

17-202. Registration of attorneys.

Statute text

A. **Registration statement.** Within three (3) months of admission to practice in this state, and, thereafter, on or before January 1 of every year, every attorney admitted to practice in this state shall submit to the state bar and to the clerk of the Supreme Court, on forms provided by the state bar and approved by the Supreme Court, a registration statement setting forth the address of record, the street address where client files or other materials related to the attorney's practice are located and such other information as the Supreme Court may from time to time direct. The attorney's "address of record" is the attorney's official address for service of notices, pleadings, papers and information. The "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. In addition to the annual registration statement, every attorney shall file a supplemental statement with the state bar and with the clerk of the Supreme Court showing any change in the information previously submitted within thirty (30) days of such change. Upon the request of any attorney providing a street address under the provisions of this rule that is not the "address of record", the street address shall not be disclosed to any member of the public.

B. **Certificate of compliance.** In order to enable an attorney to demonstrate compliance with the requirements of Paragraph A of this rule, upon request of an attorney, the clerk of the Supreme Court shall issue a certificate of good standing to an attorney who has complied with the annual registration requirements of these rules.

C. **Failure to file.** Any attorney who fails to file the registration statement, or supplement thereto, in accordance with the requirements of Paragraph A of this rule, may be summarily suspended and barred from practicing law in this state until the attorney has complied therewith.

D. **Inactive attorneys.** An attorney who has retired, or is not engaged in practice as provided in Paragraph A of this rule, may petition the Board of Bar Commissioners on forms provided by the state bar that the attorney desires to assume inactive status and to discontinue the practice of law. Upon the receipt of such petition by the Board of Bar Commissioners, the attorney shall no longer be eligible to practice law in any jurisdiction pursuant to the attorney's New Mexico license but shall continue to file registration statements for five (5) years thereafter in order to be located in the event complaints are made about the attorney's conduct while engaged in practice. The attorney will be relieved from the payment of the fee imposed by Rule 17-203 NMRA, but is required to pay the inactive status fee set by the Board of Bar Commissioners. Upon the filing of a petition to assume inactive status, the state bar shall notify the Supreme Court of the filing of the petition. Upon receipt of the notice, the Supreme Court shall change the membership status of the attorney on the official roll of attorneys. The attorney may petition for reinstatement on a form prescribed by the Board of Bar Examiners and may be granted reinstatement by the Supreme Court upon recommendation of the Board of Bar Examiners.

E. **Reinstatement of inactive attorneys.** A petition for reinstatement shall be granted as a matter of course, unless the Board of Bar Examiners shall determine for good cause that the petition should be denied, in which event the applicant shall have the right to a hearing as provided in Rule 15-301 NMRA of the Rules Governing Admission to the Bar. Prior to reinstatement, the Board of Bar Examiners shall inquire of the Disciplinary Board if it knows of any reason why the attorney should not be reinstated.

F. **Service.** The Supreme Court or Disciplinary Board may serve any order, pleading or other

matter on an attorney by mailing a copy of such order, pleading or other matter to the attorney at the address shown on the latest registration statement on file with the Supreme Court and this shall constitute notice as required by these rules.

G. Applicability of rule. The provisions of this rule shall not apply to justices of the Supreme Court, judges of the Court of Appeals, district judges, magistrates or metropolitan or municipal judges who are prohibited by statute or ordinance from practicing law.

[As amended, effective January 1, 1987; January 1, 1997; November 30, 2004; as amended by Supreme Court Order 06-8300-32, effective January 15, 2007.]

History
Annotations

COMPILER'S ANNOTATIONS

The 1997 amendment, effective January 1, 1997, rewrote Paragraph A, substituted "good standing" for "registration" in Paragraph B and deleted the former last sentence of Paragraph B relating to the certificate distinguishing between admitted attorneys and attorneys not admitted but regularly practicing, rewrote Paragraph D, and made minor stylistic changes in Paragraphs C and F.

The 2004 amendment, effective November 30, 2004, in Paragraph A, inserted "and to the clerk of the Supreme Court" and "and approved by the Supreme Court" and substituted "address of record" for "date of admission to the Supreme Court, the attorney's current residence and office addresses" in the first sentence, and inserted the second, third, and fourth sentences.

The 2006 amendment, approved by Supreme Court Order 06-8300-32, effective January 15, 2007, revised Paragraph A to provide that the attorney annual registration statement include the street address where client files or other materials are located and to provide that the street address shall not be a public record.

Law reviews. — For comment, "The Clark Report and the Revised New Mexico Disciplinary Procedures," see 2 N.M.L. Rev. 292 (1972).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 7 Am. Jur. 2d Attorneys at Law §§ 12, 22 to 24.

Validity and construction of procedures to temporarily suspend attorney from practice, or place attorney on inactive status, pending investigation of, and action upon, disciplinary charges, 80 A.L.R.4th 136.

7 C.J.S. Attorney and Client § 24.