



## **INSTRUCTIONS: AFFIDAVIT, ACTIVE PRACTICE OF LAW**

Applicants for Reciprocal Admission on Motion under Rule 15-107 NMRA are required to submit an “an affidavit executed by the applicant describing the applicant’s active practice of law for the required durational period in every applicable jurisdiction, which shall include a detailed explanation of how it satisfies the definition of the active practice of law as set forth in Paragraph D of this rule.” Rule 15-107(C)(7) NMRA. Affidavits in which the applicant has not addressed all of the elements of “active practice of law” in detail, that are ambiguous as to any element, or which are not signed and notarized, will be rejected. There is no form affidavit.

The specific elements that must be addressed in the affidavit are found in Rule 15-107(D) NMRA:

### **D. Active practice of law defined.**

(1) For the purposes of this rule, the “active practice of law” shall include the following activities, if performed in a state in which the applicant is admitted and authorized to practice law, or, if performed in a state that affirmatively permits such activity by a lawyer not admitted in that state, however, in no event shall any activities performed pursuant to any rule regarding the practice of law pending admission or in advance of bar admission in another state be accepted toward the durational requirements:

- (a) representation of one or more clients in the private practice of law;
- (b) service as a lawyer with a local, state, territorial or federal agency, or governmental branch, including United States military service with any branch of the United States military;
- (c) full time teaching at a law school formally accredited by the American Bar Association;
- (d) service as a judge in a local, state, territorial, or federal court of record of the United States;
- (e) service as a judicial law clerk in a local, state, territorial, or federal court of record of the United States;
- (f) service as in-house counsel provided to the applicant’s employer or its organizational affiliates; or
- (g) any combination of the above.

(2) “Full-time, gainful employment in the performance of legal services” is defined for the purpose of this rule to require that during each of the required five (5) years in the durational period, the applicant spent at least one thousand (1,000) hours per year engaged in one or more of the activities listed above, and derived at least fifty percent (50%) of the applicant’s non-investment income from such activity or activities.

(3) The active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the state in which it was performed or in the state in which the clients receiving the unauthorized services were located.

In addition, applicants must verify in the affidavit that they have read the requirements for reciprocal admission on motion contained within the Rules Governing Admission to the Bar, Rule 15 NMRA, and are qualified to apply.