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NM R DISC Rule 17-301

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West's New Mexico Rules Annotated Currentness

State Court Rules

Rules Governing Discipline

Article 3. Rules of Procedure

→RULE 17-301. APPLICABILITY OF RULES; APPLICATION OF RULES OF CIVIL PROCEDURE; SERVICE

A. Application of Rules. This article governs the procedure in disciplinary proceedings before the New Mexico Supreme Court, the Disciplinary Board and its hearing committees and reviewing officers.

B. Application of Rules of Civil Procedure. Except where clearly inapplicable to disciplinary proceedings or inconsistent with or otherwise provided for by these rules, the Rules of Civil Procedure for the District Courts of New Mexico shall be used in formal disciplinary proceedings.

C. Service. Except as otherwise provided in these rules, the specification of changes, all pleadings, notices, motions, orders or other papers required to be served may be served on a party unless the party is represented by an attorney in which case service may be upon the attorney. Service upon an attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at the address listed on the most recent registration statement filed under Rule 17-202. Delivering of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or if there is no one in charge, leaving it in a conspicuous place therein; or if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion therein. Service by mail is complete upon mailing and shall constitute notice as required by these rules.

D. Proof of Service. Except as otherwise provided in these rules or by order of the Supreme Court or Disciplinary Board, proof of service of any pleading, motion, order or other paper required to be served shall be made by the certificate of the attorney of record, or if made by any other person, by the affidavit of such person. Such certificate or affidavit shall be filed with the Disciplinary Board or with the Supreme Court, as appropriate, or endorsed on the pleading, motion or other paper required to be served.

E. Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

LIBRARY REFERENCES

Attorney and Client ↪47.

Westlaw Key Number Search: 45k47.

C.J.S. Attorney and Client §§ 72, 88.

NOTES OF DECISIONS

In general 1

1. In general

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Trial judge's service on attorney of order to show cause why he should not be suspended from practicing before her court, which was accomplished by placing order in his designated box at courthouse, was proper; boxes permitted attorneys to receive documents from court, which documents were considered served as of date stamped on pleading, and service was sufficiently similar to nature of service provided for initiation of disciplinary proceedings. NMRA, LR 3-208; NMRA, Rule 17-301, subd. C. In re Byrnes, 2002, 132 N.M. 718, 54 P.3d 996. Attorney And Client ↩ 48

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State rules current with amendments received through 5/15/06; federal rules current with amendments received through 6/1/06.

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