

1 **24-108. Pro bono publico service.**

2           A.     **Professional Responsibility.** In attempting to meet the professional  
3 responsibility established in Rule 16-601 of the Rules of Professional Conduct, a lawyer  
4 should aspire to render at least fifty (50) hours of pro bono publico legal services per  
5 year. The substantial majority of the fifty (50) hours of service should be provided as  
6 indicated in Subparagraphs (1) and (2) of Paragraph A of Rule 16-601 of the Rules of  
7 Professional Conduct. Additional services may be provided as indicated in Paragraphs B  
8 or C of Rule 16-601 of the Rules of Professional Conduct.

9           B.     **Financial Contribution.** Alternatively or in addition to the service  
10 provided under Paragraph A of this rule, a lawyer may fulfill this professional  
11 responsibility by:

12                   (1)     contributing financial support to organizations that provide legal  
13 services to persons of limited means in New Mexico, in the amount of five hundred  
14 dollars (\$500) per year; or

15                   (2)     provide a combination of pro bono hours and a financial  
16 contribution as suggested in this table:

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Pro Bono Hours	0	5	10	15	20	25	30	35	40	45	50+
Suggested Contribution	\$500	\$450	\$400	\$350	\$300	\$250	\$200	\$150	\$100	\$50	Attorney Discretion

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22           C.     **Pro Bono Certification.** Each lawyer of the bar shall annually certify  
23 whether the lawyer has satisfied the lawyer's professional responsibility to provide pro  
24 bono services to the poor. Each lawyer shall certify this information through a form that

1 is made a part of the lawyer's annual membership fees statement that shall require the  
2 lawyer to report the following information:

3 (1) the number of hours the lawyer dedicated to pro bono legal  
4 services, and

5 (2) if the lawyer has satisfied the obligation by contribution or part  
6 contribution, the amount of that contribution.

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**COMMENTARY**

9 The provisions of Rule 24-108 of the Rules Governing the New Mexico Bar are  
10 an affirmation of the lawyer's professional responsibility, as provided in Rule 16-601 of  
11 the Rules of Professional Conduct and are not mandatory nor do they constitute a basis  
12 for discipline under the Rules Governing Discipline for the State Bar of New Mexico.  
13 However, the reporting requirements of Paragraph C of Rule 24-108 of the Rules  
14 Governing the New Mexico Bar are mandatory and the failure to report this information  
15 shall be treated in the same manner as failure to pay dues or comply with mandatory  
16 continuing legal education. The information provided pursuant to this rule is designed  
17 for statistical purposes only and shall be used by the State Bar of New Mexico and  
18 distributed only in statistical form. Individual attorney responses shall remain  
19 confidential.

20 While it is possible for a lawyer to fulfill the annual responsibility to perform pro  
21 bono services exclusively through activities described in Subparagraphs (1) and (2) of  
22 Paragraph A of Rule 16-601 of the Rules of Professional Conduct, to the extent that any  
23 hours of service remained unfulfilled, the remaining commitment can be met in the

1 variety of ways as set forth in Paragraphs B, C and D of Rule 16-601 of the Rules of  
2 Professional Conduct. Constitutional, statutory or regulatory restrictions may prohibit or  
3 impede government and public sector lawyers and judges from performing the pro bono  
4 services outlined in Subparagraphs (1) and (2) of Paragraph A of Rule 16-601 of the  
5 Rules of Professional Conduct. Accordingly, where those restrictions apply, government  
6 and public sector lawyers and judges may fulfill their pro bono responsibility by  
7 performing services outlined in Paragraphs B, C and D of Rule 16-601 of the Rules of  
8 Professional Conduct.

9       Attorneys licensed in New Mexico who reside outside of New Mexico may fulfill  
10 their pro bono responsibilities in their own state or provide monetary contributions to  
11 organizations providing assistance in New Mexico.

12       To facilitate the goals of this rule the Supreme Court adopted an order on April  
13 28, 2006, establishing district court pro bono committees in each judicial district. Under  
14 the Pro Bono Plan adopted by the Court, a local pro bono committee convened by the  
15 chief judge and comprised of local lawyers, judges, legal service providers and other  
16 interested participants shall establish a local pro bono plan. The time deadlines and  
17 content for local pro bono plans shall be recommended by the Supreme Court's Access to  
18 Justice Commission and established by further administrative order of the Supreme  
19 Court.