

1 **17-301. Applicability of rules; application of Rules of Civil Procedure and Rules of Appellate**
2 **Procedure; service.**

3 A. **Application of rules.** This article governs the procedure in disciplinary
4 proceedings before the New Mexico Supreme Court, the Disciplinary Board and its hearing
5 committees and reviewing officers.

6 B. **Application of Rules of Civil Procedure and Rules of Appellate**
7 **Procedure.** Except where clearly inapplicable to disciplinary proceedings or inconsistent with or
8 otherwise provided for by these rules, the Rules of Civil Procedure for the District Courts of New
9 Mexico shall be used in formal disciplinary proceedings. Except where clearly inapplicable to
10 disciplinary proceedings or inconsistent with or otherwise provided for by these rules or by Court
11 order, the Rules of Appellate Procedure shall apply to documents filed in the Supreme Court.

12 C. **Service.** Except as otherwise provided in these rules, the specification of charges,
13 all pleadings, notices, motions, orders, or other papers required to be served may be served on a
14 party unless the party is represented by an attorney in which case service may be upon the attorney.
15 Service upon an attorney or upon a party shall be made by delivering a copy to the attorney or
16 party, by mailing it to the attorney or party at the address listed on the most recent registration
17 statement filed under Rule [~~17-202~~] 24-102.1 NMRA or by electronic transmission in accordance
18 with Rule 12-307.2 NMRA to the email address of record listed on the most recent registration
19 statement filed under Rule [~~17-202~~] 24-102.1 NMRA. “Delivering a copy” as used in this rule
20 means handing it to the attorney or to the party; leaving it at the attorney’s or party’s office with
21 the attorney’s or party’s clerk or other person in charge thereof, or if there is no one in charge,
22 leaving it in a conspicuous place therein; or if the office is closed or the person to be served has
23 no office, leaving it at the attorney’s or party’s dwelling house or usual place of abode with some

1 person of suitable age and discretion therein. Service by mail is complete upon mailing and shall
2 constitute notice as required by these rules. Service by electronic transmission is complete as
3 defined by Rule 12-307.2 NMRA.

4 **D. Proof of service.** Except as otherwise provided in these rules or by order of the
5 Supreme Court or Disciplinary Board, proof of service of any pleading, motion, order, or other
6 paper required to be served shall be made by the certificate of the attorney of record, or if made by
7 any other person, by the affidavit of such person. Such certificate or affidavit shall be filed with
8 the Disciplinary Board or with the Supreme Court, as appropriate, or endorsed on the pleading,
9 motion, or other paper required to be served.

10 **E. Additional time after service by mail.** Whenever a party has the right or is
11 required to do some act or take some proceedings within a prescribed period after the service of a
12 notice or other paper upon the party and the notice or paper is served upon the party by mail, three
13 (3) days shall be added to the prescribed period.

14 [As amended by Supreme Court order No. 13-8300-045, effective December 31, 2013; as amended
15 by Supreme Court Order No. 17-8300-004, effective for all cases pending or filed on or after July
16 1, 2017; as amended by Supreme Court Order No. 21-8300-030, effective December 31, 2021.]

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