

RULES FOR MINIMUM CONTINUING LEGAL EDUCATION

1986 Recompilation

Article

SCRA 18-001 (1991 Repl.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF AMENDMENT OF :
RULE 18-102 OF THE RULES
FOR : 8000 Misc.
MINIMUM CONTINUING LEGAL EDUCATION :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

NOW, THEREFORE, IT IS ORDERED that Rule 18-102 of the Rules for Minimum Continuing Legal Education be and the same is hereby amended;

IT IS FURTHER ORDERED that the amendment of Rule 18-102 of the Supreme Court Rules for Minimum Continuing Legal Education shall be effective on and after September 15, 1987;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment of Rule 18-102 of the Rules for Minimum Continuing Legal Education by publishing the same in the News and Views and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 12th day of August, 1987.

/s/ TONY SCARBOROUGH

Chief Justice

/s/ DAN SOSA, JR.

Senior Justice

/s/ HARRY E. STOWERS, JR.

Justice

/s/ MARY C. WALTERS

Justice

/s/ RICHARD E. RANSOM

Justice

SCRA 18-002 (1991 Repl.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF APPROVAL OF REGULATIONS :
IMPLEMENTING CONTINUING
EDUCATION : 8000 Misc.
REQUIREMENTS FOR STATE DISTRICT AND :
APPELLATE COURT JUDGES :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

WHEREAS, the Judicial Continuing Education Committee has approved and submitted to this court for its approval Regulations Implementing Continuing Education Requirements for State District and Appellate Court Judges;

NOW, THEREFORE, IT IS ORDERED that the Regulations Implementing Continuing Education Requirements for State District and Appellate Court Judges be and the same are hereby approved;

IT IS FURTHER ORDERED that the Regulations Implementing Continuing Education Requirements for State District and Appellate Court Judges shall govern continuing legal education requirements for state district and appellate judges commencing with calendar year January 1, 1987;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of the promulgation of the Regulations Implementing Continuing Education Requirements for State District and Appellate Court Judges and by mailing or delivering a copy of this order and the Regulations Implementing Continuing Education Requirements for State District and Appellate Court Judges to each state district court judge and to each state appellate court justice and judge.

DONE at Santa Fe, New Mexico this 12th day of August, 1987.

/s/ TONY SCARBOROUGH
Chief Justice

/s/ DAN SOSA, JR.
Senior Justice

/s/ HARRY E. STOWERS, JR.
Justice

/s/ MARY C. WALTERS
Justice

/s/ RICHARD E. RANSOM
Justice

SCRA 18-003 (1991 Repl.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF APPROVAL OF :
REGULATIONS OF THE
CONTINUING : 8000 Misc.
LEGAL EDUCATION COMMITTEE :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

WHEREAS, the Continuing Legal Education Committee has approved and submitted to this court for its approval regulations for the administration of the New Mexico Supreme Court requirements for minimum continuing legal education entitled "Regulations of the Committee Minimum Continuing Legal Education";

NOW, THEREFORE, IT IS ORDERED that the regulations of the Continuing Legal Education Committee be and the same are hereby approved;

IT IS FURTHER ORDERED that the regulations of the Minimum Continuing Legal Education Committee shall govern continuing legal education requirements for every licensed active member of the state bar commencing with calendar year January 1, 1987;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of the promulgation of the regulations entitled "Regulations of the Committee Minimum Continuing Legal Education" by publishing the same in the News and Views.

DONE at Santa Fe, New Mexico this 12th day of August, 1987.

/s/ TONY SCARBOROUGH
Chief Justice
/s/ DAN SOSA, JR.
Senior Justice
/s/ HARRY E. STOWERS, JR.
Justice
/s/ MARY C. WALTERS
Justice
/s/ RICHARD E. RANSOM
Justice

SCRA 18-004 (1991 Repl.)

IN THE SUPREME COURT OF THE

STATE OF NEW MEXICO

IN THE MATTER OF AMENDING THE REGULATIONS IMPLEMENTING CONTINUING JUDICIAL LEGAL EDUCATION

REQUIREMENTS FOR STATE DISTRICT AND APPELLATE COURT JUDGES : 8000 Misc. :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

WHEREAS, this court has previously approved regulations implementing Continuing Judicial Legal Education requirements for State District and Appellate Judges; and

WHEREAS, in order to implement the Continuing Judicial Legal Education Program for state district and appellate court judges, it is necessary to impose an annual fee of fifteen dollars (\$15.00) payable to the Supreme Court Judicial Continuing Legal Education fund;

NOW, THEREFORE, IT IS ORDERED that the Regulations Implementing Continuing Judicial Legal Education Requirements for State District and Appellate Court Judges be amended to provide an additional Section 11 of the regulations as follows:

11. Every appellate or district judge shall submit an annual fee of fifteen dollars (\$15.00) payable to the Supreme Court Judicial Continuing Legal Education Fund at the same time he or she files the annual compliance statement as provided in Canon 21-600 of the Code of Judicial Conduct, and SCRA 1986, Section 18-301(D).

IT IS FURTHER ORDERED that the Regulations Implementing Continuing Judicial Legal Education Requirements for State District and Appellate Court Judges shall be payable on or before April 15, 1988, and on or before April 15 of each year thereafter.

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of this amendment to the Regulations Implementing Continuing Judicial Legal Education Requirements for state district and appellate court judges by mailing or delivering a copy of this order and this amendment to each State District Court Judge and State Appellate Court Judge.

DONE at Santa Fe, New Mexico this 30th day of December, 1987.

/s/ TONY SCARBOROUGH
Chief Justice
/s/ DAN SOSA, JR.

Senior Justice
/s/ HARRY E. STOWERS, JR.
Justice
/s/ MARY C. WALTERS
Justice
/s/ RICHARD E. RANSOM
Justice

SCRA 18-005 (1991 Repl.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE REINSTATEMENT AND
AMENDMENT OF THE RULES FOR MINIMUM
CONTINUING LEGAL EDUCATION AND

THE : 8000 Misc.

APPROVAL OF THE ASSESSMENT OF A FEE :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Ransom, Justice Baca and Justice Montgomery concurring:

NOW, THEREFORE, IT IS ORDERED that the implementation and administration of the minimum continuing legal education program be and the same are hereby reinstated effective January 1, 1990;

IT IS FURTHER ORDERED that the amendment of Rules 18-102, 18-103, 18-201, 18-202, 18-203, 18-301, 18-302 and 18-303 of the Rules for Minimum Continuing Legal Education shall be and the same are hereby amended;

IT IS FURTHER ORDERED that the withdrawal of all previously approved regulations of the Continuing Legal Education Committee is hereby approved;

IT IS FURTHER ORDERED that an annual assessment by the Minimum Continuing Legal Education Board of a \$15.00 administrative fee to be paid by each member of the state bar is hereby approved;

IT IS FURTHER ORDERED that the reinstatement of the continuing education program, the amendment of the above rules, the approval of the withdrawal of the regulations of the Continuing Legal Education Committee and the approval of the assessment of an annual administrative fee by the Minimum Continuing Legal Education Board is effective January 1, 1990, provided that the Board may take such administrative actions as may be desirable to implement the reinstatement of the continuing legal education program effective January 1, 1990;

IT IS FURTHER ORDERED that the members of the Minimum Continuing Legal Education Committee are hereby appointed to

serve as the members of the Minimum Continuing Legal Education Board for the terms they were appointed to serve as members of the Continuing Legal Education Committee;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment of the Rules for Minimum Continuing Legal Education, the approval of the withdrawal of the Minimum Continuing Legal Education Regulations and the approval of the assessment of an annual administrative fee by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 14th day of November, 1989.

/s/ DAN SOSA, JR.
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ JOSEPH F. BACA
Justice
/s/ SETH D. MONTGOMERY
Justice

SCRA 18-006 (1993 Supp.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :
OF THE RULES FOR :
MINIMUM : 8000 Misc.
CONTINUING LEGAL EDUCATION :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Ransom, Justice Baca, Justice Montgomery and Justice Franchini concurring:

NOW, THEREFORE, IT IS ORDERED that Rules 18-102, 18-201, 18-203 and 18-301 of the Rules for Minimum Continuing Legal Education be and the same are hereby amended;

IT FURTHER ORDERED that the amendment of the Rules for Minimum Continuing Legal Education shall be effective November 1, 1991;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment of the Rules for Minimum Continuing Legal Education by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 13th day of August, 1991.

/s/ DAN SOSA, JR.

Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ JOSEPH F. BACA
Justice
/s/ SETH D. MONTGOMERY
Justice
/s/ GENE E. FRANCHINI
Justice

SCRA 18-007 (1993 Supp.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :
OF THE RULES FOR

MINIMUM : 8000 Misc.
CONTINUING LEGAL EDUCATION :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Ransom, Justice Baca, Justice Montgomery, Justice Franchini and Justice Frost concurring:

NOW, THEREFORE, IT IS ORDERED that Rule 18-201 of the Rules for Minimum Continuing Legal Education be and the same is hereby amended;

IT IS FURTHER ORDERED that the amendment of the Rules for Minimum Continuing Legal Education shall be effective February 1, 1992;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment of the Rules for Minimum Continuing Legal Education by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 20th day of November, 1991.

/s/ RICHARD E. RANSOM
Chief Justice
/s/ JOSEPH F. BACA
Justice
/s/ SETH D. MONTGOMERY
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice

SCRA 18-008 (1993 Supp.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO
NO. 94-8300
IN THE MATTER OF THE
AMENDMENT OF THE MINIMUM
CONTINUING LEGAL EDUCATION
RULES

This matter coming on for consideration by the Court and the Court being sufficiently advised, Chief Justice Ransom, Justice Baca, Justice Montgomery, Justice Franchini and Justice Frost concurring;

NOW, THEREFORE, IT IS ORDERED that Rule 18-203 of the Minimum Continuing Legal Education Rules be and the same hereby is amended;

IT IS FURTHER ORDERED that the amendment of the Minimum Continuing Legal Education Rules shall be effective on and after January 1, 1994;

IT IS FURTHER ORDERED that the Clerk of the Court is hereby authorized and directed to give notice of the above amendment of the Minimum Continuing Legal Education Rules by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 17th day of February 17, 1994.

/s/ RICHARD E. RANSOM
Chief Justice
/s/ JOSEPH F. BACA
Justice
/s/ SETH D. MONTGOMERY
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice

SCRA 18-009 (1993 Supp.)

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO
NO. 94-8300
IN THE MATTER OF THE AMENDMENT
OF THE MINIMUM CONTINUING

LEGAL EDUCATION RULES

This matter coming on for consideration by the Court, and the Court being sufficiently advised, Chief Justice Montgomery, Justice Ransom, Justice Baca, Justice Franchini and Justice Frost concurring;

NOW, THEREFORE, IT IS ORDERED that Rule 18-301 of the Minimum Continuing Legal Education Rules be and the same hereby is amended;

IT IS FURTHER ORDERED that the amendment of the Minimum Continuing Legal Education Rules shall be effective immediately;

IT IS FURTHER ORDERED that the Clerk of the Court is hereby authorized and directed to give notice of the above amendment of the Minimum Continuing Legal Education Rules by publishing the same in the Bar Bulletin and SCRA 1986.

DONE at Santa Fe, New Mexico this 18th day of July, 1994.

/s/ SETH D. MONTGOMERY

Chief Justice

/s/ RICHARD E. RANSOM

Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ STANLEY F. FROST

Justice

ARTICLE 1 EDUCATION COMMITTEES

Rule

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.

B. **Title.** These rules shall be known as the Rules for Minimum Continuing Legal Education.

18-102. Minimum continuing legal education board.

A. **Board established.**

(1) There is hereby established a minimum continuing legal education board 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.

(2) Each member of the board shall be a licensed active member of the State Bar of New Mexico who practices in this state and maintains such member's principal office in this state. The members shall be appointed for staggered three (3) year terms pursuant to Rule 23-106.

(3) The chairperson of the board shall be appointed by the court and shall serve at the pleasure of the court.

B. Powers and duties of the board.

(1) The board shall have general supervisory authority over implementing and supervising the minimum continuing legal education requirements for members of the State Bar of New Mexico. The board shall provide the procedure for assuring compliance and enforcement of the requirements set by the board in furtherance of these duties.

(2) The board shall have specific duties and responsibilities, as follows:

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

(b) to accredit institutions that will provide courses and to approve programs which will satisfy the educational requirements of these rules;

(c) to report annually on the activities and operations of the board to the Board of Bar Commissioners of the State Bar of New Mexico and the supreme court.

C. Finances.

(1) The board may establish reasonable fees, and such other requirements as may be necessary to carry out the program, subject to approval by the court.

(2) Members of the board shall serve without compensation, but shall be paid mileage and per diem consistent with the guidelines approved by the court for the judicial branch of government. The mileage and per diem shall be paid out of the funds collected by the board.

(3) The board may establish such requirements as may be necessary to implement and carry out this program, including imposition of reasonable certification and filing fees, all subject to prior approval by the supreme court.

[As amended, effective September 15, 1987; January 1, 1990; November 1, 1991.]

ANNOTATIONS

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).

18-103. Judicial continuing education committee.

A. Committee established.

(1) There is hereby established a judicial continuing education committee to be appointed by the supreme court, consisting of three members.

(2) One member of the committee shall be an appellate court judge, the other two members shall be district court judges.

(3) The chairperson of the committee shall be appointed by the court and shall serve at the pleasure of the supreme court.

B. Powers and duties of the committee. The committee shall provide continuing education programs for district and appellate court judges of the State of New Mexico.

(As amended, effective January 1, 1990.)

ARTICLE 2 CONTINUING EDUCATION REQUIREMENTS

Rule

18-201. Minimum educational requirements.

A. Hours required. Every active licensed member of the state bar shall complete fifteen (15) hours of continuing legal education during each year as provided by these rules.

B. Legal ethics. At least one (1) hour of the fifteen (15) hours shall be devoted to legal ethics or code of professional responsibility subjects.

C. Judges. Judges and retired judges who are active licensed members of the state bar shall be required to complete the same number of hours of continuing legal education as other active licensed bar members but may satisfy such requirement by attending judicial education programs:

(1) provided by the Judicial Continuing Education Committee in addition to programs approved by the Minimum Continuing Legal Education Board; or

(2) approved by the Administrative Office of the Courts pursuant to the Rules Governing Judicial Education.

D. **Carry-over.** Any member may carry up to fifteen (15) hours of credits earned in one (1) compliance year over to the next. However, not more than fifteen (15) hours shall be carried over from the prior year. Self study credit hours cannot be carried over.

E. **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.

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

[As amended, effective January 1, 1990; November 1, 1991; February 1, 1992.]

ANNOTATIONS

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, rewriting new Paragraph E; and added Paragraph F.

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

Compiler's note. - The term "effective date of these rules" referred to in Paragraph D means January 1, 1987, the effective date of the Rules for Minimum Continuing Legal Education.

18-202. Exemptions and waivers.

A. **Inactive members.** An inactive member of the state bar shall be exempt from continuing legal education and reporting requirements of these rules.

B. **Waivers.** Upon petition, the board, with approval by the supreme court, may exempt an active licensed member from continuing legal education, but not the reporting requirements of these rules, upon a finding by the board of special circumstances constituting undue hardship.

(As amended, effective January 1, 1990.)

18-203. Accreditation; course approval.

A. **Accreditation.** The board shall:

- (1) accredit institutions that have a history of providing quality continuing legal education;
- (2) approve individual programs of continuing legal education. The content of the instruction provided may include, but not be limited to, live seminars, audiotapes and videotapes; and
- (3) periodically review accredited institutions.

B. Accredited institutions and program provider requirements. Accredited institutions and program providers shall:

- (1) assure that each program addresses the ethical or code of professional responsibility implications where appropriate; provided, however, that only those portions of a program specifically approved or specified as granting ethics credit shall be used to fulfill the attorneys' ethics requirements;
- (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 professional conduct, legal ethics, or law office management;
- (4) assure that presenters for all programs are qualified by practical or academic experience to teach the subject to be covered. Legal subjects should normally be taught by attorneys; and
- (5) 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.

C. Announcement of Approval. Providers shall announce, as to a program that has been given approval, that: "This course has been approved by the New Mexico Minimum Continuing Legal Education Board for _____ hours of credit".

D. Self-study credit. Self-study credit may be given for viewing videotapes or listening to audiotapes, provided:

- (1) board approval is received prior to viewing or listening;
- (2) the video or audio tapes are from an accredited provider; or

(3) the video or audio tapes are from an approved program.

No more than five (5) hours of credit may be given during one compliance year for self-study activities.

E. Publications. Credit for one hour may be earned for each fifty (50) minutes spent authoring or co-authoring written material which is actually published in a legal periodical, journal, book or treatise which is approved by the administrator or the board, subject to the following requirements:

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

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

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

F. Live program credit. Live program credit can also be attained for time spent viewing videotapes at an organized open enrollment program provided there is a moderator assigned to supervise the program and foster discussion among participants and provided this live program is approved as provided for in these rules.

G. Speakers. Speakers who participate at an accredited providers' program or an approved program may receive credit for preparation time and presentation time, including credit for repeated presentations.

H. Hours earned. Credit for approved programs shall be based on one hour of credit for each fifty (50) minutes of actual instruction time, which may include lecture, panel discussion, question-and-answer periods and video or film presentation.

I. Provider attendance lists. Pursuant to practices and procedures to be adopted by the board, all continuing legal education 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 continuing legal education program and the number of hours claimed by each participant. Such list shall be provided within thirty (30) days of the program being held.

J. Other reporting procedures. An attorney wishing to obtain approval for a program, for which the provider has not sought accreditation or has not properly reported attendees, shall comply with the practices and procedures established by the board.

[As amended, effective January 1, 1990; November 1, 1991; January 1, 1994.]

ANNOTATIONS

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".

The 1994 amendment, effective May 1, 1994, added present Paragraph E, redesignated former Paragraphs E and F as present 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."

ARTICLE 3 REPORTING

Rule

18-301. Compliance.

A. Reporting. 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 mailed 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 which have been reported by the providers and carryover hours.

B. Verification of statement by member. Prior to April 1 of each year, each licensed active member of the state bar shall verify the annual report statement as received, or shall amend the report if incomplete. Each member shall return a verified or amended annual report statement to the MCLE board.

C. Notification 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 April 30 have:

(1) failed to file a verified or amended annual report statement for the prior calendar year;

(2) filed a verified or amended annual report statement indicating they have not complied with the requirements of these rules; or

(3) failed to pay any necessary filing fees prescribed by the board.

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 such citation may be personal or by registered or certified mail. 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.

[As amended, effective January 1, 1990; November 1, 1991; July 18, 1994.]

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.

18-302. Review and appeal.

A. **Hearing.** An attorney may petition the board for a hearing in regard to a failure to comply with the provisions of these rules.

B. **Decision.** The board shall review the petition upon its receipt and shall notify the petitioner of its decision.

C. **Appeal.** An attorney may petition the supreme court for modification or reversal of action of the board.

(As amended, effective January 1, 1990.)

18-303. Reinstatement.

If an attorney whose license to practice law has been suspended pursuant to these rules thereafter files a report with the board showing compliance with the requirements of Rule 18-301, the board shall promptly notify the clerk of the supreme court, and recommend reinstatement.

(As amended, effective January 1, 1990.)

ANNOTATIONS

APPENDIX A

REGULATIONS IMPLEMENTING CONTINUING EDUCATION REQUIREMENTS FOR STATE DISTRICT AND APPELLATE COURT JUDGES

Pursuant to SCRA 1986, 18-103, the Judicial Continuing Education Committee hereby adopts the following regulations implementing the continuing legal education requirement for state district and appellate judges:

1. Required Course Work. Commencing January 1, 1987, and continuing each calendar year thereafter, each state district and appellate court judge shall be required annually to complete fifteen (15) hours of minimum continuing legal education of subject matter course work which has been approved by the Judicial Continuing Education Committee. At least one (1) hour of the fifteen (15) annual requirement hours shall include attendance of a program devoted to legal ethics and Rules of Professional Conduct subjects, and judicial standards every other year. For purposes of these regulations, credit for one (1) hour may be earned for each fifty (50) minutes spent attending or participating in an approved judicial continuing education program.

2. Number of Hours to be Credited. The Judicial Continuing Education Committee shall designate the number of hours to be credited for participation by a judge in any continuing judicial education activity. Credit will be given only for hours earned in compliance with these rules.

3. Announcement of Approval.

(a) Any provider may announce, as to a course that has been given approval by the Continuing Legal Education Committee, that: "This course has been approved by the New Mexico Continuing Legal Education Committee for _____ hours of credit."

(b) Any provider may announce, as to a course that has been given approval by the Judicial Continuing Education Committee, that: "This course has been approved by the New Mexico Judicial Continuing Education Committee for _____ hours of credit."*

*(The number of hours approved by the Judicial Continuing Education Committee will be inserted).

4. Earning of Credits in Lieu of Live Program Attendance. A judge may earn up to a total of five (5) hours continuing education credit per year by complying with the requirements of one or more of the following alternatives:

(a) Speakers at approved programs may receive credit computed as one hour for each fifty (50) minutes of preparation and presentation time.

(b) Credit of one (1) hour may be earned 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 Continuing Legal Education Committee.

(c) Credit of one (1) hour may be earned for each fifty (50) minutes spent studying accredited video tapes, audio tapes or written material as self-study.

(d) An attorney shall receive credit for attending any course approved by the Continuing Legal Education Committee while serving as a judge.

(e) A judge during the reporting year shall receive credit for any approved course attended, while a lawyer, before being appointed or elected judge.

5. Credits. A judge who earns in excess of fifteen (15) hours of approved judicial continuing education credits may apply any excess hourly credits to the requirements of the next ensuing year or years (not to exceed two (2) years). Provided, however, a maximum of five (5) hourly credits received for preparation and presentation as a program speaker may be carried forward for any ensuing reporting year or years.

6. Compliance. Every judge shall submit his or her certificate of attendance from an accredited course or program to the Judicial Continuing Education Committee, within thirty (30) days of earning the credits.

7. Compliance Reporting Year.

(a) All district court and appellate judges who are required to file reports with the clerk of the supreme court on or before April 15 of each year, pursuant to Canon 21-600 of the Code of Judicial Conduct, shall at the same time certify their compliance with the supreme court continuing education requirements for the preceding calendar year. The compliance statement will list all of the accredited courses and programs attended during the prior year.

(b) The reporting year for each judge shall be:

(1) the first full reporting year following January 1, 1987; or

(2) the first full reporting year following a judge taking judicial office.

8. **Undue Hardship.** Upon petition, the Judicial Continuing Education Committee, with the approval of the supreme court, may exempt a judge from the obligation of minimum continuing judicial education, but not the reporting requirements of the supreme court rules, upon a finding by the committee of the existence of special circumstances constituting undue hardship. Any petition for exemption shall be accompanied with a specific plan for making up the deficiency. The deficiency must be made up within three (3) months unless a longer period is approved by the committee for a good cause.

9. **Review and Appeal.**

(a) If a state judge covered by these rules requests an extension of time for complying with these rules, he or she may file a written petition with the Judicial Continuing Education Committee, requesting an extension and setting out the reasons for noncompliance. The petition must be received sixty (60) days prior to the judge's compliance reporting date. The committee may grant an extension of time not to exceed three (3) months.

(b) "Good cause" for noncompliance or for failure to file a report and consequently for an extension shall exist when a judge is unable to comply with this rule because of illness, extraordinary hardship or extenuating circumstances which were not willful and which were beyond his or her control.

(c) The committee shall review the petition within thirty (30) days after receiving it and shall notify the judge of its decision. If the committee finds that good cause has not been established for noncompliance, the judge shall be allowed fifteen (15) days within which to file with the committee a specific plan for correcting the noncompliance within thirty (30) days. Such plan shall be accepted by the committee unless within fifteen (15) days after its receipt the committee notifies the petitioner of the contrary and sets forth specific modifications to the makeup plan.

10. **Noncompliance.** The committee shall submit to the Supreme Court of New Mexico a list of any persons who are shown not to have complied with the judicial mandatory continuing education requirements, and who have not been exempted or excused from compliance thereunder.

11. **Fees.** Every appellate or district judge shall submit an annual fee of fifteen dollars (\$15.00) at the same time he or she files the annual compliance statement as provided in Canon 21-600 of the Code of Judicial Conduct, and Paragraph D of Rule 18-301.

[As amended, effective December 30, 1987.]

Compiler's note. - Pursuant to a court order dated August 12, 1987, these regulations

shall govern continuing legal education requirements for state district and appellate judges commencing with calendar year January 1, 1987.