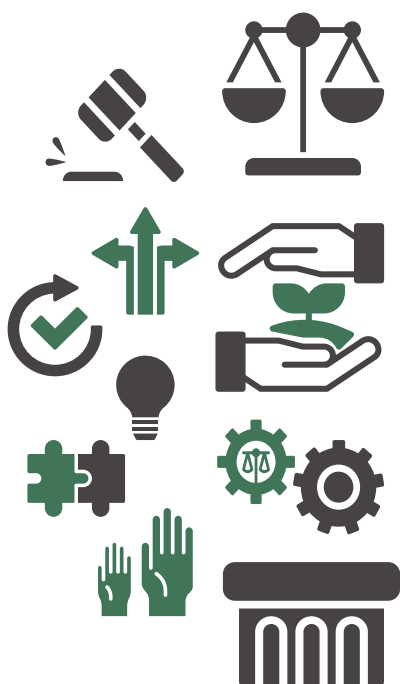


MEMBER HANDBOOK



Tools and
Resources
for a Healthy
License and
Successful
Practice



State Bar *of*
New Mexico

Est. 1886

Table of Contents

Welcome from the State Bar of
New Mexico Executive Director..... 5

1. Licensing Process Checklist

Year of Admission..... 6

First Calendar Year

After Admission.....6

All Following Years.....6

2. Roles of Governmental and

Regulatory Agencies..... 7

New Mexico Supreme Court.....7

State Bar of New Mexico7

Disciplinary Board of the

Supreme Court of New Mexico8

Board of Bar Examiners.....8

3. License Types and

Status Changes 8

License Types8

Active Status8

Inactive Status8

Pro Hac Vice9

Limited License9

Emeritus Status9

Status Changes9

Reinstatement From

Inactive Status9

Withdrawn Status9

Admission by Motion10

4. Address of Record and

Name Change..... 10

Address of Record10

Name Changes10

5. Bar Cards, CAID Numbers and

Paper License 11

Bar Card.....11

Bar Number.....11

CAID Number11

Paper License11

6. License Renewal and

MCLE Compliance 11

Annual Registration Statement....12

Name, Address of Record.....12

Street Address12

Pro Bono Hours Certification.....12

Professional Liability Insurance

Certification12

Interest on Lawyers Trust

Accounting12

Trust Accounting Continuing

Education Certification13

Trust Accounting Certificate of

Compliance13

Succession Planning.....13

Mandatory Licensure Fees13

Minimum Continuing

Legal Education14

7. Bridge the Gap Mentorship

Program 14

8. Certificates Regarding Licensure

Board of Bar Examiners 14

Certifications and File Retrieval..14

Certificate of Good Standing15

Statement of Discipline.....15

Letter of Membership15

9. Member Services Offered by the

State Bar of New Mexico..... 15

Ethics Help15

Research Tools16

Fastcase16

OneSource and Compilation

Commission16

Lawyers Professional Liability

and Insurance Committee.....16

Board of Bar Commissioners.....17

Young Lawyers Division17

Practice Sections.....17

New Mexico Judges and Lawyers

Assistance Program.....17

Employee Assistance Program....18

Equity in Justice Program.....18

Welcome from the State Bar of New Mexico Executive Director

Greetings! As a new or established member of the State Bar of New Mexico, you are today a part of a judicial system that dates back to the territorial days of New Mexico. Our “State Bar” was organized by a group of attorneys in 1886 who considered, “the propriety of organizing a Bar Association for the Territory” and on January 19th of that year, created a Constitution and adopted by-laws to govern the new association. Today, over a 130 years later, the State Bar of New Mexico exists by rule of the New Mexico Supreme Court in order to aid the courts in the administration of justice, preserving the rule of law and to foster a high standard of integrity and competence within the legal profession.

As you’ll see in the following pages of this member handbook, the New Mexico Supreme Court, along with several agencies, work together to ensure that attorneys are appropriately licensed, are up to date on certifications, are able to practice competently and work ethically. The Supreme Court is responsible for the rules and policies that govern the profession and they work through the State Bar’s Board of Bar Commissioners, the Board of Bar Examiners and the Disciplinary Board to carry out these oversight functions.

Through the Board of Bar Examiners and the Disciplinary Board, the Supreme Court administers the Bar Exam, admits new attorneys, and monitors unethical conduct. In turn, the State Bar processes the annual license renewal through which attorneys certify that they have complied with the rules and procedures set forth by the Supreme Court. In addition, the State Bar provides important services to members including professional development, ethics assistance and practice management tools. You can learn more about our many programs at www.sbnm.org, by reading our publications or by contacting the State Bar.

Please reach out to us if you have questions about the services the State Bar provides or you need clarification regarding what you need to ensure your license stays active and in good standing.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B. Spinello". The signature is fluid and cursive, with a small mark at the end.

Richard B. Spinello, Esq., Executive Director
State Bar of New Mexico

1. Licensing Process Checklist

Note: This page is meant to give members a broad overview of the licensing process and requirements directly after admission and beyond. More information about all the requirements listed below, including the corresponding rules, can be found in the rest of this handbook.

Year of Admission

- Notify the State Bar of Address of Record
- Receive Bar Card from State Bar of New Mexico including the attorney's bar number and CAID number
- Receive Paper License from Supreme Court of New Mexico

First Calendar Year After Admission

- Complete Licensing Form and Certifications
- Complete MCLE Requirements
 - Bridge the Gap Mentorship: Members who have not practiced for at least two years in another jurisdiction must complete the Bridge the Gap Mentorship Program and will receive required CLE credit as part of the program.
 - Members who have been admitted on motion through Reciprocity must complete the required number of CLE credits.

All Following Years

- Complete Licensing Form and Certifications (as listed above).
- Complete MCLE Requirements (as listed above).

2. Roles of Governmental and Regulatory Agencies

New Mexico Supreme Court

The Supreme Court consists of five justices. The extensive responsibilities of the Justices reflect their collective role as the highest court, and court of last resort, in the state of New Mexico with the duty to oversee the entire New Mexico Judiciary. The Court is responsible for the statewide administrative oversight of the entire Judiciary. The Court is also responsible for the admission and regulation of attorneys and judges, which includes imposing discipline against attorneys and judges for professional misconduct.



237 Don Gaspar Ave., Room 104, Santa Fe, NM 87501
PO Box 848, Santa Fe, New Mexico 87504-0848
505-827-4860
nmsupremecourtclerk@nmcourts.gov
supremecourt.nmcourts.gov

State Bar of New Mexico

The State Bar of New Mexico is a professional membership organization of attorneys licensed to practice law in New Mexico. The organization was established in 1886 and is currently a 501(c)(6) corporation. The mission of the State Bar is to be a united and inclusive organization serving the legal profession and the public. In addition to providing a number of public and member services, the State Bar administers regulatory functions including annual license renewal, the Bridge the Gap Mentorship Program, Interest on Lawyer Trust Accounts and Minimum Continuing Legal Education.



5121 Masthead St NE, Albuquerque, NM 87109
PO Box 92860, Albuquerque, NM 87199-2860
505-797-6000
info@sbnm.org
www.sbnm.org

Disciplinary Board of the Supreme Court of New Mexico

The Court has established the New Mexico Disciplinary Board and the rules and procedures regarding the investigation of alleged unethical conduct and the unauthorized practice of law. The procedures are designed to provide a thorough and objective review of the complained of conduct and to resolve the matter in a way that is fair to those involved.

2440 Louisiana Blvd. NE Ste. 280, Albuquerque, New Mexico 87110
505-842-5781
www.nmdisboard.org

Board of Bar Examiners

The Board of Bar Examiners is an agency of the Supreme Court. The BBE administers the bar exam and processes applications for admission of active members and for limited license admission. The BBE handles reinstatement of members who have been inactive for more than one year.

2440 Louisiana Blvd. NE Ste. 280, Albuquerque, New Mexico 87110
505-271-9706
info@nmexam.org
www.nmexam.org

3. License Types and Status Changes

Described below are different types of licenses available for attorneys in New Mexico. For additional information about each, reference the rule specified.

License Types

Active Status

Rule 24-102 NMRA

“Active status” means an attorney admitted to the State Bar of New Mexico under Rule 15-302(A) NMRA who is not on inactive or withdrawn status under Rule 24-102.1 NMRA, who is not suspended under Subparagraph (E)(4) of this rule, and who is not suspended, disbarred, or on disability inactive status from the practice of law under the Rules Governing Discipline; or an attorney who holds a valid limited license under Rules 15-301.1 or 15-301.2 NMRA.

Inactive Status

Rule 24-102.2 NMRA

“Inactive status” means an attorney admitted to the State Bar of New Mexico under Rule 15-302(A) NMRA, who has retired or discontinued the practice of law under Rule 17-202(D) NMRA, and who is no longer eligible to practice law in New Mexico. There are no continuing legal education requirements during the time a member is inactive status. Membership fees are \$100 per year.

Pro Hac Vice

Rule 24-106 NMRA

Attorneys authorized to practice law before the highest court of record in any state or country who want to perform legal services on behalf of a client or party in New Mexico should consult the rules and procedures for Pro Hac Vice authorization in Rule 24-106 NMRA.

Limited License

Rule 15-301.1 NMRA and 15.301.2 NMRA

There are two types of limited licenses: Public Employee Limited License and Legal Services Provider Limited License.

Emeritus Status

Rule 24-111 NMRA

An emeritus attorney is an attorney who is or was a licensed attorney in good standing in the State of New Mexico or any other jurisdiction who voluntarily withdrew from the practice of law or transferred to inactive status. An emeritus attorney does not ask for or receive compensation of any kind for the performance of legal services but who is granted permission to participate in the emeritus pro bono program.

Status Changes

Reinstatement From Inactive Status

Rule 24-102.2 NMRA

To be reinstated as an active member, authorization is needed from the State Bar (for attorneys inactive for less than one year) or the Board of Bar Examiners (for attorneys inactive for more than one year). For reinstatement through the State Bar, contact license@sbnm.org. For reinstatement, visit www.nmexam.org/reinstatement. The BBE will perform a personal and professional background check and verify continuing legal education records to determine if there was a prior-year deficit that needs to be completed. Members will also need to pay State Bar licensing fees. Once reinstated, a member will be subject to all parts of annual license renewal and MCLE requirements.

Withdrawn Status

Rule 24.102.2 NMRA

If you've considered all of the options available, such as inactive status, and you still feel that you would like to give up your license, the proper method is to voluntarily resign. This requires notifying the New Mexico Supreme Court and the State Bar in writing of your intent, which will then allow you to relinquish your New Mexico license without the suspension that would occur if you simply chose not to pay your mandatory fees. Contact the Supreme Court at supremecourt.nmcourts.gov/for-attorneys, then choose "Changes to Contact Information" in the left panel. If you withdraw from the State Bar but determine later on that you need an active license to practice law in New Mexico, you will need to go through the Board of

Bar Examiners to either retake the bar exam or be admitted through the reciprocity rule (unless otherwise ordered by the New Mexico Supreme Court).

Admission by Motion

Rule 15-107 NMRA

New Mexico currently shares reciprocal admission with 36 states, the District of Columbia and the U.S. Virgin Islands. Experienced attorneys may apply for Reciprocity (also known as Reciprocal Admission or Admission on Motion) so long as they 1) are licensed and in good standing in a state that shares reciprocity with New Mexico; and 2) have engaged in the active practice of law for no fewer than five of the last seven years. There is no filing deadline and successful applicants may be sworn in throughout the year.

Applicants should bear in mind that the application process can take longer than six months and should plan accordingly. For the full requirements for admission under reciprocity, review the New Mexico Rules Governing Admission. For more information, visit www.nmexam.org/reciprocity.

4. Address of Record and Name Change

Changes to your address of record must be made in writing to both the State Bar of New Mexico and the Clerk of the New Mexico Supreme Court.

Address of Record

Rule 24-102.1 NMRA

The attorney’s “address of record” and “email address of record” are the attorney’s official addresses for service of notices, pleadings, papers, and information. An “address of record” is a public record and, upon request, will be provided to any member of the public. The attorney may also maintain a separate address with the state bar for purposes of publications of the state bar and solicitations.

Online: www.sbnm.org/mydashboard

By email: address@sbnm.org

By fax: 505-828-4837 and 866-588-9437

By mail: State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199

Name Changes

To request a name change, send a copy of your marriage certificate, divorce decree, or other order granting the name change to the Supreme Court at supremecourt.nmcourts.gov/supreme-court/for-attorneys, then choose Change of Name in the left panel.

5. Bar Cards, CAID Numbers and Paper License

Bar Card

Upon admission to the New Mexico Bar, the State Bar of New Mexico will assign a bar number and issue a Bar Card. Bar Cards will arrive to new members in the weeks following admission.

For more information or to request a new Bar Card, please send your name, address and bar number in a request to info@sbnm.org or PO Box 92860, Albuquerque, NM 87199. Allow two to four weeks to receive a replacement Bar Card.

Bar Number

A Bar Number is unique to each attorney and will be used for identification purposes. The Bar Number will be printed on the Bar Card. If you need access to your Bar Number prior to receiving your Bar Card, call 505-797-6054.

CAID Number

The Supreme Court issues unique Court Authorized Identification Numbers to all attorneys authorized to practice law in New Mexico for identification and registration purposes. The CAID Number will be printed on your Bar Card and is different from your Bar Number and is needed for electronic filing through New Mexico courts. If you need access to your CAID number prior to receiving your Bar Card, call 505-827-4860.

Paper License

Hard copy (ceremonial) licenses are produced twice per year in association with the two main swearing in ceremonies. Individuals sworn in at these ceremonies will receive their licenses in the months following the ceremony. Members who need a replacement license should fill out a request at nmexam.org/duplicatelicense.

6. License Renewal and MCLE Compliance

Rule 24-102 NMRA

All aspects of attorney annual license renewal must be completed by Feb. 1 of each year. License renewal includes 1) completion of annual registration statement and certifications; 2) payment of licensing fee; and 3) completion of Minimum Continuing Legal Education (MCLE) requirements. Any aspect of non-compliance will incur a \$275 late penalty. Below is an outline of the aspects of license renewal including the certifications. For more information on each, refer to the rules.

License renewal and MCLE compliance is administered by the State Bar of New Mexico.

505-797-6054

license@sbnm.org

www.sbnm.org/licensing • www.sbnm.org/mcle

PO Box 93070, Albuquerque, NM 87199-3070

5121 Masthead NE, Albuquerque, NM 87109

Annual Registration Statement Rule 24-102.1 NMRA

Name, Address of Record Rule 24-102.1 NMRA

Official address for service of notices, pleadings, papers and information is mandatory for all active members. The address of record is a public record. The address of record consists of an address, phone number and email address.

Street Address Rule 24-102.1 NMRA

All attorneys must provide a street address where client files and other materials related to the attorney's practice are located. A member's street address can be different from their address of record and can be marked confidential so that it will not be disclosed to the public. The street address must be a physical address. Box numbers of any kind are not permitted.

Pro Bono Hours Certification Rule 24-108 NMRA

In attempting to meet the professional responsibility established in Rule 16-601 NMRA of the Rules of Professional Conduct, a lawyer should aspire to render at least fifty (50) hours of pro bono public legal services per year. No attorney or judge is exempt.

Professional Liability Insurance Certification Rule 16-104 NMRA

Attorneys are required to disclose whether they do or do not have insurance. If an attorney does have insurance, the attorney must disclose the name of their professional liability insurance coverage carrier, and whether the policy limits meet the minimum requirements of Rule 16-104 NMRA. If an attorney does not have insurance, refer to 16-104 NMRA for instructions for notifying clients.

Interest on Lawyers Trust Accounting 17-204 and 24-109 NMRA

IOLTA stands for Interest on Lawyers Trust Accounts which is a pooled, interest-bearing demand deposit account used by lawyers to hold client funds. Lawyers may maintain IOLTA accounts only in eligible financial institutions

that voluntarily agree to comply with the requirements of Rule 17-204 and 24-109 NMRA.

Trust Accounting Continuing Education

Certification

Rule 17-204(c) NMRA

Every attorney subject to these rules shall, no less than once every three years, attend a continuing legal education course offered or approved by the Disciplinary Board and approved for one hour or more of continuing legal education credit by the New Mexico Minimum Continuing Legal Education Board on the topic of client trust account procedures and maintenance.

Exemptions for this rule do exist. Read the rule for details. Currently, the New Mexico State Bar Foundation Center for Legal Education is the only approved provider of “Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204.”

Trust Accounting Certification of Compliance

On forms provided by the State Bar and approved by the Supreme Court, every attorney shall annually submit to the State Bar the attorney’s Trust Account Certification/IOLTA Compliance form demonstrating either compliance with this rule, including compliance with Paragraph C of this rule, and Rule 24-109 NMRA, or claiming an exemption from this rule under Paragraph E of this rule.

Succession Planning

Rule 16-119 NMRA

Creating an effective succession and transition plan will help protect your clients, hard-earned reputation, family and loved ones after your retirement, death, or disability. This comprehensive plan, written by the New Mexico Supreme Court Lawyer Succession and Transition Planning Committee, includes sample forms and is designed to simplify the process of putting your plan in writing. Beginning with the 2023 compliance period, active members engaged in the private practice of law will be required to certify they have a succession plan in place as part of license renewal.

www.sbnm.org/successionplanning

Mandatory Licensure Fees

The annual license fee currently consists of:

- Active License Fees - Rule 24-102 (C)(4)
- New Mexico Disciplinary Fee - Rule 17-203 (A) NMRA
- Client Protection Fund Assessment - Rule 17A-003 (B) NMRA

*The annual license fees for active members are determined by the Board of Bar Commissioners. Attorneys admitted on motion may be required to pay reduced or prorated licensing fees during the year of admission.

Minimum Continuing Legal Education

Rules 18-101 – 18-301 NMRA

To maintain public confidence in the legal profession and the rule of law and to promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the legal profession, and the management of their practices. In recognition of this need, the New Mexico Supreme Court requires all attorneys licensed to practice law in New Mexico to receive a minimum of 12 hours of continuing legal education each year (10 hours of general and two hours of ethics/professionalism). Up to 4 credits can be self-study credits.

7. Bridge the Gap Mentorship Program

Rule 24-110 NMRA

The transition from law school to actual legal practice can be a stressful time. The Bridge the Gap Mentorship Program aims to ease that transition by providing practical information and pairing new attorneys with mentors. BTG is mandated by supreme court rule and administered by the State Bar of New Mexico. All newly admitted attorneys must complete the program within their first full year of practice.

The BTG curriculum includes 7 credits of structured CLE classes and 5 credits earned through activities with the mentor. Structured CLE classes cover ethics and law practice topics. These classes are taught by attorneys with special expertise in each area. The mentor/new attorney activities for the remaining 5 CLE credits focus on introducing the new attorney to the legal community in New Mexico. Participation in BTG will complete the new attorney's MCLE requirements for that year.

www.sbnm.org/btgmentorship
bridgethegap@sbnm.org
505-797-6049

8. Certificates Regarding Licensure

Board of Bar Examiners Certifications and File Retrieval

The Board of Bar Examiners issues certifications of admission details (including date of application, date of bar exam, date of licensure, and, where available, MPRE score and MBE score). Attorneys may also request certified copies of their bar application materials. Certification letters are \$20 and file copies are either \$25 or \$100, depending on the age of the file. Visit www.nmexam.org/attorney-services/score-certification-file-retrieval to order these items.

Certificate of Good Standing

A licensed attorney in good standing (active or inactive status) may request a Certificate of Good Standing from the New Mexico Supreme Court. An attorney whose law license is suspended must cure the suspension before a certificate can issue. To request a Certificate of Good Standing, visit supremecourt.nmcourts.gov/supreme-court/for-attorneys/certificates-of-good-standing/. The cost of each certificate is \$1.00.

Statement of Discipline

A Statement of Discipline is similar to a Certificate of Good Standing in that it notes any disciplinary action taken against an attorney, but it is obtained from the Disciplinary Board at a cost of \$10. The Statement of Discipline is required by some states when applying to take the bar exam or for admission on motion. This document needs to be requested in writing, and the attorney will need to waive his/her right to confidentiality. You may contact the Disciplinary Board at 505-842-5781. This report can only be requested by the practicing attorney or by persons/entities who provide the practicing attorney's waiver.

Letter of Membership

A Letter of Membership can be obtained from the State Bar of New Mexico by calling 505-797-6000 or emailing license@sbnm.org. A Letter of Membership states when a member was admitted to the State Bar and his/her current membership status. This may be required by other states when applying to take the bar exam. This letter can only be requested by the practicing attorney.

9. Member Services Offered by the State Bar of New Mexico

Ethics Help

If you have a question regarding ethics and the practice of law, New Mexico's two ethics helplines or the State Bar Ethics Advisory Committee may be able to assist you. If you need a fairly quick response, you may want to begin by contacting one of the helplines. You can always submit your question to the Ethics Committee if you need additional assistance.

The State Bar's Ethics Helpline is available at (800) 326-8155. To use this service, call the number and leave your name and contact information. One of the ethics attorneys will call you back, usually the same or next business day. For conflict and confidentiality reasons, these are non-NM attorneys; however, they are well versed in New Mexico ethics rules. The call is confidential, and the State Bar pays all fees associated with the service.

The New Mexico Disciplinary Board also has an Ethics Helpline. To use this service, call (505) 842-5781 and explain that you are seeking assistance through the Board's Ethics Helpline. A staff attorney will assist you with your questions.

The State Bar Ethics Advisory Committee is a volunteer committee that meets once per month. The process is confidential between you, the committee, and the State Bar Office of General Counsel. To submit a question to the Ethics Committee, send an email to OGC@sbnm.org.

Research Tools

Fastcase

As a member of the State Bar, you now have free access to a variety of searchable databases to help you find cases and statutes quickly and easily. Some of the features include: the ability to search statutes by topic across multiple jurisdictions, automatic annotation, copy citation function and the ability to filter the list to cases from just one jurisdiction. Use the free tutorials, on-demand training videos and webinars to get the most out of Fastcase's tools.

<https://apps.fastcase.com/Research/Pages/Start.aspx>

Member login required.

support@fastcase.com or 866-773-2782

OneSource and Compilation Commission

The New Mexico Compilation Commission is the official publisher of the State of New Mexico. NMOnesource.com 2.0 is the official New Mexico legal research tool of the state courts and legislature powered by Decisia and Qweri as developed by Lexum. It is provided free for all who need to locate a session law, statute, appellate court opinion or court rule, or perform in-depth legal research of New Mexico law.

nmmcompcomm.us/search-laws/

Lawyers Professional Liability and Insurance Committee

One of the Lawyers Professional Liability and Insurance Committee's main goals is to improve the dissemination of information regarding insurance related issues, especially for newly admitted lawyers. In addition, LPLIC publishes a list of good signs to look for when choosing a professional liability insurance company and a whitepaper "What Attorneys Need to Know About Professional Liability Insurance." View both online.

www.sbnm.org/lplic

Board of Bar Commissioners

Rule 24-101 NMRA

The State Bar is governed by a 23-member Board of Bar Commissioners (BBC). The makeup of the BBC consists of 20 Commissioners elected by the membership representing New Mexico's judicial districts; 1 Commissioner representing out-of-state members; 1 representative from the Senior Lawyers Division; 1 representative from the Young Lawyers Division; and 1 representative from the Paralegal Division. Some of the duties of commissioners include: representing the State Bar at local events, communicating regularly with constituents, ensuring financial accountability for the organization, establishing and enforcing bylaws and evaluating the State Bar's programs and operations. Find your representative in the Member Resources tab of the Bench & Bar Directory or online. Interested in getting involved with the BBC? Look for announcements in the Bar Bulletin regarding appointments to boards, committees and commissions and for election information in the fall.

www.sbnm.org/bbc

Young Lawyers Division

The Young Lawyers Division is composed of lawyers under the age of 36 as well as those who have been admitted to the practice of law in any state for five years or less. The mission of the YLD is to promote the integrity and respect of the legal profession, provide services and outreach to its members and to support and encourage public service. The YLD has many programs and events including opportunities for public service, networking and continuing legal education. The YLD is a great resource for newly admitted attorneys because you can connect with other members dealing with similar stressors and situations all while building a network of individuals for the future.

www.sbnm.org/yld

Practice Sections

Join a practice section and become more of an expert in your field. Membership includes networking opportunities, leadership experience, public service opportunities, discounted rates on CLE programs and more. A list of section leaders and their contact information can be found online.

www.sbnm.org/sections

New Mexico Judges and Lawyers Assistance Program

Changed lives... changing lives. The New Mexico Judges and Lawyers Assistance Program (NMJLAP) provides immediate, CONFIDENTIAL and continuing assistance, support and resources to judges, lawyers and law students struggling or living with substance abuse, compulsive behavior,

psychological conditions and relationship conflicts that affect well-being and day-to-day living. JLAP provides services like professional assessment and referral, peer support networks, professional and peer interventions, monitored program, an employee assistance program, attorney support meetings, education and more.

www.sbnm.org/jlap

Judges: 888-502-1289

Lawyers and Law Students: 505-228-1948

Employee Assistance Program

JLAP has partnered with the Solutions Group to bring members of the State Bar, their families, and their employees a free employee assistance program. Services include up to four FREE counseling sessions/issue/year for ANY mental health, addiction, relationship conflict, anxiety and/or depression issue. Counseling sessions are with a professionally licensed therapist. Other FREE services include management consultation, stress management education, critical incident stress debriefing, video counseling, and 24/7 call center. Providers are located throughout the state. To access this service call 855-231-7737 and identify with NMJLAP. All calls are CONFIDENTIAL.

Equity in Justice Program

In accordance with Rule 24-101 NMRA, the State Bar of New Mexico supports the full and equal access to, and participation by, all individuals in the legal profession. The State Bar promotes and supports the needs of all members in the profession regardless of race, gender, ethnicity, national origin, religion, age, sexual orientation, gender identity, and disability, and equal participation of minorities and women as part of the State Bar and the profession at large. The State Bar recognizes that achieving diversity, equity, and inclusion in the legal profession requires the Association's continued effort and commitment. The Equity in Justice Program provides helpful programming like CLEs, newsletters, advice columns, a resource library, and more.

www.sbnm.org/eij

For more services, visit www.sbnm.org.



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