

1 **24-102. Annual license [fee] renewal requirements; noncompliance; reinstatement.**

2 [A.—~~**Determination of fees.** Every member of the state bar shall, prior to the first day~~
3 ~~of January of each year, pay to the executive director of the state bar an annual license fee, which~~
4 ~~fee shall be determined and fixed by the Board of Bar Commissioners prior to January of each~~
5 ~~calendar year.~~

6 B.—~~**Late penalties.** Members whose dues are received after the first day of February~~
7 ~~will be assessed a late payment penalty of one hundred dollars (\$100.00). Active members who~~
8 ~~fail to disclose professional liability insurance coverage information after the first day of March~~
9 ~~will be assessed a late disclosure penalty of one hundred dollars (\$100.00).~~

10 C.—~~**Delinquency certification.** If an inactive member's dues and late penalty are not~~
11 ~~received before the last day of March, the Board of Bar Commissioners shall, through its executive~~
12 ~~director, certify to the Supreme Court the name of such member on a list of names of all members~~
13 ~~failing to pay their annual license fees and late penalties. If an inactive member's dues and late~~
14 ~~penalty are not received before the last day of March, the inactive member shall be automatically~~
15 ~~placed on inactive suspended status by the state bar without referral to the Supreme Court and until~~
16 ~~such time as the inactive member corrects the deficiency. During the period of delinquency, the~~
17 ~~inactive member's membership status shall not be in good standing with the state bar, provided~~
18 ~~that the inactive suspended status shall not be reported to the Supreme Court nor reflected on the~~
19 ~~attorney's permanent record with the Supreme Court.~~

20 D.—~~**Suspension process for delinquency.** Whenever the Board of Bar Commissioners~~
21 ~~of the State Bar shall cause to be certified to the Supreme Court that any active member of the~~
22 ~~state bar has failed or refused to pay the license fee or late penalty fee immediately upon receipt~~
23 ~~of said certification from the executive director of the state bar, the clerk of the Supreme Court~~

1 ~~shall issue a citation requiring the delinquent member to show cause before the Court, within~~
2 ~~fifteen (15) days after service of such citation, why such member should not be suspended from~~
3 ~~the right to practice in the courts of this state. Service of such citation may be personal or by first~~
4 ~~class mail. The payment of such delinquent license fee on or before the return day of such citation,~~
5 ~~and payment of accrued costs, shall be deemed sufficient showing of cause, and shall serve to~~
6 ~~dismiss the citation. Suspension orders shall be served by certified mail.~~

7 ~~E. — **Reinstatement.** Any member suspended under the provisions of this rule shall be~~
8 ~~required to petition the Board of Bar Examiners for reinstatement, and as a condition precedent to~~
9 ~~any granting of reinstatement pursuant to Paragraph B of Rule 15-302 NMRA shall be required to~~
10 ~~pay a reinstatement fee of:~~

11 ~~—— (1) —— twice that member's then license fee, plus~~

12 ~~—— (2) —— all fees in arrears, plus~~

13 ~~—— (3) —— all accrued late penalty payments.~~

14 ~~F. — **Withdrawn status.** Any active or inactive attorney in good standing may file a~~
15 ~~written notice with the Supreme Court for voluntary withdrawal as a member of the bar of this~~
16 ~~state. Upon the filing of such written notice, the Supreme Court Clerk shall issue a certificate of~~
17 ~~withdrawal terminating the petitioner's membership in the bar of this state, and the petitioner shall~~
18 ~~not thereafter be entitled to practice law in the courts of this state. No order of suspension for~~
19 ~~failure thereafter to pay the annual bar license fee will be entered against such member, and the~~
20 ~~member's withdrawal will not prejudice the member's record or standing during the period of~~
21 ~~membership in the bar of this state. Unless otherwise ordered by the Supreme Court, a member~~
22 ~~who has voluntarily withdrawn or been placed on withdrawn status by the Supreme Court shall be~~

1 ~~required to readmit under Rule 15-103 NMRA, including taking the bar examination or qualifying~~
2 ~~for admission by motion under Rule 15-107 NMRA.~~

3 ~~G.—~~ **Waiver requests.** ~~The Board of Bar Commissioners may waive all or part of any~~
4 ~~license fee in cases of extreme individual hardship. If the Board of Bar Commissioners receives a~~
5 ~~petition for waiver for all or part of any license fee relying on a physical, mental, or emotional~~
6 ~~infirmity, impairment, incapacity, or illness as an extreme individual hardship under this rule, the~~
7 ~~Board of Bar Commissioners shall refer the matter to the Disciplinary Board for a determination~~
8 ~~under Rule 17-208 NMRA. If the Disciplinary Board decides not to initiate proceedings under~~
9 ~~Rule 17-208 NMRA, the Board of Bar Commissioners shall be notified that it may proceed to~~
10 ~~consider whether the petition for waiver should be granted on the basis of an extreme individual~~
11 ~~hardship. In cases where a petition for waiver of all or part of any license fee has been rejected by~~
12 ~~the Board of Bar Commissioners, an attorney may petition the Supreme Court for modification or~~
13 ~~reversal of the action of the board.~~

14 ~~H.—~~ **Deposit, disbursement, and audit of fees collected.** ~~All moneys collected by the~~
15 ~~executive director in accordance with the provisions of this rule shall be deposited to an account~~
16 ~~designated as State Bar of New Mexico general fund and shall be disbursed by order of the Board~~
17 ~~of Bar Commissioners in carrying out the functions, duties, and powers vested in said board. The~~
18 ~~Board of Bar Commissioners shall, on or before March 1 of each year, submit to the Supreme~~
19 ~~Court of New Mexico an accounting and audit of all funds received and disbursed during the prior~~
20 ~~calendar year. Such audit shall be performed by an auditor to be selected by the board. No member~~
21 ~~of the Board of Bar Commissioners or any committee member appointed by the board shall receive~~
22 ~~any compensation, but shall receive mileage and per diem at the same rate as provided for public~~
23 ~~officers and employees of the state and may be reimbursed with the approval of the Board of Bar~~

1 ~~Commissioners for expenses incurred in conjunction with travel on Board of Bar Commission~~
2 ~~business.]~~

3 A. **Scope.** This rule applies to all members of the state bar on active status, including
4 judges who are attorneys licensed in New Mexico and attorneys holding limited licenses under
5 Rule 15-301.1 NMRA or Rule 15-301.2 NMRA.

6 B. **Definitions.** The following definitions apply to this rule:

7 (1) “Active status” means

8 (a) an attorney admitted to the State Bar of New Mexico under Rule 15-
9 302(A) NMRA who is not on inactive or withdrawn status under Rule 24-102.1 NMRA, who is
10 not suspended under Subparagraph (E)(4) of this rule, and who is not suspended, disbarred, or on
11 disability inactive status from the practice of law under the Rules Governing Discipline; or

12 (b) an attorney who holds a valid limited license under Rules 15-301.1 or
13 15-301.2 NMRA.

14 (2) “Annual certifications” means all certifications required to be completed
15 annually by New Mexico Supreme Court rule or order, including

16 (a) pro bono certification required by Rule 24-108(C) NMRA;

17 (b) professional liability insurance certification required by Rule 16-
18 104(C)(7) NMRA;

19 (c) succession plan certification required by Rule 16-119 NMRA,
20 effective for registration statements submitted on or after October 1, 2022;

21 (d) trust account certification required by Rules 24-109(B)(7) and 17-
22 204 NMRA; and

1 (e) trust accounting continuing legal education certification required by
2 Rule 17-204(C) NMRA.

3 (3) “Licensing year” means January 1 through December 31 of the current year
4 for which annual license renewal is required under Paragraph C of this rule.

5 (4) “MCLE” means the educational requirements for attorneys under the Rules
6 for Minimum Continuing Legal Education.

7 C. **Annual license renewal.** No later than February 1 of every licensing year, every
8 member of the state bar in active status shall renew the member’s license to practice law in New
9 Mexico in accordance with this rule. License renewal shall be comprised of

10 (1) completion of a registration statement as defined in Rule 24-102.1 NMRA;

11 (2) completion of required annual certifications;

12 (3) completion of MCLE for the calendar year preceding the licensing year in
13 accordance with Rule 18-201 NMRA; and

14 (4) payment to the executive director of the state bar an annual license fee,
15 which fee shall be determined and fixed by the Board of Bar Commissioners prior to January of
16 each calendar year or by Rule 15-301.1 NMRA or Rule 15-301.2 NMRA for holders of a limited
17 license.

18 D. **Waiver.**

19 (1) **Waiver requests.**

20 (a) *Extreme hardship waiver.* Upon petition and a finding of the Board
21 of Bar Commissioners of extreme individual hardship, the board may waive all or part of the
22 annual license renewal requirements in Subparagraphs (C)(3) and (C)(4) of this rule and any
23 associated late fees provided that the annual license renewal requirements in Subparagraphs (C)(1)

1 and (C)(2) are satisfied. If the board receives a petition for waiver of all or part of the license
2 renewal requirements based on a physical, mental, or emotional infirmity, impairment, incapacity,
3 or illness as an extreme individual hardship under this rule, the board shall refer the matter to the
4 Disciplinary Board for a determination under Rule 17-208 NMRA. If the Disciplinary Board
5 decides not to initiate proceedings under Rule 17-208 NMRA, the Board of Bar Commissioners
6 shall be notified that it may proceed to consider whether the petition for waiver should be granted
7 on the basis of an extreme individual hardship.

8 (b) *U.S. military active duty waiver.* Members of the state bar in active
9 status who are in the armed services of the United States and serve one hundred eighty (180) days
10 or more in any licensing year on full-time active duty may petition the Board of Bar
11 Commissioners for waiver of the annual license renewal requirements in Subparagraphs (C)(3)
12 and (C)(4) of this rule provided that the annual license renewal requirements in Subparagraphs
13 (C)(1) and (C)(2) are satisfied during that year. To be eligible for this waiver, the member must
14 provide to the state bar a certification of the member’s military service dates.

15 (2) *Petition requirements.* Petitions for waiver must be in writing and filed with
16 the Board of Bar Commissioners no later than February 1 of the licensing year. The petition must
17 state briefly the facts supporting the petitioner’s claim and may be accompanied by supporting
18 evidence or documentation. The Board may accept an untimely petition for waiver upon a showing
19 of excusable neglect or circumstances beyond the control of the petitioner.

20 (3) *Hearing and decision on petition.* The board may, in its discretion, request
21 that the petitioner appear before the board for a hearing on the petition. No record of the hearing
22 is required, and the entire board need not be present at the hearing. The decision of the board to
23 grant or deny a waiver request shall be final, provided that denied requests may be reviewed by

1 the Supreme Court upon request of a member who responds to a citation and order to show cause
2 issued under Subparagraph (E)(3) of this rule.

3 **E. Delinquency certification, late fee, and suspension.**

4 (1) Members of the state bar in active status who, by February 1 of the licensing
5 year, do not comply with any of the license renewal requirements in Paragraph C of this rule or
6 receive a waiver under Paragraph D of this rule shall be assessed a late fee of two hundred seventy-
7 five dollars (\$275.00) to be paid no later than April 30 of the licensing year. Payment of the late
8 fee does not eliminate the requirement to comply with the license renewal requirements in
9 Paragraph C of this rule.

10 (2) By the second Monday in May of the licensing year, the Board of Bar
11 Commissioners, through its executive director, shall compile and certify to the Supreme Court a
12 list of members of the state bar in active status who have failed or refused to comply with the
13 license renewal requirements in Paragraph C of this rule or failed to pay the assessed late fee in
14 Subparagraph (E)(1) of this rule.

15 (3) After receipt of the certification from the executive director of the state bar,
16 the clerk of the Supreme Court shall issue a citation and order to show cause requiring the
17 delinquent member to show cause before the Court, within fifteen (15) days after service of the
18 citation, why the member should not be suspended from the practice of law in this state. Service
19 of the citation and order to show cause may be personal, by first class mail, or by electronic service
20 in accordance with Rule 12-307.2 NMRA through the Court's electronic filing system using the
21 member's email address of record under Rule 17-202(A)(1)(d) NMRA. Completion of the
22 licensing renewal requirements under Paragraph C of this rule and payment of assessed fees under
23 Subparagraph (E)(1) of this rule on or before the response deadline in the citation and order to

1 show cause shall be deemed sufficient showing of cause, and, unless otherwise ordered by the
2 Supreme Court, the clerk shall issue an order dismissing the citation and order to show cause.

3 (4) Attorneys who fail to respond to the citation and order to show cause or fail
4 to show that they have complied with the annual license renewal requirements in this rule shall be
5 suspended from the practice of law in New Mexico. Suspension orders shall be served by certified
6 mail and by electronic service in accordance with Rule 12-307.2 NMRA through the Court's
7 electronic filing system using the member's email address of record under Rule 17-202(A)(1)(d)
8 NMRA. The Board of Bar Commissioners shall report the names of attorneys suspended under
9 this rule to the Disciplinary Board for a determination under Rule 17-208 NMRA.

10 **F. Reinstatement.**

11 (1) A member suspended under the provisions of this rule shall pay a
12 reinstatement fee to the state bar of five hundred dollars (\$500.00), remedy the deficiencies that
13 led to the suspension, and satisfy all other applicable requirements for an active status attorney in
14 New Mexico as a condition precedent to a grant of reinstatement.

15 (2) A member suspended two or more times under the provisions of this rule
16 after December 31, 2021, shall, in addition to the requirements listed in Subparagraph (F)(1) of
17 this rule, submit an application to the Board of Bar Examiners for reinstatement under Rule 15-
18 302(B)(2) NMRA.

19 **G. Deposit, disbursement, and audit of fees collected.**

20 (1) All moneys collected by the executive director in accordance with the
21 provisions of this rule shall be deposited to an account designated as State Bar of New Mexico
22 general fund and shall be disbursed by order of the Board of Bar Commissioners in carrying out
23 the functions, duties, and powers vested in the board.

1 (2) The Board of Bar Commissioners shall, on or before June 30 of each year,
2 submit to the Supreme Court of New Mexico an accounting and audit of all funds received and
3 disbursed during the prior calendar year. This audit shall be performed by an auditor to be selected
4 by the board.

5 (3) No member of the Board of Bar Commissioners or any committee member
6 appointed by the board shall receive any compensation, but shall receive mileage and per diem at
7 the same rate as provided for public officers and employees of the state and may be reimbursed
8 with the approval of the Board of Bar Commissioners for expenses incurred in conjunction with
9 travel on Board of Bar Commission business.

10 [As amended December 22, 1986; May 9, 1985; March 1, 1988; September 1, 1991; June 1, 1992;
11 April 19, 2001; as amended by Supreme Court Order No. 06-8300-022, effective October 24,
12 2006; as amended by Supreme Court Order No. 13-8300-039, effective December 31, 2013; as
13 amended by Supreme Court Order No. 16-8300-035, effective for status changes on or after
14 December 31, 2016; as amended by Supreme Court Order No. 21-8300-030, effective December
15 31, 2021.]