

1 ***Bylaws***

2 **ARTICLE I**

3 **PURPOSES**

4 The purposes of the State Bar of New Mexico (hereinafter referred to as the “State Bar”), in conjunction with  
5 Rule 24-101, are:

6 To aid in improving the administration of justice;

7 To promote the interests of the legal profession in the State of New Mexico;

8 To promote and support the needs of all members, including the full and equal participation by  
9 minorities and women in the State Bar and the legal profession at large;

10 To improve the relationships between the legal profession and the public;

11 To encourage and assist in the delivery of legal services to all in need of such services;

12 To foster and maintain high ideals of integrity, learning, competence and public service;

13 To provide a forum for the discussion of subjects pertaining to the practice of law and law reform;

14 To promote and provide continuing legal education in technical fields of substantive law and practice;

15 To participate in the legislative, executive and judicial processes by informing its membership about  
16 issues affecting the legal system and relating to the purposes of the State Bar, and upon approval by  
17 the Board of Bar Commissioners (hereinafter referred to as the “BBC”), to take such further action as  
18 may be necessary to present the views of the BBC to the appropriate court, executive office or  
19 legislative body for consideration.

1 **ARTICLE II**

2 **MEMBERSHIP**

3 **Section 2.1 Active Status Member.**

4 An attorney who is on the roll of attorneys admitted to the practice of law by the Supreme Court of New  
5 Mexico shall maintain active status membership, unless granted inactive status in accordance with these  
6 bylaws. An active status member in good standing shall have full voting privileges, and shall be eligible to  
7 hold any elective or appointive office.

8 **Section 2.2 Inactive Status Member.**

9 An active status member shall become an inactive status member upon written request directed to the office  
10 of the Executive Director certifying that he or she will be retired or that he or she does not and will not be  
11 practicing law in New Mexico. Such request must be received in the State Bar office prior to February 1 of  
12 the year inactive status is to be granted. Inactive members have no voting rights and no right to notices.  
13 Inactive status members may choose to receive the *Bar Bulletin* electronically free of charge or may receive  
14 the paper publication upon payment of a publication fee in the amount to be determined by the Executive  
15 Director. To resume active status, a member must petition the Supreme Court and fulfill any necessary  
16 requirements imposed by the Supreme Court including payment of the appropriate fee.

17 **Section 2.3 License Fees.**

18 The annual license fees for active and inactive status members shall be determined and fixed by the BBC  
19 prior to January of each calendar year. Every member of the State Bar shall, prior to the first day of January  
20 of each year, pay to the Executive Director of the State Bar an annual license fee, which fee shall be  
21 determined and fixed by the BBC and approved by the Supreme Court prior to January of each calendar  
22 year. Active members whose dues are received after the first day of February will be assessed a late  
23 payment penalty of one hundred dollars (\$100.00). Active members who fail to disclose professional liability  
24 insurance coverage information after the first day of March will be assessed a late disclosure penalty of one  
25 hundred dollars (\$100.00). Inactive members whose dues are received after the first day of February will be  
26 assessed a late penalty of fifty dollars (\$50.00). If the member's dues and late penalty are not received  
27 before the last day of March, the BBC shall, through its Executive Director, certify to the Supreme Court the  
28 names of all members failing to pay their annual license fees and late penalties. New admittees shall pay  
29 the annual license fee fixed by the State Bar on or before the first day of the first month following the date of

30 their admission prorated for the number of full months remaining in the calendar year following the date of  
31 their admission to the Bar. Whenever the BBC shall cause to be certified to the Supreme Court that any  
32 member of the State Bar has failed or refused to pay the license fee or late penalty imposed herein, the Clerk  
33 of the Supreme Court shall issue a citation to each such delinquent member requiring the member to show  
34 cause before the Court, within fifteen (15) days after service of such citation, why he or she should not be  
35 suspended from the right to practice in the courts of this state. Service of such citation may be personal or by  
36 mail. The payment of such delinquent license fee on or before the return day of such citation, and payment  
37 of accrued costs, shall be deemed sufficient showing of cause, and shall serve to discharge the citation.

38 The BBC may waive all or part of any license fee in cases of extreme individual hardship. Any member  
39 suspended because of noncompliance with Supreme Court rules governing the practice of law shall not be  
40 reinstated until they have fully complied with and paid all penalties and fees.

41 All monies collected by the Executive Director of the State Bar in accordance with this rule shall be deposited  
42 in an account designated as State Bar of New Mexico general fund and shall be disbursed by order of the  
43 BBC in carrying out its functions, duties and powers.

44 **Section 2.4 Register of Members.**

45 The Executive Director shall keep a register of members of the State Bar which shall contain such matters of  
46 information, including specialization, as the BBC may determine to be proper and desirable.

47 **Section 2.5 Voluntary Withdrawal.**

48 Any attorney in good standing and without a pending disciplinary action shall notify the Supreme Court in  
49 writing for voluntary withdrawal as a member of the State Bar. Upon the filing of such petition, the court may  
50 enter an order terminating his or her membership in the State Bar, and he or she shall not thereafter be  
51 entitled to practice law in the courts of this state. No order of suspension for failure thereafter to pay the  
52 annual bar license fee will be entered against such member, and the withdrawal will not prejudice his or her  
53 record or standing during the period of his or her membership in the State Bar. To resume active status, a  
54 member must petition the Supreme Court and fulfill any necessary requirements imposed by the Supreme  
55 Court including payment of the appropriate fee.

56 **Section 2.6 Paralegal Member.**

57 A paralegal who qualifies under Article VIII, Section 8.3 of these Bylaws as amended, shall be entitled to  
58 membership in the Paralegal Division in accordance with the Bylaws and Standing Rules governing that

59 division. The provisions of Section 2.1 through 2.5 of this Article II of these Bylaws are not applicable to  
60 paralegal members. The Chair of the Paralegal Division, or its designee, shall sit as a liaison member to the  
61 BBC. A member of the Paralegal Division shall not have voting privileges on the BBC, and shall not be  
62 eligible to hold an elective or appointed State Bar office; however, a member of the Paralegal Division may  
63 be a voting member of any committee if its chair so permits, or of a section if that section's bylaws permit.  
64 Except as set forth in Section 4.1, any and all other expenses incurred by the Paralegal Division shall be the  
65 responsibility of the Paralegal Division, and the State Bar of New Mexico will not be responsible for said  
66 expenses or for reimbursing the Paralegal Division for any said expenses.

67 **Section 2.7 Honorary Judicial Members.**

68 All circuit court of appeals judges, district court judges, bankruptcy judges and full-time magistrates of the  
69 United States who reside in New Mexico and all full-time judges of tribal courts who have an LL.B. or J.D.  
70 degree and who reside in New Mexico or exercise jurisdiction in New Mexico shall be honorary members of  
71 the State Bar with the same rights and privileges as active status members. Honorary members shall not pay  
72 any license fees and may not engage in the private or public practice of law.

73 **Section 2.8 Law Student Members.**

74 A law student studying law at any level at an ABA-accredited law school may become a student member of  
75 the State Bar of New Mexico. Membership includes online access to the *Bar Bulletin*, membership in the  
76 Young Lawyers Division (YLD) and practice sections (maximum of two per year), and participation in State  
77 Bar committees. Student membership in the State Bar does not constitute a license to practice law. Student  
78 members of sections and committees may be voting members of any committee if its chair so permits, or of a  
79 section if that section's bylaws permit. The annual fee shall be determined and fixed by the BBC prior to  
80 January of each calendar year.

81 **Section 2.9 Affiliate Members.**

82 The State Bar recognizes as affiliates, without the rights and privileges of membership, members of the legal  
83 profession not licensed to practice law in New Mexico, but who are licensed to practice law in another state  
84 and are in good standing in active or inactive status in all jurisdictions in which they are licensed. An affiliate  
85 membership is not a license to practice law in New Mexico. Affiliate members may be furnished copies of  
86 State Bar publications and may be entitled to attend and participate, without the right to vote or hold office, in

87 those meetings and activities conducted by the State Bar and of its component parts or sections. The annual  
88 fee shall be determined and fixed by the BBC prior to January of each calendar year.

89 **Section 2.10 Legal Service Provider Limited Law License.**

90 An attorney granted a legal services limited license pursuant to Rule 15-301.2 NMRA shall be a member of  
91 the State Bar of New Mexico and shall be subject to the Rules of Professional Conduct and the Rules  
92 Governing Discipline. Licensees shall pay a reduced annual State Bar membership fee of one hundred  
93 dollars, consisting of a State Bar services fee of fifty dollars and a disciplinary fee of fifty dollars in lieu of the  
94 fee required by Rule 17-203 NMRA.

1 **ARTICLE III**

2 **MEETINGS OF THE STATE BAR**

3 **Section 3.1 Annual Meeting.**

4 The Annual Meeting of the State Bar shall be held each year at such time and place as shall be fixed by the  
5 BBC, provided however, that the Annual Meeting shall not be held outside the State of New Mexico in  
6 successive years.

7 **Section 3.2 Notice of Annual Meeting.**

8 Notice of the Annual Meeting shall state the time and place for the holding of such meeting and shall be  
9 published in the *Bar Bulletin* at least 60 days before said meeting.

10 **Section 3.3 Resolution and Motions.**

11 Resolutions or motions to be presented for consideration at the Annual Meeting must be submitted in writing  
12 and received at the office of the Executive Director 30 days prior to the Annual Meeting. This 30 days' notice  
13 requirement may be suspended by a two-thirds vote of those attending the Annual Meeting upon a finding of  
14 an emergency. Any resolution adopted by the membership at the Annual Meeting is advisory and requires  
15 only that the BBC consider the substance of the motion at its next regularly scheduled meeting.

16 **Section 3.4 Special Meetings.**

17 Special meetings of the State Bar shall be called by the President of the BBC upon a majority vote of that  
18 body. Except by unanimous consent of the members present, special meetings may consider only such  
19 matters as are set forth in the call of the meeting.

20 **Section 3.5 Notice of Special Meetings.**

21 Notice of a special meeting of the State Bar shall state a time and place of the holding of such meeting and  
22 shall be given to the members of the State Bar by mail or publication in the *Bar Bulletin* at least 10 days prior  
23 to said meeting. Said notice shall state generally the matters to be considered at said meeting.

24 **Section 3.6 Parliamentary Rules.**

25 Proceedings at all meetings of the State Bar shall be governed by Roberts Rules of Order, current edition,  
26 unless modified by the specific terms of these Bylaws.

1 **ARTICLE IV**

2 **BOARD OF BAR COMMISSIONERS**

3 **Section 4.1 BBC Powers and Composition.**

4 The BBC is created as the governing board of the State Bar of New Mexico and shall fulfill its purposes as  
5 set forth in Article I and shall also set policies necessary to conduct its activities. The BBC shall have 21 Bar  
6 Commissioners (hereinafter referred to as “Commissioners” or “members of the Board”) consisting of  
7 nineteen (19) Bar Commissioners elected from districts established by the Supreme Court, the Chair of the  
8 Young Lawyers Division and the Delegate from the Senior Lawyers Division. The chair of the Paralegal  
9 Division or its designee, shall sit as a liaison member to the BBC. The Paralegal Division liaison to the BBC  
10 will be reimbursed for BBC meeting expenses in accordance with the policy governing Commissioners. Any  
11 and all other expenses incurred by the Paralegal Division shall be the responsibility of the Paralegal Division,  
12 and the State Bar of New Mexico will not be responsible for said expenses or for reimbursing the Paralegal  
13 Division for any said expenses. The chair of the Paralegal Division or its designee, shall have a non-voting  
14 position on the BBC and will not be included in determining whether or not a quorum of the BBC exists for  
15 any meeting. The BBC has perpetual succession and may use a common seal. The immediate past  
16 president shall be a voting member of the BBC for a period of one year.

17 **Section 4.2 Terms of Office.**

18 *Subsection 4.2 a Length of Terms.*

19 Commissioners shall be elected to terms of three years commencing January 1 and shall hold office until  
20 their successors are elected or appointed and qualified. No Commissioner shall be elected to more than  
21 three three-year terms or serve more than ten (10) consecutive years, except as provided for in Section 5.5.

22 *Subsection 4.2 b Forfeiture of Position.*

23 If a Commissioner is absent, except for reasons occasioned by physical or mental disability, from three (3)  
24 consecutive BBC meetings or is absent for a total of four (4) BBC meetings in any year, his or her term is  
25 subject to termination by the BBC upon 20 days’ written notice to the Commissioner. The Commissioner  
26 may make written request for a hearing before the BBC at its next regularly scheduled meeting. The  
27 decision of the BBC to terminate shall be final. Any vacancy created by action of the BBC shall be filled  
28 pursuant to Section 4.3. Any Commissioner whose term is terminated pursuant to this subsection shall not  
29 be a candidate for appointment or election to fill the remainder of the term, pursuant to Sections 4.3 and 4.4.

30 *Subsection 4.2 c Removal of Officers and Commissioners.*

31 i) Any five commissioners may sign a petition seeking the removal of an officer or commissioner and present  
32 that petition to the Executive Director. The Petition for Removal shall set forth the reasons for removal. Upon  
33 receipt of the Petition for Removal, the Executive Director shall send written notice to all commissioners  
34 that removal of the officer(s) or commissioner(s) has been requested, along with a copy of the Petition for  
35 Removal. Notice that a Motion to Remove an officer or commissioner is going to be presented shall be sent  
36 by the Executive Director no less than 30 days prior to the meeting at which such motion will be made.

37 ii) An officer or commissioner may be removed for cause by a three-quarters (3/4) vote of the full BBC  
38 present at a regularly scheduled meeting of that body.

39 iii) One of the commissioners who signed the Petition for Removal must make the Motion to Remove at the  
40 meeting and the motion must be seconded before any discussion can be held. The movant shall be the first  
41 to speak, followed by the officer or commissioner being challenged. Other commissioners may speak in  
42 favor of or against the motion. At the conclusion of the discussion, a vote shall be taken in accordance with  
43 Subsection 4.2c(ii) above. If the vote is to remove the officer or commissioner, it shall take place  
44 immediately, and if the individual is an officer, he or she shall also forfeit his or her seat as a commissioner.

45 iv) The vacancy shall be filled in accordance with these bylaws.

46 v) The term "cause" shall be defined as the commission of a felony or misdemeanor other than a traffic  
47 violation, the commission of an act involving embezzling State Bar funds, even if no charges are brought,  
48 violation of a fiduciary duty owed to the State Bar of New Mexico, sexual harassment, moral turpitude,  
49 disbarment or suspension from the practice of law in any state in which the individual has been admitted.

50 **Section 4.3 Vacancies.**

51 Vacancies on the BBC shall be filled by appointment of that body and members so appointed shall serve  
52 until December 31. An election of a Commissioner to fill the unexpired term shall be held with the next  
53 regular election of Commissioners following the appointment to fill the vacancy. If the vacancy occurs with  
54 two or less BBC meetings remaining in that year, that body has the discretion not to fill the vacancy.

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59 **Section 4.4 Elections.**

60 *Subsection 4.4 a Notice.*

61 Not less than 60 days before November 30<sup>th</sup>, the Executive Director of the Bar shall notify the members of  
62 the State Bar who are active status members of the names of the Commissioners whose terms shall expire  
63 that year and the Bar Commissioner district from which they were elected.

64 *Subsection 4.4. b Nominations.*

65 Nominations of active status members to fill the vacancies caused by the expiration of the term of such  
66 members shall be made by petition of 10 or more active status members of the Bar who are in good standing  
67 and whose principal place of practice is in the respective district and must be received in writing in the office  
68 of the Executive Director of the Bar by 5:00 p.m. on or before the date fixed in the notice from the Executive  
69 Director.

70 *Subsection 4.4 c Eligibility.*

71 All active status members of the State Bar who maintain a place of practice within the State shall be eligible  
72 for nomination and election. A member shall be nominated from the District in which his or her principal  
73 place of practice is located. No state or federal judge shall be eligible to serve as a member of the BBC of  
74 the State Bar while in office.

75 *Subsection 4.4 d Ballots.*

76 Not less than twenty (20) days before November 30<sup>th</sup>, the Executive Director of the Bar shall conduct an  
77 election either by mail or electronic means for the active status members, setting forth the names of all  
78 persons duly nominated, grouped by district, and the length of the full or partial term for which a  
79 Commissioner will be elected. The order of the listing of the names on the ballot shall be determined by lot.

80 *Subsection 4.4 e Voting.*

81 Members shall vote for nominees from the district in which the member's principal place of practice is  
82 located. Active status members who reside outside the State of New Mexico shall vote in the district where  
83 the State Bar office is located.

84 *Subsection 4.4 f Close of Election and Counting of Ballots.*

85 The election shall close at noon on November 30<sup>th</sup>, at which time the votes shall be counted and/or tallied  
86 under the supervision of a BBC member who is not a candidate for re-election with the assistance of the  
87 Executive Director, or his or her designee. In districts where more than one Commissioner is to be elected,

88 the candidates with the highest number of votes for the number of available positions shall be elected but  
89 any partial term shall be filled by the candidate with the least number of votes from among those candidates  
90 who are elected, unless otherwise agreed to by the candidates. The results of the election shall be certified  
91 and published in the *Bar Bulletin*.

92 *Subsection 4.4 g Election by Acclamation.*

93 When only one nomination is received to fill a vacancy on the BBC, the sole nominee shall be deemed  
94 elected by acclamation and so certified.

95 *Subsection 4.4 h Disputed Election.*

96 In the event there is any dispute in the election of a Commissioner, the dispute shall be decided by the BBC  
97 at its first meeting after the election and its decision shall be final.

98 *Subsection 4.4 i Affidavit.*

99 Prior to serving on the BBC, a person elected or appointed to the BBC shall first sign a confidentiality policy  
100 and file an affidavit with the Executive Director stating that he or she consents to being a member of that  
101 body.

102 **Section 4.5 Meetings.**

103 *Subsection 4.5 a Regular Meetings.*

104 Unless otherwise ordered by the BBC, meetings of that body shall be held at regular intervals at least  
105 quarterly at such site as the BBC may designate. Meetings include electronic meetings such as  
106 teleconference or videoconference so long as the meeting provides, at a minimum, conditions of opportunity  
107 for simultaneous aural communication among all participating members. Dates for regular meetings of the  
108 BBC for the ensuing year shall be set prior to the last meeting of the current year and shall be published in  
109 the *Bar Bulletin*.

110 *Subsection 4.5 b Special Meetings.*

111 The President, in his or her discretion, may, or upon written request of three Commissioners filed with the  
112 Executive Director, shall call special meetings of the BBC. If the President shall, for any reason, fail or  
113 refuse for a period of five days after request therefore to call a special meeting, the Executive Director or  
114 some other person designated by the three Commissioners joining in the request shall call the meeting. The  
115 date fixed for said meeting shall not be less than five days from the date of said call.

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117 *Subsection 4.5 c Notice of Special Meetings.*

118 Notice of Special Meetings shall be sent by the Executive Director or by the person designated by the  
119 Commissioners in the call. The notice shall set forth the day and hour of the meeting and the place and  
120 purpose for holding the meeting. At Special Meetings, only such matters as are set forth in the call of the  
121 meeting shall be considered.

122 *Subsection 4.5 d Executive Sessions of the BBC.*

123 The BBC may be called into Executive Session by a motion. A motion to go into Executive Session is a  
124 question of privilege and therefore is adopted by a majority vote. Members, special invitees, and such staff  
125 members as the BBC or its rules may determine to be necessary are allowed to remain in the room. Matters  
126 to be handled in Executive Session are: personnel matters (including salaries of State Bar staff), discussions  
127 of pending or threatened litigation, and disciplinary action regarding BBC members. The proceedings of the  
128 Executive Session are confidential. Any records or proceedings of any Executive Session must be read and  
129 acted upon only in Executive Session. The BBC may, by majority vote, disclose in open session anything  
130 discussed in Executive Session.

131 *Subsection 4.5 e Parliamentary Rules.*

132 Proceedings at all meetings of the State Bar shall be governed by Roberts Rules of Order, current edition,  
133 unless modified by the specific terms of these Bylaws.

134 *Subsections 4.5 f Parliamentarian.*

135 The President may appoint a Parliamentarian who shall be a member of the BBC and shall decide all  
136 questions of parliamentary procedure in accordance with these Bylaws, the Articles of Incorporation of the  
137 State Bar of New Mexico and Robert's Rules of Order, Newly Revised. Any Commissioner can, during a  
138 meeting, request a ruling from the Parliamentarian regarding an issue of parliamentary procedure. The  
139 Parliamentarian shall also serve as a member of the Policies and Bylaws Committee.

140 *Subsection 4.5 g Quorum.*

141 A quorum at any meeting of the BBC shall consist of fifty (50) percent plus one of the voting Commissioners.  
142 Action can only be taken at a meeting when a quorum is present. No official action at a meeting can be  
143 taken if no quorum is attained. However, once a quorum is lost, any remaining item on the agenda which  
144 was disseminated to all the Commissioners prior to the date of the meeting can be discussed and voted  
145 upon.

146 **Section 4.6 Reimbursement for Expenses.**

147 Members of the BBC shall be paid per diem and mileage as reimbursement for their expenses incurred by  
148 their attendance at regular and special BBC meetings and committee meetings of the BBC in accordance  
149 with the rate set forth in Rule 24-102 NMRA.

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151 **ARTICLE V**

152 **OFFICERS OF THE STATE BAR**

153 **Section 5.1 Officers.**

154 The officers of the State Bar shall be a President, a President-Elect, a Secretary-Treasurer, and the  
155 Immediate Past President.

156 **Section 5.2 Nominations, Elections and Terms.**

157 At a regular meeting of the BBC at least 30 days prior to November 30th, the BBC shall elect a President-  
158 Elect and Secretary-Treasurer, who along with the President and Immediate Past President, shall serve as  
159 the officers of the BBC. Officers shall be elected to a term of one year. Terms of office for the officers of the  
160 BBC shall commence January 1st and officers shall serve until their successors are elected and take office.  
161 Officers shall be elected from among those Commissioners nominated for office at the regular meeting of the  
162 BBC immediately preceding the election. They shall be elected by secret ballot by a majority vote of those  
163 Commissioners voting in person at said meeting, unless elected by acclamation.

164 **Section 5.3 Qualifications.**

165 All officers of the State Bar shall be members of the BBC at the time of their election.

166 **Section 5.4 Vacancies.**

167 Should a vacancy occur for any reason during the term of office of an officer of the State Bar, a successor  
168 shall be elected at the next regular meeting of the BBC to serve the remainder of the term, except for the  
169 office of the Immediate Past President which shall remain vacant for the remainder of the year.

170 **Section 5.5 Extension of Commissioner Terms.**

171 If a Commissioner's term of office expires while such Commissioner is serving in the position of Secretary-  
172 Treasurer, President-elect or President, such Commissioner's term shall be extended until the completion of  
173 his or her term as Immediate Past President provided that the Commissioner was elected to the BBC for his  
174 or her current term. During the extended term, there shall be elected from the district in which the  
175 Commissioner resides, one less member to the BBC than said district would be otherwise entitled to under  
176 these rules.

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180 **Section 5.6 Duties of Officers and Executive Director.**

181 *Subsection 5.6 a President.*

182 The President shall preside over meetings of the BBC and the Executive Committee and engage in those  
183 activities delegated to him or her by the BBC, appoint and announce, as soon as reasonably practical after  
184 January 1st, the membership of all committees for the ensuing year, the appointment of which shall not  
185 otherwise have been made. The terms of all committee appointments end on December 31st. The  
186 President shall be an ex officio member of every committee and section, with the exception of the Executive  
187 Committee of which the President shall be the chair. The BBC shall determine from time to time which  
188 committees shall be standing committees.

189 *Subsection 5.6 b President-Elect.*

190 In addition to those duties assigned to him or her by the President, the President-Elect shall perform the  
191 duties of the President during any absence or disability of the President.

192 *Subsection 5.6 c Secretary-Treasurer.*

193 The Secretary-Treasurer shall have responsibility for preparing annual budgets, maintaining accurate  
194 accounts of all receipts and disbursements and filing all tax reports, unless otherwise delegated. The  
195 Secretary-Treasurer shall also perform such duties as are assigned to him or her by the President.

196 *Subsection 5.6 d Executive Director.*

197 The BBC shall select and employ an Executive Director whose compensation shall be fixed by the BBC and  
198 who shall perform such duties as are prescribed by the BBC. The BBC may remove the Executive Director  
199 with or without cause.

1 **ARTICLE VI**

2 **EXECUTIVE COMMITTEE**

3 **Section 6.1 Executive Committee.**

4 The Executive Committee shall consist of the President, the President-Elect, the Secretary-Treasurer, the  
5 immediate Past President, and two or more additional voting members of the BBC to be appointed by the  
6 President for one-year terms each. The Executive Director shall serve as a non-voting ex-officio member of  
7 the committee.

8 **Section 6.2 Duties of the Executive Committee.**

9 The Executive Committee shall have the following powers and duties:

10 a. Between the regular and special meetings, the Executive Committee shall have the power to act  
11 on any matter delegated to it by the BBC or on matters that must be decided prior to the next  
12 regularly scheduled BBC meeting and issue necessary public statements as defined by Article X.  
13 Issues concerning governmental affairs shall be addressed pursuant to Article XI.

14 b. The committee shall hold meetings and, when action is taken, keep minutes of all of those  
15 proceedings. A copy of such minutes shall, after approval by members of the committee, be sent to  
16 all directors as a matter of information. Meetings may be conducted telephonically or by  
17 videoconference.

18 c. Any action taken by the Executive Committee within the limits provided by law shall be presented  
19 to the BBC for ratification.

20 d. The President of the State Bar shall be the chair of the Executive Committee and the President-  
21 elect shall act as the vice-chair. Meetings of the committee shall be held at the call of the chair, the  
22 vice-chair, the Executive Director of the State Bar of New Mexico or any two members of the  
23 Executive Committee.

24 e. A majority of the committee shall be necessary to constitute a quorum.

1 **ARTICLE VII**

2 **BUDGET**

3 **Section 7.1 Preparation.**

4 The Executive Director, with the assistance of a Finance Committee appointed by the President, shall  
5 prepare and submit a proposed annual budget to the BBC no later than the second to last meeting of the  
6 year.

7 **Section 7.2 Budget Procedures.**

8 The budget procedures shall be as follows:

- 9 a. The Finance Committee will prepare a proposed functional budget which will topically categorize  
10 expenditures by major categories and allocate these expenditures according to whether the  
11 expenditure is chargeable or non-chargeable to dues.
- 12 b. The BBC will review and approve the budget no later than the second to last meeting of the year.
- 13 c. An independent auditor will prepare a verification that the charges attributable and allocated to  
14 each activity or category of expenditures is a reasonable forecast in accordance with the guidelines  
15 established by the American Institute of Certified Public Accountants. The auditor will also prepare a  
16 verification of chargeable and non-chargeable expenses from the most recent year in which audited  
17 information is available and will verify that such expenses are fairly presented.
- 18 d. The State Bar shall publish a notice in the *Bar Bulletin* advising that the Budget Disclosure  
19 document is posted on the State Bar Web site with a detailed explanation of each member's right to  
20 deduct from his or her dues payment the proportional share of any non-chargeable expenses  
21 identified in the budget and to object to any of the chargeable expenses in the budget on the  
22 grounds that a challenged expenditure is not for the permissible purpose of regulating the profession  
23 or improving the quality of legal service to the people of the State of New Mexico (*See Keller v. State*  
24 *Bar of California*, 496 U.S. 1 (1989)) or that an error was made in calculating a non-chargeable  
25 expense. At least thirty days from the date of publication of the budget will be allowed for written  
26 challenges.
- 27 e. In the event challenges are received, the BBC at its next regularly scheduled meeting or at a  
28 special meeting will consider the challenges. The BBC may remove the challenged activity from the  
29 budget, may give a pro rata refund to the challenger, or may submit the dispute to the New Mexico



30 Supreme Court or its designee for an impartial decision. The BBC or a challenger may specifically  
31 request that the New Mexico Supreme Court appoint another impartial decisionmaker.

32 f. The dispute shall be heard as expeditiously as possible. The Bar will bear the burden of showing  
33 that the financial disclosures are accurate and that the challenged matters are within the scope of  
34 permissible activities for which mandatory dues may be used under *Keller*. Upon request, a  
35 challenger will be given reasonable access to information relevant to the challenge which is available  
36 or within the control of the Bar. The challenger shall be given an opportunity to present evidence  
37 and to present written arguments in support of a challenge. The decisionmaker will issue a written  
38 decision on whether the challenged expenditure is chargeable or non-chargeable to mandatory dues  
39 and whether the disclosed expense for a non-chargeable expense is accurate. The decisionmaker  
40 shall also determine the amount of refund, if any.

41 g. If the decision is rendered before the dues are payable and the decision is that the expenditure is  
42 non-chargeable, then the BBC may decide to eliminate the expenditure from the budget or to allow  
43 the challenger to deduct the pro rata portion from the annual dues. If the decision is not rendered  
44 before dues are payable, the BBC shall escrow the challenged portion of each challenger's dues into  
45 a separate interest bearing bank account and in the event of a decision that the expenditure is non-  
46 chargeable, will immediately pay each challenger the applicable pro rata share of dues together with  
47 accrued interest.

48 h. The BBC will submit on or before January 1 its proposed budget to the Supreme Court for  
49 approval. The Court's approval will be subject to the challenge procedures outlined above but the  
50 existence of challenges will not preclude approval of the remainder of the budget.

51 **Section 7.3 Budget Limits and Approval Authority.**

52 Expenditure categories or line items in the annual budget as approved by the BBC shall be deemed to be  
53 limits on such expenditures, and any line item or expenditure which would exceed or increase the budget or  
54 any non-budgeted item, which is an item that was included or anticipated in the final budget, must be  
55 approved by the BBC.

56 **Section 7.4 Monthly Financial Reports.**

57 Regular monthly financial reports shall be submitted by the Finance Committee to the BBC at each regular  
58 meeting, showing income and expenses each month and the year-to-date as compared to the budget.

1 **ARTICLE VIII**

2 **DIVISIONS**

3 **Section 8.1 Young Lawyers Division.**

4 Membership of the Young Lawyers Division shall consist of all members of the state bar of any state in good  
5 standing under thirty-six (36) years of age, or those members who have been admitted to the State Bar of  
6 any state less than five (5) years. Membership shall terminate automatically as of December 31st after a  
7 member attains thirty-six (36) years of age or five (5) years after admission to the state bar of any state,  
8 whichever last shall occur. An individual elected as Chair-elect prior to his/her thirty-sixth (36<sup>th</sup>) birthday may  
9 serve in that capacity, as well as, that of Chair and Past Chair, in accordance with these bylaws. No one  
10 who is thirty-six (36) or older shall otherwise, except in accordance with this Article, be elected to an office of  
11 the YLD. An individual who qualifies as a member of the Young Lawyers Division on the basis that he/she  
12 has not been admitted to any state bar for more than five (5) years, may not serve as an officer of the  
13 Division if such service would extend beyond the fifth (5<sup>th</sup>) year of that admission.

14 **Section 8.2 Senior Lawyers Division.**

15 Membership in the Senior Lawyers Division shall consist of all members of the State Bar in good standing  
16 who are 55 years of age or older and who have practiced law for 25 years or more. Inactive members who  
17 are 55 years of age or older shall be eligible for membership and may hold office in the division.

18 **Section 8.3 Paralegal Division.**

19 A person may become a member of the paralegal division if the person: 1) contracts with or is employed by  
20 an attorney, law firm, corporation, governmental agency, or other entity; 2) performs substantive legal work  
21 as defined in Rule 20-102 NMRA; and 3) meets one or more of the following qualifications:

- 22 (a) Graduation from a paralegal program that is:
- 23 (i) approved by the American Bar Association;
  - 24 (ii) an associate degree program;
  - 25 (iii) a post-baccalaureate certificate program in paralegal studies;
  - 26 (iv) a bachelor's degree program; or
  - 27 (v) a post-secondary legal assistant program which consists of a minimum of 60  
28 semester hours or equivalent (as defined by the American Bar Association  
29 Guidelines for the Approval of Paralegal Education Programs) of which at least 18

30 semester hours or equivalent are general education courses and 18 semester hours  
31 or equivalent are legal specialty courses.

32 (b) A bachelor's degree in any field plus two years of substantive law-related experience under  
33 the supervision of a licensed attorney. Successful completion of at least 15 semester hours  
34 of substantive paralegal courses may be substituted for one year of law-related experience.

35 (c) Graduation from an accredited law school and not disbarred or suspended from the practice  
36 of law by the State of New Mexico or any other jurisdiction; or

37 (d) Certification by the National Association of Legal Assistants, Inc., or the National Federation  
38 of Paralegal Associations, Inc., or other equivalent national or state competency examination  
39 plus at least one (1) year of substantive law-related experience under the supervision of a  
40 licensed attorney.

41 **Section 8.4 Rules and Regulations of the Division.**

42 The rules and regulations of each Division shall be in accordance with the Division's bylaws as approved by  
43 the BBC.

1 **ARTICLE IX**

2 **SECTIONS, COMMITTEES AND COMMISSIONS**

3 **Section 9.1 Sections.**

4 The BBC shall create such sections within the State Bar as it shall deem advisable, or at the  
5 recommendation of the membership. A member of the State Bar who recognizes such a need shall submit  
6 to the BBC the following for approval: 1) a petition signed by a minimum of 50 members; 2) proposed dues  
7 amount - charter members (petitioners) will automatically be assessed initial dues; 3) draft bylaws; and 4) the  
8 names of nine persons to serve as an initial board of directors from whom two shall be designated a chair  
9 and budget officer.

10 *Subsection 9.1 a Section Membership, Board Membership and Officers.*

11 Membership in sections and on their boards shall be open to all members of the State Bar and may be open  
12 to non attorneys as specified in section bylaws. Board membership for non-attorney members, including law  
13 students and paralegals, shall be limited to a minority of the board and their voting rights established by  
14 section bylaws. Section officers shall be active attorney members of the State Bar of New Mexico. No report  
15 or recommendation or any action of any section shall be considered as the action of the State Bar unless  
16 and until it has been approved by the BBC.

17 *Subsection 9.1 b Section Funds.*

18 All funds generated by the section dues and activities are and shall be funds of the State Bar of New Mexico.  
19 Funds shall be expended by the section only pursuant to a budget approved by the Executive Director of the  
20 State Bar. The section's fund balance on December 31<sup>st</sup> of each year shall be considered carryover funds  
21 and shall be included in the section's budget for the coming fiscal year. Effective December 31, 2009, all  
22 funds in excess of one year's worth of dues will be forfeited and transferred to the State Bar General  
23 Account. Should the section be saving funds for a future activity, the section may request of the Finance  
24 Committee additional funds. The request should include a plan detailing the ways in which the excess funds  
25 would be spent in the following year and a budget.

26 **Section 9.2 Committees.**

27 The President of the State Bar shall, with the approval of the BBC, as soon as practical after January 1<sup>st</sup>,  
28 determine which committees he or she deems advisable and appoint and announce the membership of all  
29 such committees. Paralegals and student members of the State Bar may have voting rights in a committee

30 in accordance with Section 2.6 or 2.8. The committees shall be governed by policies established by the  
31 BBC. Such committees, as determined by the President with the approval of the BBC, may be either  
32 standing, internal or special, as defined herein. Except as set forth in Article XI, no report or  
33 recommendation or any action of any committee shall be considered as the action of the State Bar unless  
34 and until it has been approved by the BBC.

35 *Subsection 9.2 a Standing Committee.*

36 Standing Committees serve to strengthen the profession, provide resources to members, improve public  
37 understanding of legal issues and process, or increase access to the legal system and may be funded by the  
38 committee budget pool. Proposed budgets shall be submitted by each standing committee to the BBC prior  
39 to the budget meeting upon request from the Finance Committee. Membership is open to all members of the  
40 State Bar, but some committees are limited in size or require particular qualifications.

41 *Subsection 9.2 b Internal Committee.*

42 Internal Committees are created to assist in the governance of the State Bar, consist only of BBC members  
43 and may be funded by the BBC budget.

44 *Subsection 9.2 c Special Committee*

45 Special Committees are committees that are delegated a specific charge by the BBC or the President and  
46 can be either ongoing or temporary. Special committees can consist of BBC and non-BBC members, may  
47 be funded through the BBC budget and shall report back to the BBC periodically, including a final report.

48 **Section 9.3 Reports of Sections and Committees.**

49 All standing committees and sections shall present to the BBC an annual report for the previous 12 months  
50 and such other reports as may be requested by the President of the BBC. Annual written reports of all  
51 sections and standing committees, with their recommendations, shall be presented to the Executive Director  
52 of the State Bar by December 31. If a section or standing committee does not submit an annual report by  
53 December 31, it will be placed on the sunset list for the following year pursuant to Section 9.4 below.

54 **Section 9.4 Annual Review of Sections and Committees.**

55 The BBC or its designee shall establish a sunset date for each section and standing or special committee  
56 that shall be on December 31 of a selected year. On or before September 1 of the sunset year, a member or  
57 members of the Bar may petition the BBC to continue the section or standing or special committee. If no  
58 member of the Bar petitions the BBC to continue the section/standing or special committee, it will

59 automatically cease to exist on its sunset date unless the BBC on its own motion votes to continue the  
60 section/standing or special committee. The petition must contain reasons why the section/standing or  
61 special committee should be continued. If the BBC determines that the petition contains sufficient reason to  
62 continue the section/standing or special committee, it will be continued. Otherwise, the section/standing or  
63 special committee will be abolished. If a section/standing or special committee is continued beyond its  
64 sunset date, it will be subject to sunset again in five years, at which time the petition process set forth in this  
65 section will be required to continue the section/standing or special committee.

66 **Section 9.5 Bylaw and Policy Compliance by Sections and Committees.**

67 Sections are required to follow their Bylaws. Amendments to section bylaws shall be reviewed by the General  
68 Counsel of the State Bar of New Mexico and shall be approved by the BBC. Sections and committees must  
69 comply with the Bylaws and Policies of the State Bar of New Mexico. Failure to do so may result in being  
70 placed on the sunset list to be heard at the next meeting of the BBC.

71 **Section 9.6 Commissions.**

72 The President, with BBC approval, shall establish Commissions as deemed advisable. The President shall, no  
73 less than 30 days before the creation of the Commission is to be voted upon, set forth in writing, and distribute  
74 it to the members of the BBC, the charge or purpose of the commission, its proposed makeup, specifying the  
75 criteria for the members, not the individuals, themselves, the chair and the intended life span of the  
76 commission. No Commission shall be created unless a motion to do so receives a 2/3 vote of a quorum  
77 present. The President must set forth his proposed make up of the Commission prior to the vote for its  
78 approval by the BBC. A Commission may consist of individuals who are not members of the State Bar of New  
79 Mexico. Commissions are subject to the same sunset procedures as sections and committees.

1 **ARTICLE X**

2 **PUBLIC STATEMENTS**

3 **Section 10.1 Public Statements on Behalf of the State Bar of New Mexico.**

4 Except as set forth in Article XI, the President, with approval of the Executive Committee, may issue public  
5 statements involving the purposes established in Article I.

6 **Section 10.2 Public Statements by Sections, Committees, Divisions and Commissions.**

7 Except as set forth in Article XI, no section, committee, division or commission shall publicly release or  
8 announce any recommendation or action of the section, committee, division or commission unless the  
9 Executive Director determines:

10 (a) The recommendation or action is germane to the purpose of the section, committee, division or  
11 commission;

12 (b) The recommendation or action was taken by a majority of the Board of Directors of the section or  
13 division or a majority of the members of the committee or commission; and,

14 (c) The release or announcement indicates it is the action of the section, committee, division or  
15 commission and does not represent the view or action of the State Bar.

16 If the Executive Director disapproves any release or announcement, the matter shall be submitted to the  
17 Executive Committee of the BBC for final approval or disapproval.

1 **ARTICLE XI**

2 **GOVERNMENTAL AFFAIRS**

3 **Section 11.1 The Governmental Affairs Committee (GAC)**

4 The BBC may designate a Governmental Affairs Committee (GAC) to facilitate the participation in the  
5 Legislative-Executive-Judicial process pursuant to Rule 24-101(A) NMRA. Unless otherwise directed by the  
6 the BBC, all State Bar activities related to the Legislative, Judicial and/or Executive process shall be referred  
7 by the BBC to the GAC. State Bar sections, committees, divisions and commissions shall be governed by  
8 Section 11.7 below. The President of the BBC shall appoint up to eleven members of the BBC to serve on  
9 the GAC. The Past President of the BBC shall serve as chair of the committee. If the Past President  
10 declines to serve as chair, then the GAC shall elect a chair. The Executive Director and the General  
11 Counsel of the State Bar shall sit on the committee in an ex-officio capacity and shall not have a formal vote.

12 **Section 11.2 Authorized Activities in the Legislative-Executive-Judicial Process**

13 *Subsection 11.2(a) Authorized activities of the State Bar of New Mexico*

14 Authorized activities related to the core purpose of the State Bar of New Mexico or its designees pertaining  
15 to governmental affairs shall be limited to the following without further authority from the BBC:

- 16 1) the regulation and discipline of attorneys and the practice of law;
- 17 2) the competency and professional responsibility of lawyers including education and ethics;
- 18 3) the regulation of lawyer trust accounts;
- 19 4) increasing the availability and the provision of legal services;
- 20 5) improving the functioning of the courts and justice system;
- 21 6) improving access to the courts;
- 22 7) judicial independence;
- 23 8) improving the fairness, efficacy and efficiency of the courts;
- 24 9) the jurisdiction of the courts;
- 25 10) the provision of content neutral technical assistance and expertise regarding the drafting of rules  
26 and statutes pertaining to practice, procedures and evidence;
- 27 11) the governance and business activities of the State Bar of New Mexico;
- 28 12) defending legal and administrative actions and claims brought against the State Bar of New  
29 Mexico.



30 *Subsection 11.2(b) State Bar of New Mexico staffing of GAC*

31 The BBC may, at its discretion, permit the utilization of internal staff for the purpose of pursuing the activities  
32 of this Article.

33 **Section 11.3 Specifically Prohibited Activities**

34 No governmental affairs activities intended to influence legislation may be funded with members' mandatory  
35 dues, unless the legislation in question is limited to matters within the scope of permissible activities as  
36 described in Section 11.2. Furthermore, the BBC and the State Bar of New Mexico are prohibited from  
37 engaging in activities having as the main emphasis a political or ideological coloration which is not  
38 reasonably related to the advancement of the core purpose of the State Bar of New Mexico and those goals  
39 set forth in Section 11.2.

40 **Section 11.4 Approval of Positions on Matters Pertaining to Governmental Affairs**

41 Except as permitted herein, no officer or member of the BBC or employee or volunteer of the State Bar of the  
42 State of New Mexico shall represent to any member of the Legislature, Executive or Judiciary that the BBC  
43 or GAC has taken a position on a specific matter related to governmental affairs or, conduct any lobbying  
44 activities regarding such matters except as follows:

45 1) If the activity falls solely within the permitted activities identified in Section 11.2, then by a two-  
46 thirds (2/3) vote of the members of the GAC present at a meeting, either in person or via telephonic or  
47 videoconferencing, once a quorum has been attained. If the vote is taken solely by electronic means, the  
48 vote must be unanimous. The GAC shall report regularly to the BBC regarding any action taken;

49 2) It is recognized that many activities may involve multiple issues, some of which are permitted and  
50 some which may be prohibited by Section 11.3. If that is the case, before the BBC or its designee  
51 representing the State Bar of New Mexico may state that it is taking an official position on a subject matter, it  
52 must have been approved by a:

53 A) two-thirds (2/3) of the members of the GAC present at a meeting, either in person or via  
54 telephonic or videoconferencing, once a quorum has been attained. If the vote is taken solely by electronic  
55 means, the vote must be unanimous, and

56 B) two-thirds (2/3) of the members present at a regular or special meeting of the BBC, once  
57 a quorum has been attained. Because it is recognized that there is a need for deliberation, for the purposes  
58 of this section, no vote of the BBC shall be taken via email or by proxy.

59 **Section 11.5 Expedited Matters**

60 It is recognized that it may be necessary to expedite decisions of the GAC during Legislative sessions or the  
61 fact finding process. If the issue to be addressed falls solely within one of the permitted activities identified in  
62 Section 11.2, the President of the BBC or his or her designee may, if requested, poll the members of the  
63 GAC either telephonically, by video conferencing or by email. A two-thirds (2/3) vote of the members of the  
64 GAC is necessary before the President or his designee can represent to the governmental body that the  
65 BBC and the State Bar have taken a specific position on that issue. The President must then report to the  
66 entire BBC the request, who made the request and why, the vote of the GAC and the results of his/her efforts  
67 before the governmental body within 10 days. This can be conveyed electronically.

68 **Section 11.6 Notification of Governmental Advocacy and Payment of Expenses.**

69 Except as set forth in Section 11.5, to the extent reasonably practical, the membership of the Bar shall be  
70 notified of proposed governmental advocacy, in advance, by notice published in the *Bar Bulletin*. The BBC,  
71 in its annual budgeting process, shall determine an amount to be allocated each year toward the  
72 governmental affairs activities. The full amount and the BBC's proposed action shall be disclosed to the  
73 members of the Bar in the annual budget disclosure statement. If mandatory dues are allocated or spent for  
74 governmental affairs activities which are not related or germane to the organization's purposes as set forth in  
75 Article I and/or Article XI, Section 11.2, then the members shall have the option of paying only such portions  
76 of the dues which are to be used for permissible purposes. When the dues notice is sent out to the members  
77 of the State Bar of New Mexico, there shall be a specific line on the dues form allowing each member the  
78 right to a refund for that portion and not have any of the member's mandatory dues applied toward that  
79 governmental affairs activity.

80 **Section 11.7 Legislative, Executive and Judicial Advocacy by Sections, Committees, Divisions and**  
81 **Commissions of the State Bar.**

82 Legislative, executive and judicial advocacy by sections, committees, divisions and commissions of the State  
83 Bar of New Mexico shall be conducted only in a manner consistent with and in accordance with these  
84 Bylaws.

85 *Subsection 11.7(a) Position Advanced by Committees, Divisions and Commissions.*

86 No committee, division or commission of the State Bar is authorized to engage in activity designed to  
87 influence a legislative, executive or judicial position without the advance approval of the BBC pursuant to this

88 Article. Any proposed governmental advocacy shall be presented to the GAC setting forth the specific  
89 position to be taken as well as the proposed method and manner of presenting the same. If State Bar funds  
90 are to be used to present said position, the proposal must be approved by resolution of the BBC by a vote of  
91 two-thirds (2/3) of that body present at a regular or special meeting of the BBC.

92 *Subsection 11.7(b) Position Advanced by Sections.*

93 (1) Sections of the State Bar are not prohibited from providing governmental or fact-finding bodies with  
94 content-neutral technical assistance within the field of legal expertise of the section. The decision of the  
95 Board of Directors of a section to provide legislators with content-neutral technical assistance shall be  
96 brought to the attention of the GAC as soon as practicable, and the furnishing of such assistance shall  
97 thereafter be reported in the Bar Bulletin.

98 (2) Sections are not prohibited from lobbying for or against legislation within the field of legal expertise of the  
99 section but must comply with the requirements set forth herein. This may include contacting legislators,  
100 testifying before committees, or making public statements in the media.

101 (3) No mandatory bar dues shall be expended in the activities described in paragraphs 11.7 b (1) and (2)  
102 above. Sections shall reimburse the State Bar for any staff time and/or expenses incurred.

103 (4) Neither the section nor any person acting on its behalf should take any action to support or oppose  
104 legislation unless the position has been approved by a two-thirds vote of the Board of Directors of the section  
105 after giving reasonable notice to the membership of the section and the BBC. In addition, a section by  
106 amendment of its bylaws may adopt a more stringent procedure such as submitting the lobbying position to  
107 an actual vote of the section membership or other poll of section membership in order to establish section  
108 approval. The results of all votes by section Board of Directors on proposals to support or oppose legislation  
109 shall be transmitted immediately to the GAC and published within a reasonable time in the *Bar Bulletin*.

110 When a section Board of Directors adopts a position by a less-than-unanimous vote, a role-call vote shall be  
111 taken, and each Director's vote shall be included in the published notice. A section may adopt a general  
112 position in anticipation of legislative action even though specific legislation may not have been introduced.

113 Also, the section is authorized to represent the section's position in connection with any amendments or  
114 substitute legislation which is consistent with the original position adopted by the Board of Directors of the  
115 section.

116 (5) If, upon recommendation of the GAC, the BBC finds that the section did not properly follow the  
117 procedures for obtaining section approval for the lobbying activity or legislative position, then the BBC shall  
118 direct the section to discontinue those activities until it has complied with this article.

119 (6) In addition to the other requirements, all lobbying materials shall state: This position is neither endorsed  
120 nor approved by the State Bar. All speakers on behalf of sections, while lobbying, shall make a similar  
121 announcement. No section can engage in litigation or file amicus briefs.

1 **ARTICLE XII**

2 **INDEMNIFICATION OF OFFICERS AND DIRECTORS**

3 The State Bar shall indemnify any director, former director, officer or former officer of the State Bar, including  
4 State Bar division and section officers, section directors and committee chairs, against: (1) reasonable  
5 expenses, costs and attorneys fees, actually and reasonably incurred by said director, former director, officer  
6 or former officer in connection with the defense of any action, suit or proceeding, civil or criminal, in which  
7 he/she is made a party by reason of being or having been a director or being or having been an officer, and  
8 (2) any amounts paid to satisfy a judgment or to compromise or settle any claim; provided, however, that the  
9 State Bar will not indemnify directors or officers against liability caused by breaches or failure to perform the  
10 duties of a director or officer which constitutes willful misconduct or recklessness. The intent of this bylaw is  
11 to permit indemnification under the broadest interpretation of the conditions under which indemnification is  
12 permitted by NMSA 1978, § 53-8-26 (1987). Indemnification may be made in advance or at the time of  
13 actual payment by the director or officer for reasonable expenses to be incurred in connection with the  
14 defense of the action, suit or proceeding, or at the time of any settlement or payment or judgment; provided,  
15 however, if it is determined that the director or officer is liable on the basis that he/she breached or failed to  
16 perform duties and that the breach or failure to perform constitutes willful misconduct or recklessness, then  
17 the director or officer must reimburse the State Bar for all sums which he/she was ineligible to receive.

1 **ARTICLE XIII**

2 **APPOINTMENTS**

3 **Section 13.1**

4 In addition to the appointments for various State Bar committees and commissions, the President and/or the  
5 BBC are required to make the following appointments:

6 A. BBC Appointments

7 1. Judicial Standards Commission. NMSA 1978, § 34-10-1 (1999) requires the BBC to appoint two  
8 commissioners for four-year terms. Prior to June 30 in each even numbered year, the BBC shall  
9 appoint one Commissioner who shall be a lawyer but not a member of the BBC.

10 2. Rocky Mountain Mineral Law Foundation. The BBC shall appoint a lawyer for a three-year term.

11 3. Center for Civic Values IOLTA Grant Committee. The BBC shall appoint one lawyer and one non-  
12 lawyer to this committee to serve at the pleasure of the BBC.

13 4. Supreme Court Committees. Rule 23-106 NMRA allows the BBC to appoint a liaison to each  
14 standing, special or temporary committee for a term of one year.

15 5. The BBC shall appoint a delegate to the American Bar Association for a two-year term.

16 6. The BBC shall appoint representatives to New Mexico Legal Aid and DNA - People's Legal  
17 Services, Inc.

18 7. The BBC shall appoint one representative to the Civil Legal Services Commission for a three-year  
19 term.

20 8. The BBC shall appoint three representatives to the New Mexico Access to Justice Commission for  
21 three-year terms.

22 9. The BBC shall appoint two representatives to the New Mexico Client Protection Fund Commission  
23 for three-year terms.

24 B. President's Appointments.

25 1. Risk Management Advisory Board. NMSA 1978, § 15-7-4 requires the President to appoint an  
26 attorney to serve on this Board for a term of four years.

27 2. Disciplinary Board. Rule 17-101 NMRA requires the President to appoint an attorney for a term of  
28 three years.

29 3. Judicial Nominating Commissions. N.M. Constitution Art. VI, Sec. 35, 36 and 37 requires the  
30 President to appoint at least four members of each commission (appellate, district court and  
31 metropolitan court). The term of appointment is not specified. Each appointee shall serve at the  
32 pleasure of the President.

1 **ARTICLE XIV**

2 **OFFICE OF THE STATE BAR**

3 The office of the State Bar of New Mexico shall be maintained in the City of Albuquerque, New Mexico. The  
4 registered agent shall be the Executive Director of the State Bar.

5

6

7 **ARTICLE XV**

8 **AMENDMENTS**

9 These Bylaws may be amended by the BBC at any regular meeting of the BBC. No amendment shall be  
10 proposed or considered except after 30 days advance notice of the proposed amendment to the members of  
11 the BBC. This requirement of advance notice may be waived by unanimous written consent of all  
12 Commissioners.

13 Amendments to the Bylaws may only be adopted by the affirmative vote of two-thirds of the members of the  
14 BBC present once a quorum is attained.