

# Rules for Minimum Continuing Legal Education

## ARTICLE 1 Education Committees

### 18-101. Purpose and title.

A. **Purpose.** It is of primary importance to the members of the New Mexico State Bar and to the public that attorneys continue their legal education throughout the period of their active practice of law. These rules establish the requirements for minimum continuing legal education, or “MCLE.”

B. **Title.** These rules shall be known as the Rules for Minimum Continuing Legal Education, or “MCLE Rules.”

[As amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021.]

### ANNOTATIONS

**The 2021 amendment**, approved by Supreme Court Order No. 21-8300-030, effective December 31, 2021, in Paragraph A, after “minimum continuing legal education”, added “or MCLE.”; and in Paragraph B, after “Rules for Minimum Continuing Legal Education”, added “or MCLE Rules.”

### 18-102. Administration of MCLE Program.

#### A. Board of Bar Commissioners.

The Board of Bar Commissioners of the State Bar of New Mexico (BBC or board) or its designee shall be responsible for administering the MCLE program as required under these rules.

#### B. Powers and duties of the board.

(1) The board shall have general supervisory authority over implementing and supervising the MCLE requirements for members of the State Bar of New Mexico.

(2) The board shall do the following in furtherance of its responsibility to administer the MCLE program:

(a) implement practice and procedures for the effective administration of these rules;

(b) accredit institutions and approve CLE programs that will satisfy the educational requirements of these rules in accordance with Rule 18-203 NMRA;

(c) report annually to the Supreme Court on the activities and operations of the board under these rules; and

(d) develop options to encourage low cost or free CLE programs that would qualify for MCLE credit under Rule 18-201 NMRA.

**C. MCLE fees; uses.** The board may establish reasonable fees as may be necessary to operate the MCLE program required under these rules.

[As amended, effective September 15, 1987; January 1, 1990; November 1, 1991; as amended by Supreme Court Order No. 06-8300-033, effective January 1, 2007; as amended by Supreme Court Order No. 18-8300-019, effective November 1, 2018; as amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021.]

## ANNOTATIONS

**The 2021 amendment**, approved by Supreme Court Order No. 21-8300-030, effective December 31, 2021, revised the Board of Bar Commissioners' duties in furtherance of its responsibility to administer the MCLE program; changed the rule title from "Minimum continuing legal education board" to "Administration of MCLE Program"; in Paragraph A, in the paragraph heading, after "Board", deleted "established" and added "of Bar Commissioners", after "State Bar of New Mexico", added "(BBC or board) or its designee", after "shall", deleted "act as the minimum continuing legal education board for purposes of these rules or may appoint active attorneys licensed in New Mexico from among its membership to serve in that capacity" and added "be responsible for administering the MCLE program as required under these rules"; in Paragraph B, Subparagraph B(1), after "implementing and supervising the", deleted "minimum continuing legal education" and added "MCLE", and after "State Bar of New Mexico", deleted "The board shall provide the procedure for assuring compliance and enforcement of the requirements set by the board in furtherance of these duties.", in Subparagraph B(2), in the introductory clause, after "The board shall", deleted "have specific duties and responsibilities, as follows" and added "do the following in furtherance of its responsibility to administer the MCLE program", in Subparagraph B(2)(b), after "accredit institutions", added "and approve CLE programs", after "that will", deleted "provide courses and to approve programs which will", and after "requirements of these rules", added "in accordance with Rule 18-203 NMRA", in Subparagraph B(2)(c), after "annually", added "to the Supreme Court", and after "operations of the board", deleted "to the Supreme Court" and added "under these rules; and", and added Subparagraph B(2)(d); and deleted former Paragraphs C and D, which provided for board finances and expenses, and added a new Paragraph C.

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-019, effective November 1, 2018, named the Board of Bar Commissioners of the State Bar of New Mexico as the minimum continuing legal education board and provided this board with the authority to appoint attorneys to serve in that capacity, removed certain board member qualifications and term requirements, and revised the reporting requirements regarding the activities and operations of the board; in Paragraph A, deleted subparagraph designation “(1)”, deleted “There is hereby established a”, and added “The Board of Bar Commissioners of the State Bar of New Mexico shall act as the”, and after “legal education board”, deleted “to be appointed by the Supreme Court, consisting of nine members. The executive director of the State Bar of New Mexico shall be an ex-officio, non-voting member.”, and added “for purposes of these rules or may appoint active attorneys licensed in New Mexico from among its membership to serve in that capacity”; and deleted former Subparagraphs (2) and (3), which related to the qualifications of board members; in Subparagraph B(2)(c), after “operations of the board to”, deleted “the Board of Bar Commissioners of the State Bar of New Mexico and”; in Paragraph D, after “the board’s work”, deleted “Subject to the approval of the Supreme Court, the board shall fix the compensation of the staff appointed or contracted with pursuant to this rule”.

**The 2006 amendment**, approved by Supreme Court Order No. 06-8300-033, effective January 1, 2007, added Paragraph D relating to board expenses.

**The 2005 amendment**, approved by Supreme Court Order No. 05-8300-024 effective December 13, 2005, amended Subparagraph (2) of Paragraph C to add the second sentence relating to sanctions collected pursuant to Rule 18-301 NMRA.

**The 1991 amendment**, effective November 1, 1991, in Paragraph C, deleted "a" preceding "reasonable certification" and substituted "certification and filing fees" for "certification fee to provider" in Subparagraph (3).

**Cross references.** — For the Per Diem and Mileage Act see 10-8-1 NMSA 1978.

**18-103. Withdrawn.**

## ANNOTATIONS

**Withdrawals.** — Pursuant to Supreme Court Order No. 21-8300-030, 18-103 NMRA, relating to Judicial Continuing Education Committee, was withdrawn effective December 31, 2021. For provisions of former rule, see the 2020 NMRA on *NMOneSource.com*.

## ARTICLE 2

### Continuing Education Requirements

**18-201. Minimum educational requirements.**

A. **Hours required.** Every member of the state bar in active status, beginning in the first full year after the date of admission, shall complete twelve (12) hours of CLE during each year as provided by these rules. One (1) hour of CLE is equivalent to sixty (60) minutes of instruction. This rule sets forth the requisite hours and categories of CLE. Rule 18-204 NMRA sets forth the means by which the hours may be acquired.

B. **Legal substantive credits.** Nine (9) of the required twelve (12) hours may include legal subjects or subjects which relate to the individual attorney's practice of law. The hours shall be defined as general credits.

C. **Legal ethics and professionalism credits.** At least two (2) hours of the twelve (12) hours shall be devoted to board approved subjects dealing with legal ethics or professionalism. Excess ethics and professionalism credits shall be applied as follows:

first, to any deficit in general credits in the current licensing year;

second, to the next licensing year as carry-over ethics and professionalism credits;  
and

third, to the next licensing year as carry-over general credits, subject to the limitations set forth in Paragraph E of this rule.

D. **Equity in justice credits.** At least one (1) hour of the twelve (12) hours shall be devoted to board approved subjects dealing with equity in justice. Excess equity in justice credits shall be applied as follows:

first, to any deficit in general credits in the current licensing year;

second, to the next licensing year as carry-over equity in justice credits; and

third, to the next licensing year as carry-over general credits, subject to the limitations set forth in Paragraph E of this rule.

E. **Carry-over.** Any member may carry up to twelve (12) hours of excess credits earned in one (1) licensing year over to the next licensing year only. Only two (2) hours of ethics and professionalism credit may be carried over as part of the twelve (12) hours of credits. Only one (1) hour of equity in justice credit may be carried over as part of the twelve (12) hours of credits. Excess ethics, professionalism, and equity in justice credits can be converted to be used toward the substantive (general) requirement. No credit may be carried over for more than one (1) licensing year.

F. **Judges.** All state and federal judges, retired judges, and other judicial officers who are members of the state bar on active status or who are honorary judicial members shall be required to complete the same number of hours of CLE as other bar members in active status. The means by which these individuals may satisfy their CLE requirements are set forth in Rule 18-204 NMRA.

[As amended, effective January 1, 1990; November 1, 1991; February 1, 1992; March 23, 1998; January 1, 2001; as amended by Supreme Court Order No. 05-8300-007, effective January 1, 2006; by Supreme Court Order No. 06-8300-033, effective January 1, 2007; by Supreme Court Order No. 11-8300-020, effective May 1, 2011 for compliance year ending December 31, 2011, and subsequent compliance years; as amended by Supreme Court Order No. 20-8300-015, effective December 31, 2020; as amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021; as amended by Supreme Court Order Nos. S-1-RCR-2023-00032 and S-1-RCR-2023-00034, effective January 1, 2024; as amended by Supreme Court Order No. S-1-RCR-2024-00055, effective January 1, 2025.]

## **Committee commentary. —**

### **Equity in Justice Education**

[1] Equity in Justice content focuses on ensuring that all persons will be treated fairly under the laws of New Mexico and promotes full and equal participation by all in the profession through identifying and eliminating the effects of prejudice, bias, and racism. Addressing topics on race, gender, national origin, sexual orientation, disability, and other issues of disparity and inequity will underscore and define how shortfalls can be addressed and dismantled. The practice of law is a profession in service to others and members of the Bar must have a clear understanding of the changes that are needed to truly be in service to others. The result of these changes will be equitable access to justice for the community and a more equitable Bar.

[2] Equity in Justice CLEs can incorporate topics that are relevant to the practice of law such as: implicit and explicit bias, systemic and structural oppression; equal access to justice; competent representation of diverse populations; diversity and inclusion initiatives in the legal profession; recognition, mitigation, or elimination of bias in the legal profession or the legal system; anti-racism; cultural competency in the practice of law or the administration of justice; and the historical and contemporary context of all of the preceding issues. Effective CLE content will include education as well as promote discussion and reflection. Instructors or lecturers must be either attorneys or judges with content expertise or other experts in the subject area based on their education and background.

### **Professionalism Education**

[3] Lawyer professionalism includes basic compliance with the Rules of Professional Conduct, such as acting with competence and diligence, effectively communicating with clients, maintaining client confidences, and safeguarding client property. Professionalism also includes acting with honor, integrity, honesty, dignity, and objectivity. It involves a commitment to upholding the rule of law and the legal system, promoting fairness and just results, respecting courts, clients, other lawyers, witnesses, and self-represented persons. It means demonstrating a commitment to serving others,

promoting the public good, and striving to provide all persons, regardless of their means, backgrounds, or beliefs with equal access to the law and the justice system.

[4] Professionalism CLE topics can include: mentoring; practicing with civility; the tension between client duties, duties to courts, and duties to the profession and the public; how to effectively work with opposing counsel in highly emotional or contentious matters; use and misuse of the discovery process; the intersection of lawyer well-being and effective advocacy; incorporating cultural competency in client representation and interactions with counsel and courts; the importance of pro bono and low bono representation in providing access to justice; and the challenges and rewards of representing unpopular clients or causes. Effective CLE content will include education as well as promote discussion and reflection. Instructors or lecturers must be either attorneys or judges with content expertise or other experts in the subject area based on their education and background.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00032, effective January 1, 2024.]

## ANNOTATIONS

**The 2024 amendment**, approved by Supreme Court Order No. S-1-RCR-2024-00055, effective January 1, 2025, deleted a provision limiting the number of self-study credit hours that may be carried over as part of the twelve hours of excess credits that may be carried over to the next licensing year; and in Paragraph E, after “substantive (general) requirement”, deleted “Only four (4) self-study credit hours may be carried over as part of the twelve (12) hours of credits.”.

**The second 2023 amendment**, approved by Supreme Court Order No. S-1-RCR-2023-00034, effective January 1, 2024, amended existing provisions, which set forth the requisite hours and categories of continuing legal education for active members of the state bar, to provide that honorary judicial members shall also be required to complete the same number of hours of continuing legal education as other bar members in active status, and made certain clarifying amendments; and in Paragraph F, added “All state and federal judges”, and after “the state bar on active status”, added “or who are honorary judicial members”.

**The first 2023 amendment**, approved by Supreme Court No. S-1-RCR-2023-00032, effective January 1, 2024, reduced the minimum number of general CLE credits required annually, mandated that at least one CLE credit be devoted to board approved subjects dealing with equity in justice, provided how excess equity in justice credits may be applied, provided that only one hour of equity in justice credit may be carried over as part of the twelve hours of credits, and added the committee commentary; in Paragraph B, deleted “Ten (10)” and added “Nine (9)”; added a new Paragraph D and redesignated the succeeding paragraphs accordingly; and in Paragraph E, added “Only one (1) hour of equity in justice credit may be carried over as part of the twelve (12) hours of

credits.”, and after the next occurrence of “professionalism”, added “and equity in justice”.

**The 2021 amendment**, approved by Supreme Court Order No. 21-8300-030, effective December 31, 2021, clarified certain minimum educational requirements; in Paragraph A, after “Every”, deleted “active licensed”, after “member of the state bar”, added “in active status, beginning in the first full year following the date of admission”, and replaced each occurrence of “continuing legal education” with “CLE”; in Paragraphs C and D, replaced each occurrence of “compliance” with “licensing”; and in Paragraph E, after “retired judges”, added “and other judicial officers”, after “who are”, deleted “active licensed members of the state bar, domestic violence special commissioners and domestic relations hearing officers” and added “members of the state bar on active status”, and replaced each occurrence of “continuing legal education” with “CLE”.

**The 2020 amendment**, approved by Supreme Court Order No. 20-8300-015, effective December 31, 2020, allowed four hours of self-study legal education credits to be carried over from one compliance year over to the next compliance year; and in Paragraph D, changed “Self-study” to “Only four (4) self-study”, after “credit hours”, deleted “cannot” and added “may”, and after “be carried over”, added “as part of the twelve (12) hours of credits”.

**The 2011 amendment**, approved by Supreme Court Order No. 11-8300-020, effective May 1, 2011, eliminated the requirement that one hour of continuing education be devoted to professionalism; required that at least two hours be devoted to legal ethics or professionalism; provided for the application of excess professionalism credits to deficits in the current year and as carry-over credits in subsequent years; permitted two hours of professionalism and ethics credits to be carried over and excess professionalism credits to be applied toward the general requirement.

**The 2006 amendment**, approved by Supreme Court Order No. 06-8300-033, effective January 1, 2007, added the last sentence of Paragraph A, added the second sentence of Paragraphs C and D, added the last sentence of Paragraph E, added the second sentence of Paragraph F and deleted the remainder of Paragraph F and all of Paragraph G, relating to the initial compliance year and Paragraph H relating to the definition of a “compliance year”.

**The 2005 amendment**, approved March 24, 2005 by Supreme Court Order No. 05-8300-07, effective January 1, 2006, amended Paragraph A to change the number of hours from fifteen (15) to twelve (12) and insert the last sentence defining an hour as sixty (60) minutes, inserted a new Paragraph B, relettered former Paragraph B as Paragraph C and changed “fifteen (15)” to “twelve (12)”, relettered former Paragraph C as Paragraph D, amended the first sentence to reduce the number of professionalism hours from two (2) to one (1) and deleted the remainder of the paragraph, relettered former Paragraph D as Paragraph E and amended the paragraph to be consistent with the Paragraph A through D amendments and relettered the Paragraphs E, F and G as Paragraphs F, G and H.

**The 2000 amendment**, effective January 1, 2001, redesignated former Paragraphs C, E and F as Paragraphs E, F and G; added Paragraph C concerning professional credits; in Paragraph D, inserted "compliance year only" at the end of the first sentence, deleted the former second sentence which read: "However, not more than fifteen (15) hours shall be carried over from the prior year" and added the second, third and fourth sentences.

**The 1998 amendment**, effective March 23, 1998, rewrote Subsection C.

**The 1992 amendment**, effective February 1, 1992, added the last sentence in Paragraph D.

**The 1991 amendment**, effective November 1, 1991, deleted former Paragraph D, relating to practice skills; redesignated former Paragraphs E and F as Paragraphs D and E, rewrote Paragraph E; and added Paragraph F.

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — Discipline of attorney for failure to comply with continuing legal education requirements, 96 A.L.R.5th 23.

Constitutional validity of continuing legal education requirements for attorneys, 97 A.L.R.5th 457.

## **18-202. Withdrawn.**

### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court Order No. 21-8300-030, 18-202 NMRA, relating to exemptions and waivers, was withdrawn effective December 31, 2021. For provisions of former rule, see the 2020 NMRA on *NMOneSource.com*.

## **18-203. Accreditation; course approval; provider reporting.**

A. **Accreditation.** The board shall do the following:

(1) accredit and periodically review institutions

(a) that have a history of providing quality CLE courses; and

(b) that meet current accredited provider standards established by the board;

and

(2) approve individual programs of continuing legal education.

B. **Accredited institutions and program provider requirements.** Accredited institutions and program providers shall do the following:

(1) assure that each program addresses the ethical or professionalism implications where appropriate; provided, however, that only those portions of a program specifically approved or specified as granting ethics and professionalism credit shall be used to fulfill the attorney's ethics and professionalism requirement;

(2) assure that the course has significant intellectual or practical content and that its primary objective is to increase the participant's professional competence as an attorney;

(3) assure that the curriculum offered relates to legal subjects or subjects which relate to the individual attorney's practice of law, including legal ethics and professionalism;

(4) assure that presenters for all programs are qualified by practical or academic experience to teach the subject to be covered;

(5) assure that legal subjects are normally taught by attorneys;

(6) assure that, with the exception of wellness programs submitted by the New Mexico Lawyers and Judges Assistance Program, program faculty include at least one (1) lawyer, judge, or full-time law professor;

(7) assure that thorough, high quality, current, readable, carefully prepared written materials are distributed to all participants at or before the time the course is offered; and

(8) assure that a level of activity is noted on the promotional materials following the guidelines listed below:

(a) *Advanced*. An advanced CLE course should be designed for the practitioner who specializes in the subject matter of the course;

(b) *Intermediate*. An intermediate course is designed for the practitioner experienced in the subject matter, but not necessarily an expert. A survey course in which there have been recent, substantial changes will be deemed intermediate. In an intermediate course, some segments may be low intermediate or basic and others high or advanced. In those instances, the course taken as a whole will be considered intermediate;

(c) *Basic*. A basic course is designed for the practitioner with no experience or limited experience in the area of law with which the course deals. A survey course will be considered basic unless there are recent, significant changes in the law.

**C. Announcement of approval.** Providers shall announce, for a program that has been given approval, that: "This course has been approved by the Board of Bar Commissioners of the State Bar of New Mexico for \_\_\_\_\_ hours of credit."

**D. Provider attendance lists.** All CLE providers must, as a condition of accreditation or program approval, agree to provide the board a list of all New Mexico attorneys and judges who attended the CLE program and the number of hours claimed by each participant. The list and any required credit filing fees shall be provided within thirty (30) days of the program being held. CLE providers who fail to meet the thirty (30) day deadline may be subject to fines established by the board and loss of accredited status.

[As amended, effective January 1, 1990; November 1, 1991; January 1, 1994; January 16, 1996; February 18, 1998; January 1, 2001; January 1, 2001; as amended by Supreme Court Order No. 05-8300-007, effective January 1, 2006; by Supreme Court Order No. 06-8300-033, effective January 1, 2007; by Supreme Court Order No. 08-8300-049, effective December 31, 2008; by Supreme Court Order No. 11-8300-020, effective May 1, 2011 for compliance year ending December 31, 2011, and subsequent compliance years; as amended by Supreme Court Order No. 17-8300-010, effective September 11, 2017; as amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021.]

## ANNOTATIONS

**The 2021 amendment**, approved by Supreme Court Order No. 21-8300-030, effective December 31, 2021, provided a penalty for CLE providers who fail to meet the thirty day deadline for providing the Board of Bar Commissioners a list of all New Mexico attorneys and judges who attend CLE programs and the number of hours claimed by each participant, removed a provision related to unaccredited providers, and made technical amendments; in Paragraph A, Subparagraph A(1), in the introductory clause, after “accredit”, added “and periodically review”, in Subparagraph A(1)(a), after “providing quality”, deleted “continuing legal education” and added “CLE courses”, in Subparagraph A(2), deleted “The content of the instruction provided may include, but not be limited to, live seminars, participation in educational activities involving the use of computer-based resources, audiotapes, and videotapes; and”, and deleted former Subparagraph A(3), which provided periodically review accredited institutions; in Paragraph C, after “approved by the”, deleted “New Mexico Minimum Continuing Legal Education Board” and added “Board of Bar Commissioners of the State Bar of New Mexico”; in Paragraph D, deleted “Under practices and procedures adopted by the board, all” and added “All”, replaced each occurrence of “continuing legal education” with “CLE”, and added the last sentence; and deleted former Paragraph E, which provided, “Unaccredited providers. All CLE providers located in New Mexico that are not accredited must seek preapproval for courses offered to New Mexico attorneys.”

**The 2017 amendment**, approved by Supreme Court Order No. 17-8300-010, effective September 11, 2017, provided an exception to the requirement that accredited institutions and program providers must assure that program faculty include at least one lawyer, judge, or full-time law professor; in Paragraph B, Subparagraph B(1), after “fulfill the”, deleted “attorneys” and added “attorney’s”, in Subparagraph B(6), after “assure that”, added “with the exception of wellness programs submitted by the New Mexico

Lawyers and Judges Assistance Program”, and after “one”, added “(1)”, and in Subparagraph B(8)(b), after “some”, deleted “segment” and added “segments”; and in Paragraph D, deleted “Pursuant to” and added “Under”, and after “participant.”, deleted “Such” and added “The”.

**The 2011 amendment**, approved by Supreme Court Order No. 11-8300-020, effective May 1, 2011, eliminated the requirements that providers address the code of professional responsibility and offer courses on professional conduct and law office management.

**The 2008 amendment**, approved by Supreme Court Order No. 08-8300-049, effective December 31, 2008, in Paragraph A, added the designation of Subparagraph (a) and added a new Subparagraph (b).

**The 2006 amendment**, approved by Supreme Court Order No. 06-8300-033, effective January 1, 2007, added a new Subparagraph (5) of Paragraph B designation for the second sentence of former Subparagraph (4) relating to legal subjects being taught by attorneys, added a new Subparagraph (6) to provide that at least one faculty member of a program include a lawyer, judge or full-time professor; deleted Paragraph D relating to self-study credit, Paragraph E, relating to publications, Paragraph F, relating to live program credit, Paragraph G, relating to speakers and Paragraph H, relating to hours earned; and redesignated former Paragraph I as Paragraph D. See Rule 18-204, adopted effective January 1, 2007 for the contents of Former Paragraphs D through H.

**The 2005 amendment**, approved March 24, 2005 by Supreme Court Order No. 05-8300-007, effective January 1, 2006, amended Paragraphs E and H to change the definition of a credit hour from "fifty (50)" minutes to "sixty (60)" minutes.

**The second 2000 amendment**, effective January 1, 2001, substituted "self-study course is" for "video or audio tapes are" and inserted "and was produced within five (5) years from the date of viewing, listening or participating" in Subparagraphs D(1) and (2); and rewrote the undesignated paragraph following Subparagraph D(3).

**The first 2000 amendment**, effective January 1, 2001, inserted "and professionalism" in Subparagraphs B(1) and B(3).

**The 1998 amendment**, effective February 16, 1998, inserted "participation in education activities involving the use of computer-based resources" in Subparagraph A(2), inserted "or participating in educational activities involving the use of computer-based resources" in Paragraph D; and deleted "or" following "viewing" and inserted "or participating" in Subparagraph D(1).

**The 1996 amendment**, effective January 16, 1996, added Subparagraph B(6) and made related changes, and inserted "and listening to audio tapes" in Paragraph F.

**The 1994 amendment**, effective May 1, 1994, added Paragraph E, redesignated former Paragraphs E and F as Paragraphs F and G, and deleted former Paragraph G relating to publications, which read: "Credit may be earned of one hour for each fifty (50) minutes spent preparing an article which is actually published in a legal periodical or journal which is approved by the administrator or the board."

**The 1991 amendment**, effective November 1, 1991, in Paragraph D, substituted "video or audio tapes" for "materials" in Subparagraphs (2) and (3) and "one compliance year" for "any reporting year" in the last sentence of that paragraph; in Paragraph E, substituted "this live program" for "the original course or program" and deleted the former last sentence, which read "These programs are not subject to the self-study limitations"; and, in the first sentence in Paragraph I, substituted "board" for "committee" and "attorneys" for "lawyers".

## **18-204. Earning credits; credit types.**

A. **Scope.** This rule sets forth the means by which a member may acquire the credits required by Rule 18-201 NMRA.

### **B. Live program credit.**

(1) Credit for attending approved live programs shall be based on one (1) hour of credit for each sixty (60) minutes of actual instruction time, which may include the following:

- (a) lecture;
- (b) panel discussion;
- (c) question-and-answer periods;
- (d) film presentation; or

(e) time spent viewing video or listening to audio at an organized open enrollment program at which there is a moderator assigned to supervise the program and to foster discussion among participants, and provided that this program is approved as provided for in these rules.

(2) The individual seeking live program credit must not have previously received credit for the same program.

C. **Self-study credit.** Self-study credits may be earned by participating in legal activities or participating in previously recorded courses, providing the following conditions are met:

(1) **Legal activities.** The Board of Bar Commissioners of the State Bar of New Mexico shall establish policies and procedures for accrediting the legal organizations to award CLE credits to attorneys who engage in certain legal activities. To receive CLE credit, attorneys must perform the legal activity through a BBC-accredited legal organization and receive a certificate of completion from that organization. Legal activities that may qualify for CLE credit include serving on BBC-accredited boards, committees, and commissions that perform legal work such as drafting rules, investigating cases, or participating in hearings; or performing pro bono legal services through a BBC-accredited legal service provider.

(2) **Previously recorded courses.** To be eligible for credit, the previously recorded course must be pre-approved by the board and must include procedures and/or technology that allows the course provider to independently verify an attorney's attendance and attentiveness during the program. The attorney seeking self-study credit must not previously have received self-study or live program credit for the same program.

D. **Speakers.** Speakers who participate in an accredited provider's program or an approved program may receive credit for preparation time and presentation time, including credit for repeated presentations, within the following parameters:

(1) Speakers may receive credit for the actual presentation time.

(2) Speakers may receive up to three (3) hours of credit for preparation time for each presentation hour.

(3) For repeat presentations, the speaker may only receive credit for presentation time.

#### E. **Publications.**

(1) Credit for one (1) hour may be earned for each sixty (60) minutes spent authoring or co-authoring written material that is actually published in a legal periodical, journal, book, or treatise approved by the board, provided that the following conditions are met:

(a) the material substantially contributes to the legal education or competency of the attorney and other attorneys; and

(b) the work is not done in the ordinary course of the attorney's practice of law or the performance of regular employment.

(2) Credit is given for the licensing year the work is accepted for publication, or in which publication actually occurs.

(3) The maximum number of credits an attorney can earn for a publication is ten (10) general credits.

#### **F. Attorney self-reporting procedures.**

(1) An attorney may self-report credits only for courses that were not pre-approved by the board. If a course has been pre-approved by the board, the course provider will report credits and pay filing fees for program attendees.

(2) To self-report credits, the attorney must first submit the course for approval under Rule 18-203(A)(2) NMRA and pay any required course approval fees. If the course is approved, the attorney may then file the credits and pay the filing fees.

[Approved by Supreme Court Order No. 06-8300-033, effective January 1, 2007; as amended by Supreme Court Order No. 11-8300-020, effective May 1, 2011, for compliance year ending December 31, 2011, and subsequent compliance years; as amended by Supreme Court Order No. 20-8300-015, effective December 31, 2020; as amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021; as amended by Supreme Court Order No. S-1-RCR-2023-00002, effective for all cases filed on or after January 1, 2024.]

### **ANNOTATIONS**

**The 2023 amendment**, approved by Supreme Court No. S-1-RCR-2023-00002, effective January 1, 2024, removed a provision limiting self-study credits to four credit hours, revised the conditions for eligible self-study credits; in Paragraph C, after the paragraph heading, in the introductory clause, deleted “Attorneys may obtain up to four (4) self-study credits per licensing year”, after “legal activities or”, deleted “listening to” and added “participating in”, and in Subparagraph C(2), after “the previously recorded course must”, deleted “comply with the standards defined in Rule 18-203 NMRA and attorneys seeking credit must provide a certificate of completion” and added “be pre-approved by the board and must include procedures and/or technology that allows the course provider to independently verify an attorney’s attendance and attentiveness during the program”.

**The 2021 amendment**, approved by Supreme Court Order No. 21-8300-030, effective December 31, 2021, provided new procedures for attorneys to self-report CLE credits, and made technical amendments; in Paragraph C, Subparagraph C(1), after “The”, deleted “MCLE Board” and added “Board of Bar Commissioners of the State Bar of New Mexico”, and replaced each occurrence of “MCLE accredited” with “BBC-accredited”; deleted former Paragraph F, which provided for attorneys seeking approval for certain continuing legal education programs, and Paragraph G, which provided certain continuing education provisions for judges; and added a new Paragraph F.

**The 2020 amendment**, approved by Supreme Court Order No. 20-8300-015, effective December 31, 2020, completely rewrote the provision related to self-study legal

education credit; and in Paragraph C, deleted former Subparagraphs C(1) through C(4) and added the new introductory clause and new Subparagraphs C(1) and C(2).

**The 2011 amendment**, approved by Supreme Court Order No. 11-8300-020, effective May 1, 2011, permitted ethics and professionalism credits to be given for self-study.

## **ARTICLE 3**

### **Reporting**

#### **18-301. MCLE compliance and reporting; state bar annual statement; waiver.**

**A. Compliance year; reporting.** As a precondition to license renewal under Rule 24-102 NMRA, all members of the state bar in active status shall complete the required hours of MCLE under Rule 18-201 NMRA between January 1 and December 31 of the prior year. This period shall be known as the “compliance year.” The board shall verify that active members have completed the required MCLE credits.

**B. Compliance review.** The board updates each member’s MCLE record in real-time as credits are reported. Members may access their MCLE records through the state bar’s website or by contacting MCLE staff. Each member of the state bar in active status is responsible for periodically reviewing the member’s MCLE record and reporting any errors or omissions for the compliance year no later than March 1 of the current licensing year. Failure to timely report errors or omissions in the MCLE record may result in penalties.

**C. Waiver of MCLE requirements.** A member may request a waiver of MCLE requirements under Rule 24-102(D) NMRA.

**D. Failure to comply with MCLE requirements.** If a member fails or refuses to comply with the member’s MCLE requirements, the member may be subject to late fees, a suspension, or other sanctions under Rule 24-102(E) NMRA.

[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 No. 05-8300-007, effective January 1, 2006; by Supreme Court Order No. 06-8300-033, effective January 1, 2007; as amended by Supreme Court Order No. 21-8300-030, effective for all cases filed or pending on or after December 31, 2021.]

### **ANNOTATIONS**

**The 2021 amendment**, approved by Supreme Court Order No. 21-8300-030, effective December 31, 2021, completely rewrote the rule; changed the rule heading from “Compliance reporting” to “MCLE compliance and reporting; state bar annual statement; waiver”; deleted former Paragraph A, titled “Initial compliance year” and added a new

Paragraph A; deleted former Paragraph B, titled "Compliance year" and added a new Paragraph B; deleted former Paragraph C, titled "Credit reporting deadline" and added a new Paragraph C; deleted former Paragraph D, titled "Annual report statement" and added a new Paragraph D; and deleted former Paragraphs E through H, titled "Second notification of deficiency to active members.", "Certification of deficiency.", "Citation to show cause.", and "Sanctions.", respectively.

**The 2006 amendment**, approved November 29, 2006 by Supreme Court Order No. 06-8300-033, 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) of the redesignated Paragraph H to add the last sentences of the subparagraphs.

**The 2005 amendment**, approved March 24, 2005 by Supreme Court Order No. 05-8300-007, effective January 1, 2006, amended Paragraph B to delete the requirement that the notification of deficiency letter be certified.

**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 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 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 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 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).

### **18-302. Withdrawn.**

#### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court Order No. 21-8300-030, 18-302 NMRA, relating to review and appeal, was withdrawn effective December 31, 2021. For provisions of former rule, see the 2020 NMRA on *NMOneSource.com*.

### **18-303. Withdrawn.**

#### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court Order No. 21-8300-030, 18-303 NMRA, relating to reinstatement, was withdrawn effective December 31, 2021. For provisions of former rule, see the 2020 NMRA on *NMOneSource.com*.

### **Appendix A — Withdrawn.**

#### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court Order No. 20-8300-011, Appendix A to Rule Set 18, relating to regulations implementing continuing education requirements for state district and appellate court judges, was withdrawn effective December 31, 2020. For provisions of former Appendix A, see the 2019 NMRA on *NMOneSource.com*.

### **Appendix B — Withdrawn.**

#### **ANNOTATIONS**

**Withdrawals.** — Pursuant to a court order dated November 14, 1989, the Regulations of the Continuing Legal Education Committee are withdrawn effective January 1, 1990.