

**STANDING RULES  
PARALEGAL DIVISION  
STATE BAR OF NEW MEXICO  
Revised and Restated Effective  
April 18, 2020**

---

## TABLE OF CONTENTS

---

PAGE

<b>RULE I.</b>	<b>MEMBERSHIP</b>	
	A. General Criteria	<b>1</b>
	B. Membership Dues	<b>2</b>
	C. Processing of Membership Applications	<b>2</b>
	D. Membership Renewal; Delinquency	<b>3</b>
	E. Reinstatement	<b>4</b>
	F. MCLE Requirements	<b>5</b>
	G. Inactive Paralegal	<b>5</b>
 <b>RULE II.</b>	 <b>RESPONSIBILITIES OF OFFICER AND DIRECTOR POSITIONS</b>	
	A. Chair	<b>7</b>
	B. Chair-Elect	<b>8</b>
	C. Secretary	<b>9</b>
	D. Treasurer	<b>9</b>
	E. Immediate Past Chair	<b>10</b>
	F. Directors	<b>10</b>
 <b>RULE III.</b>	 <b>FUNCTIONS AND RESPONSIBILITIES OF COMMITTEES</b>	
	A. General	<b>11</b>
	B. Standing Committees	<b>12</b>
	C. Special Committees	<b>15</b>
 <b>RULE IV.</b>	 <b>ELECTION OF OFFICERS AND DIRECTORS</b>	
	A. Eligibility of Candidates	<b>15</b>
	B. Election Campaign Guidelines	<b>15</b>
	C. Election Process	<b>15</b>
	D. Special Elections	<b>17</b>
	E. Runoff Elections for Officers and Directors	<b>17</b>
	F. Certification of Elections	<b>18</b>

---

<b>RULE V.</b>	<b>RULES OF ORDER FOR MEETINGS OF THE BOARD OF DIRECTORS</b>	
	A. Open Meetings	<b>18</b>
	B. Planning Session	<b>19</b>
	C. Parliamentary Procedure	<b>19</b>
	D. Voting	<b>19</b>
	E. Electronic Media Correspondence	<b>20</b>
	F. Minutes and Action Items	<b>22</b>
	G. Reports	<b>22</b>
<b>RULE VI.</b>	<b>RULES OF ORDER FOR ANNUAL MEMBERSHIP MEETINGS</b>	
	A. Notice	<b>22</b>
	B. Authority	<b>23</b>
	C. General Rules of Order	<b>23</b>
	D. Agenda	<b>24</b>
<b>RULE VII.</b>	<b>RULES FOR AMENDING DIVISION BYLAWS AND STANDING RULES</b>	
	A. Presenting Proposed Amendments to Bylaws	<b>26</b>
	B. Presenting Proposed Revisions to the Standing Rules	<b>28</b>
<b>RULE VIII.</b>	<b>PROFESSIONAL MISCONDUCT</b>	<b>28</b>
<b>APPENDIX</b>	<b>PARALEGAL DIVISION CODE OF ETHICS AND RESPONSIBILITY</b>	

---

## PURPOSE

The Paralegal Division of the State Bar of New Mexico (“Division”) adopted Bylaws as the fundamental instrument establishing the organization, which defines the primary characteristics of the Division, the limitations on the powers of the organization, and the rights of its members. Article VIII of the *Bylaws* provides that the Board of Directors (“Board”) adopt or amend the *Standing Rules* as deemed necessary to carry out the *Bylaws* and to serve the purpose of the Division. The *Standing Rules* may be suspended, amended, rescinded, or expanded from time to time by a majority vote of the Board present and voting at a duly noticed meeting at which a quorum is present.

Due to the size and geographical distribution of the Division membership, it is impractical to hold a general membership meeting more often than annually. However, the business of the Division must be conducted on a continuous basis, and these *Standing Rules* are intended to provide the necessary guidance to the Board, the Committees, and the general membership in the day-to-day activities of the Division. The Board encourages the general membership to contact the Board with comments, questions, and suggestions with respect to these *Standing Rules*.

## **I. MEMBERSHIP**

### **A. GENERAL CRITERIA**

#### **1. Qualifications for membership**

A person may become a member of the Division if the person:

- a. Contracts with or is employed by an attorney, law firm, corporation, governmental agency or other entity;
- b. Performs substantive legal work as defined in Rule 20-102 NMRA; and,
- c. Meets one or more of the qualifications described in Rule 24-101 NMRA.

2. A person is not eligible for membership or renewal of membership if there is evidence of past professional misconduct. For purposes of the procedures set forth herein, the following shall constitute professional misconduct:

- a. Willful misrepresentation of a material fact in a paralegal's Application for membership or renewal thereof in the Division; or
- b. Violation of any Canon contained in the Division's Code of Ethics and Professional Responsibility (see Appendix) or any provision of the New Mexico Supreme Court Rules Governing Paralegal Services or the New Mexico Supreme Court Rules of Professional Conduct; or
- c. Conviction in any state or federal court of any felony or of any crime involving or related to a charge of moral turpitude; or
- d. Reprimand or censure in any disciplinary or other similar proceeding involving business affairs or other conduct involving the public; or
- e. Revocation or suspension of a professional business license granted by the State of New Mexico, any other state, the federal government, or an agency of any of the foregoing for breach of ethics or a charge relating to character or personal fitness; or
- f. Conduct otherwise exhibiting mental or moral unfitness to participate in the State Bar of New Mexico.

3. Application

a. A prospective member may download the Application from the Division website.

b. Each Application for membership shall contain:

(1) Applicant's consent for the Division to contact present and/or former supervising attorney(s) for verification or clarification of membership qualifications;

(2) A statement that the applicant has read the *Definition of a Paralegal*, as set forth in Rule 20-102 NMRA; has read and agrees to be bound by the Code of Ethics and Professional Responsibility; and agrees to be bound by, and subject to Section VIII. PROFESSIONAL MISCONDUCT as hereinafter set forth in these Standing Rules;

(3) Written verification that the applicant works under the direct supervision of a duly licensed attorney; and,

(4) Certification by the applicant that he/she meets one of the criteria for membership as set forth in Rule 24-101A NMRA (2004) in the Application and Division Bylaws.

B. MEMBERSHIP DUES

1. The membership dues, as determined by the Division's Board, shall be paid on an annual basis and, when paid, shall entitle the member to all the privileges and prerogatives of membership. Dues shall not be prorated or refundable.

2. The fiscal year of the Division shall be the same as that of the State Bar of New Mexico and annual dues shall become due and payable the first day of January of each calendar year.

C. PROCESSING OF MEMBERSHIP APPLICATIONS

The following procedure shall be followed in processing Applications for membership:

1. Upon completion of the Application, the prospective member shall forward the Application for membership to the State Bar of New Mexico P.O. Box listed on the application. The State Bar will forward the application to the Membership Committee Chair or his/her designee together with confirmation of payment of the annual dues. The Membership

Committee Chair or his/her designee shall scan and send by electronic media the Application to the Membership Committee.

2. The Membership Committee Chair shall acknowledge by electronic media, whenever possible, receipt of the Application.

3. The Membership Committee shall review all initial Applications for Division membership, clarify or verify information contained in the Applications, and approve or recommend denial of membership for the applicants.

4. If approved, the Membership Committee Chair shall inform the applicant of his/her approval within two weeks of acceptance and process the Application for enrollment.

5. Question of Eligibility

a. The Membership Committee shall take the following steps if a question arises regarding the applicant's eligibility for membership that the Committee cannot resolve:

(1) Contact the applicant to clarify or verify information contained in the Application; or,

(2) Contact the applicant's supervising attorney and/or professional references to clarify or verify information contained in the Application; or

(3) Forward the Application to the Board for review and interpretation.

b. After the final determination is made, the Membership Committee Chair shall send an explanatory message, by electronic media whenever possible, regarding the reasons for the disapproval with possible solutions to qualify for membership at a later date to the applicant with copies of the message forwarded to the Membership Committee and the Chair of the Division.

c. Payment for dues submitted by any ineligible applicant shall be returned to the applicant.

D. MEMBERSHIP RENEWAL; DELINQUENCY

The following procedure shall be followed in processing renewal Applications for membership:

1. Memberships expire on the last day of the calendar year, and membership renewals shall require filing the renewal Application and paying the appropriate dues as established from time to time by the Board. The Membership Committee shall notify members electronically of their renewal deadline. Any member who has not filed a renewal Application and paid the appropriate membership dues prior to January 15 of each year shall be considered delinquent and not in good standing and therefore not entitled to membership privileges. Dues paid after January 15 are subject to a late charge as established by the Board. However, a member whose membership commences on or after September 1<sup>st</sup> has until the end of the following year to renew his/her membership.

2. Members may renew their memberships electronically on the Division's website using a credit card or they may download a renewal application and mail it to the Division with a check for the appropriate dues and or late fees, as applicable, as established from time to time by the Board of Directors. Renewing members shall verify that they have met their MCLE requirements. The CLE Tracking Chair together with the administrative assistant shall notify the Membership Committee and the members who have not met their MCLE requirement. Failure to comply by March 31 will result in disenrollment.

3. Any membership renewal Application received without payment of dues will not be processed.

4. Any member who has not filed a renewal Application and paid the appropriate dues and late charge (if any) within thirty (30) days after the expiration of membership shall be deleted from the Division membership rolls. Such member shall be notified of nonrenewal by letter or electronic media no later than February 15.

E. REINSTATEMENT

1. A member who has been disenrolled for nonrenewal or for noncompliance with MCLE requirements shall submit the following by March 31 of the year of disenrollment, to be considered for reinstatement:



- a. A membership renewal Application (if not previously submitted);
- b. Evidence that the required MCLE credits have, or will be, earned by March 31;

- c. Payment of current membership dues and the current penalty fee.

2. If a disenrolled member fails to come into compliance by March 31, that member will remain disenrolled for a period of one year from the date of disenrollment. After one year or more from the date of disenrollment, a former member may reapply for membership in the Division as a new member, as outlined in Rule I, paragraph A, above.

3. A member who either fails to timely comply with the MCLE guidelines, or fails to timely renew his/her membership, for two (2) consecutive years will be permanently disenrolled, except at the discretion of the Board.

F. MINIMUM CONTINUING LEGAL EDUCATION (MCLE) REQUIREMENTS

1. Members must comply with MCLE Guidelines established by the Board. The MCLE Guidelines shall be published on the Division's website and provided to the members upon approval of his/her membership.

2. At the time of membership renewal, the member shall verify in his/her renewal Application that he/she has met the MCLE requirements. Members shall check their MCLE report on the Division's website for accuracy and report any discrepancies to the CLE Tracking Committee.

3. For new members, the initial compliance year to fulfill his/her MCLE requirements shall be the first full year following the date the member was approved.

G. INACTIVE PARALEGAL STATUS

1. General

a. For the purpose of determining eligibility for "inactive" paralegal status, an applicant in good standing for this category must certify that he/she will be retired or that he/she will no longer be employed as a paralegal in New Mexico.

b. “Active” paralegals who wish to apply for “Inactive” status must apply during the membership renewal period in which they no longer qualify for active status. Applications submitted after March 31 of the applicable renewal period will not be considered.

c. The “Inactive” paralegal fee, as established by the Board, shall be on an annual basis; the fee shall not be pro-rated or refundable.

d. “Inactive” paralegal status expires on the last day of the calendar year, and renewal of this status shall require filing the *Inactive Paralegal Status Renewal Form* and paying the annual fee, both as established from time to time by the Board.

(1) Any Inactive paralegal who has not filed a renewal form and paid the annual fee prior to February 1 of each year shall be considered ineligible for continued “Inactive” paralegal status. Any fee paid after February 1 is subject to a late charge as established by the Board of Directors.

(2) Any Inactive paralegal who has not filed a renewal form and paid the annual fee within ninety (90) days after the expiration of Inactive paralegal status will be deleted from the Division’s rolls with no provision for reinstatement.

e. The Membership Committee shall:

(1) Review all initial and renewal Applications for inactive paralegal status and clarify or verify information contained in the Application;

(2) Verify that the inactive paralegal is not currently employed under the supervision of a licensed New Mexico attorney; and,

(3) Approve or recommend denial of inactive paralegal status for the applicant. If approved, the Membership Committee shall inform the applicant of the approval of the Inactive status and process the Application.

f. Inactive paralegals who wish to change status to “active” paralegal shall:

(1) Apply at the time of annual membership renewal;

(2) Include payment for annual dues in the amount established by the Board of Directors;

(3) Fulfill any membership and MCLE requirements for Active paralegal members as stated in Bylaws and MCLE Guidelines in effect at the time of reinstatement to Active paralegal status.

2. Privileges

a. Inactive paralegals may:

- (1) Receive notices of Division events;
- (2) Attend meetings;
- (3) Serve on Committees;
- (4) Serve as Historian;
- (5) Participate in volunteer activities;

b. Inactive paralegals may not:

- (1) Serve on the Board;
- (2) Serve as Chair of a Committee, with the exception of the

administrative

assistant, if applicable, who may serve as co-chair of a committee or committees as needed;

- (3) Have voting privileges;
- (4) Make motions at meetings.

c. Inactive paralegals are not required to obtain MCLE credit while serving in this category.

## **II. RESPONSIBILITIES OF OFFICER AND DIRECTOR POSITIONS**

The following responsibilities and acts are in addition to those set forth in the Bylaws relating to these positions or as directed by the Board.

A. CHAIR

1. The Chair shall preside over all Division Board meetings. In the absence of the Chair, the Chair-elect shall preside over the meeting. In advance of the meeting, the Chair shall request reports from officers, directors and committee chairs and proposed discussion topics or items of business. In advance of the meeting, the Chair shall distribute a meeting packet that

includes an agenda, reports, draft minutes and action items identified by the Secretary from the last meeting, if any, to the Board and committee chairs.

2. The Chair or the Chair's designee shall sit as a non-voting liaison member on the Board of Bar Commissioners.

3. The Chair or the Chair's designee may serve as representative to any Bar-related entity.

4. The Chair may attend Committee meetings if desired or as requested.

5. The Chair shall request assistance from the Bylaws Committee regarding matters relating to Division policies and procedures as needed.

6. The Chair or Chair's designee shall monitor Division electronic media and respond or forward the correspondence to the appropriate Officer, Board member, Committee Chair or the Administrative Assistant for response with a copy of the response. If correspondence requiring a response has been delegated, a copy of the response shall be forwarded to the Division Chair and Administrative Assistant.

7. The Chair may appoint a member in good standing to serve as the Division *Historian*.

8. The Chair may evaluate and revise the description for the position as needed.

9. Provide a status report of activities at each Board meeting.

B. CHAIR-ELECT

The Chair Elect shall:

1. Attend all Board meetings and preside over those meetings at which the Chair is unable to attend.

2. Preside over the Planning Session to present for the subsequent year:

a. Goals and proposed activities;

b. A proposed budget in conjunction with input from Committee Chairs and Treasurer for Board approval; and

c. A Division calendar of activities.

3. Serve as Membership Committee Co-Chair as set forth in Rule III.B.
4. Request assistance from the Bylaws Committee regarding matters relating to Division policies and procedures as needed.

5. Provide a status report of activities at each Board meeting.
6. Evaluate and revise the description for the position as needed.

C. SECRETARY

1. Attend all Board meetings and take minutes or appoint a designee to do so. The Secretary shall circulate an initial draft of minutes to the Board for review within two weeks after the meeting for which the minutes apply. Draft minutes including amendments, if any, shall be circulated to the Board in advance of the next Board meeting for approval by the Board at that meeting.

2. Identify action items and corresponding deadlines based on discussions and motions approved at the Board meeting and circulate those to the appropriate responsible party and to all Board members.

3. Maintain records for the Division, according to the Division Retention Policy.
4. Evaluate and revise the description for the position as needed.

D. TREASURER

1. Attend all Board meetings.
2. Keep an itemized account of all monies received and disbursed, as well as accounts payable.

3. In conjunction with Chair-Elect, prepare Annual Budget with input from Committee Chairs and Board.

4. Monitor Division budget and advise Board of special considerations.
5. Serve as liaison with State Bar of New Mexico Accounting Department.
6. Maintain accounting files according to the Division Retention Policy or as established by the State Bar of New Mexico.

7. Process all member reimbursements and invoices within thirty (30) days of receipt.

a. Members who do not submit expenses within 30 days of incurring the expense will not be reimbursed.

b. Expenses incurred in December of the fiscal year shall be processed no later than January 15 of the following year.

8. Provide a status report of activities at each Board meeting.

9. Evaluate and revise description for the position as needed.

E. IMMEDIATE PAST CHAIR

1. Attend all Board meetings and Planning Session.

2. Provide support and guidance to Chair in order to fulfill responsibilities.

3. Serve in the capacity of Committee Chair Coordinator or appoint a member in good standing to serve in such role. This Coordinator shall:

a. Provide orientation for new Board members and Committee chairs no later than the last day of February of each term;

b. Ensure that all Committee notebooks or electronic media records are transferred to the incoming Committee Chairs no later than Board orientation;

c. Prepare Board notebooks for new members and update as necessary;

d. Serve as a liaison between the Board and Committees;

e. Assist Committee Chairs, as needed, in filling Committee vacancies;

f. Monitor Committee activities and provide assistance as necessary in fulfilling Committee responsibilities;

g. Attend Committee meetings as needed to provide assistance, support and guidance to fulfill Committee responsibilities; and,

h. Provide a status report of activities at each Board meeting.

4. Evaluate and revise description for position as needed.

F. DIRECTORS

1. Are encouraged to Chair a Committee.

2. Attend all Board meetings.

### III. FUNCTIONS AND RESPONSIBILITIES OF COMMITTEES

#### A. GENERAL

Membership on Committees shall include representation from as broad a geographical area as is possible, and Committees should be comprised of members from a diversity of law practices, when practical. In addition, a balance should be maintained between members who have previously served on a particular Committee and those who have not. The terms of service shall expire at the close of the calendar year.

1. The Chair shall designate the Chairs of such Committees.
2. Responsibilities of Committee Chairs shall include:
  - a. Appointing their respective Committee members from:
    - (1) Those members in good standing who have requested appointment to a Committee; and
    - (2) Other members as the Committee Chair shall deem appropriate to appoint and who consent to serve on such Committee.
  - b. Providing a written report to the Board on a regular basis summarizing the status of their respective Committee's activities;
  - c. Presenting the Committee's proposed activities, policies, or procedures to the Board for approval before implementation, along with proposed expenditures for such activities, in conjunction with input from the Treasurer.
    - (1) Any expenditure exceeding expenses previously budgeted and authorized will be presented to the Board for approval;
    - (2) Any proposed activity shall be in accordance with the Bylaws and Standing Rules, as appropriate;
    - (3) An article of such related activity, policy or procedure, may be submitted pursuant to the Division E-News Policy for dissemination to the membership.
  - d. Maintain notebook of Committee activities, i.e., correspondence, reports, notes from meetings, etc.;

e. Forward Committee notebook to next Committee Chair no later than Board orientation;

f. Evaluate and revise job description for the role of their respective Committee.

B. STANDING COMMITTEES

The Standing Committees listed in these Standing Rules are authorized in Article IX, Section 9.1 of the Bylaws.

1. *BUDGET AND FINANCE COMMITTEE*

This committee is chaired by the Treasurer and is responsible for providing analysis of financial information for the Division, making recommendations for funding projects and assisting in preparation of the annual budget.

2. *BYLAWS AND STANDING RULES COMMITTEE*

This committee receives, studies and initiates suggested amendments to the Bylaws and Standing Rules and works with standing and special committees to develop and/or change Division policies and procedures.

3. *COMMUNICATIONS COMMITTEE*

This Committee shall consist of three (3) subcommittees which shall create and provide information regarding Division activities:

a. Web Page and ENews. This subcommittee designs and maintains the Division's website at <http://www.nmbar.org>. and creates and provides relevant articles and information regarding paralegals and the Division for publication in the State Bar ENews.

b. Division Newsletter. This subcommittee creates and publishes a newsletter on a periodic basis to be determined by the Board and/or subcommittee.

c. Social Media. The Division Chair shall serve as co-chair of the Social Media subcommittee, and shall, along with the co-chair, serve as the administrator of any social media accounts created by and for the Paralegal Division for the purpose of approving members to join any closed social media pages or groups and facilitating the continued use and operation of any social media accounts.



4. *CONTINUING LEGAL EDUCATION COMMITTEE*

This committee shall consist of three (3) subcommittees as follows, each having a co-chair:

a. *CLE Coordination Subcommittee.* This subcommittee develops and presents programs, seminars and materials relating to continuing legal education for the legal profession.

b. *CLE Provider(s) Approvals Subcommittee.* This subcommittee, chaired by the Treasurer, reviews and approves applications for Division MCLE credit by outside providers for CLE that has not been approved by the State Bar MCLE Board.

c. *CLE Tracking Subcommittee.* This subcommittee is responsible for processing members' CLE approval requests to ensure compliance with Division Bylaws and MCLE Guidelines including approving, tracking, reporting and monitoring, and notifying members of MCLE non-compliance.

5. *EVENTS COORDINATION COMMITTEE*

This committee works with the CLE Coordination Subcommittee and the Chair-Elect, as necessary, and shall be the liaison with the State Bar for the planning of events including, but not limited to, the Division Annual Meeting, State Bar Annual Meeting, CLE and/or other events in conjunction with the State Bar and the Division's December holiday dinner. This committee has an Awards Subcommittee responsible for receiving recommendations for deserving award recipients and preparing certificates of appreciation and obtaining award plaques, if any, to be awarded to recipients at the Division's Annual Meeting.

6. *MEMBERSHIP COMMITTEE*

a. This Committee shall consist of three (3) members of the Division, two of whom shall serve as co-chairs.

b. The Chair-Elect, hereafter referred to as "Membership Liaison" Chair, shall serve as Co-Chair of this Committee. The Administrative Assistant or a person designated by the Chair-Elect in the absence of an Administrative Assistant, hereafter referred to as "Administrative

Co-Chair,” shall also serve as Co-Chair. Duties shall be divided between the two Co-Chairs as follows:

(1) The Membership Liaison Chair shall promote membership and growth within the Division by:

- i. responding to requests from potential members;
- ii. contacting all new Division members to answer questions and provide guidance, as necessary, and to encourage active Division participation.
- iii. establishing a mentorship program consisting of experienced Division members to assist with the above duties, but in no event shall he/she relinquish primary responsibility for the initial contact of new members after they have been notified of membership approval.

(2) The Administrative Co-Chair shall perform all administrative duties (i.e., paperwork, database entry, correspondence, etc.) related to approving new members, renewing members or disenrolling delinquent members as set forth in Rule I. This Committee shall fulfill the responsibilities as set forth in these Standing Rules, including any and all duties as summarized in the applicable Division deadlines incorporated herein.

7. *NOMINATING AND ELECTIONS COMMITTEE*

This committee is responsible for all duties in connection with: (1) the nomination and annual election of officers and directors; and (2) the preparation and submission of ballots to membership for approval of bylaws amendments.

8. *PRO BONO/COMMUNITY SERVICE COMMITTEE*

This committee works with the State Bar of New Mexico to offer opportunities through which Division members may volunteer their time to assist with established programs to provide paralegal services to the community and the disadvantaged in New Mexico.

9. *PROFESSIONAL DEVELOPMENT COMMITTEE*

This committee collects, studies, develops, and implements: (1) various means to better inform and educate the legal community and general public about the use of paralegals in the legal profession; (2) information regarding the education standards of paralegal education

and training programs with regard to the training, certification, or licensing of paralegals; and (3) information and developments regarding changes in the legal profession that would have significant impact on the paralegal community.

10. *SCHOLARSHIP COMMITTEE*

The Scholarship Committee supervises the award of scholarships to paralegal studies students at junior colleges and community colleges in New Mexico based on the budgetary allocation by the Board.

C. SPECIAL COMMITTEES (ad hoc)

1. Special Committees may be established from time-to-time by a two-thirds vote of the Board members present and voting at a Board meeting.

2. The tenure of a Special Committee shall not extend beyond the calendar year following the creation of the Committee unless such extension is approved by the new Board.

**IV. ELECTION OF OFFICERS AND DIRECTORS**

A. ELIGIBILITY OF CANDIDATES

The candidate for Chair-Elect shall have served as a Committee Chair or on the Board for at least one year prior to nomination or declaration of candidacy.

B. ELECTION CAMPAIGN GUIDELINES

1. A resume pertaining to each candidate for an officer or director position may be submitted by the candidate to the Nominating and Elections Committee and may be enclosed with the ballots subject to the approval of the Nominating and Elections Committee Chair.

2. The Nominating and Elections Committee shall supervise all elections to assure compliance with these Rules.

C. ELECTION PROCESS

The following procedure shall be followed by the Nominating and Elections Committee in the election process each year:

1. The Committee Chair shall obtain from the Administrative Assistant the electronic media addresses of members in good standing in the Division. The Committee Chair shall then send by electronic media to each such Division member the following materials:

- a. A Declaration of Candidacy form;
- b. A copy of the "Election Campaign Guidelines".
- c. A copy of the "Duties of Officers and Directors"; and,
- d. A statement that the Declaration of Candidacy form must be received by the Committee no later than October 15.

2. On or before November 1, the Committee shall obtain from the Administrative Assistant the updated electronic media addresses of all active Division members in good standing.

3. The Committee shall prepare the ballot containing the following information:

- a. The names of the eligible candidates next to the position for which that individual seeks election, along with each candidate's full name and address of employment; and
- b. The statement "The Deadline for voting is 5:00 pm twenty (20) days after the ballot link is sent by electronic media to the members." Members will not be able to cast a ballot after 5:00 pm on that date.

4. The Committee shall send by electronic media the cover letter, ballot, Declaration of Candidacy Forms, and resumes, if provided, to the electronic media addresses of all members eligible to vote to the State Bar no later than October 25. The ballot shall be in Word format and the Declaration of Candidacy Forms shall be in *pdf* format. No later than November 5, the State Bar shall send by electronic media the above documents to the electronic media addresses provided to them by the Committee.

5. Voting conducted by electronic ballot shall allow at least twenty (20) days from the time the electronic link to the ballots are sent by electronic media until the ballots will be counted. The return of forty percent (40%) of ballots of Division members entitled to vote will constitute a quorum where balloting is conducted in accordance with the Bylaws.

6. The Committee shall tally the votes and certify the results of the election no later than December 1. However, if forty percent (40%) of ballots of Division members entitled to vote are not received, the time period for voting and certification of the results may be extended by the Committee for a reasonable period of time, if necessary, to reach a quorum. If after the

extension for the election, a quorum is not reached, the Board is authorized to ratify the election. Should a runoff election be necessary, the Nominating and Elections Committee shall follow the procedures as set forth in Section E. of this Standing Rule. However, in the event that there is no declared candidate for a position on the Board, the member who receives the majority of the write-in votes cast shall be appointed by the Chair to serve in that position.

D. SPECIAL ELECTIONS

A special election held for a vacancy in the Chair-Elect position shall follow the same procedure as the general election as stated in paragraph B above.

E. RUNOFF ELECTIONS FOR OFFICERS AND BOARD POSITIONS

1. Necessity

a. A majority of all votes cast in the Division is required to elect a candidate to an office or Board position.

b. If no candidate receives a majority of the vote cast for a particular office in the general election, a runoff election shall be held, and only the names of the two candidates who receive the highest number of votes for such office shall be placed on the runoff ballot.

c. If no candidate receives a majority of the votes cast and there is a tie for the highest number of votes received, a runoff election shall be held, and the names of all candidates in a tie position shall be placed on the runoff ballot.

d. If no candidate receives a majority of the votes cast and there is a tie for the second highest number of votes received, a runoff election shall be held and the name of the candidate receiving the highest number of votes and the names of all candidates in the tie position shall be placed on the runoff ballot.

e. In the event of a vacancy of any Board position after the election, the candidate with the next highest number of votes in the prior election shall be appointed to fill such vacancy. Such appointment shall be ratified by the Board of Directors.

2. Procedure

a. The Nominating and Elections Committee Chair shall cause the ballot for the runoff elections to be prepared. The ballot shall have the following information:

(1) The names of the eligible candidates with each such candidate's full name and address of employment;

(2) The statement "The deadline for voting in this runoff election is (date). Only ballots cast by 5:00 p.m. on (date) shall be tallied." The deadline for voting to be stated on the runoff ballot will be seven (7) days from the date of sending by electronic media of the ballot or the next following business day if that day falls on a weekend or legal holiday.

b. The Election Committee shall send by electronic media a cover letter for the runoff election and the runoff ballot to the State Bar for the runoff election. The Committee will inform the State Bar when the runoff election will start and end.

F. CERTIFICATION OF ELECTIONS

The Nominating and Elections Committee shall tally the votes for the election(s), and the Committee Chair shall certify as to the results of such tally no later than December 1. If one or more runoff elections are required, the Chair shall order such runoff election(s) to be held as soon as possible, but no later than December 15.

**V. RULES OF ORDER FOR MEETINGS OF THE BOARD**

A. OPEN MEETINGS

All meetings of the Board of Directors shall be open to Division Members and to visitors, but only the Board members shall be entitled to vote.

1. Reports

a. All Committee Chairs shall submit written reports at each meeting of the Board. The Committee Chairs shall submit the written report to the Board members and other Committee Chairs no later than the Friday prior to such meeting (via electronic media). Copies of such reports shall be maintained in each respective committee notebook and maintained by the Secretary with the minutes for that meeting.

b. The Committee Chair or his/her designee shall give oral reports at the Board meeting. If action by the Board is to be recommended by the Committee, the Committee Chair may make the motion to the Board.

c. All Committee Chairs shall submit a written annual report to the Secretary no later than twenty (20) days prior to the Annual Meeting. These annual reports shall be made available to the general membership at the Annual Meeting and maintained by the Secretary with the minutes for that meeting.

B. PLANNING SESSION

The purpose of the Planning Session is to present ideas for events/activities for the next term for discussion.

1. This meeting is chaired by the Chair-elect.
2. A Budget shall be prepared with input from the Treasurer, Board members, and Committee Chairs and shall be presented to the Board for approval at that time.
3. A calendar of events for the following year will be presented for approval by the Board.

C. PARLIAMENTARY PROCEDURE

All meetings of the Board shall be conducted in accordance with the Bylaws and these Standing Rules.

D. VOTING

1. Motions and seconds to Motions may be made only by voting members of the Board, except that Chairs of committees may make motions only in relation to their respective Committee business. At the Chair's discretion, any motion or amendments shall be presented to the Secretary in writing before action is taken.
2. Board members should limit discussion to a "reasonable" length of time and to the motion or discussion on the floor. The Chair may call for a vote on the motion, limiting the time for discussion, unless by majority vote of the Board the time is extended.
3. Unless otherwise required by the Bylaws or these Standing Rules, a majority vote of the Directors present and voting shall be required to approve items of business brought before the Board. A tie vote means that the required majority has not been achieved and the motion therefore fails. Voting on any motion may be by a show of hands; however, upon request by any Board member or at the discretion of the Chair, voting will be by written ballot.

4. If a matter requires resolution prior to the next regularly scheduled Board meeting, the voting shall be conducted by electronic media. The Chair, Committee Chair or Board member requesting resolution shall contact each Board member to explain the issue to be voted on and request a vote, subject to the following:

a. A majority vote of the entire Board of Directors is obtained to approve or resolve the issue or subject being voted on.

b. The Chair, Committee Chair, or other Board member conducting the electronic media vote shall record each Board member's vote for submission to the Secretary for inclusion in the minutes of the next Board meeting.

c. The Chair or Secretary shall immediately inform each Board member in writing of the results of the electronic media vote.

d. The Secretary shall canvass the Board members at the next regularly scheduled Board meeting to ratify the results of the electronic media vote and the results of such canvass shall be recorded in the minutes.

E. ELECTRONIC MEDIA CORRESPONDENCE

1. Any Board member who will be unavailable for any reason shall circulate an electronic media message to the Board advising of such unavailability and for what time period.

2. Discussion of Division business is permitted between meetings as appropriate.

a. Board issues to be addressed to a specific Officer/Committee Chair may be circulated to such Officer/Committee Chair.

b. Such electronic media correspondence does not need to be routed to the Chair until such business is resolved at the Committee level and is ready to come before the Board or if the Committee is unable to reach a resolution.

c. Electronic media correspondence to a member or person outside of the Division shall be generated by the Chair, the appropriate Officer, Board member, Committee Chair, or Administrative Assistant dealing with specific Committee issues. If such



correspondence is not generated by the Chair, input may be requested as needed. Electronic media correspondence to a member or person outside of the Division regarding other issues outside of committee shall be generated by the Chair. If appropriate, a draft of such correspondence may be forwarded via electronic media to the appropriate Officer, Board Member, Committee Chair, or Administrative Assistant for input. Responses should be made within three (3) working days of receiving the request for input.

4. Voting via electronic media

Electronic media voting should only be used when action is required before the next Board meeting. A majority vote of the entire Board is required to approve the issue or subject being voted on.

a. Any Board member or Committee Chair who initiates a vote shall inform the Chair accordingly in advance of the vote. If the Chair is unavailable, the Chair-elect shall be notified.

b. Such request for an electronic media vote shall be identified in the Subject line as *"PD – vote needed."*

c. Any responses shall be indicated as *"Reply to All"* so that everyone involved in the voting may have access to everyone else's comments.

d. A Board member shall be given until the end of the next business day to cast a vote.

e. The person initiating the vote shall be responsible for tallying the votes and circulating the results to those voting and the Secretary.

f. The Board of Directors shall ratify any electronic media votes at the next Board Meeting and the results shall be recorded in the minutes.

F. MINUTES AND ACTION ITEMS

The only official minutes of Board meetings are those taken by the Secretary or person designated by the Chair. Other verbatim recordings, electronic or otherwise, will be allowed only upon majority approval of the Board.

1. The form of minutes shall be in compliance with Robert's Rules of Order.

2. The Secretary shall circulate an initial draft of minutes to the Board for review within two weeks after the meeting for which the minutes apply. Draft minutes including amendments, if any, shall be circulated to the Board in advance of the next Board meeting for approval by the Board at that meeting.

3. The Secretary shall also identify action items and corresponding deadlines based on discussions and motions approved at the Board meeting and circulate those to the responsible party and to all Board members.

G. REPORTS

1. A Committee report shall be prepared in writing and submitted to the Secretary for inclusion as attachments in the minutes of the meeting. The reports shall be presented orally by each Committee chair, or his/her designee at the meeting.

2. No Motion is required for acceptance of Committee reports, but any recommendation of a Committee for Board action shall be put in the form of a motion by a Board member or Committee Chair.

**VI. RULES OF ORDER FOR ANNUAL MEMBERSHIP MEETINGS**

A. NOTICE

At the direction of the Chair, the Secretary shall give notice of the Annual Meeting in accordance with Article VII, Section 74 of the Division Bylaws.

B. AUTHORITY

All meetings of the general membership of the Division shall be conducted in accordance with the Bylaws or these Standing Rules.

C. GENERAL RULES OF ORDER

1. All Motions shall require a simple majority vote of the members present in person or by proxy in order to pass.

2. Any active member of the Division in good standing may introduce business and make motions and seconds to motions. Any member wishing to be recognized must address the Chair or other person chairing the meeting, state his/her name, and the matter to which the

member wishes to speak. If the subject to be addressed is a motion before the assembly, the member shall also inform the Chair of the speaker's intent to speak for or against the motion.

3. The Chair may limit time for debate on any subject, and no speaker shall be permitted to speak more than twice on any one subject and not more than three (3) minutes each time, except by permission of the Chair; provided, however, that no member shall be permitted to speak a second time on the same subject as long as any member who has not spoken on the subject desires to do so. Two (2) timekeepers shall be appointed by the Chair to assist in enforcing this rule, if necessary.

4. Debate or discussion on a motion may be limited to six (6) speakers, three (3) for the motion, including the member who made the motion if that member wishes to speak, and three (3) against the motion. The Chair shall let the floor alternate, as far as possible, between those favoring the motion and those opposing the motion.

5. At the close of debate as declared by the Chair, the motion shall be put to a vote. Voice vote shall be determined by the Chair unless more than a simple majority vote is required on a matter on the floor, in which event the vote shall be taken by a show of hands, division of the assembly (standing vote), or written ballot. The Chair shall appoint a judge and four (4) tellers to supervise and tally all votes cast in this manner, and the judge shall certify the results to the Chair, who shall announce the results to the assembly.

D. AGENDA

Unless otherwise deemed necessary and announced by the Chair or other person chairing the meeting, the business of the assembly shall be conducted in the following order:

1. *Call to Order*

When the appointed time of the meeting has arrived, the Chair shall determine that a quorum is present and call the meeting to order.

2. *Welcome Address*

The Chair, or other designated Board Member, may give brief welcoming remarks.

3. *Introduction of Outgoing Officers, Directors, and Special Guests*

The Chair shall introduce the outgoing Officers and Directors and may recognize any special guests who are in Attendance.

4. *Introduction of Incoming Officers and Directors*

The Chair shall introduce to the general membership the current Officers and Directors of the Division and shall pass the gavel to the incoming Chair who shall conduct the meeting from this point forward.

5. *Appointment of Special Officers*

The Chair may appoint one or more Board members to act as a special officer or officers if so deemed necessary for the orderly conduct of the business of the assembly.

6. *Special Rules of Order*

In the event Special Rules of Order for the meeting are proposed, the Secretary shall read the proposed rules and move for their adoption.

7. *Minutes of the Previous Annual Meeting*

The Chair may recognize the Secretary to read the minutes of the Annual Meeting of the previous year or direct the membership to the written minutes provided to the assembly in the Annual Meeting packet and shall entertain a motion to approve those minutes.

8. *Report of the Board*

The Chair shall report to the assembly any action taken by the Board not previously reported to the general membership. If the Board has by minority vote requested ratification by the general membership of any action taken by the Board, a member of the Board other than the Chair shall move for its ratification.

9. *Annual Report for Preceding Fiscal Year*

The Chair shall recognize the Treasurer to give the annual report or direct the membership to the written report provided to the assembly in the Annual Meeting packet.

10. *Reports of Standing Committees*

The Chair shall recognize each Committee Chair or his/her designee to give an oral annual report of their respective Standing Committee. If a Committee is recommending action by the assembly, the Chair shall entertain a motion pertaining to such recommendation at the conclusion of the report.

11. *Reports of Special Committees*

If there is a report from any Special Committee, the Chair shall recognize the Committee Chair or his/her designee to give an oral report. If the Committee is recommending action by the assembly, the Chair shall entertain a Motion pertaining to such recommendation at the conclusion of the report.

12. *Unfinished Business*

If the minutes of the previous Annual Meeting or a previous session of the current Annual Meeting show that there is some unfinished business to be brought before the assembly, the Chair shall call for Unfinished Business; otherwise, this item shall not be called.

13. *New Business*

The Chair shall call for New Business, and members may introduce new items of business to the assembly.

14. *Activities of the Division*

Time permitting; the Chair may recognize any members who may offer informal observations regarding the work of the Division. Any member desiring to do so, should consult with the Chair sufficiently ahead of the time when this item may be called in order to determine the propriety of the matter and any time constraints.

15. *Announcements*

The Chair may make, or call upon other members to make, any necessary announcements. The placing of general announcements at this point in the order of business does not prevent the Chair from making an urgent announcement at any time.

16. *Program*

If there is to be a program of an educational nature other than the regularly scheduled MCLE, or a guest speaker, the program or talk will be presented before the Annual Meeting is adjourned. If, in courtesy to a guest speaker who is present, the Chair wishes the talk to be presented at an unscheduled point within the business portion of the meeting, the Chair may call for a vote of the assembly to hear the speaker's address out of order. The Chair may then entertain a Motion to suspend the rules for the purpose of hearing the speaker's address out of order.

17. *Adjourn*

The Chair shall entertain a Motion to adjourn the Annual Meeting, and upon second and simple majority vote, the meeting shall be adjourned until the next Annual Meeting of the Division.

**VII. RULES FOR AMENDING DIVISION BYLAWS & REVISING STANDING RULES**

A. PRESENTING PROPOSED AMENDMENTS TO BYLAWS

1. Pursuant to Article XI, Section 11.1 of the Bylaws, any proposed amendment(s) shall be submitted in writing to the Board for review and consideration by:

- a. The initiative of the Bylaws and Standing Rules Committee;
- b. The Board; or
- c. A petition signed by at least ten (10) members of the Division, with their names clearly printed and indicating their member number.

(1) The name and address of one of the individuals shall be designated by petitioner(s) to receive on behalf of all petitioners the notice of the action of the Board.

(2) The Bylaws and Standing Rules Committee may contact any person whose signature appears on the Petition to verify personal execution of the Petition.

(3) The Petition may be ruled as invalid under any of the following circumstances:

- (a) Non-compliance with format requirements;
- (b) Invalid signatures;

- (c) Non-compliance with procedural requirements; or,
- (d) Proposed amendment(s) already exist.

2. The proposed Bylaws amendment(s) shall be submitted in a format containing:
  - a. The exact article number, section number and wording of the existing Bylaws provision;
  - b. The proposed amendment either underlined or redlined so the amendment, addition or deletion is clearly identifiable;
  - c. A new article or section shall be identified in a clear manner that it is new and where it shall be inserted;
  - d. A statement in support and explanation of the proposed amendment; and,
  - e. A statement of all other affected Bylaws which will require revision in order to avoid conflicts or confusion.
3. Upon receipt of a Petition for proposed amendment(s) to the Bylaws, the Board may, at its discretion, refer the Petition to the Bylaws and Standing Rules Committee for verification of format and procedural compliance as indicated above. Upon verification of compliance, the Board may refer the proposed amendments to the Bylaws and Rules Committee or any other Committee Chairs, as in the Board's discretion, are appropriate for study and advice for recommendation of approval or rejection.
4. Upon consideration by the Board of the recommendation from the Bylaws and Standing Rules Committee, such decision shall be forwarded to the person designated in the Petition to receive notice.
5. The Board shall publish the proposed amendments(s) with the Board's recommendations to the membership concerning the adoption or rejection of the amendment(s) as follows:
  - a. By electronic media at least thirty (30) days prior to the Division's Annual Meeting at which the amendment(s) are to be voted on; or

b. By electronic media ballot attaching a “redlined” version of the Bylaws showing the proposed amendment(s), along with the Board’s written recommendation concerning adoption or rejection of the proposed amendment(s).

B. PRESENTING PROPOSED REVISIONS TO THE STANDING RULES

These Standing Rules may be revised pursuant to paragraph A.1. of this Section. Any proposed revisions to the Standing Rules must be in compliance with the Bylaws and require approval by the Board of Directors.

**VIII. PROFESSIONAL MISCONDUCT**

Paralegal Division members are bound by the Division’s Code of Ethics and Professional Responsibility (see Appendix), the New Mexico Supreme Court Rules Governing Paralegal Services and the New Mexico Supreme Court Rules of Professional Conduct. A verified report of a member violating any of the above rules shall be grounds for suspension of membership and referral by the Division’s Board of Directors to the New Mexico Disciplinary Board for investigation. Upon a final determination by the Disciplinary Board that violation by a member of any of the above rules has occurred, the Division shall ratify the decision of the Disciplinary Board and the member shall be permanently disenrolled without right of reinstatement or appeal.

\* \* \*



## **APPENDIX**

### **Paralegal Division Code of Ethics and Professional Responsibility**

It is the responsibility of every member of the Paralegal Division of the State Bar of New Mexico (hereinafter referred to as "Paralegal") to adhere strictly to the accepted standards of legal ethics. The Canons of Ethics set forth hereafter are adopted by the Paralegal Division of the State Bar of New Mexico as a general guide.

**CANON 1.** A Paralegal must not perform any of the duties that only attorneys may perform nor take any actions that attorneys may not take.

**CANON 2.** A Paralegal may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product.

**CANON 3.** A Paralegal must not: (a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law; and (b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and (c) engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

**CANON 4.** A Paralegal must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required.

**CANON 5.** A Paralegal must disclose his or her status as a Paralegal at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A Paralegal must act prudently in determining the extent to which a client may be assisted without the presence of an attorney.

**CANON 6.** A Paralegal must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal service.

**CANON 7.** A Paralegal must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney.

**CANON 8.** A Paralegal must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.

**CANON 9.** A Paralegal's conduct is governed by the codes of professional responsibility and rules of professional conduct of the State Bar of New Mexico and the New Mexico Supreme Court. A member of the Paralegal Division of the State Bar of New Mexico shall be governed by the Rules Governing Paralegal Services (Rules 20-101 et seq. NMRA, as the same may be amended).