

1 **15-301.3. Military spouse attorney limited license.**

2           A.     **Definitions.** For purposes of this rule the following definitions apply:

3                   (1)     “dependent” is used as defined by the United States Department of Defense  
4 (or, for the Coast Guard when it is not operating as a service in the United States Navy, by the  
5 United States Department of Homeland Security);

6                   (2)     “military spouse attorney” means an attorney who is the spouse of an active  
7 duty service member of the United States Uniformed Services stationed within the State of New  
8 Mexico and resides or intends to reside in the State of New Mexico within the next six (6) months  
9 of the date of application for limited license; and

10                  (3)     “service member” is used as defined by the United States Department of  
11 Defense.

12           B.     **Eligibility.** On application, the clerk of the Supreme Court may issue a limited  
13 license to a military spouse attorney who

14                   (1)     holds an active license to practice law in another state, territory, or  
15 protectorate of the United States or the District of Columbia;

16                   (2)     is in good standing in all jurisdictions where the military spouse attorney is  
17 admitted to practice;

18                   (3)     has not resigned from the bar of another jurisdiction while under  
19 disciplinary suspension or while under disciplinary proceedings;

20                   (4)     is not the subject of current or pending disciplinary proceedings in any other  
21 jurisdiction; and

22                   (5)     satisfies the limited license requirements set forth in this rule.

1           C.     **Application procedure.** A military spouse attorney applicant for a limited license  
2 shall file with the clerk of the Supreme Court an application for limited license which shall be  
3 accompanied by the following:

4                   (1)     a certificate of admission to practice and good standing from each  
5 jurisdiction in which the applicant currently has an active license to practice law and proof of  
6 compliance with Rule 15-103(B)(1) NMRA;

7                   (2)     documentation demonstrating  
8                           (a)     receipt of a juris doctor or bachelor of laws and letters degree of a  
9 law school formally accredited by the American Bar Association and license to practice law in  
10 another jurisdiction; or

11                           (b)     receipt of a juris doctor or bachelor of laws and letters degree of any  
12 law school and proof of the active practice of law in another state or states for at least two (2) out  
13 of the last four (4) years immediately preceding the military spouse attorney’s application for  
14 limited admission to practice in New Mexico;

15                   (3)     a certificate signed by the military spouse attorney stating that

16                           (a)     the applicant has read and is familiar with the New Mexico Rules of  
17 Professional Conduct, including the succession plan requirements of Rule 16-119 NMRA; the New  
18 Mexico Rules Governing Discipline, including the trust accounting requirements of Rule 17-204  
19 NMRA; the Creed of Professionalism of the State Bar of New Mexico; and the rules of the  
20 Supreme Court of New Mexico and the New Mexico statutes relating to the conduct of attorneys;

21                           (b)     if an applicant is a graduate of a law school accredited by the  
22 American Bar Association, the applicant has applied for a character and fitness investigation with

1 the New Mexico Board of Bar Examiners under Rules 15-103(C), 15-104, and 15-301 NMRA;

2 and

3 (c) if an applicant is not a graduate of a law school accredited by the  
4 American Bar Association, the applicant has applied for a character and fitness investigation with  
5 the New Mexico Board of Bar Examiners under Rules 15-103(C), 15-104, and 15-301 NMRA,  
6 excepting that active practice requirements for the certificate required by Rule 15-104(C)(3)(c) are  
7 two (2) years of active engagement in the actual practice of law out of the past four (4) years;

8 (4) evidence of a minimum scaled score of eighty (80) on the Multistate  
9 Professional Responsibility Examination; and

10 (5) the New Mexico Supreme Court docket fee, the New Mexico Board of Bar  
11 Examiners character and fitness investigation fee, and any fees and costs associated with a  
12 character and fitness hearing.

13 **D. Application fees and costs; return of documents.** All fees and costs associated  
14 with an application for limited license are nonrefundable. Certificates of admission from other  
15 states may be sent directly to the Board of Bar Examiners under separate cover. All those papers  
16 will be returned to the applicant in due course. Other documents submitted will be returned to the  
17 applicant, if requested, on approval by the chair or vice chair of the Board of Bar Examiners

18 **E. License; issuance and revocation.**

19 (1) If an applicant for a limited license to practice as a military spouse attorney  
20 complies with the provisions of this rule, the clerk of the Supreme Court may issue a limited license  
21 to practice law as a military spouse attorney.

22 (2) A limited license under this rule only permits the licensee to practice law in  
23 New Mexico as a military spouse attorney.

1                   (3)     The clerk of the Supreme Court shall revoke the limited license of the  
2 military spouse attorney if

3                   (a)     the attorney is found in violation of this rule or any other rule  
4 approved by the Supreme Court regulating the licensing or conduct of attorneys; or

5                   (b)     the Supreme Court revokes the limited license based on the  
6 character and fitness investigation conducted by the Board of Bar Examiners.

7 On revocation of a limited license, the military spouse attorney shall not appear in any court in this  
8 state as an attorney.

9           **F.     Suspension for failure to cooperate.**

10           (1)     ***Petition for suspension for failure to cooperate.*** The Board of Bar  
11 Examiners may file a petition for suspension of the limited license with the Supreme Court alleging  
12 that the military spouse attorney has not filed an application for a character and fitness  
13 investigation, has not responded to requests for information, has not appeared for a scheduled  
14 hearing, or has not produced records or documents requested by the Board of Bar Examiners and  
15 has not interposed a good-faith objection to producing the records or documents. The petition shall  
16 be supported by an affidavit setting forth sufficient facts to demonstrate the efforts undertaken by  
17 the Board of Bar Examiners to obtain the military spouse attorney’s cooperation and compliance.  
18 A copy of the petition shall be served on the military spouse attorney.

19           (2)     ***Response to the petition.*** If the military spouse attorney fails to file a  
20 response in opposition to the petition within fourteen (14) days after service of the petition, the  
21 Supreme Court may enter an order suspending the military spouse attorney’s limited license to  
22 practice law until further order of the Supreme Court. The military spouse attorney’s response shall  
23 set forth facts showing that the military spouse attorney has complied with the requests or the

1 reasons why the military spouse attorney has not complied, and the military spouse attorney may  
 2 request a hearing.

3 (3) **Supreme Court action.** On consideration of a petition for suspension and  
 4 the military spouse attorney’s response, if any, the Supreme Court may suspend the military spouse  
 5 attorney’s limited license to practice law for an indefinite period pending further order of the  
 6 Supreme Court, deny the petition, or issue any other appropriate orders. If a response to the petition  
 7 is filed and the military spouse attorney requests a hearing on the petition, the Supreme Court may  
 8 conduct a hearing or it may refer the matter to the Board of Bar Examiners for an expedited  
 9 evidentiary hearing under Rule 15-301(C) NMRA. The Board of Bar Examiners’ findings of fact  
 10 and recommendations shall be sent directly to the Supreme Court within seven (7) days after  
 11 receipt of the parties’ proposed findings and conclusions if requested by the Board of Bar  
 12 Examiners.

13 (4) **Reinstatement.** A military spouse attorney suspended under this paragraph  
 14 may apply to the Supreme Court for reinstatement on proof of compliance with the requests of the  
 15 Board of Bar Examiners as alleged in the petition, or as otherwise ordered by the Supreme Court.  
 16 A copy of the application must be delivered to the Board of Bar Examiners, which may file a  
 17 response to the application within two (2) business days after being served with a copy of the  
 18 application. The Supreme Court may summarily reinstate a military spouse attorney suspended  
 19 under the provisions of this paragraph on proof of compliance with the requests of the Board of  
 20 Bar Examiners.

21 **G. Expiration.**

22 (1) A limited license issued under this rule shall expire one hundred eighty  
 23 (180) days after the occurrence of any of the earliest of the following events:

1 (a) the military spouse attorney ceases to be a dependent;

2 (b) the service member is permanently transferred outside the  
3 jurisdiction under military orders, but if the service member has been assigned to an  
4 unaccompanied or remote assignment with no dependents authorized, the military spouse attorney  
5 may continue to practice under the provisions of this rule until the service member is assigned to  
6 a location with dependents authorized;

7 (c) the military spouse attorney permanently relocates to another  
8 jurisdiction for reasons other than the service member's permanent transfer outside the  
9 jurisdiction;

10 (d) the military spouse attorney is admitted to the State Bar of New  
11 Mexico under Rules 15-201, 15-202, or 15-107 NMRA; or

12 (e) the military spouse attorney requests termination.

13 (2) If any event listed in this paragraph occurs, the military spouse attorney  
14 shall notify the Board of Bar Examiners, clients, and courts in which the military spouse attorney  
15 has entered an appearance of the event in writing within sixty (60) days of the date on which the  
16 event occurs and take appropriate action under Rule 16-116 NMRA of the New Mexico Rules of  
17 Professional Conduct in those matters for which the termination of the limited license requires  
18 declining or terminating representation.

19 (3) When a limited license expires or is revoked, a military spouse attorney who  
20 resides or maintains a legal residence in this state may be admitted to the practice of law for a  
21 particular case under the pro hac vice rules approved by the Supreme Court.

22 H. **Limited licensee status.**

**RULES GOVERNING ADMISSION TO THE BAR**

**Supreme Court Approved**

**RULE 15-301.3**

**August 19, 2022**

**[NEW MATERIAL]**

1                   (1)     A military spouse attorney granted a limited license under this rule shall be  
2 a member of the State Bar of New Mexico and shall be subject to the Rules of Professional Conduct  
3 and the Rules Governing Discipline.

4                   (2)     Licensees under this rule shall pay the annual license fee under Rule 24-102  
5 NMRA and the annual disciplinary fee assessment under Rule 17-203(A) NMRA.

6                   (3)     Licensees under this rule shall comply with the Rules for Minimum  
7 Continuing Legal Education.

8                   (4)     Within one (1) year of receiving a limited license, licensees shall complete  
9 a trust accounting class to comply with Rule 17-204 NMRA of the New Mexico Rules Governing  
10 Discipline, unless the licensee is exempt under Rule 17-204(E) NMRA.

11                  (5)     Within one hundred twenty (120) days of receiving a limited license, the  
12 licensee shall submit a statement to the Board of Bar Examiners certifying that the licensee or the  
13 law firm employing the licensee is in compliance with the succession planning requirements of  
14 Rule 16-119 NMRA of the New Mexico Rules of Professional Conduct.

15 [Adopted by Supreme Court Order No. 22-8300-013, effective October 1, 2022.]