

## 24-102. Annual license fee.

Statute text

A. **Determination of fees.** Every member of the state bar shall, prior to the first day of January of each year, pay to the executive director of the state bar an annual license fee, which fee shall be determined and fixed by the Board of Bar Commissioners prior to January of each calendar year.

B. **Late penalties.** Members whose dues are received after the first day of February will be assessed a late payment penalty of one hundred dollars (\$100.00). Active members who fail to disclose professional liability insurance coverage information after the first day of March will be assessed a late disclosure penalty of one hundred dollars (\$100.00).

C. **Delinquency certification.** If a member's dues and late penalty are not received before the last day of March, the Board of Bar Commissioners shall, through its executive director, certify to the Supreme Court the name of such member on a list of names of all members failing to pay their annual license fees and late penalties.

D. **Suspension process for delinquency.** Whenever the Board of Bar Commissioners of the State Bar shall cause to be certified to the Supreme Court that any member of the state bar has failed or refused to pay the license fee or late penalty fee immediately upon receipt of said certification from the executive director of the state bar, the clerk of the Supreme Court shall issue a citation requiring the delinquent member to show cause before the Court, within fifteen (15) days after service of such citation, why such member should not be suspended from the right to practice in the courts of this state. Service of such citation may be personal or by first class mail. The payment of such delinquent license fee on or before the return day of such citation, and payment of accrued costs, shall be deemed sufficient showing of cause, and shall serve to dismiss the citation. Suspension orders shall be served by certified mail.

E. **Reinstatement.** Any member suspended under the provisions of this rule shall be required to petition the Board of Bar Examiners for reinstatement, and as a condition precedent to any granting of reinstatement pursuant to Paragraph B of Rule 15-302 NMRA shall be required to pay a reinstatement fee of:

- (1) twice that member's then license fee, plus
- (2) all fees in arrears, plus
- (3) all accrued late penalty payments.

F. **Voluntary withdrawal.** Any attorney in good standing may file a written notice with the Supreme Court for voluntary withdrawal as a member of the bar of this state. Upon the filing of such written notice, the Supreme Court Clerk shall issue a certificate of withdrawal terminating the petitioner's membership in the bar of this state, and the petitioner shall not thereafter be entitled to practice law in the courts of this state. No order of suspension for failure thereafter to pay the annual bar license fee will be entered against such member, and the member's withdrawal will not prejudice the member's record or standing during the period of membership in the bar of this state.

G. **Waiver requests.** The Board of Bar Commissioners may waive all or part of any license fee in cases of extreme individual hardship. If the Board of Bar Commissioners receives a petition for waiver for all or part of any license fee relying on a physical, mental, or emotional infirmity, impairment, incapacity, or illness as an extreme individual hardship under this rule, the Board of Bar Commissioners shall refer the matter to the Disciplinary Board for a determination under Rule 17-208 NMRA. If the Disciplinary Board decides not to initiate proceedings under Rule 17-208 NMRA, the Board of Bar Commissioners shall be notified that it may proceed to consider whether

the petition for waiver should be granted on the basis of an extreme individual hardship. In cases where a petition for waiver of all or part of any license fee has been rejected by the Board of Bar Commissioners, an attorney may petition the Supreme Court for modification or reversal of the action of the board.

**H. Deposit, disbursement, and audit of fees collected.** All moneys collected by the executive director in accordance with the provisions of this rule shall be deposited to an account designated as State Bar of New Mexico general fund and shall be disbursed by order of the Board of Bar Commissioners in carrying out the functions, duties and powers vested in said board. The Board of Bar Commissioners shall on or before March 1 of each year submit to the Supreme Court of New Mexico an accounting and audit of all funds received and disbursed during the prior calendar year. Such audit shall be performed by an auditor to be selected by the board. No member of the Board of Bar Commissioners or any committee member appointed by the board shall receive any compensation, but shall receive mileage and per diem at the same rate as provided for public officers and employees of the state and may be reimbursed with the approval of the Board of Bar Commissioners for expenses incurred in conjunction with travel on Board of Bar Commission business.

History

[As amended December 22, 1986; May 9, 1985; March 1, 1988; September 1, 1991; June 1, 1992; April 19, 2001; as amended by Supreme Court Order 06-8300-022, effective October 24, 2006; as amended by Supreme Court Order 13-8300-039, effective December 31, 2013.]

Annotations

## COMPILER'S ANNOTATIONS

**The 1991 amendment**, effective September 1, 1991, in the second sentence of the last paragraph, substituted "shall on or before March 1" for "shall submit on or before January 1 of each year a proposed budget to the Supreme Court of New Mexico. It shall likewise on or before March 1".

**The 1992 amendment**, effective June 1, 1992, in the second paragraph, inserted "Bar" near the beginning; made gender neutral and stylistic changes in the second paragraph and the third paragraph from the end; and added the next-to-last paragraph.

**The 2001 amendment**, effective April 23, 2001, in the second paragraph, substituted "fee" for "imposed herein" in the first sentence, "first class" for "registered" in the second sentence, "dismiss" for "discharge" in the third sentence and added the last sentence; in the third paragraph, inserted "pursuant to Paragraph B of Rule 15-302 NMRA" in the first sentence.

**The 2006 amendment**, approved by Supreme Court Order 06-8300-22, effective October 24, 2006, added the second sentence providing for a one hundred dollar (\$100) penalty for a late disclosure of professional liability insurance coverage.

**The 2013 amendment**, approved by Supreme Court Order No. 13-8300-039, effective December 31, 2013, eliminated the former provision for proration of new admittees' annual license fees and the assessment of a penalty for late payment of new admittees' fees; provided for withdrawal from the bar by written notice rather than by petition; required the Disciplinary Board to determine whether to initiate suspension proceedings when a lawyer petitions for waiver of fees due to a physical, mental, or emotional condition; added the titles of Paragraphs A through I; in Paragraph C, deleted the former provision which provided for a prorated license fee for new admittees, a penalty for late payment of a new admittee's license fee, and certification of the name of a new admittee who has failed to pay the license fee and penalty; in Paragraph F, in the first sentence, after "may file a", deleted "petition" and added "written notice", and in the second sentence, after "Upon the filing of such", deleted "petition" and added "written notice", after "written notice", changed "the Court" to "the Supreme Court Clerk", after "the Supreme Court Clerk", deleted "may enter an order" and added "shall issue a certificate of withdrawal"; and in Paragraph G, added the second and third sentences.