mexico. In addition to service requirements required for petitions, a copy of the petition shall be served on the [licensee's] applicant's employer.

(2) **Other revocation.** The Supreme Court may revoke a license issued under this rule on the board's filing of a petition, under Rule 15-404, showing the attorney's violation of this rule or any other rule approved by the Supreme Court regulating the licensing or conduct of attorneys. In addition to service requirements required for petitions, a copy of the petition shall be served on the applicant's or licensee's employer.

(3) **No appearances; no pro hac vice admission.** Except as ordered by the Supreme Court, [a] an applicant or licensee whose license has been revoked under this rule shall not appear in any court in this state as an attorney and shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by the Supreme Court.

L. **End of limitation.**

(1) A licensee under this method may apply to the board to practice without limitation, and is eligible to do so when the licensee has:

(a) been in the active practice of law under a limited license issued pursuant to this method of licensure described in this rule for five (5) consecutive years,

(b) complied with the requirements of Paragraph G of this rule,

(c) has been free of discipline, and

(d) satisfied all conditions, if any, imposed by the Supreme Court on the licensee.

(2) Following application by a licensee under this method, the board shall determine whether a licensee is eligible to practice without limitation, and shall recommend to the Supreme Court whether the limitations on the licensee's license to practice be removed. If the Supreme Court is satisfied the licensee is eligible to practice without limitation, it may grant licensee a license to practice law without limitation subject to the licensee's completion of the requirements set forth in Rule 15-207(B) NMRA.

(3) Once a licensee practicing under this license has completed the requirements of Rule 15-207(B) NMRA, the provisions of Rule 15-301(G) through (K) NMRA shall apply to that licensee instead of Paragraphs G through K of this rule.

[Adopted by Supreme Court Order No. S-1-RCR-2025-00140, effective June 1, 2025; as amended by Supreme Court Order No. _____, effective _____.]



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Comment

I support the Board of Bar Examiners' proposed amendments to Rules 15-304, 15-305, 15-306, and 15-310 NMRA and encourage the Supreme Court to adopt them. Particularly, I support the addition of Paragraph L. "End of limitation" section in the respective rules. Providing an avenue to full licensure after a significant period of practice in New Mexico-- without the time and expense of an additional bar exam-- promotes the addition of experienced and qualified attorneys to our state, which already suffers from too few legal counsel relative to population. While I agree some period of practice should be required to ensure competency and fitness, requiring five years as a limited license holder in New Mexico before becoming eligible for a "full" license seems arbitrary. The process to obtain a limited license already requires an attorney to have passed a bar examination and addresses the character and fitness concerns related to licensing. I encourage the Court to consider a shorter period of "limited" status to evaluate the limited license holder's practice-- perhaps two or three years—instead of five years.

Also, at 15-304(1)((3) delete [temporary limited license or]