

RULES OF PROFESSIONAL CONDUCT
RULE 16-704
[WITHDRAWN]

Supreme Court Approved
November 1, 2021

1 ~~[16-704. Communication of fields of practice and specialization.~~

2 ~~——— A.—— **Communication of fields of practice.** A lawyer may communicate the fact that the~~
3 ~~lawyer does or does not practice in particular fields of law.~~

4 ~~——— B.—— **Patent practice.** A lawyer admitted to engage in patent practice before the United~~
5 ~~States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially~~
6 ~~similar designation.~~

7 ~~——— C.—— **Admiralty practice.** A lawyer engaged in admiralty practice may use the~~
8 ~~designation "Admiralty", "Proctor in Admiralty" or a substantially similar designation.~~

9 ~~——— D.—— **Certification by organization.** A lawyer shall not state or imply that a lawyer is~~
10 ~~certified as a specialist in a particular field of law, unless~~

11 ~~——— (1) the lawyer has been certified as a specialist by the State Bar of New Mexico, an~~
12 ~~organization that has been approved by an appropriate authority of another state, or by an~~
13 ~~organization that has been accredited by the American Bar Association; and~~

14 ~~——— (2) the name of the certifying organization is clearly identified in the~~
15 ~~communication.~~

16 ~~[As amended, effective August 1, 1992; December 1, 1992; as amended by Supreme Court Order~~
17 ~~No. 08-8300-029, effective November 3, 2008; as amended by Supreme Court Order No. 18-~~
18 ~~8300-018, effective December 31, 2018] Withdrawn by Supreme Court Order No. 21-8300-014,~~
19 ~~effective December 31, 2021.~~

20 ~~[——— **Committee commentary.**——~~

21 ~~——— [1]—— Paragraph A of this rule permits a lawyer to indicate areas of practice in~~
22 ~~communications about the lawyer's services. If a lawyer practices only in certain fields or will not~~
23 ~~accept matters except in a specified field or fields, the lawyer is permitted to so indicate. A lawyer~~

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1 is generally permitted to state that the lawyer is a “specialist,” practices a “specialty,” or
2 “specializes in” particular fields, but such communications are subject to the “false and
3 misleading” standard applied in Rule 16-701 NMRA of the Rules of Professional Conduct to
4 communications concerning a lawyer’s services.

5 ——— [2] ——— Paragraph B recognizes the long-established policy of the Patent and Trademark
6 Office for the designation of lawyers practicing before that office. Paragraph C recognizes that
7 designation of admiralty practice has a long historical tradition associated with maritime
8 commerce and the federal courts.

9 ——— [3] ——— Paragraph D permits a lawyer to state that the lawyer is certified as a specialist in a
10 field of law if such certification is granted by the State Bar of New Mexico; by an organization
11 that has been approved by an appropriate authority of another state; or by an organization that has
12 been accredited by the American Bar Association. This may include a state bar association that
13 has been approved by the state authority to accredit organizations that certify lawyers as specialists.
14 Certification signifies that an objective entity has recognized an advanced degree of knowledge
15 and experience in the specialty area greater than is suggested by general licensure to practice law.
16 Certifying organizations may be expected to apply standards of experience, knowledge, and
17 proficiency to ensure that a lawyer’s recognition as a specialist is meaningful and reliable. In order
18 to ensure that consumers can obtain access to useful information about an organization granting
19 certification, the name of the certifying organization must be included in any communication
20 regarding the certification.

21 [~~Adopted by Supreme Court Order No. 08-8300-029, effective November 3, 2008; as amended by~~
22 ~~Supreme Court Order No. 18-8300-018, effective December 31, 2018]~~ Withdrawn by Supreme
23 Court Order No. 21-8300-014, effective December 31, 2021.]