

1 **24-102.2. Inactive status members; withdrawn status.**

2 A. **Definitions.** The following definitions apply to this rule:

3 (1) “Inactive status” means an attorney admitted to the State Bar of New  
4 Mexico under Rule 15-302(A) NMRA, who has retired or discontinued the practice of law under  
5 Rule 17-202(D) NMRA, and who is no longer eligible to practice law in New Mexico unless  
6 practicing under a legal services provider limited law license under Rule 15-301.2 NMRA or as  
7 an emeritus attorney under Rule 24-111 NMRA.

8 (2) “Withdrawn status” means an attorney admitted to the State Bar of New  
9 Mexico under Rule 15-302(A) NMRA, who has voluntarily withdrawn the attorney’s membership  
10 under Paragraph E of this rule or had such membership withdrawn by order of the Supreme Court,  
11 so that the attorney is no longer eligible to practice law in New Mexico.

12 B. **Annual inactive status membership renewal.** Each calendar year, every member  
13 of the state bar in inactive status shall, no later than February 1, renew the member’s inactive  
14 membership with the State Bar of New Mexico. Inactive status membership renewal shall be  
15 comprised of

16 (1) completion of an annual inactive status registration statement as provided  
17 in Rule 24-102.1 NMRA; and

18 (2) payment to the executive director of the State Bar of New Mexico an annual  
19 inactive status membership fee, which fee shall be determined and fixed by the Board of Bar  
20 Commissioners prior to January of each calendar year.

21 C. **Exemptions.** A member of the state bar in inactive status shall be exempt from the  
22 CLE and reporting requirements of Rules 18-201 and 18-301 NMRA.

23 D. **Delinquency certification.**

1           (1)     Members of the state bar in inactive status who, by February 1, do not  
2     comply with one or more of the annual membership renewal requirements set forth in this rule  
3     shall be assessed a late fee of fifty dollars (\$50.00) to be paid no later than April 30 of the licensing  
4     year.

5           (2)     If an inactive status member's dues and late penalty are not received before  
6     the last day of April, the inactive status member shall be automatically placed on inactive  
7     suspended status by the State Bar of New Mexico without referral to the Supreme Court and until  
8     such time as the inactive status member corrects the deficiency. During the period of delinquency,  
9     the inactive status member shall not be in good standing with the State Bar of New Mexico. The  
10    inactive suspended status shall not be reported to the Supreme Court nor reflected on the attorney's  
11    permanent record with the Supreme Court.

12          (3)     If an inactive status member remains on inactive suspended status for five  
13    (5) or more years, the State Bar shall notify the clerk of the Supreme Court, who shall issue a  
14    certificate of withdrawal terminating the inactive status member's membership in the State Bar of  
15    New Mexico, unless otherwise directed by the Supreme Court.

16          E.     **Transferring to inactive status.** An attorney who has retired or is not engaged in  
17    the practice of law, may submit an application to the Board of Bar Commissioners on forms  
18    provided by the state bar for transfer to inactive status under this rule. Upon approval of the  
19    application by the Board of Bar Commissioners, the state bar shall notify the clerk of the Supreme  
20    Court. Upon receipt of the notice, the clerk of the Supreme Court shall change the membership  
21    status of the attorney on the official roll of attorneys effective as of the date on the application  
22    submitted to the Board of Bar Commissioners unless the Supreme Court directs otherwise.  
23    Attorneys in inactive status are not required to pay the fees required under Rule 17-203 NMRA

1 and Rule 17A-003 NMRA, but are required to pay the inactive status fee set by the Board of Bar  
2 Commissioners under this rule.

3       **F. Reinstatement of inactive attorneys.** An attorney on inactive status may seek  
4 reinstatement to active status under Rule 15-302(B)(1) NMRA.

5       **G. Withdrawn status.** Any member of the State Bar of New Mexico in good standing  
6 may file a written notice with the Supreme Court for voluntary withdrawal as a member of the bar  
7 of this state. Unless otherwise directed by the Supreme Court, on the filing of the written notice,  
8 the Supreme Court Clerk shall issue a certificate of withdrawal terminating the petitioner's  
9 membership in the State Bar of New Mexico, and the petitioner shall not thereafter be entitled to  
10 practice law in the courts of this state. No order of suspension for failure thereafter to meet any of  
11 the license renewal requirements in this rule or Rule 24-102 NMRA shall be entered against the  
12 member, and the member's withdrawal will not prejudice the member's record or standing during  
13 the period of membership in the bar of this state. Unless otherwise directed by the Supreme Court,  
14 a member who has voluntarily withdrawn or been placed on withdrawn status by the Supreme  
15 Court on or after December 31, 2016, shall be required to readmit under Rule 15-103 NMRA,  
16 including taking the bar examination or qualifying for admission by motion under Rule 15-107  
17 NMRA.

18       **H. Notices of active status change to withdrawn status.** If a member of the state bar  
19 in active status files a notice of status change from active status to withdrawn status, the Supreme  
20 Court Clerk shall, prior to processing such a request, confirm with the Disciplinary Board that no  
21 disciplinary complaints or investigations are pending. If the member is the subject of a complaint  
22 or Disciplinary Board investigation, the Clerk shall not process the status change until the matter  
23 is resolved, unless otherwise directed by the Supreme Court.

**RULES GOVERNING THE NEW MEXICO BAR**  
**RULE 24-102.2**  
**[NEW MATERIAL]**

**Supreme Court Approved**  
**November 1, 2021**

1 [Adopted by Supreme Court Order No. 21-8300-030, effective December 31, 2021.]

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