

1 **17-212. Resigned, disbarred or suspended attorneys.**

2           A.     **Notification of clients in pending matters.** An attorney who has resigned  
3 ~~[pursuant to]~~ under Rule 17-209 NMRA or has been disbarred or suspended ~~[pursuant to]~~ under  
4 the Rules Governing Discipline shall promptly notify by registered or certified mail, return receipt  
5 requested, in a form prescribed or approved by disciplinary counsel, all clients being represented  
6 by the attorney in pending matters, other than litigated or administrative matters or proceedings  
7 pending in any court or agency, of the resignation, disbarment or suspension and consequent  
8 inability to act as an attorney after the effective date of the resignation, disbarment or suspension,  
9 and shall inform the clients to seek legal advice elsewhere. If accepted by the Supreme Court, an  
10 attorney who enters into a conditional agreement ~~[pursuant to]~~ under Rule 17-211 NMRA that  
11 results in the attorney's resignation, suspension or disbarment shall provide the notice required  
12 herein to all clients whom the attorney represented as of the date that the conditional agreement  
13 was signed by the attorney. In any matter not involving a conditional agreement but in which the  
14 order of the Supreme Court suspending or disbarring an attorney delays the effective date of the  
15 resignation, suspension or disbarment, the attorney shall provide the notice required to all clients  
16 whom the attorney represented as of the date that the Court entered its order, regardless of the  
17 subsequent date that the suspension or disbarment takes effect. In all cases, the attorney shall also  
18 provide to each of the attorney's clients a copy of the order accepting or providing for the  
19 attorney's resignation or disbarring or suspending the attorney. An attorney who has resigned, been  
20 disbarred or suspended from the practice of law, or who has signed a conditional agreement  
21 providing for the attorney's resignation, suspension or disbarment, may not recommend to the  
22 attorney's clients any other lawyer to represent them but shall inform the client that the client may  
23 contact the State Bar of New Mexico for one of its lawyer referral programs.

1           B.     **Notification in litigated matters.** An attorney who has resigned [~~pursuant to~~]  
2 under Rule 17-209 NMRA or has been disbarred or suspended [~~pursuant to~~] under the Rules  
3 Governing Discipline shall promptly give notice of disbarment, suspension or resignation in a form  
4 prescribed or approved by the Disciplinary Board by registered or certified mail, return receipt  
5 requested: to each of his clients who is involved in litigated matters or administrative proceedings;  
6 to the attorney for each adverse party in such matter or proceeding or, if an adverse party is  
7 proceeding pro se, to the pro se adverse party; and to the court or administrative agency in which  
8 the matter is pending. The notice of disbarment, suspension or resignation shall set forth the  
9 effective date of the attorney's resignation, disbarment or suspension. The notice to be given to the  
10 client shall inform the client that he should seek the legal advice of another attorney or attorneys  
11 in his place. If accepted by the Supreme Court, an attorney who enters into a conditional agreement  
12 [~~pursuant to~~] under Rule 17-211 NMRA which results in the attorney's resignation, suspension or  
13 disbarment shall provide the notice required herein to all clients and all opposing counsel and pro  
14 se parties, courts and administrative agencies in all litigated or administrative matters pending on  
15 the date that the conditional agreement was signed by the attorney. In any matter not involving a  
16 conditional agreement but in which the order of the Supreme Court suspending or disbarring an  
17 attorney delays the effective date of the resignation, suspension or disbarment, the attorney shall  
18 provide the notice required to all clients and all opposing counsel and pro se parties, courts and  
19 administrative agencies in all litigated or administrative matters pending, on the date that the Court  
20 entered its order, regardless of the subsequent date that the suspension or disbarment takes effect.  
21 In all cases, the attorney shall also provide to each of the attorney's clients, to every opposing  
22 counsel and pro se party and to every court or administrative agency in each litigated or  
23 administrative matter a copy of the order accepting or providing for the attorney's resignation or

1    disbarring or suspending the attorney. An attorney who has resigned, been disbarred or suspended  
2    from the practice of law, or who has signed a conditional agreement providing for the attorney's  
3    resignation, suspension or disbarment, may not recommend to the attorney's clients any other  
4    lawyer to represent them. In the event the client does not obtain substitute counsel before the  
5    effective date of the resignation, disbarment or suspension, it shall be the responsibility of the  
6    attorney to advise in writing the court or agency in which the proceeding is pending, of the  
7    attorney's automatic withdrawal from participating further in the proceeding. The notice to be  
8    given to the attorney for an adverse party or to any pro se party shall state the place of residence  
9    of the client of the attorney.

10        C.     **Unauthorized practice of law.** An attorney who has resigned [~~pursuant to~~] under  
11    Rule 17-209 NMRA or has been disbarred or is suspended [~~pursuant to~~] under these rules, shall  
12    not accept any new retainer or engage as attorney for another in any case or legal matter of any  
13    nature. Further, an attorney who has resigned [~~pursuant to~~] under Rule 17-209 NMRA or has been  
14    disbarred or is suspended [~~pursuant to~~] under these rules shall not act as a non-attorney  
15    representative for another in any state, county, city or local public body administrative or personnel  
16    proceeding or matter of any kind unless specifically authorized by the Supreme Court and then  
17    only upon such terms and conditions as the Court deems appropriate. Subject to the approval of  
18    the Supreme Court, until the effective date of the resignation, suspension or disbarment, the  
19    attorney may on behalf of any client act on such matters that were pending on the date of the  
20    agreement or order.

21        D.     **Affidavit of compliance.** Within ten (10) days after the effective date of the  
22    resignation, disbarment or suspension order, the attorney shall file with the Supreme Court an  
23    affidavit showing:

1           (1)     the attorney has fully complied with the provisions of the order and with  
2 this rule; and

3           (2)     the attorney has served a copy of such affidavit upon disciplinary counsel.

4           The attorney shall file with the affidavit copies of the letters required to be sent [~~pursuant~~  
5 ~~to~~] under Paragraphs A and B of this rule. Such affidavit shall also set forth the residential or other  
6 address where communications may thereafter be directed to the attorney. In order that the attorney  
7 can be located in the event complaints are made about the attorney's conduct while the attorney  
8 was engaged in practice, for a period of five (5) years following the effective date of the  
9 resignation, disbarment or suspension order, the attorney shall continue to file a registration  
10 statement in accordance with Rule [~~17-202~~] 24-102.1 NMRA, listing the residence or other  
11 address where communications may thereafter be directed to the attorney.

12           E.     **Required records.** An attorney who has resigned [~~pursuant to~~] under Rule 17-  
13 209 NMRA or has been disbarred or suspended shall keep and maintain records of the various  
14 steps taken by the attorney under this rule so that upon any subsequent proceeding instituted by or  
15 against the attorney, proof of compliance with these rules and with the disbarment or suspension  
16 order will be available.

17           F.     **Contempt.** Any attorney who fails or refuses to comply with the provisions of this  
18 rule may be held in contempt of the Supreme Court.

19           [As amended by Supreme Court Order No. 12-8300-008, effective April 5, 2012; as  
20 amended by Supreme Court Order No. 15-8300-022, effective December 31, 2015; as amended  
21 by Supreme Court Order No. 20-8300-014, effective December 31, 2020; as amended by Supreme  
22 Court Order No. 21-8300-030, effective December 31, 2021.]

23