

18-301. Compliance; reporting.

Statute text

A. **Initial compliance year.** For members admitted on or after January 1, 1990 the initial compliance year shall be the first full compliance year following the date of admission.

B. **Compliance year.** For all active members not mentioned in Paragraph A of this rule, the compliance year shall end December 31 of each year.

C. **Credit reporting deadline.** The deadline for reporting prior year credits earned is May 1 of each year following the December 31 compliance deadline. The May 1 reporting deadline:

(1) does not relieve an active licensed member from the compliance deadlines set forth in Paragraphs A and B of this rule;

(2) does not relieve an active licensed member from the procedures set forth in Paragraph B of Rule 18-202 NMRA for seeking an extension of time to complete the credit requirements of these rules or a waiver from the credit requirements of these rules;

(3) does not preclude the Supreme Court from taking disciplinary action pursuant to Paragraph G of this rule; and

(4) does not preclude sanctions for late compliance set forth in Paragraph H of this rule.

D. **Annual report statement.** The board shall prepare an annual report statement for each licensed active member of the state bar for the previous compliance year which shall be provided to each member no later than the last day of February of each year. This report shall include reference to hours earned during the compliance year that have been reported by active members and the providers and any carryover hours from the previous compliance year. The annual report statement shall indicate whether the active member has completed credit requirements for the compliance year or whether the active member has a deficiency in credits. Any active member may notify the board of any errors or omission on their annual report statement.

E. **Second notification of deficiency to active members.** On or about April 1 of each year following the December 31 compliance deadline, the board shall prepare a letter for each active member of the state bar who continues to have a deficiency in credits for the previous compliance year. The letter will indicate that the active member has until April 30 of the present year to complete the necessary credit requirements for compliance.

F. **Certification of deficiency.** The board shall annually compile and certify to the Supreme Court a list of those members of the state bar who prior to May 1 following the December 31 compliance deadline have failed to comply with the requirements of these rules.

G. **Citation to show cause.** Whenever the board shall certify to the Supreme Court that any member of the state bar has failed or refused to comply with the provisions of these rules, the clerk of the Supreme Court shall issue a citation to such member requiring the member to show cause before the court, within fifteen (15) days after service of such citation, why the member should not be suspended from the right to practice in the courts of this state. Service of the citation may be by personal service or by first class mail postage prepaid. The member's compliance with the provision of these rules on or before the return day of such citation shall be deemed sufficient showing of cause and shall serve to discharge the citation.

H. **Sanctions.** In addition to any disciplinary action taken by the Supreme Court pursuant to Paragraph G of this rule, each active member who fails to comply with the provisions of these rules is subject to monetary sanctions as follows:

(1) Each active member who fails to complete the annual minimum educational

requirements by December 31 of each year shall pay a fee of one hundred dollars (\$100.00). The fee shall be assessed in the annual report statement provided to each member pursuant to Paragraph A of this rule, and shall be paid no later than March 31. Payment of the one hundred dollar (\$100) fee does not eliminate compliance year credit requirements.

(2) Each active member who, as of April 1, either continues to have a deficiency in credits for the previous compliance year or fails to pay the fee assessed pursuant to Subparagraph (1) of this paragraph shall pay an additional fee of two hundred fifty dollars (\$250.00). That fee shall be paid no later than April 30. Payment of the two hundred fifty dollar (\$250) fee does not eliminate compliance year credit requirements.

(3) The board shall include in the certifications to the Supreme Court, pursuant to Paragraph F of this rule, any member who has failed to pay any assessed fees prior to May 1.

(4) The board shall not waive any fees unless the member can prove that the member was in compliance with the minimum educational requirements prior to the applicable deadline.

History
[As amended, effective January 1, 1990; November 1, 1991; July 18, 1994; September 4, 2001; March 5, 2002; October 30, 2002; as amended by Supreme Court Order 05-8300-07, effective January 1, 2006; by Supreme Court Order 06-8300-33, effective January 1, 2007.]

Annotations

COMPILER'S ANNOTATIONS

The 1991 amendment, effective November 1, 1991, rewrote Paragraph A; in Paragraph B, substituted "March 1" for "January 1" in the first sentence and "MCLE board" for "state bar with the member's annual registration statement" in the second sentence; and, in Paragraph C, substituted "March 31" for "March 1" in the introductory language and "any necessary filing fees" for "the annual administrative fee" in Subparagraph (3).

The 1994 amendment, effective July 18, 1994, substituted "the last day of February" for "January 31" in Paragraph A, substituted "April 1" for "March 1" in Paragraph B, and substituted "April 30" for "March 31" in Paragraph C.

The 2001 amendment, effective September 4, 2001, substituted "provided" for "mailed" in the first sentence, inserted "active members and" and "from the previous compliance year" in the second sentence and added the last two sentences in Subsection A; rewrote Subsection B, which formerly dealt with verification of statement by members; rewrote the first paragraph in Subsection C; and added Subsection D.

The first 2002 amendment, effective March 5, 2002, in the undesignated paragraph following Paragraph C, rewrote the second sentence which read "Service of such citation may be personal or by registered or certified mail".

The second 2002 amendment, effective October 30, 2002, in Paragraph D, inserted "In addition to any disciplinary action taken by the Supreme Court pursuant to Paragraph C of this rule", substituted "monetary sanctions as follows" for "a monetary sanction in an amount to be determined by the Minimum Continuing Legal Education Board and approved by the Supreme Court" and inserted the monetary sanctions in Paragraphs D(1) through D(4).

The 2006 amendment, approved March 24, 2005 by Supreme Court Order No. 05-8300-07, effective January 1, 2006, amended Paragraph B to delete the requirement that the notification of deficiency letter be certified.

The 2006 amendment, approved November 29, 2006 by Supreme Court Order 06-8300-33, effective January 1, 2007, added Paragraphs A through C; redesignated former Paragraph A as Paragraph D; amended former Paragraphs B and C to redesignate those Paragraphs as Paragraphs E and F and to insert "following the December 31 compliance deadline"; redesignated the second sentence of former Paragraph C as Paragraph G; redesignated former Paragraph D as Paragraph H and amended Subparagraphs (1) and (2)