

Report and Recommendations of the New Mexico Supreme Court Bar Licensure and Rural Access to Justice Executive Committee

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Executive Summary

The New Mexico Supreme Court's Bar Licensure and Rural Access to Justice Executive Committee submits the following report and recommendations to the New Mexico Supreme Court.

The Committee was tasked with researching and exploring the following questions: (1) does the current bar examination process test all the skills needed to practice law; (2) are new pathways to bar admissions viable for New Mexico and if so in what form; and (3) what, if any, changes to the future bar admissions process are warranted.

The Committee met twelve times between February 2025 and June 2026, developed Subcommittees to explore various aspects of a skills-based pathway to bar licensure, contracted with national experts from the National Center for State Courts (NCSC) to support the Committee's work, heard from a diversity of stakeholders in the New Mexico legal community, and reviewed other state approaches to skills-based pathways and the unique needs of New Mexicans.

As a result of their work, the Committee makes the following findings and recommendations about changes to bar admissions in New Mexico:

- The current exam-based pathway does not test all of the skills needed to practice law in New Mexico and creates barriers for many qualified candidates.
- New Mexico faces a shortage of attorneys, particularly in rural areas and in cases involving essential civil legal needs (e.g. family law, housing, consumer law) and criminal law.
- To address these barriers and unmet legal needs, New Mexico should create a skills-based pathway to bar licensure in New Mexico in addition to the current bar exam-based pathway. This pathway should be managed and overseen by the Board of Bar Examiners. The proposed skills-based pathway draws from Oregon's current skills-based pathway to licensure and existing New Mexico bar licensure rules and infrastructure.
- Applicants for the skills-based pathway should meet the same basic requirements as all other candidates for licensure under Rule 15-202 NMRA, including character and fitness assessment and a score of eighty (80) or above on the Multistate Professional Responsibility Examination (MPRE), with

additional course and grade requirements as laid out in the [Applicant Requirements](#) section of this report.

- Applicants who meet basic requirements and have identified a qualified supervising attorney and host organization should be issued a provisional license to perform supervised work necessary to complete the application portfolio requirements.
- Applicants must complete a minimum of 675 hours of supervised legal work within a twelve-month period.
- Applicants must submit a portfolio demonstrating skills-based competencies in the following areas: written work product, client meetings, advocacy before a judge or hearing officer, negotiations, investigations, professional interactions, and law practice management. Details of each of these portfolio requirements are outlined in the [Applicant Portfolio Requirements](#) section of this report.
- Applicants will have twelve months to complete the portfolio requirements and submit all necessary documentation to the Board of Bar Examiners. Applicants may receive one six-month extension if they show exceptional circumstances.
- Applicants must work under the supervision of a qualified attorney in a qualified host organization to develop and demonstrate the required skills for licensure. Supervising attorneys and host organizations must meet particular requirements to ensure the candidate has adequate supervision and support. These proposed requirements are addressed in detail in the [Supervising Attorney and Host Organization Requirements](#) section of this report.
- Once applicants complete all portfolio and other requirements, they will follow the process in Rule 15-207 to be sworn in, sign the Roll of Attorneys, and become fully licensed attorneys in the state of New Mexico.

Unmet Legal Needs in New Mexico

Unmet legal needs in New Mexico are the result, in part, of the insufficient numbers of attorneys in public interest and rural practice to meet the legal needs of New Mexicans. In civil cases, 19.99% of the 67,916 outgoing cases in New Mexico had at least one party without the assistance of an attorney, surpassing the national median of 13.85%.¹ Focusing on New Mexico's limited jurisdiction courts, which hear landlord/tenant and consumer debt collections, over 75% of cases were reported to have at least one party without the assistance of an attorney.² The New Mexico Legal Aid Statewide Survey found that "nearly half (45%) of those who looked for [legal] help were not able to get the help they were looking for."³ In the criminal system, New Mexico also faces challenges that strain the capacity of public defender and prosecutor offices across the state. According to a 2022 American Bar Association study, New Mexico has roughly one-third of the public defender staff needed for adequate legal representation.⁴

Rural communities are acutely impacted by this shortfall of attorneys. New Mexico is the fifth largest state but 46th in population density. Twenty-two of New Mexico's thirty-three counties meet the American Bar Association's definition of a "legal desert," with less than 1 lawyer per 1,000 residents.⁵ Whereas 85% of the state's

¹ TRIAL DASHBOARDS: OVERVIEW, NATIONAL CENTER FOR STATE COURTS (2026), <https://www.ncsctableauserver.org/t/Research/views/TrialDashboards/Overview?%3Aembed=y&%3AisGuestRedirectFromVizportal=y>

² *Id.*

³ ABA STANDING COMM. ON LEGAL AID & INDIGENT DEFENDANTS & MOSS ADAMS LLP, THE NEW MEXICO PROJECT: AN ANALYSIS OF THE NEW MEXICO PUBLIC DEFENSE SYSTEM AND ATTORNEY WORKLOAD STANDARDS (2022), https://www.americanbar.org/groups/legal_aid_indigent_defense/indigent_defense_systems_improvement/publications/nm-project/.

⁴ *Id.* at 14. While the New Mexico Law Offices of the Public Defender added staff positions following this report, a significant staffing deficit still exists. See LAW OFFICES OF THE PUBLIC DEFENDER, FISCAL YEAR 2026 STRATEGIC PLAN & ANNUAL REPORT (2026), <https://www.lodnm.us/annual-reports>.

⁵ AMERICAN BAR ASSOCIATION, ABA PROFILE OF THE LEGAL PROFESSION 2020 at 7 (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>.

lawyers are concentrated in Albuquerque, Santa Fe, and Las Cruces, four rural New Mexico counties have no practicing lawyers present at all.⁶

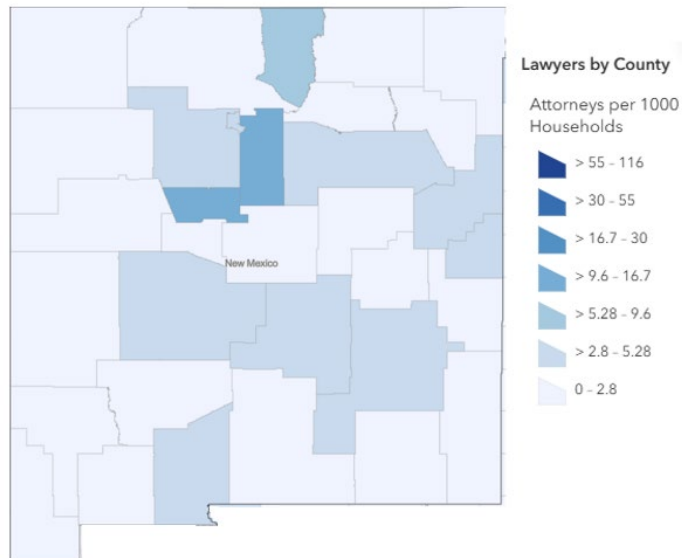


Figure 1: Map of lawyers by New Mexico county

The advancing age in the legal profession generally is heightened in rural areas, with a generation of attorneys reaching retirement without young attorneys stepping in to replace them.⁷ New attorneys also cite barriers to practicing in rural areas, including generally lower salaries, a lack of familiarity with rural areas, uncertain opportunities for life partners, and a lack of urban amenities.⁸

⁶ Even in counties with lawyers, not all of these lawyers are able to accept cases from the general public. Lawyers in these counties include judges and government lawyers, including public defenders and district attorneys.

⁷ CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS, COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS REFORM REPORT AND RECOMMENDATIONS (2025), <https://www.ncsc.org/our-centers-projects/clear>.

⁸ *Id.*

Bar Admissions in New Mexico

While the causes of the access-to-justice gap in New Mexico are multi-faceted, bar admissions practices, which serve as the entry to the legal profession, can play a role in ensuring that attorneys licensed in New Mexico are prepared and able to meet the public's legal needs.

The New Mexico Bar Examination

The Board of Bar Examiners, a standing commission of the New Mexico Supreme Court, oversees and administers admission to the bar in New Mexico. New Mexico currently has a two-day exam consisting of the Uniform Bar Examination (UBE). The exam administration is broken out in two days with the first day consisting of six 30-minute Multistate Essay Examination (MEE) questions and two 90-minute Multistate Performance Test (MT) questions. The second day consists of the Multistate Bar Examination (MBE), a six-hour test of 200 multiple choice questions. New Mexico requires a passing score on the Multistate Professional Responsibility Examination (MPRE), character and fitness review, and completion of an online course on New Mexico law.⁹

The minimum passing score is a scaled UBE score of 260.¹⁰ The chart below shows the pass rates for recent administrations of the New Mexico bar exam, noting that pass rates tend to be higher in July bar exams because they have a higher percentage of first-time exam takers.¹¹

Exam	Applicants	Pass Rate	First-Time Takers Pass Rate
February 2025	85	47%	63%
July 2025	203	63%	81%
February 2026	102	42%	68%

Figure 2: New Mexico Bar Exam Passage Rates

While the bar exam provides a scalable and standardized admissions test, the research suggests that it also disadvantages otherwise competent candidates who

⁹ NATIONAL CONFERENCE OF BAR EXAMINERS, NEW MEXICO (2026), <https://www.ncbex.org/print/pdf/jurisdiction/NM>. NEW MEXICO BOARD OF BAR EXAMINERS, REQUIRED NEW MEXICO LAW CLASS (2026), <https://nmexam.org/more-application-items/required-nm-law-class/>.

¹⁰ *Id.*

¹¹ NATIONAL CONFERENCE OF BAR EXAMINERS, BAR EXAM RESULTS BY JURISDICTION (2026), <https://www.ncbex.org/statistics-research/bar-exam-results-jurisdiction>.

struggle to demonstrate their competence on the high-pressure, time-limited, and primarily closed-book test.¹² It has been well documented that bar passage is highly correlated with a person's ability to prepare to take the test.¹³ People who must work during bar preparation, have family care responsibilities, or are financially unable to afford bar preparation courses are less likely to pass the bar exam.¹⁴ Research demonstrates that candidates who do not purchase these commercial prep courses are significantly more likely to fail the bar exam than their peers. This is true even after controlling for LSAT score, courses taken during law school, and numerous other factors.¹⁵

The NextGen Uniform Bar Examination

Starting in July 2027, New Mexico will begin administering the NextGen Uniform Bar Examination (NextGen).¹⁶ NextGen was developed by the National Conference of Bar Examiners (NCBE) after a three-year study examining what competencies new attorneys need in early practice.¹⁷ As of June 2026, fifty jurisdictions have announced plans for the adoption of the NextGen exam, with the first administration scheduled to begin in July 2026 as a replacement of the Uniform Bar Exam (UBE).¹⁸ NextGen uses an integrated exam design. Rather than separating knowledge and skills into distinct sections, it assesses them together. Questions may appear as stand-alone items or as "item sets," where multiple questions are based on a shared fact pattern. The exam uses a mix of formats, including multiple-choice, short answer, and extended written responses.

While the NextGen bar exam moves closer to assessing the practice competencies identified in research on minimum competence, the extent to which it will accomplish these aims remains unclear. Researchers have expressed concerns that

¹² ACCESSLEX INSTITUTE, ANALYZING FIRST-TIME BAR EXAM PASSAGE ON THE UBE IN NEW YORK STATE 78-81 (2021) (regression analysis), available at www.accesslex.org/NYBOLE.

¹³ JOAN HOWARTH, *IMPROVE THE DIVERSITY OF THE PROFESSION BY ADDRESSING THE COSTS OF BECOMING A LAWYER*, LSSSE BLOG, <https://lssse.indiana.edu/blog/improve-the-diversity-of-the-profession-by-addressing-the-costs-of-becoming-a-lawyer/> (Aug. 23, 2024) (citing recent LSSSE research).

¹⁴ ACCESSLEX INSTITUTE, *supra*, note 12.

¹⁵ *Id.*

¹⁶ NATIONAL CONFERENCE OF BAR EXAMINERS *supra*, note 11.

¹⁷ NATIONAL CONFERENCE OF BAR EXAMINERS TESTING TASK FORCE, 2019 PRACTICE ANALYSIS (2020), https://nextgenbarexam.ncbex.org/wp-content/uploads/TestingTaskForce_Phase_2_Report_031020.pdf.

¹⁸ See *NextGen UBE*, NAT'L CONF. OF BAR EXAM'RS, <https://www.ncbex.org/exams/nextgen> (2026).

NextGen will not improve substantially on the current Uniform Bar Exam administered by the NCBE:

Traditional bar exams measure fewer than half the competencies identified by research, and NCBE’s proposed NextGen exam will do little to address the problem. Instead, those exams focus on knowledge and skills that are unnecessary—and even harmful—for contemporary practice. They test knowledge of common-law rules that no longer govern client matters, require extensive memorization of legal rules, and prize rapid responses over reflection and deliberation.¹⁹

National Landscape of Modern Bar Licensure Pathways²⁰

Currently, fourteen states have either enacted (seven states) or are considering (seven states) modern bar licensure pathways that are meant to address perceived deficiencies in the traditional bar exam. Apart from Nevada, which replaced the NextGen bar exam with its own licensure pathway, each of these programs acts as an available alternative to the bar exam.

Common goals of these programs include modernizing states’ assessment of minimum competence, removing unnecessary barriers to licensure, and strengthening career pathways into public interest and rural practice by newly admitted attorneys. These modern pathways fall into three program models: 1) curricular programs, 2) post-graduation supervised practice, and 3) hybrid approaches. The following section provides brief descriptions of programs using each approach.

¹⁹ Deborah Jones Merritt, et. al., *Practice-Ready Licensing: Unlocking Benefits for Employers, Candidates, and Clients*, FROM THE PRACTICE, CENTER ON THE LEGAL PROFESSION, HARVARD LAW SCHOOL (2024), <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/rethinking-licensure/practice-ready-licensing/>. See also Gregory Bordelon, *Bar Exam Reform Must Expand Beyond A Single Updated Test*, LAW360 (August 12, 2025), <https://www.law360.com/healthcare-authority/other/articles/2375331/bar-exam-reform-must-expand-beyond-a-single-updated-test>.

²⁰ This report uses the term “modern licensure pathways.” Terminology differs between states and programs. Other states use terms such as alternative licensure pathways or innovative licensure pathways.

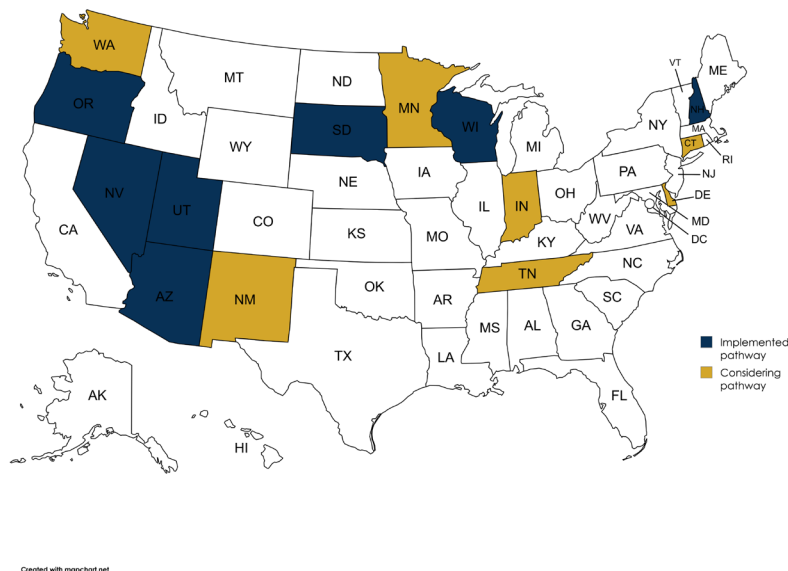


Figure 3: States that have adopted or are considering modern licensure pathways

Curricular Programs

New Hampshire and South Dakota have enacted curricular pathway programs.²¹ In curricular programs, students are required to complete a defined sequence of coursework with a strong emphasis on experiential and skills-based learning while also undergoing an independent review of their work product by the respective Board of Bar Examiners. While these models can integrate greater preparation for practice into legal education, they require a high degree of coordination with and resources of law schools in the states that have enacted them.

New Hampshire, Daniel Webster Scholars Program

In 2006, the New Hampshire Supreme Court established the Daniel Webster Scholars Program for select students at the University of New Hampshire Law School.²² Students in the program complete a rigorous program of experiential and doctrinal classes during their second and third years of law school. Through these classes, they collect portfolios of work product that are reviewed by members of the

²¹ Curricular programs are distinct from diploma privilege, which was not under the Committee's consideration. Currently Wisconsin is the only state that allows for diploma privilege, which grants licensure to graduates of the University of Wisconsin Law School. See WISCONSIN COURT SYSTEM, ADMISSION TO THE PRACTICE OF LAW IN WISCONSIN, (2026) <https://www.wicourts.gov/services/attorney/bar.htm>.

²² See UNIVERSITY OF NEW HAMPSHIRE, DANIEL WEBSTER SCHOLAR HONORS PROGRAM, <https://law.unh.edu/academics/daniel-webster-scholar-honors-program>.

New Hampshire Board of Bar Examiners. Students that the Board deems minimally competent are sworn into the New Hampshire bar the day before they graduate from law school without taking the written bar exam.²³

A 2015 study provides quantitative and qualitative evidence of the program's success. In a simulated client interview, for example, Daniel Webster students outperformed new lawyers who had passed the bar exam.²⁴ This result held even after controlling for the participants' LSAT scores and class rank.²⁵ Focus groups of employers and program graduates, meanwhile, praised the program for educating graduates who were a "step ahead" of peers who had completed a traditional curriculum and passed the bar exam.²⁶

South Dakota, Public Service Pathway

South Dakota has adopted a five-year pilot pathway focused on public interest practice. Under this program, participating students complete a defined curricular program during law school, engage in extensive externships while in law school, and commit to at least two years of public service employment after graduation.²⁷ The first cohort of students have been placed in public defender and prosecutor offices throughout South Dakota.²⁸ Like the Daniel Webster Scholars Program, the South Dakota Board of Bar Examiners also assesses a portfolio of a student's work product for minimum competence as a requirement of completion.

Post-Graduation Supervised Practice

Currently, Oregon and Arizona have established modern pathway programs that focus on post-graduation supervised practice. A handful of other states instituted temporary programs as responses to the COVID-19 pandemic or in response to

²³ Like all programs discussed here, students must meet other requirements for licensure such as passing the Multistate Professional Responsibility Exam (MPRE) and completing character and fitness.

²⁴ ALLI GERKMAN & ELENA HARMAN, AHEAD OF THE CURVE: TURNING LAW STUDENTS INTO LAWYERS 18-20 (2015), <https://iaals.du.edu/publications/ahead-curve-turning-law-students-lawyers>.

²⁵ *Id.* at 20-22.

²⁶ *Id.* at 13.

²⁷ See *Supreme Court Adopts Public Service Pathway to Bar Admission Pilot Program Rules*, SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM (February 21, 2025), <https://ujs.sd.gov/ujs-news/supreme-court-adopts-public-service-pathway-to-bar-admission-pilot-program-rules/>.

²⁸ *Students in the Public Service Pathways Pilot Program Complete First Semester*, UNIVERSITY OF SOUTH DAKOTA (January 7, 2026), <https://www.usd.edu/academics/colleges-and-schools/knudson-school-of-law/south-dakota-lawyer/students-in-the-public-service-pathways-pilot-program-complete-first-semester>.

discrete problems with specific bar exam administrations.²⁹ These supervised practice models typically allow candidates to work for pay at a sponsoring organization while completing their hours.

Oregon, Supervised Practice Portfolio Examination

In 2024, Oregon launched a supervised practice program that is open to any candidate who would be eligible to take the state's bar exam. The Supervised Practice Portfolio Examination (SPPE) allows candidates to demonstrate their competence first by successfully completing 675 hours of paid post-graduation legal work under a provisional license and supervised by a licensed attorney.³⁰ Second, as in the above examples, the Board of Bar Examiners assesses a portfolio of the candidate's work for minimum competence in addition to several other program requirements.³¹ SPPE licensees are able to earn a salary while seeking admission, working under a qualified and experienced supervisor.³²

In January 2026, Oregon released an annual report detailing the SPPE program including submitted applications, admission rates, grading, and practice settings of provisional licensees. The table below shows the number of applicants who received provisional licenses in the first year and a half of the program.

²⁹ As a response to COVID-19, Utah and the District of Columbia allowed some 2020 graduates to demonstrate their competence through supervised practice rather than by taking the traditional bar exam. See, SUPREME COURT OF THE STATE OF UTAH, ORDER FOR TEMPORARY AMENDMENTS TO BAR ADMISSION PROCEDURES DURING COVID-19 OUTBREAK (Apr. 21, 2020), <https://www.utcourts.gov/content/dam/alerts/docs/20200421%20-%20Bar%20Waiver%20Order.pdf>. In 2022, Oregon developed a supervised practice pathway for candidates who failed the state's February 2022 bar exam. The heating system failed at the exam site that year. See SUPREME COURT OF OREGON, ORDER ADOPTING RULES FOR THE OREGON PROVISIONAL LICENSE PROGRAM, FOR THE FEBRUARY 2022 OREGON BAR EXAMINATION COHORT, SCO No. 22-031 (July 26, 2022), <https://www.osbar.org/docs/resources/SCO22-031ProvisionalLicensingProgram-Rules-Feb2022Cohort7-19-22.pdf>.

³⁰ SPPE also requires candidates to have successfully completed law school courses in eight doctrinal areas tested on the bar exam. OREGON STATE BAR, SUPERVISED PRACTICE PORTFOLIO EXAMINATION, <https://www.osbar.org/sppe>.

³¹ OREGON STATE BAR, RULES FOR THE OREGON SUPERVISED PRACTICE PORTFOLIO EXAMINATION, <https://www.osbar.org/docs/rulesregs/SPPERules.pdf>.

³² Julianne Hill, *Oregon's Innovative Pathway to the Bar Proves Popular*, ABA JOURNAL, (June 13, 2024), <https://www.abajournal.com/web/article/oregons-innovative-pathway-to-the-bar-proves-popular>.

Cohort (By Date of SPPE Application)	Number of Applicants Who Received Provisional Licenses
5/15/24 - 12/14/24	106
12/15-24 - 6/14/25	55
6/15/25 -12/14/25	33
Total	194

Figure 4: Number of Oregon SPPE licensees per 6-month period

The table below shows the admission rate of provisional licensees at various points in the program. As of January 5, 2026, seven months was the fastest a provisional licensee completed the program. The average time to complete the program was 11.8 months.

Months in Program	Number of Provisional Licensees	Number Licensed	Admission Rate
7	156	5	03.2%
10	128	16	12.5%
12	114	32	28.1%
15	80	43	53.8%
18	47	31	66.0%

Figure 5: Oregon SPPE Participant Admission Rate

Per the SPPE annual report, small law firms (2-10 attorneys) offered the most common practice setting for SPPE participants, comprising 48% of placements for SPPE licensees. Criminal law and family law were the top two areas of practice for SPPE licensees at 29% and 20%, respectively. Additionally, the majority of SPPE licensees served low-income individuals and middle-income individuals at 63% and 50%, respectively.³³

³³ OREGON BOARD OF BAR EXAMINERS, SUPERVISED PRACTICE PORTFOLIO EXAMINATION FIRST ANNUAL REPORT TO THE OREGON SUPREME COURT (2026), <https://www.osbar.org/docs/sppe/2025SPPEAnnualReport.pdf>.

Arizona, Lawyer Apprentice Program

Arizona recently adopted the Arizona Lawyer Apprentice Program (ALAP).³⁴ This pathway is open to applicants who score between 260 and 269 on the Uniform Bar Exam (UBE)—not quite meeting Arizona’s minimum score of 270 for admission. To earn full licenses, ALAP participants must practice law for two years under the direct supervision of a lawyer with at least five years’ experience. Participants must also be employed by a public or private law office located in a rural Arizona community or in a public law office located anywhere in the state.

Hybrid Approaches

Currently, Utah and Nevada have approved approaches that combine elements of curricular programs, supervised practice, and modified written examinations.

Utah, Alternate Pathway

In 2025, Utah approved the Alternate Pathway, a program that combines curricular components, supervised practice, and a written examination. The curriculum requirements include doctrinal knowledge and analysis, writing, experiential learning, legal research, and professional identity formation. Additionally, candidates are required to complete 240 hours of supervised practice under the supervision of a qualified attorney, including twenty hours of client-facing work and fifty hours of pro bono service. The Alternate Pathway Examination is a written exam that tests an applicant’s understanding of legal processes and sources of law, ability to interpret legal materials, ability to identify legal issues, and ability to communicate as a lawyer.³⁵

Nevada, Comprehensive Licensing Exam

Also in 2025, Nevada enacted the Comprehensive Licensing Exam, the only program discussed that replaces the bar exam in that state. After considering the NextGen Uniform Bar Exam, Nevada adopted an approach that combines two staged written tests with a supervised practice component that can be completed either during or after law school. The three components are (1) a Foundational Law Examination consisting of 100 multiple-choice questions focused on twenty foundational concepts in each of seven subject matter areas (contracts, torts, civil procedure, evidence, constitutional law, real property, and criminal law and procedure) currently tested

³⁴ ARIZONA JUDICIAL BRANCH, ARIZONA LAWYER APPRENTICE PROGRAM, <https://www.azcourts.gov/cld/Arizona-Lawyer-Apprentice-Program>.

³⁵ UTAH STATE BAR, TWO PATHWAYS: ONE STANDARD OF EXCELLENCE, <https://www.utahbar.org/alternate-pathway/>.

on the Multistate Bar Exam (MBE); (2) a Lawyering Performance Examination requiring candidates to complete three performance tests; and (3) a supervised practice component requiring candidates to engage in 40-60 hours of supervised practice including client interaction.

Assessing Minimum Competence in Modern Licensure Pathways

This section discusses the methods for assessing minimum competence used in modern bar licensure programs. The core function of any bar licensure process is to assess whether the candidate possesses the knowledge, skills, and professional attributes new attorneys need to practice independently at a novice level. Modern pathways are designed to assess a wider range of the competencies defined by modern research on minimum competence to practice law, and, as a result, the adoption of a modern bar licensure pathway requires a significant change in how minimum competence is assessed and, to some extent, the actors involved in licensure.

Defining Minimum Competence

While a handful of studies have examined the competencies lawyers use in practice, minimum competence has not traditionally been well defined.³⁶ In 2020, the Institute for the Advancement of the American Legal System (IAALS) published the Building a Better Bar study to establish a first-of-its-kind "evidence-based definition of minimum competence" in order to help improve the lawyer licensing process.³⁷ As IAALS noted:

³⁶ The line between minimum competence, the competencies need to practice independently at licensure, and practice readiness, a more diffuse concept related to the ability to practice effectively, especially in differing practice settings, can be challenging to draw. See THE CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS, COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS REFORM (CLEAR) REPORT AND RECOMMENDATIONS (2025), https://www.ncsc.org/libraries/mozilla-pdfjs/web/viewer.html?file=https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf, *Citing* Marjorie M. Shultz and Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 Law & Soc. Inquiry 620, 621, 629 (2011), DEBORAH JONES MERRITT & LOGAN CORNETT, BUILDING A BETTER BAR: THE TWELVE BUILDING BLOCKS OF MINIMUM COMPETENCE, 13-14 (2020), <https://iaals.du.edu/projects/building-better-bar-capturing-minimum-competence>, ALLI GERKMAN AND LOGAN CORNETT, FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND CHARACTER QUOTIENT (2016), <https://iaals.du.edu/projects/foundations-practice>, NAT'L CONF. OF BAR EXAM'RS, 2019 PRACTICE ANALYSIS, (2020), https://nextgenbarexam.ncbex.org/wp-content/uploads/TestingTaskForce_Phase_2_Report_031020.pdf, LOGAN CORNETT, THINK LIKE A CLIENT (2019), <https://iaals.du.edu/projects/think-client>.

³⁷ Merritt and Cornett, *supra* note 36.

The unfortunate reality is that, although the bar exam has existed for more than a century, there has never been an agreed-upon, evidence-based definition of minimum competence. Absent such a definition, it is impossible to know whether the bar exam is a valid measure of the minimum competence needed to practice law or an artificial barrier to entry.³⁸

IAALS held fifty focus groups with lawyers across twelve states and spoke with 200 participants: 159 junior lawyers with 1-3 years of experience and forty-two supervising lawyers.³⁹ They found that new attorneys relied on state and local law more than federal law,⁴⁰ did not rely on memorization of legal principles,⁴¹ experienced a high amount of direct client contact,⁴² and had varying levels of supervision.⁴³ IAALS identified twelve “building blocks” of minimum competence that encompass a broader range of critical competencies than are traditionally tested on the bar exam.⁴⁴ Most states that have adopted modern bar licensure pathways have used these competencies to guide their design processes:

1. Ability to act professionally and in accordance with the rules of professional conduct.
2. Ability to interact effectively with clients.
3. Ability to understand the “big picture” of client matters.
4. Understanding of legal processes and sources of law.
5. Ability to identify legal issues.
6. Ability to manage a law-related workload responsibly.
7. Understanding of threshold concepts in many subjects.
8. Ability to conduct research.
9. Ability to cope with the stresses of legal practice.
10. Ability to interpret legal materials.
11. Ability to communicate as a lawyer.
12. Ability to pursue self-directed learning.

³⁸ *Id.* at 13-14.

³⁹ *Id.* at 13-14.

⁴⁰ *Id.* at 23-24.

⁴¹ *Id.* at 24-25.

⁴² *Id.* at 25.

⁴³ *Id.* at 26-27.

⁴⁴ *Id.* at 31.

Skills-Based Portfolio Examinations

The Building a Better Bar study presented ten recommendations on how to best assess minimum competence, noting that “written exams are not well suited to assessing all aspects of minimum competence. Where written exams are used, they should be complemented by other forms of assessment.” To assess a wider range of competencies identified in modern research on minimum competence, the states that have implemented modern pathways have moved away from the bar exam as the only way to measure minimum competence.

Most states have paired curricular and supervised practice requirements with skills-based portfolio examinations where candidates produce a portfolio of work product that is reviewed by bar examiners using established criteria to determine whether the student has demonstrated minimum competence. The portfolio is typically structured to conduct periodic assessments over time, allowing candidates to build competence, where, within the program limits, candidates can submit new work product when previous submissions did not pass.

These submissions provide an opportunity to assess candidates’ work product, whether written materials or memorialization of negotiations, counseling, or oral advocacy. Written submissions can be completed anonymously and require some level of collaboration with supervising attorneys to ensure that the submission is a true representation of the candidate’s work product. For example, Oregon’s SPPE program uses the following safeguards:⁴⁵

- **Candidate attestation** that the work is their own and it has been appropriately redacted.
- **Candidate reflection** explaining how the work product fits into the larger client matter and related goals.
- **Template documents** provided to show where the candidate added to the starting document. This is meant to reflect the actual practice of law, where attorneys routinely reapply existing examples.⁴⁶
- **Supervising attorney attestation** that states the work product is a reflection of the candidate’s competence to practice law and was made by the candidate.

⁴⁵ Oregon made publicly available its rubrics and other materials. See *Oregon State Bar*, *supra*, note 30.

⁴⁶ Oregon includes AI generated starting points in this category to account for the growing use of AI in legal practice. OREGON STATE BAR, THE OREGON SUPERVISED PRACTICE PORTFOLIO EXAMINATION, Rule 6.4(B), <https://www.osbar.org/docs/rulesregs/SPPERules.pdf>.

Additionally, states have established several practices to ensure that the evaluation of skills-based portfolio examinations is rigorous, objective, and independently assessed. These include:

- **Validated rubrics:** Just as the scoring of the bar exam is based on carefully constructed rubrics developed by the Board of Bar Examiners, to ensure that the assessment is consistently measuring the same competencies, modern pathway programs have similarly developed rubrics to assess these practice skills.⁴⁷
- **Independent review:** Structurally, all programs vest the assessment of the portfolio and the ultimate licensure decision with the Board of Bar Examiners. This is an important consideration because, unlike the traditional bar exam and NextGen, the development of the portfolio itself requires collaboration with supervising attorneys. Independent review ensures that the standards set in the scoring rubrics are consistently adhered to across the program.
- **Review by multiple assessors:** Similar to bar exam grading, multiple assessors from the Board of Bar Examiners score the portfolio submissions, and procedures are in place for addressing different scoring by examiners.⁴⁸
- **Periodic audits:** The Board of Bar Examiners can also periodically audit samples of portfolio submissions to assess programmatic consistency and fidelity to grading rubrics.⁴⁹

⁴⁷ *Id.*

⁴⁸ OREGON SUPERVISED PRACTICE PORTFOLIO EXAMINATION FIRST ANNUAL REPORT, *supra*, note 33.

⁴⁹ *Id.*

New Mexico's Bar Licensure and Rural Access to Justice Executive Committee

To address concerns about unmet legal needs, particularly in rural communities, and inequities created by the current bar exam process, the New Mexico Supreme Court created the Bar Licensure and Rural Access to Justice Executive Committee in February 2025. This Committee was constituted of stakeholders from the Supreme Court, local district courts, district attorney offices, the Law Office of the Public Defender, the New Mexico Board of Bar Examiners, the University of New Mexico School of Law, the New Mexico Legislature, the State Bar of New Mexico, attorneys in private practice, tribal stakeholders, and legal service providers.

A full list of Committee members can be found in the chart on the next page.

Name	Affiliation
Chief Justice Julie Vargas	Chair, New Mexico Supreme Court
Justice C. Shannon Bacon	New Mexico Supreme Court
Jennifer Anderson	Attorney, private practice
Aja Brooks	Statewide Rural Justice Program Coordinator, New Mexico Administrative Office of the Courts (Past-President, State Bar of New Mexico)
Jerry Dixon	Attorney, private practice (Past-President, State Bar of New Mexico)
Bette Fleishman	Attorney (Pegasus Legal Services For Children)
Tim Gardner	Attorney (Disability Rights New Mexico)
Jason Robert Greenlee	Second Judicial District Attorney Office
Liz Holmes	Attorney, Law Office of the Public Defender
Aaron Holloman	Deputy General Counsel, New Mexico Administrative Office of the Courts
Torri Jacobus	Director of Statewide Equity, Inclusion, and Justice New Mexico Administrative Office of the Courts
Philip P. Larragoite	Attorney, Law Office of the Public Defender
Professor Serge A. Martinez	UNM School of Law
Judge Donna J. Mowrer	Ninth Judicial District Court (Rural Justice Initiative, Chair)
Judge David Murphy	Second Judicial District Court (Equity and Justice Commission, Chair)
Camille A. Pedrick	Executive Director, Board of Bar Examiners
Rep. Andrea Desiree Romero	New Mexico Legislature
Ben Sherman	Attorney (Past President, State Bar of New Mexico)
Richard Spinello	Executive Director, State Bar of New Mexico
Professor Sherri Thomas	UNM School of Law
Roshanna Kateri Toya	Attorney, private practice
Adrienne Turner	Attorney, Law Office of the Public Defender

The Committee was tasked with researching and exploring the following questions: (1) does the current bar examination process test all the skills needed to practice law; (2) are new pathways to bar admissions viable for New Mexico and if so in what form; and (3) what, if any, changes to the future bar admissions process are warranted.

The Committee worked with the National Center for State Courts (NCSC)⁵⁰ to review the current New Mexico approach and data on bar passage, research other states' approaches to skills-based licensure, collect feedback from stakeholders in the New Mexico legal community about bar admissions and gaps in legal assistance, and design a proposed skills-based licensure pathway for New Mexico based on existing successful programs in other states, existing New Mexico bar licensure processes and infrastructure, and the unique needs of New Mexico's citizens and legal community.

The Committee met twelve times between February 2025 and June 2026. During these meetings, the Committee heard from representatives of other states, including Oregon, who have implemented non-bar exam based licensure; discussed legal and licensing needs specific to New Mexico, including considerations for rural communities; determined that a non-bar exam based pathway was an important component to creating an equitable bar that reflects the makeup of New Mexico's communities and to addressing unmet legal needs in the state; and ultimately voted on recommendations from Committee Subcommittees about the structure and metrics for a non-bar exam based licensure pathway.

Subcommittees

The Committee developed three subcommittees to research and make recommendations about various aspects of a potential program. These subcommittees were constituted of members of the Executive Committee and community members with relevant expertise.

⁵⁰ The National Center for State Courts is a community of dedicated researchers, consultants and former practitioners who drive innovation and progress in courts and justice systems.

Candidate Requirements and Outreach

This subcommittee was tasked with researching and making recommendations about the following components of a skills-based licensure program:

- Candidate eligibility;
- Application process; and
- Program structure, oversight, and administration, including issuing provisional licenses to candidates for the duration of the program and assessing candidates at the completion of the program.

This subcommittee also worked to perform outreach to various affinity groups and stakeholders across New Mexico to discuss the need for innovation in the legal profession and skills-based paths to licensure. A summary of this outreach is included in the [Committee Outreach](#) section of this report.

This subcommittee consisted of the following members:

- Chair: Camille A. Pedrick, Executive Director, Board of Bar Examiners
- Co-Chair: Aja Brooks, Statewide Rural Justice Program Coordinator, New Mexico Administrative Office of the Courts (Past-President, State Bar of New Mexico) Royce Deller, clerk, Supreme Court of New Mexico
- Tim Gardner, Attorney (Disability Rights New Mexico) Aaron Holloman, Deputy General Counsel, New Mexico Administrative Office of the Courts
- Liz Holmes, Attorney, Law Office of the Public Defender Torri Jacobus, Director of Statewide Equity, Inclusion, and Justice New Mexico Administrative Office of the Courts
- Patrick Lopez, Director of Bar Exam Success, UNM School of Law
- Dylan O'Reilly, New Mexico Board of Bar Commissioners
- Adrienne Turner, Attorney, Law Office of the Public Defender.

Program Structure and Portfolio Requirements

This subcommittee was charged with making recommendations about the following components of a skills-based practice model:

- Required portfolio components to demonstrate skills and competencies;
- Required work hours; and
- Role of supervising attorneys in assessing and documenting portfolio components.

This subcommittee consisted of the following members:

- Chair: Jason Robert Greenlee, Second Judicial District Attorney Office
- Chair: Professor Serge A. Martinez, UNM School of Law
- Chief Justice Julie Vargas, Supreme Court of New Mexico
- Justice C. Shannon Bacon, Supreme Court of New Mexico
- Bette Fleishman, Attorney (Pegasus Legal Services For Children)
- Aaron Holloman, Deputy General Counsel, New Mexico Administrative Office of the Courts
- Liz Holmes, Attorney, Law Office of the Public Defender
- Judge David Murphy, Second Judicial District Court (Equity and Justice Commission, Chair)
- Camille A. Pedrick, Executive Director, Board of Bar Examiners
- Ben Sherman, Attorney (Past President, State Bar of New Mexico)
- Adrienne Turner, Attorney, Law Office of the Public Defender

Host Organization and Supervising Attorney Requirements

This subcommittee was tasked with making recommendations about the following components of a skills-based licensure pathway:

- Host organization requirements and qualifications;
- Supervising attorney requirements and qualifications; and
- Incentives for supervising attorneys and recruitment of supervising attorneys and skills-based licensure candidates.

This subcommittee consisted of the following members:

- Chair: Richard Spinello, Executive Director, State Bar of New Mexico
- Jennifer Anderson, Attorney, private practice
- Joshua Boone, Chief Deputy District Attorney, Second Judicial District Attorney Office
- Jerry Dixon, Attorney, private practice (Past-President, State Bar of New Mexico)
- Judge Donna J. Mowrer, Ninth Judicial District Court (Rural Justice Initiative, Chair)
- Steven Scholl, attorney
- Anne L. Taylor, Chief Disciplinary Counsel, Disciplinary Board of the New Mexico Supreme Court
- Adrienne Turner, Attorney, Law Office of the Public Defender

New Mexico Stakeholder Feedback

In addition to information about legal needs, the bar exam generally, and modern practices in other states, the Committee considered feedback from the New Mexico legal community about practice-readiness, the practice of law, and skills-based licensure solicited from a number of sources.

New Mexico CLEAR Judges Survey

In January of 2025, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) Committee of Legal Education and Admissions Reform (CLEAR),⁵¹ conducted a national survey of judges on their perceptions of attorneys in their first five years of practice. This survey captured judicial responses regarding litigation skills and professionalism in newly admitted attorneys.

New Mexico enjoyed participation by 158 judges across the state, with 85% of those judges practicing in the trial court. Of the 158 judges, 62% have served less than ten years on the bench while 72% of judges surveyed responded that they frequently see newly admitted attorneys before them in court.

Responses from 63% of judges surveyed conveyed that unprepared attorneys in their first five years of practice have negatively affected client advocacy. Additionally, 62% of judges believe that attorneys in their first five years of practice should receive further training before they are prepared to practice in court.

Judges with five years or less experience and judges with more than five years' experience similarly noted a decline in newly admitted attorneys' skills, including court rules and written and oral advocacy skills. Judges with fewer than five years' experience were more favorable towards the ethical skills of newly admitted attorneys (24% agreed or strongly agreed that ethical behavior has declined) than judges with more than five years' experience (32% agreed or strongly agreed that ethical behavior has declined).

⁵¹ CLEAR is a national initiative that conducted extensive fact-finding research and outreach during an 18-month effort to better understand the changing legal profession and why it is not meeting the needs of the American people. For more information, [see](https://www.ncsc.org/our-centers-projects/clear), National Center for State Courts, CLEAR, <https://www.ncsc.org/our-centers-projects/clear> (last visited May 29, 2026).

A full report of New Mexico Judges Survey responses is attached as [Appendix A](#).

New Mexico CLEAR Listening Session

As part of the CLEAR initiative, NCSC also conducted a listening session in Albuquerque on July 15, 2024. This listening session saw participation from over thirty stakeholders in New Mexico, including from the dean and professors at the UNM School of Law, New Mexico bar admissions, attorneys, judges, law students, and others. Key takeaways from this 2.5-hour session are summarized below and informed the Committee's work and focus.

Perception of the Bar Exam

Participants shared the following concerns about the bar exam:

- The bar exam has a disproportionate (and negative) effect on minority groups. New Mexico needs lawyers that are representative of the community. Licensure should prioritize both educational training and lived experience. There is a need to drill into the data to understand bar exam effect on diverse populations nationally, regionally, and locally.
- Bar prep benefits those who can dedicate full-time study and review, which disproportionately affects candidates of color adversely. People must be able to afford and be able to block out months of study to be successful.
- New Mexico wants to have a legal profession that represents the community, and the bar exam may prevent, rather than foster, much of the state's rich diversity from entering that profession.
 - A participant shared that she took the bar in 2020 (during COVID). She was one of four women of color (Spanish-speaking) in her class, and only one passed the exam on the second attempt. She referred to the bar exam as a "hazing" ritual.
 - Another participant shared that she started law school in 2016 (start of UBE). That year, no Native students passed the bar exam. This participant failed the first time and passed the second time (and was the only Native student out of six to pass the second time).
- Doing well in law school is not an indicator that a person will do well as a lawyer. A student with a B- average may make a highly-effective lawyer, just as a student with an A average may struggle in practice.
- Modern pathway(s) must be messaged with care. No one wants a skills-based pathway to be a lower standard for admission to give the appearance that need a lesser requirement.

- Teachers and students gravitate towards bar prep courses. The UNM School of Law shared that, while they did not think the school taught to the test, many faculty of color integrated bar prep into course work to try and super-charge student likelihood of success.

Reactions to Practice Readiness

Participants offered the following observations about practice readiness:

- Practice readiness must include doctrinal knowledge, durable skills, and legal practice skills. Examples include making a record and jury instructions (which are largely not taught and result in a lot of appellate problems). Soft skills also include work/life balance, client management, and client and case selection. Also, attorneys need to be able to correspond with real people to convey opinions (not just write appellate briefs).
- Inability to take constructive criticism and low work ethic are concerns. These are trends that NM judicial leadership has noticed across the state with the incoming generation of lawyers.
- UNM is renowned for clinical focus but needs more criminal law clinical work given the strong public interest need.
- There is no significant difference between students after 1L and 2L summers in the view of some participants in private practice. This signals that upper-level law school does not prepare students for private practice (certainly as much as some private lawyers observe). One hiring lawyer shared that he really saw no marked difference in readiness, and that it signaled to him that law school may be too long.
- There should be some required 2L and 3L classes, perhaps in family law and wills/trusts both for private practice and pro bono need. Participants gave the example of wills and trusts. Many young lawyers are unwilling to volunteer for pro bono work on wills and trusts because of lack of knowledge in those areas.
- There is a tension between video hearings and practice readiness. Multiple people shared that it is harder to really learn good lawyering from sitting in an online court. But the practicality and convenience of remote hearings are important to balance.

Public Interest

Participants identified the follow concerns and barriers related to public interest work:

- Loan forgiveness is helpful but slow. Ten years is a long time, and loan forgiveness only covers public loans.
- High caseloads, vicarious trauma, and low pay can cause burnout.
- Public interest lawyers should not focus on only a small area of practice but can do many different public interest tasks (e.g. indigent defense and wills and estates, especially in rural practice).

Executive Committee Feedback

NCSC staff scheduled 45-minute virtual interviews with Executive Committee members. These interviews were designed to gain candid feedback on the legal landscape in New Mexico, the bar exam, rural practice, public interest work, and modern licensure pathways. At these interviews NCSC staff also collected information about additional stakeholders to interview. In total, NCSC staff conducted thirteen interviews with Executive Committee members. Questions for Executive Committee members are included as [Appendix B](#) of this report.

Legacy Uniform Bar Exam

The majority of interview participants agreed that the legacy Uniform Bar Exam (UBE) does not test one's capability to be an attorney or adequately measure minimum competence nor practice readiness. Many people felt that the general perception of the bar exam is a "rite of passage/we-did-it-so-you-have-to-as-well." Additionally, many interview participants expressed concerns about the disparities and inequities the bar exam creates for minorities, particularly the Native community.

A few interview participants expressed cautious optimism about the NextGen Uniform Bar Examination as it tests practical skills as well as doctrinal knowledge. A few interview participants noted that implementation of NextGen indicated that NCBE was acknowledging how the legacy UBE is not working.

Ultimately, the majority of interview participants expressed a desire to not eradicate a traditional bar exam option as many students will likely opt to take, and pass, the bar exam.

Concerns about the Modern Pathways Approach

Interview participants expressed concerns about a modern pathway being perceived as a “less than” pathway. This could perpetuate disparities currently created by the existing bar exam. The Supreme Court and other champions would need to clearly market this pathway as an equal and modern pathway.

Interview participants expressed that attorneys at private firms, especially larger ones, may not see as much value in participating as supervising attorneys because those firms have less difficulty recruiting new attorneys. Interview participants noted a concern that these types of firms may not hire an attorney who went through a modern pathway, because to the large firms, it will be seen as a “lesser” pathway.

If a skills-based pathway is implemented, interview participants expressed concerns about vetting supervisors, ethics concerns, what rules will need to be changed, and what metrics would be used to evaluate those in the program. These are areas that the committee would need to consider carefully.

Participants saw a curricular/law school pathway as unlikely unless UNM School of Law expressed strong willingness to take on a role in implementing the pathway.

Interview participants also identified a need for general outreach about this project. Participants suggested that the New Mexico Supreme Court, as well as Executive Committee members, should market the modern pathway statewide by holding public listening sessions to answer questions and seek valuable feedback from a range of communities, particularly rural communities. A few participants suggested holding listening sessions in-person in rural locations.

Lastly, some interview participants suggested having multiple options to licensure including the traditional bar exam, supervised practice, and perhaps a portfolio/law school collaboration.

Support for Modern Pathways

Interview participants expressed support for the Oregon SPPE model, and many voiced support for a pathway that looked to public defenders or district attorneys as supervisors, as those offices have existing training and mentorship programs. Additionally, interview participants voiced support for the pathway to be open to candidates who have failed the bar in addition to those who do not want to sit for the bar exam.

Regarding rural access to justice needs, interview participants acknowledged the need for attorneys in those areas but also expressed that solo and small firm attorneys, especially in rural areas, may not have the capacity to act as supervising attorneys, and the Committee will need to learn more about their perspectives. Some suggestions to bring candidates to rural areas include loan forgiveness programs or other incentives to keep candidates in these areas.

A few interview participants identified family law and estate planning as high legal need practice areas. They suggested a pathway or licensure where interested applicants can get experience in these areas of law as part of a supervised practice model.

A few interview participants suggested that the pathway will need to assess both doctrinal knowledge and practical “soft skills” such as client interaction and writing ability. To determine which soft skills should be assessed, one interview participant suggested modeling those skills from the *Building a Better Bar* study.

Community Stakeholder Feedback

To further understand challenges facing the legal profession and new attorneys, NCSC worked with the Committee to conduct a number of focus groups and interviews with members of the New Mexico legal community, including rural solo and small firm practitioners, tribal communities, and rural district attorneys and public defenders. NCSC conducted these interviews between August 2025 and September 2025. These interviews were designed to gain candid feedback on the legal landscape in New Mexico, the bar exam, rural practice, public interest work, and modern licensure pathways. In total, NCSC staff conducted twelve individual interviews or focus groups. All interviewees were asked a series of questions covering their background, concerns about the practice of law in New Mexico, and their overall impressions of the project. Questions are included in [Appendix B](#) of this report.

Common Themes

Interviewees were generally supportive of a modern licensure pathway, noting the current bar exam is not the best method of measuring minimum competence or one’s ability to practice law. Generally, participants supported skills-based pathways to bar licensure to help increase rural access to justice and address inequities in bar passage rates.

However, interviewees seemed unaware of what non-exam-based pathways currently exist across the United States, suggesting a need for communication and education of the legal community.

Interviewees noted that attorneys are most needed, especially in rural areas, who are able to practice in certain civil case types that include estate, probate, wills and trusts, and family law matters.

Concerns About Skills-Based Pathways

Concerns about a skills-based pathway included:

- How to vet and recruit qualified supervisors;
- How to incentivize supervisors;
- Capacity of rural and solo practitioners to act as supervisors;
- Preference for a candidate to have multiple supervisors, especially in larger firms;
- How to assess candidates in different practice settings;
- Ensuring any skills-based licensure pathway is not seen as a “less than” choice; and
- Ensuring that the assessment rigorously tests minimum competence.

Stakeholder Perceptions of New Attorney Competence

Nearly half of the interviewees noted they directly supervise new attorneys or externs. New attorneys tend to have a strong understanding of doctrinal law and ability to conduct legal analysis. However, they tend to struggle with the application of legal skills to real practice contexts. These challenges include:

- **Writing:** Stakeholders noted that fundamental writing skills can vary a great deal, and deficient writing skills are a major challenge for new attorneys. Additionally, new attorneys, especially those without practical experience, tend to need help learning how to draft briefs, motions, contracts, and other documents commonly used in various practice settings.
- **Client communication:** Stakeholders noted the nuanced nature of client communication and the importance of strong communication skills to the

practice of law. New attorneys need to be able to build trust, understand a client's goals, and elicit the full range of facts in client communications.

- **Legal analysis:** While new attorneys come prepared with general legal analysis skills, to be effective in providing counsel to clients, new attorneys must be able to analyze complex fact patterns, client goals, and the practical realities of legal processes.
- **Court procedures:** When appearing in court, or preparing for court, stakeholders noted that newly admitted attorneys were unfamiliar with practical processes such as how and where to file motions and briefs. Stakeholders noted that newly admitted attorneys also appeared afraid to initially ask questions prior to appearing in court; however, supervising attorneys noted that newly admitted attorneys learned quickly, and after a few court appearances, they were more comfortable with the process.
- **Time management:** A few stakeholders noted that newly admitted attorneys have difficulties in managing their caseloads and time, especially if they did not have prior work experience (such as internships or externships) in a legal setting. Stakeholders noted newly admitted attorneys were unaware of the possibility of high caseloads with tight deadlines and were not familiar with administrative realities of practice such as timekeeping.

What New Mexico Does Well in Supporting New Attorneys

Stakeholders noted that the New Mexico legal community is small and collegial. Additionally, stakeholders pointed to programs in New Mexico designed to build connections and mentorships for new attorneys, such as the Bridge the Gap program. However, some of these may have been discontinued or limited due to COVID and some stakeholders noted that current programs (e.g., the state bar mentorship program) could be better structured to build meaningful connections.

Stakeholders noted various organizations with robust on-boarding or training programs, including New Mexico Legal Aid, the Law Office of the Public Defender, District Attorney offices, and some larger law firms.

Tribal community stakeholders highlighted exceptional programs to support Native law students, recent graduates, and young attorneys, including tutoring programs, funding assistance for bar preparation, mentors, and opportunities to build camaraderie and community.

Committee Outreach and Public Education

To inform the New Mexico legal community of the Committee's work, national initiatives, and the need to modernize the legal profession in New Mexico, Committee members conducted direct outreach to inform and receive feedback from members of the New Mexico legal community. As of the drafting of this report in June 2026, the Committee has conducted twelve events with four more scheduled throughout 2026. To date, these events have reached 975 people.

These community events include the following:

- 10/24/25: Justice Vargas presented to the State Bar of New Mexico's Board of Bar Commissioners on Skills-Based Pathways to Bar Licensure;
- 12/5/25: Justice Vargas presented to the State Bar of New Mexico's Young Lawyer Division on Skills-Based Pathways to Bar Licensure;
- 12/16/25: Justice Vargas and Aja Brooks presented to Butt, Thornton, and Baehr, PC on Skills-Based Pathways to Bar Licensure;
- 2/4/26: Justice Vargas and Aja Brooks presented to the University of New Mexico School of Law's Faculty Colloquium on Modernizing New Mexico's Legal Profession regarding skills-based licensure and Authorized Justice Practitioners;
- 2/18/26: Justice Vargas and Justice Bacon presented to the Oliver Seth Inn of Court in Santa Fe on Skills-Based Pathways to Bar Licensure;
- 2/19/26: Justice Vargas and Justice Bacon led "A Conversation about Modernizing the Bar," explaining skills-based examination and Authorized Justice Practitioners at the State Bar of New Mexico;
- 3/13/26: Justice Vargas, Aja Brooks, and Camille Pedrick presented to the University of New Mexico School of Law Faculty at its monthly meeting on skills-based examination and Authorized Justice Practitioners;
- 3/30/26: Justice Vargas and Justice Bacon led "A Conversation about Modernizing the Bar," explaining skills-based examination and Authorized

Justice Practitioners to law students at the University of New Mexico School of Law;

- 4/14/26: Chief Justice Vargas⁵² and Aja Brooks presented Modernizing New Mexico's Legal Profession, explaining skills-based examination and Authorized Justice Practitioners at the New Mexico District Attorneys' Association Spring Conference; and
- 5/8/26: Chief Justice Vargas and Justice Bacon presented at the Tribal-State Judicial Consortium;
- 6/6/26: Chief Justice Vargas and Justice Bacon presented at the Jackrabbit Bar Conference in Santa Fe;
- 6/9/26: Chief Justice Vargas and Justice Bacon presented at the NM Law Office of the Public Defenders Conference.

The following presentations are currently scheduled to continue to inform the legal community about skills-based licensure and other modernization initiatives related to the practice of law in New Mexico:

- 7/24/26: Chief Justice Vargas and Justice Bacon will present at the State Bar President's Roadshow in the Third Judicial District (Las Cruces);
- 8/14/26: Chief Justice Vargas and Aja Brooks will present at the State Bar of New Mexico Annual Meeting at Sky Ute Casino in Ignacio, CO;
- 9/18/26: Chief Justice Vargas and Justice Bacon will present at the New Mexico Defense Lawyers Association Meeting; and
- 9/25/26: Chief Justice Vargas and Justice Bacon will present at the New Mexico Trial Lawyers Association Meeting.

⁵² Chief Justice Vargas became Chief Justice in April 2026.

Recommendations for Non-Exam Based Bar Licensure in New Mexico

After considering data about unmet legal needs in New Mexico, limitations of the bar exam, skills-based licensure programs in other states, and stakeholder feedback, the Committee recommends creating a skills-based pathway to bar licensure in New Mexico with the structure and components discussed below. This pathway will be in addition to the current bar-exam based pathway, which will continue to be an option. Applicants for the skills-based pathway must meet all current eligibility requirements in Rule 15-202 except that the applicant can apply while still in law school. Additional grade and course requirements apply. The applicant must complete required portfolio items within twelve months⁵³ of starting employment with an approved supervising attorney who meets all qualifications and who is employed by or operates a host organization that meets requirements.

Skills-Based Licensure Pathway Process

The skills-based licensure pathway should follow the following process:

1. The applicant applies and pays the initial fee (\$500). The New Mexico Board of Bar Examiners (BBE) issues a certificate indicating that the applicant is eligible for the program. This eligibility determination is good for twelve months. The certificate of eligibility contains language that indicates to prospective employers that the applicant is still pending a character and fitness determination, may not yet have a juris doctor degree, and is not yet approved to practice. It will be the applicant's responsibility to ensure they meet all program requirements.
2. Within six months, the applicant must obtain an employer/supervisor and provide a letter to the BBE confirming supervisor and employment start date.
3. The BBE completes the initial character and fitness evaluation using information submitted by the applicant at the time of application. The initial

⁵³ As discussed more fully below, candidates can request an additional six-month extension if necessary.

character and fitness determination shall be subject to follow-up requests by the BBE if an applicant takes longer than six months to begin employment.

4. The applicant pays a second fee (\$500) within thirty (30) days of beginning employment, and the BBE files motion for provisional license.
5. The Supreme Court issues an order granting provisional license. The applicant signs the Oath (Rule 15-208 NMRA). Only work performed after this point can be used for the portfolio. The twelve-month deadline to complete the program begins at this point. The applicant is eligible to practice under the provisional license.
6. The applicant builds their portfolio consisting of the elements described in the [Candidate Portfolio Requirements](#) section.
7. The applicant submits each portion for grading by a specifically trained pool of BBE graders.
8. The BBE conducts a midpoint portfolio review at six months from date of issuance of the provisional license.
9. The applicant completes and submits all portfolio elements (not later than twelve months after the applicant receives their provisional license). An applicant can request one additional six-month extension if they show exceptional circumstances and pay an additional \$500 fee.
10. The BBE completes the final character and fitness recheck to ensure no new criminal issues, financial issues, or disciplinary issues.
11. Once approved, the applicant follows Rule 15-207 to be sworn in, sign the Roll of Attorneys, and become fully licensed.

The following considerations also apply to the application process:

- The process should be open as a rolling-admissions process rather than subject to opening and closing dates.
- The cost should not be significantly higher than current bar exam fees (\$750). The recommendation is for a \$1,000.00 application fee. As indicated above, half must be paid when filing the application, and the remaining half must be paid within thirty days after beginning employment. If the portfolio is not completed within twelve months of the first day of employment, an additional \$500 fee will apply for continued review/monitoring.

- The program will not be limited in number. If the Board has administrative or grading issues based on the number of applicants, it may seek an Order from the Supreme Court limiting applications.

Basic Applicant Requirements

Applicants for the skills-based pathway must meet the current requirements under Rule 15-202.⁵⁴

The following additional requirements and considerations apply:

- There should be no GPA requirements, but all applicants must receive a minimum C-, or equivalent, in all “core classes” as set forth below.
- Course requirements: The applicant must take Evidence (satisfied by Evidence and Trial Practice) and Ethics, along with the current core classes (Real Property, Constitutional Law, Torts, Criminal Law, Civil Procedure, Contracts, and Legal Research and Writing), to enter the program. The applicant must also have completed or be currently enrolled in any other courses required by their law school. Students should be allowed to audit an evidence course from an ABA-approved law school to satisfy this requirement or submit other approved documentation including possible completion of NCDC or NITA programs. The BBE and the Court should maintain a list and publish the law school curriculum requirements, as opposed to listing them in Supreme Court Rules, so that they can be modified if needed.
- The applicant can apply in their final year of law school, or the equivalent of having completed their second year of law school. “Final year” means having no more than thirty (30) credit hours to complete their juris doctor degree.
- A provisional license will not be issued to the applicant until juris doctor is obtained and the applicant has obtained a score of eighty (80) or above on the MPRE. If the applicant remains non-eligible twelve months after applying, applicant will be withdrawn.

⁵⁴ Applicants are not limited to UNM School of Law graduates. Any applicant who has the educational requirements under Rule 15-202 and other qualifications may apply. The applicant will need to have required grades and courses listed in this section as well.

Hours

The applicant must complete a minimum of 675 hours of supervised work, to include no more than forty (40) hours of supervised work in any seven-day period. The applicant must submit their hours bi-weekly in a format approved by the Board.

After the applicant has completed 350 hours of supervised work, or six months after beginning this program, whichever comes first, the applicant shall submit a statement to the Board describing progress to completion.

Applicant Portfolio Requirements

The applicant will be required to submit a portfolio of work that contains the following elements. Some of these portfolio elements will be work product and others will be client or court interactions that are documented by the candidate and candidate supervisor.

Portfolio element	Quantity	Comments
Written work product	8	Memos, briefs, pleadings, contracts, etc. drafted by applicant
Client (or potential client) meetings	4	Applicant-led client interview, consultation or counseling session
Advocacy	6	Lead representation of client in court appearance, arbitration, mediation
Negotiations	2	Conduct negotiation in litigation, transactional, regulatory, or other context
Investigation	4	Conduct investigation as part of client representation
Professional interactions	15	Letters, calls, meetings with opposing counsel, co-counsel, legal support staff, judges, judicial staff, or other legal professionals
Law practice management	Y/N	The applicant and the supervising attorney should be able to certify that the applicant has sufficient experience in the mechanics of how to manage a law practice
Total hours	675	Must be completed as part of law office employment

Written Work Product

The applicant must submit at least eight samples of substantial written work of a type that is generally used in law practice, including legal memoranda, pleadings, contracts, motions, briefs, or wills. These examples are simply illustrative—this requirement is intended to be interpreted broadly. The submission will include a signature block for the supervising attorney to initial that they have reviewed the document prior to its submission.

All submitted work product must satisfy the following requirements:

- The work product must address some substantive aspect of a legal matter.; Each piece of work product must constitute a separate piece of work. Applicants may not divide a memorandum, brief, or other piece of work into components that they submit separately;
- Each piece of work product must address at least one legal issue that differs from the legal issues addressed in other pieces of work product; and
- Written work product must take the form of work product generally used in the practice of law including, but not limited to, memoranda, correspondence, pleadings, motions, briefs, contracts, wills, legal or statutory analysis articles, white papers, or mediation statements.

Each piece of work product must be accompanied by a cover sheet that describes:

- The context for the work product;
- The strategy used for any necessary research;
- All resources used;
- An explanation of the relevant jurisdiction;
- Whether a template, form, or artificial intelligence text provided a foundation for the work product;
- The extent to which the applicant received input from other lawyers; and
- The extent to which the applicant relied upon artificial intelligence programs.

The applicant must attest that the information provided on the cover sheet is correct.

Each piece of work product must also be accompanied by a statement from the supervising attorney that:

- Attests that, after reviewing the assistance noted by the applicant on their cover sheet, the work product sufficiently reflects the knowledge/research, analysis and writing of the applicant such that the BBE can meaningfully assess the applicant's competence from the work product;
- Attests that the legal analysis is accurate;
- Affirms that it is not a form motion or other template that the employer routinely uses;
- Indicates the degree to which the supervising attorney edited or altered the work product; and
- Indicates if and how the employer used the work product.

The supervising attorney will upload this document into the application portal after the submission by the applicant of the written work to be evaluated into the portal.

If the applicant used a template, form, or artificial intelligence composition as the foundation for the work product, the following provisions apply:

- The applicant must submit a copy of the original template, form, or artificial intelligence text used as a foundation;
- The applicant must highlight the portions of the work product that represent the applicant's additions, edits, or other customization;
- The applicant may not rely upon the same template, form, or artificial intelligence text for more than one work product submitted to the BBE; and
- Only the applicant's additions, edits, or other customization will be assessed by the BBE.

The applicant must redact the work product to remove information that would identify them, their supervising attorney, their employer, and the names and affiliations of any other counsel associated with the matter. They will label their materials with their program applicant identification number. Any non-redacted work product submitted will be rejected and may not be resubmitted for credit.

Client Meetings

The applicant must lead four client interviews or counseling sessions that are assessed by the supervising attorney. Observing another attorney conducting a client interview will not satisfy the requirement. Client meetings may be conducted in person, by phone, or by video.

This requirement is intended to be interpreted broadly to include a variety of client or potential client interactions that are typical in law practice. "Client" should be interpreted in the context of the applicant's employment position. For example, an applicant working in a government agency may have other government employees as clients. An applicant working in a prosecutorial position may use interviews with complainants to satisfy this requirement.

For each of the four interviews or counseling sessions, the supervising attorney will complete a rubric provided by the BBE, share the completed rubric with the applicant, and offer any additional feedback that would assist the applicant's development. The rubric will include an attestation that the applicant lead the interview or counseling session with little or no assistance from the supervising attorney.

After completing the interview or counseling session and receiving feedback from the supervising attorney, the applicant will complete a cover sheet about the interview or counseling session using a template provided by the BBE.

Advocacy before a Judge or Hearing Officer

Applicants must demonstrate competence in oral advocacy. Applicants are required to appear a minimum of six times before a judge, hearing officer, or other decision-maker to conduct substantive advocacy. The supervising attorney must be present for each advocacy event.

To satisfy this requirement, an applicant must take a lead role in six separate advocacy experiences of varying types and complexity. Advocacy experiences may be conducted on behalf of a single client, provided the requirement for varied experiences is met.

This requirement can be satisfied with a broad range of advocacy experiences, including trials, motion hearings, and administrative hearings that require a decision-maker to make a decision that is significant in the context of the particular representation. This may include, but is not limited to, trials, motion hearings, probate hearings, guardianship hearings, domestic violence/restraining order

hearings, and criminal arraignments. The advocacy may be in-person, by video, or by telephone. The applicant need not prevail to demonstrate success.

This requirement will not be satisfied by appearing at a scheduling conference or similar setting.

After completing each advocacy experience, the applicant will complete a statement about the advocacy that describes the context of the advocacy, the goals of the client in the advocacy, preparation for the advocacy, strategies and tactics implemented during the advocacy, and how the applicant responded to the court/decision-maker and other parties in the advocacy.

The supervising attorney will complete an assessment rubric provided by the BBE, share the completed rubric with the applicant, and offer any additional feedback that would assist the applicant's development. The rubric will include an attestation that the applicant led the advocacy with little or no assistance from the supervising attorney.

For applicants who cannot satisfy this program component as part of their supervised practice, the BBE will maintain a list of approved volunteer opportunities for meeting this requirement.

Negotiations

Each applicant must conduct two negotiations that are assessed by the supervising attorney. A negotiation includes any discussion aimed at reaching an agreement. It may occur in the context of litigation, transactional, regulatory, or other matters. The negotiation does not have to focus on final resolution of the matter; it may focus on preliminary or interim matters.

Negotiations may be conducted orally (in person, by phone, or by video) or in writing (by exchange of letters, emails, or other electronic messages). Negotiations need not be complex or lengthy, but they must offer an opportunity for the supervising attorney to assess both the applicant's ability to express their position and their responsiveness to opposing parties.

After completing each negotiation, the applicant will complete a statement about the negotiation that describes the context of the negotiation, the goals of the client in the negotiation, preparation for the negotiation, strategies and tactics implemented during the negotiation, how the applicant responded to the other party/parties in the negotiation, and the final resolution of the negotiation.

The supervising attorney will complete an assessment rubric provided by the BBE, share the completed rubric with the applicant, and offer any additional feedback that would assist the applicant's development. The rubric will include an attestation that the applicant led the negotiation with little or no assistance from the supervising attorney.

For applicants who cannot satisfy this program component as part of their supervised practice, the BBE will maintain a list of approved volunteer opportunities for meeting this requirement.

Investigation

An applicant shall conduct at least four investigations in representing a client that demonstrate the ability to identify factual information that is needed to further the legal representation and to develop and implement a plan to acquire that information. This investigation requirement is necessarily broad, and may encompass tasks such as:

- Investigating the scene of an accident;
- Accessing and reviewing public property records;
- Acquiring and reviewing a will that has been probated;
- Finding and interviewing fact and expert witnesses
- Drafting discovery;
- Taking a deposition; and
- Identifying and reviewing public reports of corporations.

This requirement cannot be satisfied by defending a deposition.

For each investigation, the applicant must write a statement explaining:

- The reason that the investigation is necessary to the legal representation, including the relevant law or legal standards considered;
- The context for the investigation;
- The strategy used for any necessary research, including how the strategy was developed and the extent to which the applicant received input from other lawyers;

- What happened during the investigation; and
- Whether/how the results of the investigation were incorporated into the legal representation.

The supervising attorney shall certify that each statement from the applicant is accurate and provide explanatory notes as appropriate.

Professional Interactions

The applicant will document a minimum of fifteen professional interactions demonstrating competency in professional communications in various legal contexts. This may include interactions with opposing counsel, co-counsel, legal support staff, judges, judicial staff, or other legal professionals.

These interactions may be in writing, in person, by video, or by telephone. Each qualifying interaction must be observed by the supervising attorney. A qualifying interaction should be substantial: for example, a phone call to confirm a mailing address or short email requesting an extension to file a response would not by itself be sufficient.

After completing fifteen professional interactions, the applicant will complete a statement about the interactions that describes the context of the interactions, any challenges that arose in the interactions, and how the applicant demonstrated professionalism in those interactions. The supervising attorney shall certify that the applicant has completed fifteen substantial professional interactions and that the applicant's statement is accurate, and provide explanatory notes as appropriate.

Law Practice Management

The applicant and their supervising attorney should be able to certify that the applicant has sufficient experience in the mechanics of law practice management. While each employer is unique, each applicant should be familiar with as many of the following as the practice area allows:

- Familiarity with case management software:
 - How discovery is stored and secured;
 - How to perform a conflict check;
 - File maintenance and organization policies; and
 - Succession planning.

- Timekeeping procedures and policies:
 - Billing practices and how those are recorded;
 - Documenting and billing client communication: this communication should include e-mail, telephone calls, text messages, letter writing, and any other method the firm uses in communicating with clients;
 - Preparing and advising fee agreements and scope of work agreements with clients;
 - IOLTA compliance, including successfully completing IOLTA training;
 - Demonstrating appropriate professional interactions with staff and demonstrating compliance with ethical obligations in doing so;
 - Knowledge of how to calendar any case deadlines, including motion and response deadlines, discovery deadlines, and court hearings.

- Courthouse and Filing:
 - Use of relevant filing systems (i.e., Re:Search and Odyssey, Pacer), including knowledge of court calendars;
 - How to file and serve pleadings through e-filing and through the clerk's office;
 - Knowledge of the rules concerning service of process and how that service is accomplished;
 - Correspondence with court staff; and
 - Service of motion packets.

- Understanding principles of caseload management, including personal and professional limitations on the amount of work that can be undertaken competently.

An applicant shall submit a single, one-time statement after completing the required 675 hours explaining how they have met the requirements of the Law Practice Management Section, including which elements they have satisfied and how. The supervising attorney shall certify that the applicant's statement is accurate and provide explanatory notes as appropriate.

Host Organization and Supervising Attorney Requirements

To act as a host organization or supervising attorney for a candidate, the organization and attorney must meet the following requirements.

Host Organizations

ENTITY TYPES

A host organization must be one of the following entity types:

- Solo practitioner;
- Law firm;
- Business entity;
- Governmental entity, including a court;
- Civil Legal Service provider;
- Non-profit organization; or
- In-House counsel: Eligible only if the employer is authorized to employ attorneys in New Mexico and the supervising attorney is actively licensed in New Mexico and practices in New Mexico. In-house counsel roles based in New Mexico for out-of-state companies are not eligible unless the legal work is performed under a New Mexico license and within an authorized New Mexico practice.

In addition to being one of the above entity types, the organization must employ or contract with an attorney who is qualified to serve as a supervising attorney and who has agreed to assume that role.

SALARY REQUIREMENTS

The host organization must commit to providing the applicant at least the salary and benefits provided to other recent law school graduates with the following exception for government entities:

- Government employers may follow their established pay scales and job classifications and are not required to match private-sector compensation structures, provided the applicant receives at least the salary and benefits provided to other similarly situated recent law school graduates within that agency. The applicant may be a full-time employee, but only qualifying legal work hours count toward program completion.

MINIMUM EMPLOYMENT HOURS

The host organization must employ (or agree to employ) an applicant for at least twenty (20) hours of paid legal work a week.

The organization must ensure the applicant completes the required total program hours within an established timeframe and under a reasonable weekly schedule that supports meaningful training and supervision and prevents excessive workloads.

LIABILITY INSURANCE

The organization must provide professional liability coverage for the applicant and pay for that coverage to the same extent as they would for another new lawyer. The coverage must be broad enough to protect legal work performed by the applicant and other supervised staff, whether the work is completed directly by the supervising attorney or delegated as part of the employer's representation of clients. The host organization must define the supervising attorney's required involvement, including review and signature of filings, participation in client meetings, and the level of ongoing oversight and approval.

CLIENT CONSENT AND CONFIDENTIALITY

Host organizations must ensure the applicant's work complies with confidentiality and attorney-client privilege requirements, obtain client consent when required, and protect client information in any reporting or portfolio materials (including through redaction as appropriate).

TRAINING AND CLE

The host organization must include applicants in any training programs or other educational activities provided to other new lawyers working for the employer and compensate the applicants for time spent in training programs or other educational activities to the same extent that other new lawyers are compensated for that time.

Supervising Attorneys

Supervising attorneys must meet the following qualifications:

- Hold an active New Mexico law license.
 - Attorneys admitted *pro hac vice* are not eligible to serve as supervising attorneys.
 - Attorneys holding a limited license are not eligible unless they are employed by or providing supervision through a government entity. Limited license attorneys employed by government entities may be eligible to serve as supervising attorneys, provided they meet the program's supervision and experience requirements and are in good standing. In evaluating eligibility, the BBE may consider the attorney's years of practice in New Mexico or continuous service with the sponsoring government agency, rather than total years of practice across jurisdictions. Government employers may implement this program consistent with their internal supervisory structures, job classifications, and human resources requirements.
 - Attorneys admitted in New Mexico under a conditional admission are not eligible to serve as supervising attorney.
- Years of Practice: Supervising attorneys must have a minimum of four (4) years of practice experience. Supervising attorneys must also regularly practice law, conduct business, regulate, or otherwise operate in New Mexico, with at least three years of ongoing experience in the state.
- Discipline History: Supervising attorneys may not have any suspensions or formal disciplinary history, except for administrative suspensions related solely to CLE or licensing compliance within the last seven years.
- Familial Relationships: A supervising attorney cannot be related to the provisional licensee as a spouse, child, grandchild, great-grandchild, parent, grandparent, great-grandparent, sibling, aunt, uncle, niece, nephew, or other person with whom the provisional licensee maintains a close familial relationship, including with any person residing in the provisional licensee household.

- **Required Training:** Supervising attorneys must complete required supervision training for which they will receive CLE credit. Supervising attorneys do not receive CLE credit for time spent supervising or for other work in their role as a supervising attorney.

ROLES AND DUTIES

The supervising attorney must meet all reporting, portfolio assessment, and supervision responsibilities outlined in the [Candidate Portfolio Requirements](#) section of these recommendations.

The supervising attorney must be willing to provide training and support to the applicant and must exit the program if they are unable to meet the requirements for any reason at any point.

Supervising attorneys retain personal professional responsibility for the work of the applicant, even when supervisory duties are delegated.

Remote supervision may be permitted with the supervising attorney and host organization's approval if adequate oversight is maintained and professional liability coverage applies, as addressed in the employment agreement.

A proposed supervising attorney may provide a character reference for an applicant.

SUBSTITUTION OF SUPERVISING ATTORNEYS

If supervision ends for any reason, the program allows substitution of a qualified supervising attorney. Failure to maintain supervision results in the applicant's provisional license being suspended rather than terminated, allowing continuation once supervision is restored. Responsibility for securing substitute supervision rests with the applicant.

Recruitment of Candidates

Outreach by supervising attorneys and host organizations should focus on recruiting candidates prepared to begin legal work immediately under structured supervision, with emphasis on rural and underserved areas and succession planning needs. The Bar may coordinate recruitment with law schools, rural initiatives, and small firms, provided the program is not used to place a provisional licensee in sole responsibility for an existing practice. Recruitment efforts may prioritize candidates with demonstrated interest in practicing in rural communities, including candidates originally from or connected to those communities. The program may also be used to encourage long-term placement in rural areas by supporting early-career

training, modernization, and transition planning in communities experiencing attorney shortages.

Applicable Rules and Potential Rules Changes Needed to Support the Program

This section outlines current New Mexico Rules (NMRA) for bar admission including those rules that will remain the same under these new recommendations and those that will need to be modified or created.

Basic Qualifications/Requirements

- 15-201 (Admission to the practice of law): no edits necessary;
- 15-202 (Qualifications): no edits necessary;
- 15-203 (Application): no edits necessary;
- 15-204 (Fees and costs): no edits necessary;
- 15-205 (Evaluation of qualifications; character and fitness): no edits necessary;
- 15-206 (Requirements of licensees): no changes necessary, but 15-206 should apply to applicants with a provisional license under this program;

New Rule 15-311

- Outline components of the skills-based licensure pathways, including pathway overview, hours and portfolio requirements, and host organization and attorney requirements.

Appendix A. CLEAR Judge Survey Results

CLEAR Judges Survey – New Mexico Responses
February 11th 2025, 9:48 a.m. MST

Q2 - Your current court level:

Answer	%	Count
Trial	85.44%	135
Appellate	6.33%	10
Other (please specify):	8.23%	13
Total	100%	158

Q2_3_TEXT - Other (please specify):

Magistrate

Magistrate

Federal Administrative Law Judge

Municipal Court

Limited Jurisdiction

Magistrate

Discipline Appeals

Metropolitan Court

Judge

Magistrate

Limited Jurisdiction

Magistrate

Magistrate

Q3 - Practice area covered in your court. Select all that apply:

Answer	%	Count
Criminal	27.97%	132
General jurisdiction civil	24.79%	117
Housing	10.38%	49
Family	11.86%	56
Probate	10.38%	49
Juvenile	10.38%	49
Other (please specify)	3.39%	16
Tribal	0.85%	4
Total	100%	472

Q3_7_TEXT - Other (please specify)

Abuse and Neglect

Abuse and Neglect

Limited Jurisdiction Civil, Preliminary Matters, Traffic Matters

Specific Areas of Civil Law, Court of Limited Jurisdiction

Medicare

Misdemeanor, Traffic, Code Enforcement, and Animal Control

Abuse and Neglect

Competency and Child Welfare

Administrative Appeals

Abuse and Neglect

Limited Civil

Limited Jurisdiction Civil and Traffic

Limited Jurisdiction Civil 10K and under

Limited Jurisdiction Civil

Dependency

Domestic Violence

Q4 - State where your current court is located:

Answer	%	Count
New Mexico (NM)	100.00%	158
Total	100%	158

Q5 - Total number of years you have served as a judge:

Answer	%	Count
Less than 1 year	1.90%	3
1-3 years	22.78%	36
4- 6 years	28.48%	45
7-9 years	8.86%	14
10-12 years	18.35%	29
12-15 years	8.23%	13
16-20 years	6.96%	11
More than 20 years	4.43%	7
Total	100%	158

Q6 - Over the past two years, how often have attorneys in their first five years of practice appeared before you?

Answer	%	Count
Frequently	71.52%	113
Occasionally	20.25%	32
Rarely	6.96%	11
Never	1.27%	2
Total	100%	158

Q7 - Please rate the following statements:

	Field	Mean	Count
Unprepared attorneys in their first five years of practice have negatively affected my ability to manage my docket.		3.28	152
Unprepared attorneys in their first five years of practice have negatively affected client advocacy.		3.50	153
Attorneys in their first five years of practice should receive further training before they are prepared to practice in my court.		3.54	154
Unprepared attorneys in their first five years of practice pose a significant challenge in my court.		3.05	154

Question	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Total
Unprepared attorneys in their first five years of practice have negatively affected my ability to manage my docket.	6.58%	10	25.00%	38	15.79%	24	38.82%	59	13.82%	21	152
Unprepared attorneys in their first five years of practice have negatively affected client advocacy.	5.88%	9	20.92%	32	10.46%	16	43.14%	66	19.61%	30	153
Attorneys in their first five years of practice should receive further training before they are prepared to practice in my court.	4.55%	7	14.29%	22	19.48%	30	46.10%	71	15.58%	24	154
Unprepared attorneys in their first five years of practice pose a significant challenge in my court.	5.19%	8	32.47%	50	25.97%	40	25.32%	39	11.04%	17	154

Q8 - Litigation Please indicate how frequently you observe the following behaviors exhibited by attorneys in their first five years of practice:

	Field	Mean	Count
Understanding court processes and structures		3.44	154
Maintaining core knowledge of the substantive and procedural law		3.37	155
Appropriately citing legal authority		3.27	155
Appropriately applying rules of evidence		3.19	154
Appropriately applying rules of procedure		3.31	155
Appropriately applying local rules		3.04	142
Drafting logical and procedurally appropriate pleadings, motions, and/or briefs		3.35	154
Meeting court filing deadlines		3.54	156
Appearing appropriately prepared for hearings, trials and/or appellate arguments		3.45	155
Making logical and procedurally appropriate arguments in law and fact		3.41	155
Competently conducting direct and cross examinations		3.28	148
Provide quality oral advocacy		3.37	155
Provide quality written advocacy		3.30	155

Question	Never		Rarely		Sometimes		Most of the time		Always		Total
Understanding court processes and structures	1.30%	2	7.14%	11	42.21%	65	45.45%	70	3.90%	6	154
Maintaining core knowledge of the substantive and procedural law	0.65%	1	10.97%	17	43.23%	67	40.65%	63	4.52%	7	155
Appropriately citing legal authority	0.65%	1	15.48%	24	43.87%	68	36.13%	56	3.87%	6	155
Appropriately applying rules of evidence	0.65%	1	22.73%	35	37.01%	57	35.71%	55	3.90%	6	154
Appropriately applying rules of procedure	0.65%	1	18.06%	28	38.06%	59	36.13%	56	7.10%	11	155
Appropriately applying local rules	6.34%	9	27.46%	39	28.87%	41	30.28%	43	7.04%	10	142
Drafting logical and procedurally appropriate pleadings, motions, and/or briefs	1.30%	2	12.99%	20	40.91%	63	38.96%	60	5.84%	9	154
Meeting court filing deadlines	2.56%	4	10.26%	16	27.56%	43	50.00%	78	9.62%	15	156

Appearing appropriately prepared for hearings, trials and/or appellate arguments	1.29%	2	12.26%	19	34.84%	54	43.23%	67	8.39%	13	155
Making logical and procedurally appropriate arguments in law and fact	0.00%	0	9.68%	15	45.81%	71	38.71%	60	5.81%	9	155
Competently conducting direct and cross examinations	0.00%	0	19.59%	29	38.51%	57	36.49%	54	5.41%	8	148
Provide quality oral advocacy	1.29%	2	11.61%	18	41.94%	65	38.71%	60	6.45%	10	155
Provide quality written advocacy	1.29%	2	14.84%	23	41.94%	65	36.13%	56	5.81%	9	155

Q13 - Professionalism The following questions will ask you about your experience with attorneys in their first five years of practice in your court. Please indicate how frequently you observe the following behaviors exhibited by attorneys in their first five years of practice:

	Field	Mean	Count
Acting ethically in accordance with the rules of professional conduct		4.01	153
Speaking in a manner that meets legal and professional standards		3.90	154
Writing in a manner that meets legal and professional standards		3.70	155
Arriving on time for meetings, appointments, and hearings		3.79	154
Understanding and conforming to appropriate appearance in court		4.02	154
Treating opposing parties and opposing counsel with courtesy and respect		3.88	153
Expressing disagreement thoughtfully and respectfully		3.71	154

Question	Never		Rarely		Sometimes		Most of the time		Always		Total
Acting ethically in accordance with the rules of professional conduct	0.00%	0	2.61%	4	14.38%	22	62.75%	96	20.26%	31	153
Speaking in a manner that meets legal and professional standards	0.00%	0	3.90%	6	22.08%	34	53.90%	83	20.13%	31	154
Writing in a manner that meets legal and professional standards	0.65%	1	5.16%	8	33.55%	52	45.16%	70	15.48%	24	155
Arriving on time for meetings, appointments, and hearings	0.65%	1	5.19%	8	25.32%	39	52.60%	81	16.23%	25	154
Understanding and conforming to appropriate appearance in court	0.65%	1	5.19%	8	12.99%	20	53.90%	83	27.27%	42	154
Treating opposing parties and opposing counsel with courtesy and respect	0.65%	1	6.54%	10	18.30%	28	53.59%	82	20.92%	32	153
Expressing disagreement thoughtfully and respectfully	0.00%	0	10.39%	16	25.97%	40	46.10%	71	17.53%	27	154

Q14 - Do you have additional comments about the litigation skills of attorneys in their first five years of practice?

I have a docket solely of felonies. Both the County District Attorney and the local Public Defender Office handle a majority of cases. Both follow internally the general guidelines that attorneys with 5+ years practice handle the more serious felonies (e.g. homicides, sex offenses), and attorneys with less practice either second chair serious cases or handle lower level felonies on their own. The lower level felonies tend to be much simpler and straightforward (e.g. shoplifting, possession), and my experience has been the newer attorneys overall handle these types of cases very capably.

it appears to me the level of litigation skills in new attorneys have declined in the recent past.

In this writers opinion it is that most attorneys in their first five years of practice have no idea what it is like to practice in court during a heavy docket and at times are overwhelmed with the caseload of busy dockets.

Many new attorneys do not have respect for court efficiency and being prepared so that the docket proceeds smoothly.

My experience is that it is not necessarily new attorneys who are not prepared or good advocates, there are many contract public defenders who do not seem prepared regardless of the number of years practicing.

Understandably, new attorneys have to hone their skills, which can only be done by practice. The more comfortable they become in the courtroom, the better their skills become.

I wish new attorneys would rely more on rules and caselaw in their arguments and less on general arguments about the problems they perceive in the world and a duty to fix those problems.

I have generally been pleased with the 1-5 year attorney group. The problematic matters and behaviors I see typically pertain to attorneys that have practiced for decades.

I have observed significant improvement over time.

We have liberally and purposefully allowed and encouraged lawyers to bring their associates to hearings in our courtroom. Many have expressed that it has been their first visit to a physical courtroom. My somewhat critical answers above are tempered by the optimism generated by the enthusiasm these young lawyers have for being in the courtroom (it is not their fault that NM took a safety-first approach to the pandemic).

I've noticed a marked decline in overall litigation skills since the prevalence of virtual hearings. Attorneys are less skilled and seem to develop courtroom skills less quickly than before. They seem less confident and more frustrated. There appears to be less hands-on courtroom training overall, but together with virtual hearings, even less so.

Changes in quality of practice of new attorneys may be related to move towards remote hearings following COVID-19 pandemic, etc.

The new prosecutors sometimes defer to the court when it is obvious they don't know what to do in a situation as they haven't been fully trained. It puts the court in a position where we shouldn't be doing the prosecutors job. The newer LOPD attorneys are better trained but sometimes can be ruder.

They appear to be overwhelmed very easily even though case loads have decreased. Younger attorneys are unable to multitask or think on their feet as well as in the past.

The particular attorney that comes to mind when asked all of these questions has tremendous potential. However, the difficulty they face is because they have limited experience, and no supervisors or mentors in the Prosecutor's Office that can steer them in a better direction. I do what I can from the bench, within the confines of my judicial role. But the lawyer ends up building resentment and hostility towards me for not getting their way, and very often repeats errors which I have pointed out for them.

I've only been on the bench as a Magistrate Judge for 3.5 years. I was a Municipal Judge for 2.5 years. Because of my limited time I don't know if the professionalism is declining. I believe that Covid had an effect on professional service.

This is a very specialized area of the law. Most have significant backgrounds. Very few new attorneys appear at my hearings and when they do they are usually accompanied by more senior counsel.

Any time you are starting a new job - no matter what your profession is - you need time to feel comfortable and proficient in what you are doing. As Judges we need to appropriately guide and lead new attorneys, and attorneys that are new to our jurisdiction, so that they can be the best advocates they can be.

Attorneys beginning their practice during COVID faced disadvantages and challenges due to limitations the Courts needed to implement.

Attorneys seem to struggle identifying opposing positions or issues in their cases. I suspect it is due to law schools lacking ideological diversity. Progressive students (the overwhelming majority of students) are not being challenged.

Attorneys in the first five years of practice should ALWAYS work under the direction of a seasoned attorney. Always.

In the local bar, the new attorneys need mentorship and guidance on a daily basis, which they are simply not getting. I had mentorship on a daily basis when I began my career, and such mentorship aided in my progression as a litigator.

I think this survey is looking for "get off my lawn!" responses but the baby lawyers aren't much stupider than the regular lawyers.

Just one attorney can effect the survey. Only one attorney has caused this survey to show negative results for my portion.

COVID Era restrictions have hampered the ability of the attorneys to litigate in person inside of the courtroom.

Mentoring by senior attorneys, as has been the tradition, is the best method for developing and improving their skills

Honestly the newer attorneys are better prepared because of fear. It's the attorneys with 15 plus years where I am noticing a decline.

While not as skilled and experienced, the level of advocacy has increased.

My law clerks, who are generally in the first 2 years of practice, have great difficulty thinking like a lawyer and even greater difficulty building a logical argument. Their research is not thorough and their lack of understanding of the policy applicable in the area of law they are addressing makes them incapable of making a persuasive argument supported by the law. I see these problems persisting even with some more experienced litigants. They don't know how to apply the law to the facts and make an argument, something I have always seen as the quintessential skill of a lawyer.

Some newer attorneys are eager to learn and are doing their best in court. At the same time, many are not ready to engage in court, however the only way to gain experience/education, is through actually being in court.

It's just a matter of experience. Most young lawyers need better training, but with time they usually catch up and become effective advocates.

New attorneys will almost always yield to pro forma motions and responses. I have noted a decline in the individual assessment and response based on specific facts.

I have one attorney who I believe has 5 years or less experience. I don't think his problem is lack of training. Its lack of will. They just don't advocate for the state well and are not prepared for hearings. It may be they have too many cases. This attorney showed up in my courtroom on day one without a supervising attorney. That is very sad to me and the community suffers for it.

I sit in a court in a rural area where lawyers are scarce. This means that litigators are litigating right after becoming members of the bar. Training them and getting them accustomed to the practice takes time. The ambition among new lawyers is good; what is lacking is formality and oral and writing skills—all of which can be learned. One of the ill effects of covid was the emptying of courtrooms of spectators; new lawyers should be encouraged to go to court, to observe, and to discuss with colleagues what they have observed.

There seems to be inadequate emphasis in Law School on trial skills and ethics. Civility has declined and unprofessional behavior increased.

What seems to be missing in new lawyers is a meeting of high concepts learned from appellate case law with practice realities and the application of rules to facts.

New attorneys seem to lack the willingness to do something as basic as reading statutes and rules specific to the cases they are handling.

Based on my experiences over the past ten years, the problems are found in the more experienced attorneys rather than the new attorneys.

My answer of "Never" in the previous question was close, but not entirely accurate. I think I have one attorney who was fresh out of law school when I took the bench. So little experience with fresh lawyers that I think my observations would be meaningless. That's what happens when we get a legal desertification of our area.

In our jurisdiction, it is the older attorneys who lack knowledge of current rules and procedures that pose the greatest challenge.

They handle our remote & large judicial area very well.

Trial practice, even clinic, should be mandatory

Attorneys should be mentored by senior attorneys. This includes doing things that cannot be billed for, such as attending court and depositions to observe senior attorneys. Younger attorneys should be required to have court time as part of their training where they observe attorneys from other firms and areas of the law.

Rarely get motions for discovery violations etc. or of any kind from new attorneys

Most attorneys, regardless of time served, are rarely prepared for court.

Because of my limited time on the bench, I am unable to provide an opinion about whether there has been a decrease in the quality of attorneys with less than five years of practice. I simply do not have a sufficient basis for comparison.

New attorneys seem to struggle the most with knowing and really understanding the point of the rules of evidence.

Public sector attorneys are very prone to being late and/or unprepared.

I would like to see more mentoring/shadowing/2nd chair type training from more experienced attorneys in their office (public defenders/DAs). Seems the new ones are thrown in solo too soon

Preparation is the biggest issue for me. I see more and more young attorneys graduating from law school and opening open their own practice or associating with others who have little experience in the practice of law. Very little oversight, supervision or training.

In my jurisdiction, the Public Defenders are far better trained and supervised. This leads to hostility from the District Attorneys office as their attorneys miss deadlines and do poorly in court.

Their trial understanding is lacking in general. However, once they have appeared and gone through a trial or two they do retain the information and guidance provided. Their employers should be doing some type of shadow program or internship to learn the process for each Court.

Time management skills have declined since COVID. Not meeting with clients, witnesses, etc. prior to Court. Just arriving and "winging it" and it shows.

Government bodies in my jurisdiction will send attorneys to court with little to no training and are unprepared often slowing down dockets and having cases linger on ad nauseum.

I believe the declines that I have seen can be attributed to the COVID 19 pandemic and the loss of courtroom experience that came from that.

Newer lawyers do not seem to understand court processes all that well and seem to rely on the trial court to manage their case for them.

The newer attorney's that appear in my court are not prepared to appear in person. They have adjusted to being on a computer monitor so that they can turn off or obscure in appropriate behavior. They also assume that just because they care very few active cases, that the judge also have very few active cases which is not the case in my jurisdiction.

Attorneys in their first five years are some of the most creative and thoughtful litigators. They are passionate and persuasive. These attorneys spend more time on research and preparation than more senior attorneys who assume they already know. New attorneys are more likely to be aware of recent changes in the law, and are more adept at handling the technology that is a required part of legal practice. The entire bar could stand to emulate newer attorneys. As a general rule, more senior attorneys simply rely on their experience instead of cracking open a book or legal research website. That is generally a detriment to their representation.

When I was starting, we had a more senior attorney assist and mentor newer attorneys, and this is no longer the case. New attorneys feel confident they know everything and want to do new and novel things--which can be great!--but they don't understand the existing framework of the courts.

It is interesting that this survey has arrived because the judges in my jurisdiction have been discussing this issue for approximately two years.

These attorneys would benefit from mentoring/coaching services from more seasoned attorneys especially in the area of thinking about and appreciating the larger picture/environment in which they are litigating their cases.

Q17 - Do you have additional comments about the professionalism of attorneys in their first five years of practice?

I have not had any serious issues with the professionalism of attorneys with less than five years of experience in my courtroom.

In this writer's opinion it is that most attorneys in their first five years of practice are naïve and ignorant about how to present oral arguments and often times allow their emotions to take over and lose focus.

They have less respect for the court than my peers and I did in 2004-2009;

I think that many new judges are allowing unprofessional conduct and they are more relaxed with regards to decorum in the courtroom. This leads attorney's and litigants to lose respect for the court.

I have seen new attorneys who do not dress appropriately in court, react inappropriately to what is going on in the courtroom, and have engaged in physical altercations with opposing counsel. It amazes me that the inappropriateness of these types of behavior were not addressed in law school.

Most of the new attorneys I encounter are professional but some struggle with appearing for hearings in a timely manner and some indulge in sarcasm and eye rolls during arguments.

I would say the professionalism has been outstanding.

Since the pandemic and the prevalence of virtual hearings, new attorneys are much less respectful of the proceedings. Basic formalities and courtroom decorum are sometimes lost on the newer attorneys. This has a ripple effect other parties present. Newer attorneys should be shadowing ethical and professional attorneys with experience. Sometimes you see them shadowing those that may not be the best mentor.

I've only been on the bench as a Magistrate Judge for 3.5 years. I was a Municipal Judge for 2.5 years. Because of my limited time I don't know if the professionalism is declining. I believe that Covid had an effect on professional service.

Civility has definitely decreased.

How they are perceived by the Courts and their colleagues during their first few years of practice will follow them throughout their career. It is incredibly important that they pay attention to their reputation, and that they consciously make an effort to know their case(s) and interact professionally with the Courts and their colleagues.

95% of attorneys in there first years have professional decorum

Attorneys who began practicing during or just after the COVID-19 pandemic seem somewhat resistant to appearing for hearings in person and meeting with clients ahead of time. Instead, they rely on the court to facilitate meetings to advise their clients at the time they appear online for virtual hearings, which negatively affects the court's and court staff's time and resources. The shift to mostly virtual court hearings has fostered a casual attitude among those attorneys and parties, alike. Newer attorneys seem much more apt to be openly disrespectful to judges when they disagree with a ruling. I believe this is related to the shift away from conducting all hearings in person, declining public confidence in and respect for the judiciary, and

the influence online platforms and culture have had in emboldening people to behave poorly in disagreements.

Deference and respect for the court has diminished over the past 5 years - over the past 10 years.

I haven't seen a problem with professionalism. It is with their ability to put together a persuasive argument or criticize an argument made by a litigant.

Most ethical issues I see are due to a complete misapplication of the law and not due to being sneaky.

Almost 100 percent are willing to learn. In my court I have welcomed new attorneys and always present my self and firm but fair. I believe this accountability will foster better preparedness as their careers advance to the District Court and beyond.

The attorneys from the PD's office have been very well trained and are always prepared. The attorneys at the DAs office sometimes struggle. This may be due to heavy case loads. But, the PDs are often assigned to more than one courtroom at the same time too.

The courtroom is an unnatural environment. It takes time and patience to train lawyers, and some lawyers come by good practice easier than others. Judges should give constructive commentary to new lawyers in the presence of all counsel after cases are recessed. I don't think focus groups are the answer and could subject new lawyers to even greater unnecessary embarrassment; you don't have to get that fancy or pseudoscientific.

Mentorships would help as new attorneys are getting little help from their supervising attorneys.

Mentoring by seasoned attorneys was quite common when I first became an attorney. That seems to be happening less and less. Also with cases being held online there is less camaraderie among counsel who used to meet and talk in the halls of the courthouse. Also, with hearings being held online, there are less and less opportunities for new attorneys to watch more seasoned attorneys when they appear in court.

I am frankly equally worried about the professionalism and skills of attorneys who have been in practice for a good number of years.

Newer attorneys don't seem to understand that engaging with civility with opposing counsel or pro se parties is important. Zealous advocacy doesn't mean being a difficult jerk.

12th Judicial DA, LOPD, & private counsel are all very professional and prepared. Alamogordo LOPD office has stepped into the large case load in Lincoln County very well and have been more than prepared at each setting. I enjoy working with all of them

They need help. But, they are not hopeless or helpless. Like anything, they need some training and guidance.

Young attorneys often feel slighted or become argumentative when ruled against on legal grounds. They don't seem prepared to lose arguments sometimes as a normal part of practicing and take it very personally if they "lose."

Perhaps more observation of experienced, professional attorney behavior in real court, specifically how to handle adversarial advocacy without getting personal or visibly upset.

The young attorneys appear to be ethical and professional; their practice training is wanting.

They are courteous and respectful of counsel and the Court staff. Most have the 'deer in the headlight' appearance for the first months. They repeat mistakes and seem lost when something new appears in the middle of a hearing or trial. They need to shadow someone or have a mentor to ask questions of.

Right after Covid restrictions were lifted, there was a significant decline in both practice and professionalism of new attorneys. That has improved over time.

Their desire to appear in-person in a courtroom seems generally very low, which is weakening the decorum and professionalism of the Bar.

Newer attorneys do not have a sense of community involvement in the profession. The new attorneys are most interested in making money for themselves and not in helping their clients reach a just outcome.

The only negative I see in the professionalism is an occasional inability to separate from their client's case. Newer attorneys are emotionally invested in their clients' cases more frequently than more senior attorneys. Sometimes that emotional investment hinders their role as a counselor. I do not see that as a recent development. I think it is something all attorneys have to learn.

It appears that law schools no longer teach ethics because the new attorneys don't know the canons of ethics. In fact I had one tell me he never heard of them. The new attorneys in my jurisdiction are rude and disrespectful.

Many of these attorneys mistake mere courtesy for compliance with the rules, forgetting or missing the need to comply with the rules in a courteous, thorough and prepared manner.

The willingness of more senior attorneys to mentor new attorneys has declined.

Q9 - Please rate the following statements based on your experience over the last five years:

	Field	Mean	Count
The overall litigation skills of attorneys in their first five years of practice have declined over the past 5 years.		3.44	85
The understanding and application of court rules of attorneys in their first five years of practice has declined over the past 5 years.		3.38	88
The quality of written advocacy of attorneys in their first five years of practice has declined over the past 5 years.		3.26	87
The quality of oral advocacy of attorneys in their first five years of practice has declined over the past 5 years.		3.28	87

Question	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Total
The overall litigation skills of attorneys in their first five years of practice have declined over the past 5 years.	2.35%	2	16.47%	14	28.24%	24	41.18%	35	11.76%	10	85
The understanding and application of court rules of attorneys in their first five years of practice has declined over the past 5 years.	2.27%	2	17.05%	15	29.55%	26	43.18%	38	7.95%	7	88
The quality of written advocacy of attorneys in their first five years of practice has declined over the past 5 years.	2.30%	2	19.54%	17	35.63%	31	34.48%	30	8.05%	7	87
The quality of oral advocacy of attorneys in their first five years of practice has declined over the past 5 years.	2.30%	2	20.69%	18	33.33%	29	34.48%	30	9.20%	8	87

Q10 - Please rate the following statements based on your experience over the last five years:

	Field	Mean	Count
The overall professionalism of attorneys in their first five years of practice declined over the past 5 years.		3.17	89
The decorum of attorneys in their first five years of practice declined over the past 5 years.		3.28	88
The ethical behavior of attorneys in their first five years of practice declined over the past 5 years.		2.88	88

Question	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Total
The overall professionalism of attorneys in their first five years of practice declined over the past 5 years.	3.37%	3	26.97%	24	25.84%	23	37.08%	33	6.74%	6	89
The decorum of attorneys in their first five years of practice declined over the past 5 years.	3.41%	3	26.14%	23	22.73%	20	34.09%	30	13.64%	12	88
The ethical behavior of attorneys in their first five years of practice declined over the past 5 years.	3.41%	3	35.23%	31	37.50%	33	18.18%	16	5.68%	5	88

Q11 - Please rate the following statements based on your experience over the last 10 years:

	Field	Mean	Count
The overall litigation skills of attorneys in their first five years of practice have declined over the past 10 years.		3.24	59
The understanding and application of court rules of attorneys in their first five years of practice has declined over the past 10 years.		3.20	59
The quality of written advocacy of attorneys in their first five years of practice has declined over the past 10 years.		3.12	58
The quality of oral advocacy of attorneys in their first five years of practice has declined over the past 10 years.		3.17	59

Question	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Total
The overall litigation skills of attorneys in their first five years of practice have declined over the past 10 years.	1.69%	1	27.12%	16	27.12%	16	33.90%	20	10.17%	6	59
The understanding and application of court rules of attorneys in their first five years of practice has declined over the past 10 years.	1.69%	1	28.81%	17	25.42%	15	35.59%	21	8.47%	5	59
The quality of written advocacy of attorneys in their first five years of practice has declined over the past 10 years.	1.72%	1	32.76%	19	27.59%	16	27.59%	16	10.34%	6	58
The quality of oral advocacy of attorneys in their first five years of practice has declined over the past 10 years.	1.69%	1	28.81%	17	30.51%	18	28.81%	17	10.17%	6	59

Q12 - Please rate the following statements based on your experience over the last 10 years:

	Field	Mean	Count
The overall professionalism of attorneys in their first five years of practice declined over the past 10 years.		3.24	59
The decorum of attorneys in their first five years of practice declined over the past 10 years.		3.32	59
The ethical behavior of attorneys in their first five years of practice declined over the past 10 years.		3.03	59

Question	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Total
The overall professionalism of attorneys in their first five years of practice declined over the past 10 years.	6.78%	4	27.12%	16	18.64%	11	30.51%	18	16.95%	10	59
The decorum of attorneys in their first five years of practice declined over the past 10 years.	6.78%	4	25.42%	15	15.25%	9	33.90%	20	18.64%	11	59
The ethical behavior of attorneys in their first five years of practice declined over the past 10 years.	6.78%	4	23.73%	14	37.29%	22	23.73%	14	8.47%	5	59

Appendix B. Stakeholder Interview Questions

Executive Committee Member Interview Questions

1. Introduction of NCSC Staff Members
 - a. The goal of the interview is to better understand your view of the bar examination and licensing process, your goals to improve this process, and where you see barriers or concerns.
 - b. Value stakeholder will bring to project – open and honest thoughts.
 - c. Conversation is confidential and interviewee will not be identified in any way and feedback will be an aggregate.
2. Background of Stakeholder
 - a. What is your connection to the legal profession?
 - b. Where do you live and/or practice in New Mexico?
 - c. Do you have concerns about the current bar admissions process, bar exam, or licensing process?
 - d. Are you familiar with some of the criticisms that have been leveled against the current bar admissions process? What do you think about those criticisms?
3. Overall Impression of Project
 - a. What are your views of the current bar admission process and what ideas to you have to improve it?
 - b. What problems do you currently see in the legal profession that bar licensure reform might address?
 - c. What is working well in New Mexico right now when it comes to bar admissions?
 - d. In the presentations about innovative pathways to licensure from South Dakota and Oregon, what excites you the most? What methods do you see working in New Mexico?
 - e. Is there anything you'd like to hear more about? Other states' approaches (for example, Nevada)? Other subject matter experts (Debby Merritt, Joan Howarth, Navajo Nation Bar Association)?
 - f. How might different pathways to licensure address concerns with readiness to practice, measuring competence without a bar exam, improving pass rates for law school graduates of color, and public

interest/rural access to justice? How might different pathways fail to address these concerns?

4. Goals

- a. What is your ultimate goal when it comes to the bar admissions process in NM?
- b. What needs to be in place to realize these goals?
- c. Who should be “at the table” to help realize these goals?
- d. What ideas do you have about how to get input from all necessary stakeholders to realize these goals?

5. Concerns

- a. What concerns do you have about re-examining bar admission in New Mexico?
- b. What other concerns should NCSC know about?
- c. Who else should NCSC talk to about these concerns?
- d. Who else might have concerns that NCSC should talk to?

6. Close Out/Next Steps

- a. Please share stakeholder information with the NCSC
- b. Share a post-interview survey in case you have other thoughts/ideas/concerns after stakeholder interview

Stakeholder Interview Script

1. Introduction of the Project and NCSC Staff Members

Thank you for meeting with us today.

My name is _____, and I work for the National Center for State Courts. I'm here with my colleagues ____ and _____. The National Center for State Courts is working with a Supreme Court Committee tasked with identifying innovative means to measure competence to practice law in New Mexico to address disparities in bar pass rates, improve the practice readiness of new attorneys, and expand access to attorneys in rural communities. The Committee is made up of diverse stakeholders, including district court judges, law school leadership, state bar leadership, District Attorneys' offices, Law Office of the Public Defender, attorneys in private practice, representatives from Native American communities and courts, and the civil legal services community. The Committee is reviewing other state approaches, identifying innovations that will meet the unique needs of New Mexico's communities, and assessing what is working well and what needs improvement in the current system. Some ideas the Committee has considered include using an apprenticeship model where new law school graduates will work under the supervision of an attorney to develop practice-ready skills and a portfolio of work to be evaluated by the Board of Bar Examiners. This process is similar to one in place in Oregon. The traditional bar exam would also remain in place as an option in New Mexico.

As part of this process, the Committee wants to hear from stakeholders like you about your experience with the bar admissions process, your ideas about how to measure competence to practice, and concerns about changes to the admissions process.

We will take all of the feedback we receive from these sessions and provide it to the Committee in a way that does not identify anyone. We want you to feel free to speak honestly with us. The goal of the interview is to better understand your view of the bar examination and licensing process, your goals to improve this process, and where you see barriers or concerns.

2. Background of Stakeholder

- a. What is your connection to the legal profession?
- b. Where do you live and/or practice in New Mexico?

- c. If the stakeholder is an experienced practicing attorney: Do you supervise or mentor newly admitted attorneys? If so, have you noticed a decline in practice readiness? What are the most important skills a new attorney should possess, and where do you see them excel and where do you see them struggling?
- d. If the stakeholder is a newer practicing attorney: As a new attorney, in what ways were you prepared and in what ways were you less prepared to practice?
- e. If the stakeholder is a law student: what concerns do you have about the current bar admissions process? In what ways do you feel well prepared to practice and what ways not?
 - i. If they are a repeat bar taker: Please share your experience with the bar exam.

3. Overall Concerns About the Practice of Law in NM

- a. What do you see as the biggest challenges faced by the practice of law in New Mexico?
- b. What is working well with the practice of law in New Mexico?
- c. What is working well with the current bar licensure process?
- d. What concerns do you have about the current bar licensure process?

4. Overall Impression of the Project

- a. What problems do you currently see in the legal profession that innovative bar licensure might address? How do you think innovative bar licensure options might help address some of the challenges in the legal profession or current process that you identified?
- b. Would you be in favor of an innovative pathway option for candidates for licensure?
- c. What concerns do you have about changing the way the bar admissions process works or about innovative licensure? What would you want to know more about before making a decision about it?
- d. What wouldn't you want to change with the current bar admissions process if implementing an innovative licensure pathway?
- e. What should we consider to ensure a pathway like this is as accessible as possible? (This could apply to Native, rural, public interest, and other specific groups.)

- f. Who needs to be “at the table” to plan for and implement bar licensure changes in New Mexico?
- g. Who else should NCSC talk to about this project? [Ask for contact information.]
- h. What ideas do you have about how to get input from all necessary stakeholders in New Mexico about this project?

5. Close Out/Next Steps

Thank you for taking the time to meet with us today. Your input is really important to the Supreme Court and the Committee to help them make the best decisions about innovative licensure in New Mexico. We’ve put our email addresses in the chat. Please send us contact information for other stakeholders we should talk to. We’ve also put a link to a post-interview survey in the chat in case you have other thoughts/ideas/concerns after the stakeholder interview.



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