

**PROPOSED REVISIONS TO THE RULES GOVERNING ADMISSION TO THE BAR
PROPOSAL 2017-033**

Amendments to Rule 15-301.1 NMRA are recommended for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's web site at <http://supremecourt.nmcourts.gov/open-for-comment.aspx> or sending your written comments by mail, email, or fax to:

Joey D. Moya, Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
nmsupremecourtclerk@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2017, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

15-301.1. Public employee limited license.

A. Definitions. As used in this rule[:]

- (1) "public employee" means any officer, employee, or servant of a governmental entity, excluding independent contractors;
- (2) "governmental entity" means ~~the~~ any state agency or any local public body as defined in Subparagraphs (3) and (4) of this paragraph;
- (3) "local public body" means all political subdivisions of this state and their agencies, instrumentalities and institutions;
- (4) "state agency" means any of the branches, agencies, departments, boards, instrumentalities, or institutions of the ~~state~~ State of New Mexico.

B. Eligibility. Upon application, the clerk of the Supreme Court may issue a limited non-renewable one (1) year license to an attorney who[:]

- (1) is admitted to practice law in another state, territory, or protectorate of the United States or the District of Columbia;
- (2) is in good standing to practice law in each state in which the attorney is licensed; and
- (3) satisfies the limited license requirements set forth in this rule.

C. Application procedure. An applicant for a limited license to represent public defender clients or any governmental entity in this state shall file with the clerk of the Supreme Court an application for limited license which shall be accompanied by[:]

- (1) a certificate of admission to practice and good standing from each state in which the applicant is licensed to practice law and proof of compliance with Subparagraphs

~~(B)(1) and (2) [of Paragraph B]~~ of Rule 15-103 NMRA;

(2) a letter from the head of the governmental entity which has employed the applicant certifying employment with that governmental entity;

(3) a certificate signed by the applicant that the applicant has read and is familiar with the New Mexico Rules of Professional Conduct and rules of the Supreme Court of New Mexico and the New Mexico statutes relating to the conduct of attorneys; and

(4) a docket fee in the amount of one hundred twenty-five dollars (\$125.00) payable to the New Mexico Supreme Court and disciplinary fee in the amount of one hundred fifty dollars (\$150.00) payable to the Disciplinary Board, with all fees and costs associated with an application for limited license being nonrefundable.

~~[All fees and costs associated with an application for limited license are not refundable.]~~

D. License; issuance and revocation.

(1) If an applicant for a limited license to represent public defender clients or a governmental entity complies with the provisions of this rule, the clerk of the Supreme Court may issue a limited, one (1) year license to represent public defender clients or practice law as an employee of a governmental entity. This license shall not be renewed.

(2) A limited license issued ~~[pursuant to]~~ under this rule only permits the limited licensee to practice law in New Mexico as a public employee representing public defender clients or a governmental entity.

(3) The clerk shall revoke the limited license of any person found in violation of these rules, any rule approved by the Supreme Court, or any state or federal law. Upon revocation of a limited license, the ~~[applicant]~~ limited licensee shall not appear in any court in this ~~[State]~~ state as an attorney[;].

E. Expiration. An attorney who is issued a limited license to represent public defender clients or practice law as an employee of a governmental entity shall take the next New Mexico bar examination for which the applicant is eligible or shall, within ninety (90) days of the date the limited license is issued, begin the process for seeking admission by motion under Rule 15-107 NMRA or by transferred Uniform Bar Examination score under Rule 15-202 NMRA. A limited license issued ~~[pursuant to]~~ under this rule shall expire upon occurrence of the earliest of the following events:

(1) the expiration of one (1) year from the date of issuance by the New Mexico Supreme Court;

(2) notification that the ~~[applicant]~~ limited licensee has failed the New Mexico bar ~~[exam]~~ examination or has been denied admission by motion under Rule 15-107 NMRA or by transferred Uniform Bar Examination score under Rule 15-202 NMRA;

(3) termination of employment with the governmental entity;

(4) failure of the limited licensee to take the next bar examination for which the limited licensee is eligible or timely initiate the process for seeking admission by motion under Rule 15-107 NMRA or by transferred Uniform Bar Examination score under Rule 15-202 NMRA; or

(5) admission to the New Mexico Bar upon passing the bar examination, upon admission by motion under Rule 15-107 NMRA, or upon admission by transferred Uniform Bar Examination score under Rule 15-202 NMRA[;or].

~~[_____ (6) _____]~~ Once a limited license expires or is revoked, an attorney who

resides or maintains a legal residence in this State shall not be admitted to the practice of law for a particular case under the pro hac vice rules approved by ~~[this]~~ the Supreme Court.

F. Limited licensee status. An attorney granted a limited license pursuant to this rule shall not be a member of the ~~[state bar]~~ New Mexico Bar but shall be subject to the Rules of Professional Conduct and the Rules Governing Discipline. Licensees shall pay the annual disciplinary fee as part of the application process.

[Approved, effective June 13, 2000; as amended effective February 28, 2002; October 24, 2003; March 29, 2004; as amended by Supreme Court Order 05-8300-10, effective September 1, 2005; as amended by Supreme Court Order _____, effective _____.]

Your Name
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Proposal Number
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Comment

This proposed rule change accurately reflects the necessary changes following adoption of both reciprocal admission on motion and Uniform Bar Examination transfer as avenues for admission to the New Mexico bar.

SUPREME COURT OF NEW MEXICO
FILED

MAR 23 2017

A handwritten signature in black ink, appearing to be 'S.M.', is written below the date stamp.

**FAXED
ORIGINAL****MICHAEL O. ESHLEMAN**ATTORNEY-AT-LAW-ADMITTED IN OHIO
P.O. Box 100-KINGS MILLS, OHIO 45034

March 30th, 2017

The Honorable Joey D. Moya,
Office of the Clerk,
New Mexico Supreme Court
237 Don Gaspar Avenue, Room 104
Santa Fe, New Mexico 87501SUPREME COURT OF NEW MEXICO
FILED

MAR 30 2017

Via fax to 505-827-4837

Re: Comment on Rules Proposal 2017-033
Limited licenses to practice law

Dear Mr. Clerk:

I am an attorney admitted in New Mexico, presently on inactive status. I previously was a public defender with the New Mexico Public Defender Department. When I began work there, I worked on a limited license as I had been admitted to practice in Ohio. Admission on motion did not exist in New Mexico at that time and I received my limited license contingent on my taking and passing the next New Mexico bar examination.

I believe this proposal should be modified to account for the possibility that someone coming from another state and receives a limited license might be denied admission on motion on the grounds that the attorney had not engaged in the practice of law for a sufficient time under the admission on motion rules. Such an attorney should be given the opportunity to sit for the New Mexico bar examination and keep the limited license while awaiting bar results.

I know that some state's admission on motion rules allow those denied admission on motion because of time issues to convert their application to one for taking the bar examination. I believe this proposal should be modified in a similar way.

With warm regards, I am,

Yours very truly,

