

ARTICLE 3 Admission

15-301.2. Legal services provider limited law license.

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A. **Definitions.** As used in this rule, the following definitions apply:

(1) “applicant” means an attorney who meets the eligibility requirements set forth in Paragraph B of this rule and who completes the application process in Paragraph C of this rule;

(2) “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

(a) 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;

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

(c) is recommended by the New Mexico Commission on Access to Justice.

B. **Eligibility.** Upon application, the clerk of the Supreme Court may issue a legal services limited license to represent legal services clients through a qualified legal services provider to an attorney who meets the following conditions:

(1) is an inactive member of the State Bar of New Mexico or an active or inactive member of the bar in another state, territory, or protectorate of the United States of America or the District of Columbia at the time of submitting an application under this rule;

(2) is not under disciplinary disbarment or suspension in any jurisdiction in which the attorney is licensed;

(3) has not resigned from the bar of such other jurisdiction while under disciplinary suspension or while under disciplinary proceedings;

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

(5) satisfies the legal services limited license requirements set forth in this rule.

C. **Application procedure.** An applicant for a legal services limited license to represent legal services clients through a qualified legal services provider shall file with the clerk of the Supreme Court an application for a legal services limited license. The application shall be accompanied by the following:

(1) a certificate of admission to practice and good standing from each jurisdiction in which the applicant currently has an active license to practice law or in the case of an inactive attorney a certificate showing that attorney's inactive status;

(2) a letter from the director of the qualified legal services provider that employs the applicant certifying the applicant's employment, whether for monetary compensation or otherwise;

(3) a certificate signed by the applicant stating that the applicant has

(a) read and is familiar with the New Mexico Rules of Professional Conduct, other New Mexico Supreme Court rules and New Mexico statutes relating to the conduct of attorneys, and the Creed of Professionalism of the State Bar of New Mexico; and

(b) applied for a character and fitness investigation with the New Mexico Board of Bar Examiners in conformance with Rules 15-104(A) and (C) and 15-301 NMRA;

(4) a docket fee in the amount of one hundred twenty-five dollars (\$125.00) payable to the New Mexico Supreme Court and two hundred fifty dollars (\$250.00) payable to the New Mexico Board of Bar Examiners for a character and fitness investigation, with all fees and costs associated with an application for a legal services limited license being nonrefundable.

D. License; issuance and revocation.

(1) If an applicant for a legal services limited license to represent legal services clients through a qualified legal services provider complies with the provisions of this rule, the clerk of the Supreme Court may issue a legal services limited license.

(2) A legal services limited license issued under this rule permits the applicant to practice law in New Mexico only as an attorney representing legal services clients through a qualified legal services provider.

(3) The clerk of the Supreme Court shall revoke the legal services limited license of any person found in violation of this rule or any other rules approved by the Supreme Court regulating the licensing and conduct of attorneys or if, after notice from the Board of Bar Examiners, the Supreme Court revokes the limited license based on the Board's character and fitness investigation. Upon revocation of a legal services limited license, the limited licensee shall not represent any legal services client or appear before any court of the State of New Mexico representing any legal services client.

E. Suspension for failure to cooperate.

(1) *Petition for suspension for failure to cooperate.* The Board of Bar Examiners may file a petition for suspension of the limited license with the Supreme Court alleging that the attorney has not filed an application for a character and fitness investigation, has not responded to requests for information, has not appeared for a scheduled hearing, or has not produced records or documents requested by the Board of Bar Examiners and has not interposed a good-faith objection to producing the records or documents. The petition shall be supported by an affidavit setting forth sufficient facts to demonstrate the efforts undertaken by the Board to obtain the attorney's cooperation and compliance. A copy of the petition shall be served on the respondent-attorney.

(2) *Response to the petition.* If the respondent-attorney fails to file a response in opposition to the petition within fourteen (14) days after service of the petition, the Supreme Court may enter an

order suspending the attorney's limited license to practice law until further order of the Supreme Court. The attorney's response shall set forth facts showing that the attorney has complied with the requests or the reasons why the attorney has not complied, and the attorney may request a hearing.

(3) *Supreme Court action.* Upon consideration of a petition for suspension and the attorney's response, if any, the Supreme Court may suspend the attorney's limited license to practice law for an indefinite period pending further order of the Supreme Court, deny the petition, or issue any other appropriate orders. If a response to the petition is filed and the attorney requests a hearing on the petition, the Supreme Court may conduct a hearing or it may refer the matter to the Board for an expedited evidentiary hearing under Rule 15-301(C) NMRA. The Board's findings of fact and recommendations shall be sent directly to the Supreme Court within seven (7) days after receipt of the parties' proposed findings and conclusions if requested by the Board.

(4) *Reinstatement.* An attorney suspended under this paragraph may apply to the Supreme Court for reinstatement upon proof of compliance with the requests of the Board of Bar Examiners as alleged in the petition, or as otherwise ordered by the Court. A copy of the application must be delivered to the Board, who may file a response to the application within two (2) business days after being served with a copy of the application. The Supreme Court may summarily reinstate an attorney suspended under the provisions of this paragraph upon proof of compliance with the requests of the Board.

F. **Expiration.** The director of the qualified legal services provider that employed the attorney shall notify the clerk of the Supreme Court when the attorney is no longer employed by the qualified legal services provider. A legal services limited license shall expire upon the occurrence of any of the earliest of the following events:

- (1) termination of employment with a qualified legal services provider unless the provisions of Subparagraph (G)(5) of this rule are followed;
- (2) admission to the New Mexico Bar upon
 - (a) passing the bar examination;
 - (b) Uniform Bar Examination admission under Rule 15-202 NMRA; or
 - (c) admission on motion under Rule 15-107 NMRA; or
- (3) reinstatement under Rule 15-302 NMRA of an inactive member of the State Bar of New Mexico.

G. Legal services limited licensee status.

- (1) An applicant granted a legal services limited license under this rule shall be a member of the state bar and shall be subject to the Rules of Professional Conduct and the Rules Governing Discipline.
- (2) Licensees under this rule shall pay the annual state bar membership fee of one hundred twenty-five dollars (\$125.00).
- (3) The annual disciplinary fee assessment under Rule 17-203(A) NMRA is waived.
- (4) Licensees under this rule shall comply with the Rules for Minimum Continuing Legal Education.

(5) To avoid the expiration of a limited license under Subparagraph (F)(1) of this rule, an applicant who terminates employment with one qualified legal services provider and accepts employment with another qualified legal services provider must serve written notice on the clerk of the Supreme Court of the applicant's change in employment, and the employer must also comply with Subparagraph (C)(2) of this rule.

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