

1 **12-302. Appearance, withdrawal or substitution of attorneys.**

2 A. **Signatures.** The original of each brief, motion or other paper filed shall bear
3 the signature of at least one of the counsel filing it, or if a party is proceeding pro se, the
4 signature of the party. A "signature" means an original signature, a copy of an original
5 signature, a computer generated signature or any other signature otherwise authorized by
6 law.

7 B. **Appearance.** An attorney or firm shown as participating in the filing of any
8 brief, motion or other paper shall, unless otherwise indicated, be deemed to have appeared
9 in the cause. If an attorney's appearance is limited pursuant to Paragraph C of Rule 16-102
10 NMRA, the limitation shall be specified on the cover page and in the signature block of each
11 paper filed by the attorney pursuant to the limited appearance and the cover page and
12 signature block of the paper shall include an address at which service may be made on the
13 client.

14 C. **Withdrawal.** No attorney or firm that has appeared without limitation in a
15 cause may withdraw from it without written consent of the appellate court, filed with the
16 appellate court clerk. Such consent may be conditioned upon substitution of other counsel
17 or the filing by the attorney's client of an address at which service may be made on the client
18 or otherwise conditioned by the appellate court. Proof of service by the withdrawing
19 attorney shall be made on all other parties. Attorneys whose appearances are limited as set
20 forth in Paragraph B of this rule need not obtain consent of the appellate court before
21 withdrawing or otherwise ceasing to act in the matter, except if the purpose of the limited
22 representation is not completed.

23 D. **Notice.** Notice of withdrawal or substitution of counsel shall be given to all

1 parties either by withdrawing counsel or by substituted counsel and proof of service filed
2 with the appellate court clerk. If an attorney ceases to act in a cause for a reason other than
3 withdrawal with consent, upon motion of any party, the appellate court may require the
4 taking of such steps as it may be advised to insure that the cause will proceed with
5 promptness and dispatch.

6 **E. Nonadmitted counsel in civil cases.**

7 (1) Counsel not admitted to practice law in New Mexico, but who are
8 admitted to practice law and in good standing in another state or territory, may, upon
9 compliance with Rule 24-106 NMRA sign briefs, motions and other papers, and may orally
10 argue before the appellate court, only in association with counsel admitted to practice law
11 and in good standing in New Mexico. New Mexico counsel shall sign the first paper filed
12 in the appellate court, and New Mexico counsel's name and address shall appear on all
13 subsequent papers filed. Unless excused by the appellate court, New Mexico counsel shall
14 also be present in person in all proceedings.

15 (2) Nonadmitted counsel shall state by affidavit that they are admitted to
16 practice law and are in good standing to practice law in another state or country and that they
17 have complied with Rule 24-106 NMRA. Such affidavit shall be filed with the first paper
18 filed in the appellate court, or as soon as practicable after a party decides on representation
19 by nonadmitted counsel. Such an affidavit need not be filed if nonadmitted counsel has
20 already filed an affidavit in compliance with Rule 24-106 NMRA in a lower court. Upon
21 filing of the affidavit, nonadmitted counsel will be deemed admitted subject to the other
22 terms and conditions of this subsection. Proof of service of the affidavit shall be made as

1 provided in Rule 12-307 NMRA. A separate motion and order are not required for the
2 participation of nonadmitted counsel.

3 (3) For good cause shown, the appellate court may revoke the privilege
4 granted herein of any nonadmitted counsel to appear in any proceeding.

5 (4) New Mexico residents not admitted to practice law in this state may
6 not appear as counsel, except pro se.

7 **F. Nonadmitted counsel in criminal cases.**

8 (1) Counsel not admitted to practice law in New Mexico, but who are
9 admitted to practice law and in good standing in another state or territory, may, upon
10 compliance with Rule 5-108 NMRA sign briefs, motions and other papers, and may orally
11 argue before the appellate court, only in association with counsel admitted to practice law
12 and in good standing in New Mexico. New Mexico counsel shall sign the first paper filed
13 in the appellate court, and New Mexico counsel's name and address shall appear on all
14 subsequent papers filed. Unless excused by the appellate court, New Mexico counsel shall
15 also be present in person in all proceedings.

16 (2) Nonadmitted counsel shall state by affidavit that they are admitted to
17 practice law and are in good standing to practice law in another state or country and that they
18 have complied with Rule 5-108 NMRA. Such affidavit shall be filed with the first paper
19 filed in the appellate court, or as soon as practicable after a party decides on representation
20 by nonadmitted counsel. Upon filing of the affidavit, nonadmitted counsel will be deemed
21 admitted subject to the other terms and conditions of this subsection. Proof of service of the
22 affidavit shall be made as provided in Rule 12-307 NMRA. A separate motion and order are

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**Supreme Court Approved
May 6, 2008**

1 not required for the participation of nonadmitted counsel, unless nonadmitted counsel has
2 not previously complied with Rule 5-108 NMRA.

3 (3) For good cause shown, the appellate court may revoke the privilege
4 granted herein of any nonadmitted counsel to appear in any proceeding.

5 (4) New Mexico residents not admitted to practice law in this state may
6 not appear as counsel, except pro.

7 [As amended, effective September 1, 1993; January 1, 1997; May 1, 2003; January 20, 2005;
8 as amended by Supreme Court Order 05-8300-18, effective October 11, 2005; by Supreme
9 Court Order 07-8300-24, effective November 1, 2007; as amended by Supreme Court Order
10 No. 08-8300-016, effective June 20, 2008.]