



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

APPEARING IN AN ACTION IF  
LICENSED OUTSIDE THE  
DISTRICT OF NEW MEXICO

Effective January 1, 2012, an attorney who is not a member of the Federal Bar may appear in a civil or criminal action in this district under D.N.M.LR-Civ. 83.3 and D.N.M.LR-Cr. 44.1(e). The non-member, outside of district attorney must associate with a member attorney and pay \$100 for each case in which the non-member attorney appears; or, the non-member attorney must apply for admission under D.N.M.LR-Civ. 83.2.

**Please note that these procedures are not retroactive. If you appeared in a case before January 1, 2012, you need not associate with the same case again. Additionally, the association dues only apply to non-member attorneys appearing in cases after December 31, 2011.**

Described herein are the procedural steps for the non-member attorney to follow if appearing in an action by associating with an attorney who is admitted to practice in the United States District Court for the District of New Mexico. Additionally:

**[T]he Federal Bar member [local counsel] must sign the first pleading, certify that the non-member attorney is a member in good standing of the bar of a state, a territory, or the District of Columbia, accept service, and continue in the action unless another Federal Bar member is substituted[.]**

D.N.M.LR-Civ. 83.3(a)(1).

## Procedure

Electronic filing is mandatory in the District of New Mexico, so an outside of district attorney appearing in an action as a non-member attorney, must file the D.N.M.LR-Civ. 83.3 text only notice using CM/ECF; account registration information is located [here](#).<sup>1</sup> If a CM/ECF account has not yet been obtained, local counsel may file the D.N.M.LR-Civ. 83.3 notice on behalf of the outside of district attorney.

After logging into the CM/ECF account for the filing attorney:

1. Click Civil in the blue menu bar at the top of the screen to reach the Civil Events menu page (click Criminal if appearing in a criminal case).

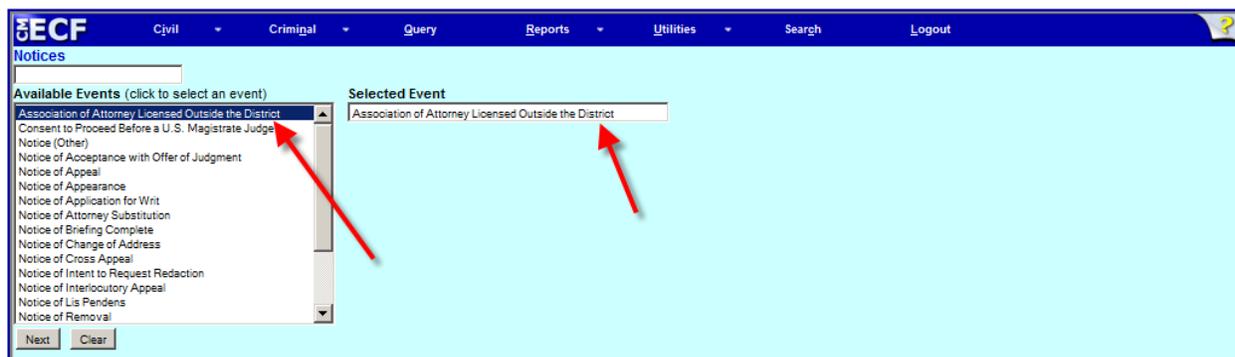
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<sup>1</sup> Without a CM/ECF account, the outside of district attorney will be unable to file documents and view any restricted or sealed documents which may be filed in the case.

2. Click Notices under **Other Filings**:



3. From the Available Events list, select “Association of Attorney Licensed Outside the District” to populate the Selected Event box. This is a text only event, so no document will be uploaded during the filing process.



Click **[Next]** after selecting the filing event.

4. Enter the case number for the case in which the outside of district attorney is appearing, then click **[Find This Case]**, then **[Next]**. A case verification screen (not shown) will be displayed; click **[Next]** to continue (you may have to do this twice).
5. An informational screen (not shown) will display alerting filers that filing of the event should not continue if the outside of district attorney has already been associated with the case. Click **[Next]** to continue.
6. Indicate the filer’s role, by clicking the appropriate radio button, then click **[Next]**:



7. If you are local counsel filing on behalf of the outside of district attorney, enter the required contact information for the outside of district attorney, then click **[Next]**. (If “I am a non-member attorney licensed outside this district” was selected on the previous screen, the contact information screen will not be displayed; contact information will be obtained from the filer’s CM/ECF account.)

The screenshot shows the ECF system interface with a blue header bar containing navigation links: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the header, the page title is "Notices" and the case number is "1:99-cv-12345 Jones v. ABC Corporation". A blue instruction reads: "Please enter the required (\*) contact information for the attorney licensed outside this district." A note states: "NOTE: You may only list one attorney per filing." The form contains several input fields: "Attorney Name \*", "Law Firm", "Attorney Address \*", "City, State & Zip \*", "Phone Number \*", "Fax Number", and "Email Address \*". At the bottom of the form are "Next" and "Clear" buttons.

8. Select the name(s) of the party or parties for whom the outside of district attorney is appearing, then click **[Next]**.

The screenshot shows the ECF system interface with a blue header bar containing navigation links: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the header, the page title is "Notices" and the case number is "1:99-cv-12345 Jones v. ABC Corporation". On the left side, there is a "Pick Filer" section with a "Collapse All" link and a list of filers: "ABC Corporation ct" and "Joseph Jones pla". The main area is titled "Select the Party:" and contains a dropdown menu with the following options: "ABC Corporation [dft]" and "Jones, Joseph [pla]". A red arrow points to the dropdown menu. At the bottom of the form are "Next", "Clear", and "New Filer" buttons.

9. The next screen will indicate that this is a fee-based filing. Select the appropriate payment method, then click **[Next]** to continue.

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10. Confirmation of the payment method selected will be displayed; click **[Next]** to continue.

The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Notices" and the case number is "1:99-cv-12345 Jones v. ABC Corporation". The main content area is titled "Payment Information" and contains a red notice: "NOTICE: Failure to pay the association dues or incorrectly claiming waived may result in the filing being stricken from the record." Below the notice, there is a paragraph of text: "You have selected to make your payment online (via Pay.gov). Once this filing has been completed and you have received confirmation of your submission, please select the *Make Online Payment* option under the **Filing Fees and Dues** menu. Follow the on-screen directions to complete the payment process." At the bottom of the form, there are two buttons: "Next" and "Clear".

11. Select the appropriate access level for the filing; click **[Next]** to continue.

The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Notices" and the case number is "1:99-cv-12345 Jones v. ABC Corporation". The main content area is titled "Select access level for this document/docket entry:". Below the title, there are three radio button options: "Accessible by public and all case participants", "Accessible by all case participants but not the public", and "Accessible only by filer and the Court". At the bottom of the form, there are two buttons: "Next" and "Clear".

12. The proposed docket text, based upon the filer role and payment method selected will be displayed; click **[Next]** to continue. (If the text must be modified—for example, the name of the outside of district attorney is misspelled—use your browser's back button to return to the screen on which that name was entered. If too much time has elapsed since you began the filing, you may have to restart the filing process from the beginning.)
13. The Final Text screen is the last chance to review the filing. Review the screen carefully, and if you are totally satisfied that the filing is correct, click **[Next]** to submit the filing.

The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Notices" and the case number is "1:99-cv-12345 Jones v. ABC Corporation". The main content area is titled "Docket Text: Final Text" and contains the following text: "ASSOCIATION of Attorney Licensed Outside the District for Defendant ABC Corporation by Attorney Helpdesk on behalf of: Samuel Darrow Johnson, Jackson, Darrow 333 Madison Avenue New York, NY 00123 212-123-4567 Fax 212-123-8910 sdarrow@deadmail.com (Association Dues - Online Payment) (Helpdesk, Attorney) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]". Below the text, there is a red notice: "Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue." At the bottom of the form, there are two buttons: "Next" and "Clear".

14. Once [**Next**] is clicked, the Notice of Electronic filing (“NEF”) will be displayed. The NEF constitutes your receipt for the transaction. Save and/or print the NEF because the NEF will not be sent to the outside of the district attorney until he or she has been added to the case (usually within 24 hours **if the requirements of D.N.M.LR-Civ. 83.3(a)(1) and D.N.M.LR-Civ. 83.3(a)(2) have been fully satisfied**).
15. If online payment of the association dues was selected, the online payment module of CM/ECF must be used. For more information about online payment of fees or dues, see [Paying Filing Fees Online](#).

## **CM/ECF Support**

For general CM/ECF assistance, contact the CM/ECF Help Desk:

- Telephone: 505-348-2075, Option 3 (8:30 AM to 12 PM; 1 PM to 4:30 PM, M – F)
- Email: [cmecf@nmcourt.fed.us](mailto:cmecf@nmcourt.fed.us)
- Web: [www.nmd.uscourts.gov/filing-information](http://www.nmd.uscourts.gov/filing-information)