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

To aid 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, including the full and equal participation by minorities and women in the State Bar and the legal profession at large;
To improve the relationships 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;
To participate in the legislative, executive and judicial processes by informing its membership about issues affecting the legal system and relating to the purposes of the State Bar, and upon approval by the Board of Bar Commissioners (hereinafter referred to as the “BBC”), to take such further action as may be necessary to present the views of the BBC to the appropriate court, executive office or legislative body for consideration.
ARTICLE II

MEMBERSHIP

Section 2.1 Active Status Member.

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

Section 2.2 Inactive Status Member.

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

Section 2.3 License Fees.

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

Section 2.4 Register of Members.

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

Section 2.5 Voluntary Withdrawal.

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

¹ Licensing fees for limited license attorneys are set by Rules 15-301.1 and 15-301.2 NMRA.
Section 2.6 Paralegal Member.

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

Section 2.7 Honorary Judicial Members.

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

Section 2.8 Law Student Members.

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

Section 2.9 Affiliate Members.

The State Bar recognizes as affiliates, without the rights and privileges of membership, members of the legal profession not licensed to practice law in New Mexico, but who are licensed to practice law in another state and are in good standing in active or inactive status in all jurisdictions in which they are licensed. An affiliate membership is not a license to practice law in New Mexico. Affiliate members may be furnished copies of State Bar publications and may be entitled to attend and participate, without the right to vote or hold office, in
those meetings and activities conducted by the State Bar and of its component parts or sections. The annual fee shall be determined and fixed by the BBC prior to January of each calendar year.
ARTICLE III

MEETINGS OF THE STATE BAR

Section 3.1 Annual Meeting.

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

Section 3.2 Notice of Annual Meeting.

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

Section 3.3 Resolution and Motions.

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

Section 3.4 Special Meetings.

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

Section 3.5 Notice of Special Meetings.

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

Section 3.6 Parliamentary Rules.

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

BOARD OF BAR COMMISSIONERS

Section 4.1  BBC Powers and Composition.

Subsection 4.1 a  BBC

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

Subsection 4.1 b  Paralegal Representation on BBC

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

Section 4.2  Terms of Office.

Subsection 4.2 a  Length of Terms.

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

Subsection 4.2 b  Forfeiture of Position.

If a Commissioner is absent, except for reasons occasioned by physical or mental disability, from three (3) consecutive BBC meetings or is absent for a total of four (4) BBC meetings in any year, his or her term is subject to termination by the BBC upon 20 days’ written notice to the Commissioner. The Commissioner may make written request for a hearing before the BBC at its next regularly scheduled meeting. The decision of the BBC to terminate shall be final. Any vacancy created by action of the BBC shall be filled pursuant to Section 4.3. Any Commissioner whose term is terminated pursuant to this subsection shall not be a candidate for appointment or election to fill the remainder of the term, pursuant to Sections 4.3 and 4.4.
Subsection 4.2 c  Removal of Officers and Commissioners.

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

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

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

iv) The vacancy shall be filled in accordance with Rule 24-101(F) NMRA.

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

Section 4.3  Vacancies.

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

Subsection 4.4 a Notice.

Not less than 60 days before November 30th, the Executive Director of the Bar shall notify the members of the State Bar who are active status members of the names of the Commissioners whose terms shall expire that year and the Bar Commissioner district, which shall follow the established state judicial district(s), from which they were elected.

Subsection 4.4. b Nominations.

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

Subsection 4.4 c Eligibility.

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

Subsection 4.4 d Ballots.

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

Subsection 4.4 e Voting.

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

Subsection 4.4 f Close of Election and Counting of Ballots.

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

Subsection 4.4 g Election by Acclamation.

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

Subsection 4.4 h Disputed Election.

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

Subsection 4.4 i Affidavit.

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

Section 4.5 Meetings.

Subsection 4.5 a Regular Meetings.

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

Subsection 4.5b  Special Meetings.
The President, in his or her discretion, may, or upon written request of three Commissioners filed with the Executive Director, shall call special meetings of the BBC. If the President shall, for any reason, fail or refuse for a period of five days after request to call a special meeting, the Executive Director or some other person designated by the three Commissioners joining in the request shall call the meeting. The date fixed for said meeting shall not be less than five days from the date of said call.

Subsection 4.5c  Notice of Special Meetings.
Notice of Special Meetings shall be sent by the Executive Director or by the person designated by the Commissioners in the call. The notice shall set forth the day and hour of the meeting and the place and purpose for holding the meeting. At Special Meetings, only such matters as are set forth in the call of the meeting shall be considered.

Subsection 4.5d  Executive Sessions of the BBC.
The BBC may be called into Executive Session by a motion. A motion to go into Executive Session is a question of privilege and therefore is adopted by a majority vote. Members, special invitees, and such staff members as the BBC or its rules may determine to be necessary are allowed to remain in the room. Matters to be handled in Executive Session are: personnel matters (including salaries of State Bar staff), discussions of pending or threatened litigation, and disciplinary action regarding BBC members. The proceedings of the Executive Session are confidential. Any records or proceedings of any Executive Session must be read and acted upon only in Executive Session. The BBC may, by majority vote, disclose in open session anything discussed in Executive Session.

Subsections 4.5e Parliamentarian.
In accordance with subsection 3.6 of these bylaws, all meetings of the State Bar shall be governed by Roberts Rules of Order. The President may appoint a Parliamentarian who shall be a member of the BBC and shall decide all questions of parliamentary procedure in accordance with these Bylaws, the Articles of Incorporation of the State Bar of New Mexico and Robert’s Rules of Order, Newly Revised. Any Commissioner can, during a meeting, request a ruling from the Parliamentarian regarding an issue of
parliamentary procedure. The Parliamentarian shall also serve as a member of the Policies and Bylaws Committee.

**Subsection 4.5 g Quorum.**

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

**Section 4.6 Reimbursement for Expenses.**

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

OFFICERS OF THE STATE BAR

Section 5.1 Officers.

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

Section 5.2 Nominations, Elections and Terms.

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

Section 5.3 Qualifications.

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

Section 5.4 Vacancies.

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

Section 5.5 Extension of Commissioner Terms.

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

Section 5.6 Duties of Officers and Executive Director.

Subsection 5.6 a President.

The President shall preside over meetings of the BBC and the Executive Committee and engage in those activities delegated to him or her by the BBC, appoint and announce, as soon as reasonably practical after January 1st, the membership of all committees for the ensuing year, the appointment of which shall not otherwise have been made. The terms of all committee appointments end on December 31st. The President shall be an ex officio member of every committee and section, with the exception of the Executive
Committee of which the President shall be the chair. The BBC shall determine from time to time which committees shall be standing committees. The President shall make such appointments as are required by Subsection 13.1 b of these bylaws.

Subsection 5.6 b President-Elect.

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

Subsection 5.6 c Secretary-Treasurer.

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

Subsection 5.6 d Executive Director.

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

Section 6.1 Executive Committee.

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

Section 6.2 Duties of the Executive Committee.

The Executive Committee shall have the following powers and duties:

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

b. The Executive Committee shall hold meetings and minutes shall be kept of action taken by the Committee. Meetings may be conducted in person, telephonically or by videoconference.

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

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

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

Minutes are required by NMSA 1978, Section 53-8-27.
ARTICLE VII

BUDGET

Section 7.1 Preparation.

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

Section 7.2 Budget Procedures.

The budget procedures shall be as follows:

a. The Finance Committee shall prepare a proposed functional budget which shall topically categorize expenditures by major categories.

b. The BBC shall review and approve the budget no later than the second to last meeting of the year.

c. The State Bar shall prepare a Budget Disclosure document that lists the total expenses identified in the budget and allocates these expenditures according to whether the expenditure is chargeable or non-chargeable to member dues.

d. The State Bar shall publish a notice in the Bar Bulletin advising the membership that the Budget Disclosure document is posted on the State Bar website with a detailed explanation of each member’s right to deduct from his or her dues payment the proportional share of any non-chargeable expenses identified in the budget and to object to any of the chargeable expenses in the budget on the grounds that a challenged expenditure is not for the permissible purpose of regulating the profession or improving the quality of legal service to the people of the State of New Mexico (See Keller v. State Bar of California, 496 U.S. 1 (1989)) or that an error was made in calculating a non-chargeable expense. At least thirty days from the date of publication of the Budget Disclosure shall be allowed for written challenges.

e. In the event challenges are received, the BBC at its next regularly scheduled meeting or at a special meeting shall consider the challenges. The BBC may remove the challenged activity from the budget, may give a pro rata refund to the challenger, or may submit the dispute to the New Mexico Supreme Court or its designee for an impartial decision. The BBC or a challenger may specifically request that the New Mexico Supreme Court appoint another impartial decisionmaker.
f. The dispute shall be heard as expeditiously as possible. The Bar shall bear the burden of showing that the financial disclosures are accurate and that the challenged matters are within the scope of permissible activities for which mandatory dues may be used under Keller. Upon request, a challenger shall be given reasonable access to information relevant to the challenge which is available or within the control of the Bar. The challenger shall be given an opportunity to present evidence and to present written arguments in support of a challenge. The decisionmaker shall issue a written decision on whether the challenged expenditure is chargeable or non-chargeable to mandatory dues and whether the disclosed expense for a non-chargeable expense is accurate. The decisionmaker shall also determine the amount of refund, if any.

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

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

Section 7.3 Budget Limits and Approval Authority.
Expenditure categories or line items in the annual budget as approved by the BBC shall be deemed to be limits on such expenditures, and any line item or expenditure which would exceed or increase the budget or any non-budgeted item, which is an item that was included or anticipated in the final budget, must be approved by the BBC.

Section 7.4 Monthly Financial Reports.
Regular monthly financial reports shall be submitted by the Finance Committee to the BBC at each regular meeting, showing income and expenses each month and the year-to-date as compared to the budget.
ARTICLE VIII

DIVISIONS

Section 8.1 Young Lawyers Division.
Membership of the Young Lawyers Division shall comply with Rule 24-101 (B)(1) NMRA.

Section 8.2 Senior Lawyers Division.
Membership in the Senior Lawyers Division shall comply with Rule 24-101 (B)(2) NMRA.

Section 8.3 Paralegal Division.
A person may become a member of the paralegal division in accordance with Rule 24-101.1 NMRA.

Section 8.4 Rules and Regulations of the Division.
The rules and regulations of each Division shall be in accordance with the Division's bylaws as approved by the BBC.
ARTICLE IX

SECTIONS, COMMITTEES AND COMMISSIONS

Section 9.1 Sections.

The BBC shall create such sections within the State Bar as it shall deem advisable. A member of the State Bar who wishes to create a section shall submit to the BBC for consideration the following: 1) a petition signed by a minimum of 50 members; 2) proposed dues amount; 3) a statement of the need for the proposed section; and 4) the proposed activities of the section for the first two (2) years of operation.

Subsection 9.1 a Section Membership, Board Membership and Officers.

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

Subsection 9.1 b Relationship between the State Bar and Sections

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

Subsection 9.1 c Section Funds.

All funds generated by the section dues and activities are and shall be funds of the State Bar of New Mexico. Funds shall be expended by the section only pursuant to a budget approved by the Executive Director of the State Bar. The section’s fund balance on December 31st of each year shall be considered carryover funds and shall be included in the section’s budget for the coming fiscal year. All funds in excess of one year’s worth of dues shall be transferred to the State Bar General Account, unless the section requests that the funds not be transferred. The request must be made to the Board of Bar Commissioner’s Finance Committee prior to November 15 when the funds would be transferred and should include a plan detailing the ways in which the excess funds would be spent in the following year. Unbudgeted section funds may only be used for State Bar purposes.
Section 9.2 Committees.

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

Subsection 9.2 a Standing Committee.

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

Subsection 9.2 b Internal Committee.

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

Subsection 9.2 c Special Committee

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

Section 9.3 Reports of Sections and Committees.

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

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

Section 9.5 Bylaw and Policy Compliance by Sections and Committees.

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

Section 9.6 Commissions.

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

PUBLIC STATEMENTS

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

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

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

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

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

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

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

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

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

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

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

GOVERNMENTAL AFFAIRS

Section 11.1 The Governmental Affairs Committee (GAC)

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

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

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

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

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

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

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

Section 11.3 Specifically Prohibited Activities

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

Section 11.4 Approval of Positions on Matters Pertaining to Governmental Affairs

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

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

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

A) two-thirds (2/3) of the members of the GAC present at a meeting, either in person or via telephonic or videoconferencing, once a quorum has been attained. If the vote is taken solely by electronic means, the vote must be unanimous, and
B) two-thirds (2/3) of the members present at a regular or special meeting of the BBC, once a quorum has been attained. Because it is recognized that there is a need for deliberation, for the purposes of this section, no vote of the BBC shall be taken via email or by proxy.

Section 11.5 Expedited Matters

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

Section 11.6 Notification of Governmental Advocacy and Payment of Expenses.

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

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

Legislative, executive and judicial advocacy by sections, committees, divisions and commissions of the State Bar of New Mexico shall be conducted only in a manner consistent with and in accordance with these Bylaws.
Subsection 11.7(a) Position Advanced by Committees, Divisions and Commissions.

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

Subsection 11.7(b) Position Advanced by Sections.

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

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

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

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

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

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

INDEMNIFICATION OF OFFICERS AND DIRECTORS

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

APPOINTMENTS

Section 13.1

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

Subsection 13.1(a) BBC Appointments

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

2. American Bar Association. The American Bar Association Constitution and Bylaws (Rules of the Procedure House of Delegates) Article 6, Sections 6.3 and 6.4. The BBC shall appoint two delegates to the American Bar Association House of Delegates, with one being a member of the Young Lawyers Division, for two-year terms.

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

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

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

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


The BBC shall appoint three representatives to the Access to Justice Fund Grant Commission for three-year terms, one of whom will be designated chair of the Commission. Members of the Commission shall not be affiliated with a civil legal services organization who would be eligible to apply for funding from the Commission.

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

Subsection 13.1(b). President’s Appointments and Engagements

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

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

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

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

5. Judicial Performance Evaluation Commission. Rule 28-201 NMRA requires the President to nominate three lawyers for each of two positions on the Judicial Performance Evaluation Commission. The New Mexico Supreme Court will appoint the two positions from the lawyers nominated by the President.
6. Judicial Compensation Commission. NMSA 1978, § 34-1-10 (2005) requires the President or the
President's designee to serve on the Judicial Compensation Commission. The President or the
President's designee shall serve during the President's term of office.

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

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

OFFICE OF THE STATE BAR

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

ARTICLE XV

AMENDMENTS

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

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