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AN ACT

RELATING TO HIGHER EDUCATION; RAISING THE CAP FOR PUBLIC
SERVICE ATTORNEY LOAN REPAYMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 21-22F-5 NMSA 1978 (being Laws 2005,
Chapter 83, Section 5, as amended) is amended to read:

"21-22F-5. LOAN REPAYMENT PROGRAM--PARTICIPANT
ELIGIBILITY--AWARD CRITERIA.--

A. An applicant shall be licensed to practice in
New Mexico as an attorney and shall declare an intent to
practice as an attorney in public service employment.

B. Prior to submitting an application to the
public service law loan repayment program, an applicant shall
apply to all available legal education loan repayment
programs offered by the applicant's law school for which the
applicant qualifies.

C. An applicant who intends to practice as an
attorney in a public service employment position that earns
more than fifty-five thousand dollars (\$55,000) per year is
not eligible for participation in the public service law loan
repayment program.

D. Prior to receiving a loan repayment award, the
applicant shall file with the department:

- (1) a declaration of intent to practice as

1 an attorney in public service employment;

2 (2) proof of prior application to all legal
3 education loan repayment programs offered by the applicant's
4 law school for which the applicant qualifies; and

5 (3) documentation that includes the
6 applicant's total legal education debt, salary, any amounts
7 received by the applicant from other law loan repayment
8 programs and other sources of income deemed by the department
9 as appropriate for consideration; provided that the applicant
10 shall not be required to disclose amounts of income from
11 military service.

12 E. Award criteria shall provide that:

13 (1) preference in making awards shall be to
14 applicants who:

15 (a) have graduated from the university
16 of New Mexico law school;

17 (b) have the greatest financial need
18 based on legal education indebtedness and salary;

19 (c) work in public service employment
20 that has the lowest salaries; and

21 (d) work in public service employment
22 in underserved areas of New Mexico that are in greatest need
23 of attorneys practicing in public service employment;

24 (2) an applicant's employment as an attorney
25 in public service employment prior to participation in the

1 public service law loan repayment program shall not count as
2 time spent toward the minimum three-year period of service
3 requirement pursuant to the contract between the
4 participating attorney and the department acting on behalf of
5 the state;

6 (3) award amounts are dependent upon the
7 applicant's total legal education debt, salary and sources of
8 income other than income from military service deemed by the
9 department as appropriate for consideration;

10 (4) award amounts may be modified based upon
11 available funding or other special circumstances;

12 (5) an award shall not exceed the total
13 legal education debt of any participant;

14 (6) award amounts shall be reduced by the
15 sum of the total award amounts received by the participant
16 from other legal education loan repayment programs; and

17 (7) an award determination may be appealed
18 to the secretary of higher education.

19 F. The following legal education debts are not
20 eligible for repayment pursuant to the Public Service Law
21 Loan Repayment Act:

22 (1) amounts incurred as a result of
23 participation in state or law school loan-for-service
24 programs or other state or law school programs whose purposes
25 state that service be provided in exchange for financial

1 assistance;

2 (2) scholarships that have a service
3 component or obligation;

4 (3) personal loans from relatives or
5 friends; and

6 (4) loans that exceed individual standard
7 school expense levels."

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