

**24-101. Board of Bar Commissioners. (2016)**

**A. Organization of the State Bar of New Mexico.** In order to aid the courts in improving the administration of justice, to promote the interests of the legal profession in the State of New Mexico, to promote and support the needs of all members, to be cognizant of the needs of individual and minority members of the profession, including the full and equal participation of minorities and women in the state bar and the profession at large, to improve the relations between the legal profession and the public, to encourage and assist in the delivery of legal services to all in need of such services, to foster and maintain high ideals of integrity, learning, competence and public service, to provide a forum for the discussion of subjects pertaining to the practice of law and law reform, to promote and provide continuing legal education in technical fields of substantive law and practice and to participate in the legislative, executive and judicial processes by informing its membership about issues affecting the legal system and relating to the purpose of the state bar, and upon approval by the Board of Bar Commissioners, to take such further action as may be necessary to present the views of the bar commission to the appropriate court, executive office or legislative body for consideration; and to the end that the responsibility of the legal profession and the individual members thereof may be more effectively and efficiently discharged in the public interest, and acting within the powers vested in it by the constitution of this state and its inherent power over members of the legal profession as officers of the court, the Supreme Court of New Mexico does hereby create and continue an organization known as the State Bar of New Mexico, and all persons now or hereafter licensed in this state to engage in the practice of law shall be members of the State Bar of New Mexico in accordance with the rules of this Court. The State Bar of New Mexico may incorporate, sue and be sued, may enter into contracts and acquire, hold, encumber, dispose of and deal in and with real and personal property, and promote and further the aims as set forth herein and hereinafter in these rules.

Except as otherwise provided by rules adopted by the Supreme Court, no person shall practice law in this state or hold himself or herself out as one who may practice law in this state unless such person is an active member of the state bar, and no suspended or disbarred member shall practice law in this state or hold himself or herself out as one who may practice law in this state, while suspended or disbarred.

**B. Divisions created.** The Supreme Court of New Mexico does hereby create the following divisions of the state bar:

- (1) a young lawyers division. Membership in the Young Lawyers Division shall consist of all members of the State Bar of New Mexico in good standing under thirty-six (36) years of age and those members who have been admitted to the practice of law in any state less than five (5) years. Membership shall terminate automatically as of December 31 after a member attains thirty-six (36) years of age or five (5) years after admission to the practice of law in any state, whichever occurs last. However, a member elected to the office of chair-elect prior to reaching thirty-six (36) years of age may serve as chair-elect, chair and past chair even if the member's service in those offices will extend beyond the date

that the member attains thirty-six (36) years of age. Except as provided in this subparagraph, no person who is thirty-six (36) years of age or older may serve as an elected officer of the Young Lawyers Division. A person who qualifies for membership in the Young Lawyers Division because that person has not been admitted to any state bar for more than five (5) years shall not serve as an officer of the Young Lawyers Division if such service would extend more that five (5) years beyond that person's admission to any state bar. The Young Lawyers Division shall adopt bylaws applicable to its division which shall be approved by the Board of Bar Commissioners. Such bylaws shall not be inconsistent with these rules. The bylaws of the young lawyers division shall establish the process for the election of its officers and directors;

(2) a senior lawyers division. Membership in the Senior Lawyers Division shall consist of all members of the State Bar of New Mexico in good standing who are fifty-five (55) years of age or older and who have practiced law for twenty-five (25) years or more. The senior lawyers division shall adopt bylaws applicable to its division which shall be approved by the Board of Bar Commissioners. Such bylaws shall not be inconsistent with these rules. The bylaws of the senior lawyers division shall establish the process for the election of its officers and directors; and

(3) a paralegal division. A person may become a member of the paralegal division if the person meets the requirements of Rule 24-101A NMRA of these rules. The paralegal division shall adopt bylaws applicable to its division which shall have been approved by the Board of Bar Commissioners. Such bylaws shall not be inconsistent with these rules. The bylaws of the paralegal division shall establish the process for the election of its officers and directors.

**C. Board membership and powers.** The Board of Bar Commissioners shall be the governing board of the state bar. Each commissioner shall have one (1) vote. Except as otherwise provided by Paragraph I, the board shall consist of twenty-one (21) bar commissioners, consisting of those district bar commissioners elected under Paragraph D, and the chair of the young lawyers division and the elected delegate of the senior lawyers division. The board has perpetual succession and may use a common seal. The board may employ an executive director. The board may adopt bylaws applicable to the state bar and the board; provided, however, any such bylaws inconsistent with these rules shall be invalid.

**D. Bar commissioner districts.** The following bar commissioner districts are established and each district shall be represented by the indicated number of district bar commissioners, each of whom shall have their principal place of practice in the district represented and shall be nominated and elected by the members of the bar in accordance with the bylaws of the state bar:

(1) the first bar commissioner district, which consists of Bernalillo County, shall be represented by eight (8) bar commissioners;

(2) the second bar commissioner district, which consists of San Juan, McKinley, Cibola and Valencia counties, shall be represented by one (1) bar commissioner;

(3) the third bar commissioner district, which consists of Rio Arriba, Sandoval, Los Alamos and Santa Fe counties, shall be represented by three (3) bar commissioners;

(4) the fourth bar commissioner district, which consists of Taos, Colfax, Union, Mora, Harding, San Miguel and Guadalupe counties, shall be represented by one (1) bar commissioner;

(5) the fifth bar commissioner district, which consists of Quay, Curry, Roosevelt and DeBaca counties, shall be represented by one (1) bar commissioner;

(6) the sixth bar commissioner district, which consists of Lea, Eddy, Chaves, Lincoln and Otero counties, shall be represented by three (3) bar commissioners; and

(7) the seventh bar commissioner district, which consists of Catron, Socorro, Torrance, Sierra, Hidalgo, Luna, Grant and Dona Ana counties, shall be represented by two (2) bar commissioners.

**E. Terms of office.** The district bar commissioners shall be elected to terms of three (3) years and shall hold office until their successors are elected or appointed and qualified. No district bar commissioner shall be elected to more than three (3) consecutive three-year terms or serve more than ten (10) consecutive years.

**F. Vacancies.** Vacancies on the board of the district bar commissioners shall be filled by appointment of the board, and district bar commissioners so appointed shall serve until December 31. An election of a district bar commissioner to fill the unexpired term shall be held with the next regular election of district bar commissioners following the appointment to fill the vacancy.

**G. Nominations for district commissioners.** Nominations to the office of district bar commissioner shall be by the written petition of any ten (10) or more active status members of the bar in good standing. Any number of candidates may be nominated on a single petition which shall be received by the executive director within a period to be fixed by the bylaws of the State Bar of New Mexico. No state or federal judge shall be eligible to serve as a member of the board of the state bar while in office.

**H. Election results.** The annual election of commissioners shall close at noon on November 30th and the ballots canvassed by at least three (3) commissioners not running for reelection as appointed by the president, and the results shall be published in the Bar Bulletin.

**I. Officers of board of commissioners; election.** In accordance with the bylaws of the state bar, the Board of Bar Commissioners shall elect a president, a president-elect, and a secretary-treasurer, who shall take office. The immediate past president shall also be an officer of the board. All of said officers shall be members of the Board of Bar Commissioners and shall be officers of the state bar and of its Board of Bar Commissioners. Terms of office for the officers of the board shall commence January 1st and those officers shall serve for one (1) year.

**J. Extension of commissioner terms.** If a district bar commissioner's term of office expires while such commissioner is serving in the position of secretary-treasurer, president-elect, or president, such commissioner's term shall be extended until the completion of his or her term as immediate past president provided that the commissioner was elected to the board for his or her current term. During the extended term, there shall be elected from the district in which the commissioner resides, one less member to the board than said district would be otherwise entitled to under these rules.

[As amended, effective January 1, 1987; July 1, 1987; June 1, 1992; October 1, 1992; December 1, 1993; June 15, 1994; February 7, 1995; June 8, 1998; April 17, 2000; August 14, 2000; January 30, 2004; August 31, 2004; as amended by Supreme Court Order 06-8300-035, effective January 1, 2007; as amended by Supreme Court Order 13-8300-039, effective December 31, 2013; as amended by Supreme Court Order No. 16-8300-036, effective immediately for the 2016 elections.]