15-102. Definitions and rules of construction.

For purposes of these rules:

A. "ABA" means the American Bar Association;

B. "active practice of law" means:

(1) the following activities, if performed in a state in which the applicant is admitted and authorized to practice law, or, if performed in a state that affirmatively permits this activity by a lawyer not admitted in that state, however, in no event shall any activities performed under any rule regarding the practice of law pending admission or in advance of admission to practice law in another state be accepted toward the durational requirements:

(a) representation of one or more clients in the private practice of law;

(b) service as a lawyer with a local, state, territorial, or federal agency, or governmental branch, including United States military service with any branch of the United States military;

(c) full time teaching at a law school formally accredited by the ABA;

(d) service as a judge in a local, state, territorial, or federal court of record of the United States;

(e) service as a judicial law clerk in a local, state, territorial, or federal court of record of the United States;

(f) service as in-house counsel provided to the applicant's employer or its organizational affiliates; or

(g) any combination of the above.

(2) The active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the state in which it was performed or in the state in which the clients receiving the unauthorized services were located.

C. "admission" means the admission, re-admission, or reinstatement of a license to practice law in the State of New Mexico and membership in the State Bar of New Mexico;

D. "bar examiner" means a member of the board;

E. "board" means the Board of Bar Examiners of the State of New Mexico, which is a standing committee of the Supreme Court;

F. "conditional admission" means the grant of a license to practice law subject to the supervision of the board, and under conditions approved by the Supreme Court;

G. "dependent" is used as defined by the United States Department of Defense (or, for the Coast Guard when it is not operating as a service in the United States Navy, by the United States Department of Homeland Security);

H. "government entity" means any state agency or any local public body as defined in these rules;

I. "in good standing" means unconditionally admitted to the practice of law by a state lawyer licensing authority, and:

(1) not disbarred in any state;

(2) not suspended from the practice of law in any state for disciplinary reasons;

(3) not resigned or withdrawn from any state lawyer licensing authority while under disciplinary suspension by, or while undergoing disciplinary proceedings by, that state;

(4) not the subject of current or pending disciplinary proceedings in any state; and

(5) if previously disbarred or suspended by a state lawyer licensing authority, duly and fully reinstated in that state, although reinstatement is not required [~~where~~] when the disbarment or suspension is solely [~~due to~~] because of the applicant's failure to pay dues or failure to comply with mandatory continuing legal education requirements outside the state of New Mexico;

J. "lawyer" means a person, admitted to a state bar, who by education and training may legally perform legal service in that state;

K. "legal service" means advising, advocating, or counseling to or for others about a matter involving law which may not be lawfully performed by someone who is not a lawyer;

L. "local public body" means all political subdivisions of this state and their agencies, instrumentalities, and institutions;

M. "MBE" means the Multi-State Bar Examination prepared and administered by the NCBE;

N. "MEE" means the Multi-State Essay Examination prepared and administered by the NCBE;

O. "military spouse attorney" means an attorney who is the spouse of an active duty service member of the United States Uniformed Services stationed within the State of New Mexico and resides or intends to reside in the State of New Mexico within the next six (6) months of the date of an application for a limited license;

P. "MPRE" means the Multi-State Professional Responsibility Examination prepared and administered by the NCBE;

Q. "MPT" means the Multi-State Performance Test prepared and administered by the NCBE;

R. "NCBE" means the National Conference of Bar Examiners;

S. "notice" means delivery to the person affected by the item being delivered, which shall be effective either on (1) placing the document or letter in the United States first class mail with a proper address and postage pre-paid, or (2) submitting the document or letter by electronic means previously authorized by the intended recipient, which is not returned as undeliverable; notice to the board under these rules is effective by sending an electronic submission to the email address(es) or electronic submission portal identified by the board for that purpose, or, when permitted under these rules, in-hand delivery of paper documents to front desk personnel at the board's offices during normal business hours;

T. "practice law," "practice of law," and variations [~~thereof~~] of these, means providing or performing legal services;

U. "prove" means, unless otherwise specified, to prove by a preponderance of the evidence;

V. "public defender clients" means persons represented under contract with the Law Offices of the Public Defender for the State of New Mexico;

W. "qualified legal services provider" means a not-for-profit legal services organization whose primary purpose is to provide legal services to low income clients or a legal department within a non-profit organization that employs at least one (1) lawyer full-time to provide legal services to low income clients; and

(1) is an organization described in Section 501(c)(3) and exempt from federal income taxes under Section 501(a) of the Internal Revenue Code of 1986 or corresponding provisions of federal income tax laws from time to time in effect;

(2) is registered with the New Mexico Attorney General Registry of Charitable Organizations in compliance with the New Mexico Charitable Solicitations Act; and

(3) is recommended by the New Mexico Commission on Access to Justice;

X. "reciprocal state" and "reciprocal states" means a state or states approved as reciprocal to New Mexico by the Supreme Court as of the date an application is submitted, the current list for which is available from the board and publicly posted on the board's website;

Y. "rules" and "these rules" means the Rules Governing Admission to the Bar, Rules 15-101 to -608 NMRA;

Z. "serious crime" means:

(1) any felony; or

(2) any lesser crime a necessary element of which, as determined by the statutory or common law definition of that crime, involves:

(a) conduct as an attorney;

(b) interference with the administration of justice;

(c) false swearing;

(d) misrepresentation;

(e) fraud;

(f) willful failure to file tax returns;

(g) deceit;

(h) bribery;

(i) extortion;

(j) misappropriation;

(k) theft; or

(l) an attempt to commit, a conspiracy to commit, or a solicitation of another to commit a "serious crime";

AA. "service member" is used as defined by the United States Department of Defense;

BB. "service on the board," "serving the board," and reasonable variations [~~thereof~~] of these, means un-returned electronic submission or delivery of documents described in these rules to the email address(es) or electronic submission portal identified by the board for that purpose, and, when permitted under these rules, in-hand delivery of paper documents to front desk personnel at the board's offices during normal business hours;

CC. "state" means any of the fifty (50) states, territories, or protectorates of the United States, and the District of Columbia;

DD. "state agency" means any of the branches, agencies, departments, boards, instrumentalities, or institutions of the State of New Mexico;

EE. "Supreme Court" means the New Mexico Supreme Court;

FF. "suspended" and "suspension" means suspension, lapse, or other prohibition from the practice of law, for reasons other than nonpayment of dues or failure to complete mandatory continuing legal education requirements;

GG. "UBE" means the Uniform Bar Examination prepared and administered by the NCBE;

HH. "fully executed oath or affirmation" means a completed, signed, and notarized copy of the oath contained in Rule 15-208 NMRA, as provided by the board, that has been returned in accordance with the board's policies and procedures; [~~and~~]

II. "administered oath or affirmation" means the formal act of taking the oath contained in Rule 15-208[~~ NMRA~~], which is completed when an applicant solemnly declares their

commitment to the principles set forth in the oath before the Chief Clerk of the Supreme Court or their designee[~~.~~];

JJ. "Legacy UBE" means the UBE prepared and administered by the NCBE before the implementation of the NextGen UBE;

KK. "NextGen UBE" means the NextGen UBE prepared and administered by the NCBE.

[As amended, effective November 1, 1994; as amended by Supreme Court Order No. 14-8300-001, effective June 1, 2015; as amended by Supreme Court Order No. S-1-RCR-2023-00036, effective December 31, 2023; as amended by Supreme Court Order No. S-1-RCR-2025-00122, effective January 2, 2026; as amended by Supreme Court Order No. S-1-RCR-2025-00185, effective December 31, 2026.]