

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 All active status attorneys, as defined by Rule 24-102(B)(1) NMRA shall be active status members of the  
5 State Bar of New Mexico. An active status member in good standing shall have full voting privileges and  
6 shall be eligible to hold any elective or appointive office.

7 **Section 2.2 Inactive Status Member.**

8 An active status member shall become an inactive status member upon written request in accordance with  
9 Rule 24-102.2(E) NMRA. Inactive members have no voting rights and no right to notices. Inactive status  
10 members may choose to receive the *Bar Bulletin* electronically free of charge or may receive the paper  
11 publication upon payment of a publication fee in the amount to be determined by the Executive Director.  
12 Inactive status members may resume active status in accordance with Rule 24-102.2(F) NMRA.

13 **Section 2.3 License Fees.**

14 The annual license fees for active and inactive status members shall be determined and fixed by the BBC  
15 prior to January of each calendar year unless otherwise set by New Mexico Supreme Court.<sup>1</sup> Active and  
16 inactive status members shall pay their license fees in compliance with Rules 24-102 and 24-102.2 NMRA.  
17 Any member suspended because of noncompliance with Supreme Court rules governing the practice of law  
18 shall not be reinstated until they have fully complied with Rule 15-302(B)(2) NMRA.  
19 All monies collected by the Executive Director of the State Bar in accordance with this rule shall be deposited  
20 in an account designated as State Bar of New Mexico general fund and shall be disbursed by order of the  
21 BBC in carrying out its functions, duties and powers.

22 **Section 2.4 Register of Members.**

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

25 **Section 2.5 Voluntary Withdrawal.**

26 Any attorney in good standing and without a pending disciplinary action, wishing to voluntarily withdraw as a  
27 member of the State Bar shall notify the Supreme Court in writing in compliance with Rule 24-102.2(G)  
28 NMRA.

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<sup>1</sup> Licensing fees for limited license attorneys are set by Rules 15-301.1 and 15-301.2 NMRA.

29 **Section 2.6 Paralegal Member.**

30 A paralegal who meets the requirements of Rule 24-101.1 NMRA shall be entitled to membership in the  
31 Paralegal Division in accordance with the Bylaws and Standing Rules governing that division. The  
32 provisions of Section 2.1 through 2.5 of this Article II of these Bylaws are not applicable to paralegal  
33 members. The Chair of the Paralegal Division, or its designee, shall sit as a liaison member to the BBC. A  
34 member of the Paralegal Division shall not have voting privileges on the BBC, and shall not be eligible to  
35 hold an elective or appointed State Bar office; however, a member of the Paralegal Division may be a voting  
36 member of any committee if its chair so permits, or of a section if that section's bylaws permit. Except as set  
37 forth in Section 4.1, any and all other expenses incurred by the Paralegal Division shall be the responsibility  
38 of the Paralegal Division, and the State Bar of New Mexico shall not be responsible for said expenses or for  
39 reimbursing the Paralegal Division for any said expenses.

40 **Section 2.7 Honorary Judicial Members.**

41 The State Bar of New Mexico shall recognize honorary judicial members in accordance with Rule 24-105  
42 NMRA.

43 **Section 2.8 Law Student Members.**

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

51 **Section 2.9 Affiliate Members.**

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

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

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.

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1 **ARTICLE IV**

2 **BOARD OF BAR COMMISSIONERS**

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

4 *Subsection 4.1 a BBC*

5 The BBC is created as the governing board of the State Bar of New Mexico and shall fulfill its purposes asset  
6 forth in Article I and Rule 24-101(A) NMRA and shall also set policies necessary to conduct its activities. The  
7 BBC shall have the powers and composition as defined in Rules 24-101(C) and 24-101(D) NMRA. The BBC  
8 has perpetual succession and may use a common seal. The immediate past president shall be a voting  
9 member of the BBC for a period of one year.

10 *Subsection 4.1 b Paralegal Representation on BBC*

11 The chair of the Paralegal Division or its designee, shall sit as a liaison member to the BBC. The Paralegal  
12 Division liaison to the BBC shall be reimbursed for BBC meeting expenses in accordance with the policy  
13 governing Commissioners. Any and all other expenses incurred by the Paralegal Division shall be the  
14 responsibility of the Paralegal Division, and the State Bar of New Mexico shall not be responsible for said  
15 expenses or for reimbursing the Paralegal Division for any said expenses. The chair of the Paralegal  
16 Division or its designee, shall have a non-voting position on the BBC and shall not be included in determining  
17 whether or not a quorum of the BBC exists for any meeting.

18 **Section 4.2 Terms of Office.**

19 *Subsection 4.2 a Length of Terms.*

20 Commissioners shall be elected to terms in accordance with Rule 24-101(E) NMRA.

21 *Subsection 4.2 b Forfeiture of Position.*

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

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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 Rule 24-101(F) NMRA.

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 in accordance with Rule 24-101(F) NMRA. For eligibility criteria, see  
52 subsection 4.4c of these bylaws. If the vacancy occurs with two or fewer BBC meetings remaining in that  
53 year, that body has the discretion not to fill the vacancy. If a vacancy is created because no nominations  
54 were received for a position on the BBC during a regular annual election, the BBC shall appoint a  
55 commissioner to fill the vacant position prior to the first meeting of the new year.

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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, which shall follow the established state judicial district(s), from  
64 which they were elected.

65 *Subsection 4.4. b Nominations.*

66 Nominations of active status members to fill the vacancies caused by the expiration of the term of such  
67 Commissioners shall be made by petition of 10 or more active status members of the Bar who are in good  
68 standing and whose principal place of practice (address of record) is in the respective judicial district(s).  
69 Active status members whose principal place of practice (address of record) is in El Paso County, Texas,  
70 may nominate members for the third and sixth judicial districts. Nominations of active status members to fill  
71 the out-of-state district commissioner position shall be made by petition of 10 or more active status members  
72 of the Bar who are in good standing and whose principal place of practice (address of record) is outside the  
73 state of New Mexico, but not in El Paso County, Texas. A member may only be nominated for one position  
74 on the BBC. The petitions must be received in the office of the Executive Director of the Bar by 5:00 p.m.  
75 MT on or before the date fixed in the notice from the Executive Director. Petitions may be submitted in  
76 writing or by a pre-approved electronic method.

77 *Subsection 4.4 c Eligibility.*

78 All active status members of the State Bar who maintain a principal place of practice (address of record)  
79 within the State shall be eligible for nomination and election. A member shall be nominated from the judicial  
80 district(s) in which his or her principal place of practice (address of record) is located, except for the out-of-  
81 state district commissioner whose principal place of practice (address of record) may be in any judicial  
82 district in New Mexico. No state or federal judge shall be eligible to serve as a member of the BBC of the  
83 State Bar while in office.

84 *Subsection 4.4 d Ballots.*

85 Not less than twenty (20) days before November 30<sup>th</sup>, the Executive Director of the Bar shall conduct an  
86 election either by mail or electronic means for the active status members, setting forth the names of all



87 persons duly nominated, grouped by district, and the length of the full or partial term for which a  
88 Commissioner will be elected. The order of the listing of the names on the ballot shall be determined by lot.

89 *Subsection 4.4 e Voting.*

90 Members shall vote for nominees from the judicial district(s) in which the member's principal place of practice  
91 (address of record) is located. Active status members who reside outside the State of New Mexico shall vote  
92 for nominees for the out-of-state district commissioner position, except for active status members who reside  
93 in El Paso County Texas who shall vote for nominees representing the third and sixth judicial districts.

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

95 The election shall be closed, and ballots counted in accordance with Rule 24-101(H) NMRA. In districts  
96 where more than one Commissioner is to be elected, the candidates with the highest number of votes for the  
97 number of available positions shall be elected. Any partial term shall be filled by the candidate with the least  
98 number of votes from among those candidates who are elected, unless otherwise agreed to by the  
99 candidates. The results of the election shall be certified and published in accordance with Rule 24-101(H)  
100 NMRA.

101 *Subsection 4.4 g Election by Acclamation.*

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

104 *Subsection 4.4 h Disputed Election.*

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

107 *Subsection 4.4 i Affidavit.*

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

111 **Section 4.5 Meetings.**

112 *Subsection 4.5 a Regular Meetings.*

113 Unless otherwise ordered by the BBC, meetings of that body shall be held at regular intervals at least  
114 quarterly at such site as the BBC may designate. Meetings include electronic meetings such as  
115 teleconference or videoconference so long as the meeting provides, at a minimum, conditions of opportunity

116 for simultaneous communication among all participating members. Dates for regular meetings of the BBC  
117 for the ensuing year shall be set prior to the last meeting of the current year and shall be published in the *Bar*  
118 *Bulletin*.

119 *Subsection 4.5 b Special Meetings.*

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

125 *Subsection 4.5 c Notice of Special Meetings.*

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

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

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

139 *Subsections 4.5 e Parliamentarian.*

140 In accordance with subsection 3.6 of these bylaws, all meetings of the State Bar shall be governed by  
141 Roberts Rules of Order. The President may appoint a Parliamentarian who shall be a member of the BBC  
142 and shall decide all questions of parliamentary procedure in accordance with these Bylaws, the Articles of  
143 Incorporation of the State Bar of New Mexico and Robert's Rules of Order, Newly Revised. Any  
144 Commissioner can, during a meeting, request a ruling from the Parliamentarian regarding an issue of

145 parliamentary procedure. The Parliamentarian shall also serve as a member of the Policies and Bylaws  
146 Committee.

147 *Subsection 4.5 g Quorum.*

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

153 **Section 4.6 Reimbursement for Expenses.**

154 Members of the BBC shall be paid per diem and mileage as reimbursement for their expenses incurred by  
155 their attendance at regular and special BBC meetings and committee meetings of the BBC in accordance  
156 with the approved State Bar travel policy.

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158 **ARTICLE V**

159 **OFFICERS OF THE STATE BAR**

160 **Section 5.1 Officers.**

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

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

164 BBC nominations, elections, and terms shall comply with Rule 24-101(I) NMRA and this bylaw. At a regular  
165 meeting of the BBC at least 30 days prior to November 30th, the BBC shall elect a President-Elect, who shall  
166 become President in the following year, and Secretary-Treasurer, who along with the President and  
167 Immediate Past President, shall serve as the officers of the BBC. Officers shall be elected to a term of one  
168 year commencing on January 1st. Officers shall be elected from among those Commissioners nominated for  
169 office at the regular meeting of the BBC immediately preceding the election. They shall be elected by secret  
170 ballot by a majority vote of those Commissioners in attendance at said meeting, unless elected by  
171 acclamation.

172 **Section 5.3 Qualifications.**

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

174 **Section 5.4 Vacancies.**

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

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

179 Extension of Commissioner terms shall be handled in accordance with Rule 24-101(J) NMRA.

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. The President shall make such appointments as are required by  
189 *Subsection 13.1 b of these bylaws.*

190 *Subsection 5.6 b President-Elect.*

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

193 *Subsection 5.6 c Secretary-Treasurer.*

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

197 *Subsection 5.6 d Executive Director.*

198 The BBC shall select and employ an Executive Director whose compensation shall be fixed by the BBC and  
199 who shall perform such duties as are prescribed by the BBC. The BBC may remove the Executive Director  
200 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 Executive Committee shall hold meetings and minutes shall be kept of action taken by the  
15 Committee<sup>2</sup>. Meetings may be conducted in person, telephonically or by videoconference.

16 c. Any action taken by the Executive Committee shall be presented to the BBC for ratification.

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

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

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<sup>2</sup> Minutes are required by NMSA 1978, Section 53-8-27.

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 shall prepare a proposed functional budget which shall topically  
10 categorize expenditures by major categories.
- 11 b. The BBC shall review and approve the budget no later than the second to last meeting of the year.
- 12 c. The State Bar shall prepare a Budget Disclosure document that lists the total expenses identified  
13 in the budget and allocates these expenditures according to whether the expenditure is chargeable  
14 or non-chargeable to member dues.
- 15 d. The State Bar shall publish a notice in the *Bar Bulletin* advising the membership that the Budget  
16 Disclosure document is posted on the State Bar website with a detailed explanation of each  
17 member's right to deduct from his or her dues payment the proportional share of any non-chargeable  
18 expenses identified in the budget and to object to any of the chargeable expenses in the budget on  
19 the grounds that a challenged expenditure is not for the permissible purpose of regulating the  
20 profession or improving the quality of legal service to the people of the State of New Mexico (See  
21 *Keller v. State Bar of California*, 496 U.S. 1 (1989)) or that an error was made in calculating a non-  
22 chargeable expense. At least thirty days from the date of publication of the Budget Disclosure shall  
23 be allowed for written challenges.
- 24 e. In the event challenges are received, the BBC at its next regularly scheduled meeting or at a  
25 special meeting shall consider the challenges. The BBC may remove the challenged activity from  
26 the budget, may give a pro rata refund to the challenger, or may submit the dispute to the New  
27 Mexico Supreme Court or its designee for an impartial decision. The BBC or a challenger may  
28 specifically request that the New Mexico Supreme Court appoint another impartial decisionmaker.

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

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

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

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

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

53 **Section 7.4 Monthly Financial Reports.**

54 Regular monthly financial reports shall be submitted by the Finance Committee to the BBC at each regular  
55 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 comply with Rule 24-101 (B)(1) NMRA.

5 **Section 8.2 Senior Lawyers Division.**

6 Membership in the Senior Lawyers Division shall comply with Rule 24-101 (B)(2) NMRA.

7 **Section 8.3 Paralegal Division.**

8 A person may become a member of the paralegal division in accordance with Rule 24-101.1 NMRA.

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

10 The rules and regulations of each Division shall be in accordance with the Division's bylaws as approved by  
11 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. A member of the State  
5 Bar who wishes to create a section shall submit to the BBC for consideration the following: 1) a petition  
6 signed by a minimum of 50 members; 2) proposed dues amount; 3) a statement of the need for the proposed  
7 section; and 4) the proposed activities of the section for the first two (2) years of operation.

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

9 Membership in sections shall be open to all active and inactive members of the State Bar and may be open  
10 to persons not members of the State Bar, including law students and paralegals, as specified in section  
11 bylaws. Persons who are not members of the State Bar (non-attorney associate members) cannot be voting  
12 members of the section, but may be members of the board of a section, so long as their number does not  
13 exceed three members of the board and constitutes a minority of the board, as provided by section bylaws.  
14 Section officers shall be active attorney members of the State Bar of New Mexico.

15 *Subsection 9.1 b Relationship between the State Bar and Sections*

16 The sections shall comply with Section 10.2 of these bylaws regarding , positions, publications,  
17 recommendations or actions of the section that are announced or distributed outside of the section's  
18 membership prior to announcement or distribution outside of the section's membership. by the State Bar.

19 *Subsection 9.1 c Section Funds.*

20 All funds generated by the section dues and activities are and shall be funds of the State Bar of New Mexico.  
21 Funds shall be expended by the section only pursuant to a budget approved by the Executive Director of the  
22 State Bar. The section's fund balance on December 31<sup>st</sup> of each year shall be considered carryover funds  
23 and shall be included in the section's budget for the coming fiscal year. All funds in excess of one year's  
24 worth of dues shall be transferred to the State Bar General Account, unless the section requests that the  
25 funds not be transferred. The request must be made to the Board of Bar Commissioner's Finance  
26 Committee prior to November 15 when the funds would be transferred and should include a plan detailing  
27 the ways in which the excess funds would be spent in the following year. Unbudgeted section funds may  
28 only be used for State Bar purposes.

29

30 **Section 9.2 Committees.**

31 The President of the State Bar shall, with the approval of the BBC, as soon as practical after January 1<sup>st</sup>,  
32 determine which committees he or she deems advisable and appoint and announce the membership of all  
33 such committees. Paralegals and student members of the State Bar may have voting rights in a committee  
34 in accordance with Section 2.6 or 2.8. The committees shall be governed by policies established by the  
35 BBC. Such committees, as determined by the President with the approval of the BBC, may be either  
36 standing, internal or special, as defined herein. Except as set forth in Article XI, no report or  
37 recommendation or any action of any committee shall be considered as the action of the State Bar unless  
38 and until it has been approved by the BBC.

39 *Subsection 9.2 a Standing Committee.*

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

45 *Subsection 9.2 b Internal Committee.*

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

48 *Subsection 9.2 c Special Committee*

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

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

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

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

60 The BBC or its designee shall establish a sunset date for each section and standing or special committee  
61 that shall be on December 31 of a selected year. On or before September 1 of the sunset year, a member or  
62 members of the Bar may petition the BBC to continue the section or standing or special committee. If no  
63 member of the Bar petitions the BBC to continue the section/standing or special committee, it shall  
64 automatically cease to exist on its sunset date unless the BBC on its own motion votes to continue the  
65 section/standing or special committee. The petition must contain reasons why the section/standing or  
66 special committee should be continued. If the BBC determines that the petition contains sufficient reason to  
67 continue the section/standing or special committee, it shall be continued. Otherwise, the section/standing or  
68 special committee shall be abolished. If a section/standing or special committee is continued beyond its  
69 sunset date, it shall be subject to sunset again in five years, at which time the petition process set forth in this  
70 section shall be required to continue the section/standing or special committee.

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

72 Sections are required to follow their Bylaws. Amendments to section bylaws must be consistent with the  
73 model section bylaws adopted by the BBC and shall be reviewed by the General Counsel of the State Bar of  
74 New Mexico and shall be approved by the BBC. Sections and committees must comply with the Bylaws and  
75 Policies of the State Bar of New Mexico. Failure to do so may result in being placed on the sunset list to be  
76 heard at the next meeting of the BBC.

77 **Section 9.6 Commissions.**

78 The President, with BBC approval, shall establish Commissions as deemed advisable. No later than 30 days  
79 before the creation of the Commission is to be voted upon, the President shall set forth in writing and distribute  
80 to the members of the BBC, the charge or purpose of the commission, the criteria for the chair and the  
81 members, the intended life span of the commission, and its proposed funding source.. No Commission shall  
82 be created unless a motion to do so receives a 2/3 vote of a quorum present. A Commission may consist of  
83 individuals who are not members of the State Bar of New Mexico. The President, with approval of the BBC,  
84 shall have the authority to sunset a commission subject to any New Mexico Supreme Court rule or order  
85 associated with the commission.

86

87

88 **ARTICLE X**

89 **PUBLIC STATEMENTS**

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

91 (a) Except as set forth in Article XI, the State Bar of New Mexico may issue public statements involving  
92 the purposes established in Article I and other matters involving the legal profession, judiciary, or rule  
93 of law.

94 (b) A public statement is an official statement meant to convey a position of the State Bar leadership that  
95 is disseminated to membership and the public at large.

96 (c) The President, Executive Committee, or Executive Director may make a public statement on behalf  
97 of the organization in response to a significant local, national, or global event.

98 (d) State Bar sections, divisions, committees, and commissions may make public statements on behalf  
99 of their group in accordance with Section 10.2.

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

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

104 (a) The position, recommendation, or action is germane to the purpose of the section, committee,  
105 division or commission;

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

108 (c) The position, recommendation, or action does not take a position on the social or political  
109 implications of an issue, except where the social or political implications directly impact the State  
110 Bar's mission and core functions.

111 If the Executive Director disapproves any release or announcement, the section, committee, division or  
112 commission may appeal the decision to the Executive Committee of the BBC.

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, as well as  
7 legislative, executive and judicial advocacy by the State Bar, shall be referred by the BBC to the GAC. State  
8 Bar sections, committees, divisions and commissions shall be governed by Section 11.7 below. The  
9 President of the BBC shall appoint up to eleven members of the BBC to serve on the GAC. The immediate  
10 Past President of the BBC shall serve as chair of the committee. If the Immediate Past President declines to  
11 serve as chair, then the GAC shall elect a chair. The Executive Director and the General Counsel of the  
12 State Bar shall sit on the committee in an ex-officio capacity and shall not have a formal vote.

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

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

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

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

29           12) defending legal and administrative actions and claims brought against the State Bar of New  
30 Mexico.

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

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

34 **Section 11.3 Specifically Prohibited Activities**

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

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

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

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

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

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

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

60 **Section 11.5 Expedited Matters**

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

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

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

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

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



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

87 No committee, division or commission of the State Bar is authorized to engage in activity designed to  
88 influence a legislative, executive or judicial position without the advance approval of the BBC pursuant to this  
89 Article. Any proposed governmental advocacy shall be presented to the GAC setting forth the specific  
90 position to be taken as well as the proposed method and manner of presenting the same. If State Bar funds  
91 are to be used to present said position, the proposal must be approved by resolution of the BBC by a vote of  
92 two-thirds (2/3) of that body present at a regular or special meeting of the BBC.

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

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

99 (2) Sections may lobby for or against legislation within the field of legal expertise of the section unless the  
100 BBC has prohibited lobbying by sections. The BBC may prohibit lobbying by sections by a majority vote  
101 taken at any regularly scheduled meeting of the BBC. If a section engages in lobbying, it must comply with  
102 the requirements set forth herein.

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

105 (4) Neither the section nor any person acting on its behalf should take any action to support or oppose  
106 legislation unless the position has been approved by a two-thirds vote of the Board of Directors of the section  
107 after giving reasonable notice to the membership of the section and the BBC. In addition, a section by  
108 amendment of its bylaws may adopt a more stringent procedure such as submitting the lobbying position to  
109 an actual vote of the section membership or other poll of section membership in order to establish section  
110 approval. The results of all votes by section Board of Directors on proposals to support or oppose legislation  
111 shall be transmitted immediately to the GAC and published within a reasonable time in the *Bar Bulletin*.  
112 When a section Board of Directors adopts a position by a less-than-unanimous vote, a roll-call vote shall be  
113 taken, and each Director's vote shall be included in the published notice. A section may adopt a general  
114 position in anticipation of legislative action even though specific legislation may not have been introduced.

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

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

121 (6) In addition to the other requirements, all lobbying materials shall state: This position is neither endorsed  
122 nor approved by the State Bar. All speakers on behalf of sections, while lobbying, shall make a similar  
123 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 shall 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 *Subsection 13.1(a) BBC Appointments*

7 1. Judicial Standards Commission. NMSA 1978, § 34-10-1(B) (1999) requires the BBC to appoint  
8 two 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. American Bar Association. The American Bar Association Constitution and Bylaws (Rules of the  
11 Procedure House of Delegates) Article 6, Sections 6.3 and 6.4<sup>3</sup>. The BBC shall appoint two  
12 delegates to the American Bar Association House of Delegates, with one being a member of the  
13 Young Lawyers Division, for two-year terms.

14 3. Supreme Court Committees and Boards. Rule 23-106(F) NMRA allows the BBC to appoint a  
15 liaison to each standing, special or temporary committee for a term of one year.

16 4. New Mexico Legal Aid. NMLA bylaws require the State Bar to appoint up to five members to  
17 three-year terms on the NMLA board. Members must be attorneys admitted to practice in New  
18 Mexico and include at least one member from each Congressional District and one from the State  
19 Bar's Indian Law Section.

20 5. DNA - People's Legal Services, Inc. The Code of Federal Regulations, 45 CFR 1607.2(a) and  
21 DNA bylaws require the State Bar to appoint two members to the DNA Board for four-year terms.  
22 The members must be active New Mexico attorneys practicing in New Mexico.

23 6. Civil Legal Services Commission. NMSA 1978, § 34-14-1 (2001) requires the BBC to appoint one  
24 member, who must be an attorney, to the Civil Legal Services Commission for a three-year term.

25 7. New Mexico Access to Justice Commission. The BBC shall appoint three representatives to the  
26 New Mexico Access to Justice Commission for three-year terms. The President-Elect of the BBC  
27 shall also serve on the Commission. NMSC Order No. 04-8300, May 28, 2004.

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<sup>3</sup> [https://www.americanbar.org/content/dam/aba/administrative/house\\_of\\_delegates/constitution-and-bylaws/constitution-and-bylaw/2020-2021-constitution-and-bylaws.pdf](https://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/constitution-and-bylaws/constitution-and-bylaw/2020-2021-constitution-and-bylaws.pdf)

28 8. Access to Justice Fund Grant Commission. NMSC Order No. 17-8500-028, December 4, 2017.  
29 The BBC shall appoint three representatives to the Access to Justice Fund Grant Commission for  
30 three-year terms, one of whom will be designated chair of the Commission. Members of the  
31 Commission shall not be affiliated with a civil legal services organization who would be eligible to  
32 apply for funding from the Commission.

33 9. New Mexico Client Protection Fund. Rule 17A-005 NMRA requires the BBC to appoint three  
34 representatives to the New Mexico Client Protection Fund Commission for three-year terms. The  
35 Secretary-Treasurer of the BBC shall also serve on the Commission. Each appointed member must  
36 be an active member of the State Bar with his/her principal office in New Mexico.

37 *Subsection 13.1(b). President's Appointments and Engagements* 1. Risk Management Advisory  
38 Board. NMSA 1978, § 15-7-4 (1978) requires the President to appoint an attorney to serve on the  
39 Risk Management Advisory Board for a term of four years.

40 2. Disciplinary Board. Rule 17-101 NMRA requires the President to appoint an active New Mexico  
41 attorney for a term of three years.

42 3. Judicial Nominating Commissions. N.M. Constitution Art. VI, Sec. 35, 36 and 37 requires the  
43 President and the judges on each JNC to appoint at least four members of the State Bar  
44 representing civil and criminal prosecution and defense practice areas to each Judicial Nominating  
45 Commission formed. The appointments shall be made in such manner that each of the two largest  
46 major political parties, as defined by the Election Code, shall be equally represented on the  
47 commission. If the nomination is for a district or metropolitan court, the state bar members shall be  
48 persons who reside in that judicial district.

49 4. Rocky Mountain Mineral Law Foundation (RMMLF). The State Bar of New Mexico is a  
50 Constituent Organization of the RMMLF. RMMLF bylaws allow the President to appoint a  
51 Constituent Trustee for a three-year term. <https://www.rmmlf.org/about/foundation-bylaws>

52 5. Judicial Performance Evaluation Commission. Rule 28-201 NMRA requires the President to  
53 nominate three lawyers for each of two positions on the Judicial Performance Evaluation  
54 Commission. The New Mexico Supreme Court will appoint the two positions from the lawyers  
55 nominated by the President.

56 6. Judicial Compensation Commission. NMSA 1978, § 34-1-10 (2005) requires the President or the  
57 President's designee to serve on the Judicial Compensation Commission. The President or the  
58 President's designee shall serve during the President's term of office.

59 7. New Mexico Compilation Commission. NMSA 1978, § 12-1-2 (2019) requires the President or a  
60 bar commissioner designated by the President to serve on the New Mexico Compilation  
61 Commission.

62 8. New Mexico Sentencing Commission. NMSA 1978, § 9-3-10(B) (2019) requires the President to  
63 appoint one member to the New Mexico Sentencing Commission who is Native American and a  
64 practicing attorney. Term length is not defined by the Statute.

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.