

62-19-15. Legal division.

A. The commission shall set minimum requirements for the director of the legal division, including membership in the New Mexico bar and administrative and supervisory experience.

B. The legal division shall:

(1) provide legal counsel for the commission in matters not involving advice on contested proceedings before the commission; and

(2) provide legal counsel to all divisions, including the legal component of the staff that represents the public interest in matters before the commission.

History: [Laws 1998, ch. 108, § 10](#); § 8-8-10, recompiled as § 62-19-15 by [Laws 2020, ch. 9, § 59](#).

ANNOTATIONS

Recompilations. — [Laws 2020, ch. 9, § 59](#) recompiled former [8-8-10](#) NMSA 1978 as [62-19-15](#) NMSA 1978, effective January 1, 2023.

Consolidation of legal division and office of general counsel under a single manager. — The legal division of the public regulation commission and the office of general counsel may not be consolidated under a single attorney manager under any circumstances. 2012 Op. Att’y Gen. No. [12-06](#).

Single manager of the legal division and the office of general counsel. — The appointment of a single attorney to manage the legal division of the public regulation commission and the office of general counsel as separate units where the single attorney manager would remain a member of the office of general counsel and engage in advisory activities with commissioners while performing administrative functions for the legal division, such as scheduling work assignments, performance review, and hiring and discipline, is not permissible. 2012 Op. Att’y Gen. No. [12-06](#).

Movement of attorneys between the legal division and of the office of general counsel. — Although the Public Regulation Commission Act does not prohibit the routine movement of attorneys between the legal division and the office of general counsel, the movement of attorneys will implicate Rule [16-107](#) NMRA of the rules of professional conduct which will require each attorney to undertake a conflicts analysis before accepting any assignment to ensure that there is no significant risk that the attorney’s representation of the commission or a division will not be materially limited by the attorney’s responsibilities to other clients within the agency. 2012 Op. Att’y Gen. No. [12-06](#).

