

FY 2025

(July 1, 2024 - June 30, 2025)

Annual Report and Strategic Plan



NEW MEXICO
**LAW OFFICES OF THE
PUBLIC DEFENDER**

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EXECUTIVE SUMMARY

Background: The New Mexico Law Offices of the Public Defender

The mandate of the New Mexico Law Offices of the Public Defender (LOPD) is to fulfill New Mexico's constitutional and statutory guarantees of providing legal services to indigent adults and juveniles charged with criminal or delinquent acts in New Mexico. The LOPD provides legal counsel in every state court: the New Mexico Supreme Court, the New Mexico Court of Appeals, 15 District Courts, the Bernalillo County Metropolitan Court, and 25 Magistrate Courts. The New Mexico Public Defender Act, Sections 31-15-1 through 31-15-12, NMSA 1978, requires the Department to provide indigent criminal defense representation that complies with constitutional standards of effective representation under the V and VI Amendments of the United States Constitution and Article II, Sections 14, 15 and 18 of the New Mexico State Constitution.

Public Defender Commission

In 2012, the citizens of New Mexico passed a constitutional amendment declaring that the New Mexico Public Defender Department "is established as an independent state agency" to be administered by a Chief Public Defender and overseen by a newly-created Public Defender Commission. The Commission is charged with the selection of the Chief Public Defender, setting fair and consistent standards for the operation of LOPD, and approval of the annual budget request. The Chief Public Defender, appointed to a four-year term, is responsible for managing all day-to-day operations of LOPD.

Public Defender Commission Members

Thomas Joseph Clear III - Chair
Raymond Sanchez – Vice Chair
Daniel Banks – Secretary
Hon. Richard Bosson, Retired
Jacqueline Flores
Gina Maestas
Traci Neff
Naomi Salazar
Michael Sanchez
Melissa Sawyers
Peter Schoenburg

Chief Public Defender



Bennett J. Baur
Chief Public Defender

Chief Public Defender Bennett J. Baur began his career as a trial attorney in the Albuquerque office of LOPD in 1993. After time as an assistant district attorney and nine years in private practice, he returned to the LOPD as the First Judicial District Defender. He has also served as deputy chief and interim chief for the department. Baur is a past president of the New Mexico Criminal Defense Lawyers Association and has advocated on criminal legal issues in the New Mexico Legislature for over 20 years. He resides in Santa Fe with his wife. In April 2021, the New Mexico Public Defender Commission unanimously approved Chief Baur to a second, four-year term leading the Law Offices of the Public Defender.

Mission

**From courthouse to Roundhouse:
Leading the fight for justice in New Mexico.**

Vision

A New Mexico where justice is based on restoration, not retribution.

Values

Compassion and Commitment to our Clients
Collaboration and Cooperation with the Community and our Coworkers
Courage to be a Catalyst for Change

ADMINISTRATION

With offices located in Santa Fe and Albuquerque, administrative services encompass a broad range of centralized agency management functions, including fiscal oversight and budget preparation, information technology services, personnel and human resources, physical office operations and leasehold management, recruitment, training and professional development program for employees, litigation support (expert) services, and indigency and eligibility standards compliance.



PDC Vice Chair Raymond Sanchez, left, visits with Human Resources Director Ronald Herrera.

The administration actively advocates on a broad range of governmental, public policy, and criminal legal issues affecting LOPD and its clients. In addition, the Chief Public Defender, deputy chiefs, statewide directors and district defenders communicate LOPD's interests to criminal legal system constituents, which include local and state governments, district attorneys, jails, prisons, courts and local district office communities to assure the delivery of quality legal services for LOPD's adult and juvenile clients.

LOPD's administration works directly with the legislature, the judiciary, and the executive branches of state government. They also prepare and submit budgets and answer questions through informal mechanisms as well as through formal legislative hearings and presentations. LOPD's administrators and leadership provide formal testimony to legislative committees and interim committees, bill analysis, and substantive written information on a full range of issues directly and indirectly affecting client representation in the trial and appellate courts. The chief, deputy chiefs, and district defenders serve on a number of task forces, advisory committees and councils that shape public policy, criminal legal initiatives and legislation in New Mexico and nationally. Finally, LOPD administrative staff and leadership participate in many court initiatives and programs developed and implemented by the New Mexico Supreme Court, Court of Appeals, District Courts, and the Metropolitan/Magistrate courts.



Deputy Chief Public Defender Cydni Sanchez oversees the Administrative Services Division.

The Administrative Services Division (ASD) is overseen by Deputy Chief Public Defender Cydni Sanchez (pictured to the left). The ASD team is comprised of fiscal, human resources, information technology, training and recruitment, communications, and LOPD's general counsel. Since graduating from the University of New Mexico School of Law in 2005, she has proudly dedicated her entire legal career to indigent defense for the last 18 years at LOPD. Deputy Chief Sanchez has also taken the lead on special statewide projects including caseload tracking for the state's legislature, annual budget requests, and annual reports, and leading the department's participation in a comprehensive workload study, 5-year plan and strategic planning.

CLIENT ADVOCACY

Statewide Units

LOPD has several statewide units, which offer specialized, statewide legal services for public defender clients.

The statewide units are headed by:

- 1) Appellate Defender
- 2) Managing Attorney – Post-Conviction Unit
- 3) District Defender – Major Crimes Defender Unit
- 4) Director – Social Work Services

- **Appellate Division**

With a main office in Santa Fe and a satellite office in Albuquerque, LOPD's appellate division provides representation on direct appeal to indigent individuals before the New Mexico Supreme Court and the New Mexico Court of Appeals. Additionally, the appellate division provides appellate counsel when a request for interlocutory appeals of dispositive legal issues has been granted by an appellate court prior to final disposition or when appointed by the Supreme Court on certiorari review of an habeas corpus petition.

In FY2023, the appellate division was assigned to represent approximately 260 cases before the appellate courts. The appellate division also provides daily assistance to all public defender attorneys and contract defenders statewide. During sessions of the New Mexico Legislature, appellate division attorneys prepare the majority of LOPD agency's analyses of proposed criminal legislation (Fiscal Impact Reports).

- **Habeas Corpus Unit**



Habeas team – back row: Amanda Stephenson, Sarah Gallegos, Matthew O'Gorman, front row: Tanya Gonzales.

The habeas corpus unit, based in Albuquerque, provides statewide representation to individuals in post-conviction matters that fall under two general categories of cases: conviction cases and confinement cases. Conviction cases may include claims related to actual innocence, ineffective assistance of counsel, and illegal sentences. Confinement cases may include claims related to disciplinary actions resulting in lost goodtime, medical complaints, failure to award lump sum credits and parole issues.

In FY2023, the habeas corpus unit received 225 pre-appointment petitions for review and completed 239 pre-appointment reviews. The unit opened and assigned 66 cases with 60 of those cases assigned in-house. At the end of FY2022, there were still 39 petitions the Court that had not acted on, whether dismissing, returning to petitioner, or appointing LOPD. In FY2023, the Supreme Court issued a decision in *State v. Thompson*, 2022-NMSC-023 regarding the failure to hold a 5 year parole review hearing for sex offenders. Numerous cases in the habeas division had

previously been stayed pending the New Mexico Supreme Court decision. Several of those cases have now been resolved. However, several others that were stayed in the New Mexico Supreme Court have now been remanded down for further proceedings. The mandates on those cases are not yet final, but we anticipate seeing an uptick in parole review habeas petitions in FY2024.

The appellate unit is managed by an appellate defender and the habeas unit is managed by a managing attorney. Both units report to Deputy Chief Philip Larragoite (pictured to the right). Philip Larragoite is a 1987 University of New Mexico School of Law (UNMSOL) graduate with a storied career in law, government relations and legislative advocacy. A sixth-generation New Mexican, Philip joined LOPD in 2014. He brings with him a deep commitment to the legislative process and to the reforms our state's communities need.



Deputy Chief Public Defender
Philip Larragoite

- **Major Crimes Defender Unit**

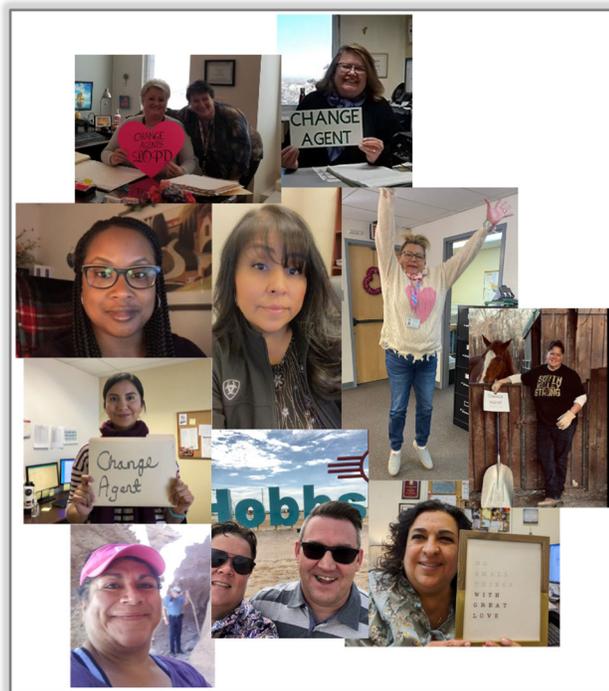
In late FY2018, LOPD initiated a statewide reorganization of the structure through which LOPD provides representation to clients charged with serious felonies by creating a statewide unit. In FY2019, the unit was designated the “Major Crimes Defender Unit” (MCDU) which defends first degree murder and serious violent cases statewide. The staff dedicated to the unit is housed in offices around the state, specifically: Albuquerque, Roswell, and Las Cruces.

With the abolition of the death penalty in the 2009 Legislative Session, the unit focuses on defending cases carrying terms of life imprisonment: both first degree murder cases and child abuse resulting-in-death cases. Its experience in homicide cases allows the unit to provide support and training statewide. The goal is to ensure that every rural client's representation is as experienced as that given to clients in more populous areas and the unit coordinates with managers in rural areas to provide support in offices that often do not have attorneys with the requisite experience to try complex cases.

- **Social Work Unit**

LOPD continues its long-term goal to reduce the number of persons cycling through the criminal legal system. Social Workers have long been a critical part of that mission by assessing the client needs and matching the client with the available community services. A social worker considers the client as a whole person, assessing their needs and their strengths and communicating their assessment findings to the client in order to build a partnership with the client and an alliance with the client's social support system.

The Social Work unit is a statewide unit with social workers and/or case managers housed in all of the district offices. Most LOPD clients struggle with challenges beyond the legal concerns for which they are represented. Often these challenges precede criminal legal system involvement. Social workers connect with defendants and provide assessment and treatment and/or service plan recommendations. Social workers and case managers help clients access housing, benefits, mental health and substance abuse treatment, and provide support as they negotiate these complex care systems. Social workers and case managers connect clients to resources and liaison with pre-trial, probation, and correctional discharge planners to assist LOPD clients in receiving the proper care. Additionally, social workers and case managers are in a unique position to gather mitigating information and prepare reports and presentations for plea negotiations and sentencing hearings.



Social Work Unit

In 2010, the Supreme Court exerted in *Padilla v. Kentucky* that public defenders need to consider collateral consequences of criminal legal involvement when providing representation. While deportation is the commonly considered collateral consequence; convictions and pleas also affect one's eligibility for social services including housing programs, treatment programs and employment programs.

Most of LOPD's licensed social workers are stationed in Albuquerque, but travel the state to work complex cases and help in overwhelmed and underserved rural areas. Many of the rural offices have just one case manager or social worker, making it difficult to provide needed services to work with clients to address underlying issues contributing to recidivism. With additional staff, the unit would be able to conduct the in-depth work from the very beginning of a case and provide support throughout the life of a case.

Public Defender District Offices

LOPD district offices deliver highly competent, quality legal services through the direct supervision and mentoring by experienced trial attorneys. LOPD district offices are managed by a district defender, a local managing attorney, and an office manager. This local office leadership reports to the Deputy Chief Public Defender of Operations, Jennifer Barela (pictured below).



Deputy Chief Public Defender
Jennifer Barela

Deputy Chief Barela has spent a majority of her legal career working in indigent defense and she earned her law degree from the UNMSOL in 2002. Jennifer has dedicated her legal career to criminal defense representing indigent clients, mostly serving as a Public Defender in Bernalillo County. She has vast experience in criminal defense in a wide variety of cases, representing clients in both Children’s Court and Criminal Court. During her time at LOPD she has worked as a juvenile defender, felony criminal trial attorney, Managing Attorney, and District Defender for the Second Judicial District. She became the Deputy Chief of Operations for LOPD in January of 2022.

Public Defender Office Locations and Leadership

First & Eighth Judicial Districts - Santa Fe, Rio Arriba, Los Alamos, and Taos Counties

- District Defender – Stationed in Santa Fe County
 - Managing Attorney – First Judicial District
 - Managing Attorney – Eighth Judicial District Taos

Second Judicial District Office – Albuquerque (Bernalillo County)

- District Defender
 - Four Felony Division Managing Attorneys
 - Juvenile Division Managing Attorney
 - Metro Division Managing Attorney

Third Judicial District Office – Las Cruces (Dona Ana County)

- District Defender
 - Two Managing Attorneys
- Defender – Major Crimes Defender Unit

Fifth Judicial District Offices – Lea, Chaves, and Eddy Counties

- District Defender – Stationed in Eddy County
 - Managing Attorney – Eddy County
 - Managing Attorney – Chaves County
 - Managing Attorney – Lea County

Ninth Judicial District Office – Curry and Roosevelt Counties

- District Defender – Curry County
 - Managing Attorney – Curry and Roosevelt

Eleventh Judicial District Office – San Juan and McKinley Counties

Dona Ana County office team in Las Cruces



Curry County office team in Clovis

- District Defender – Stationed in San Juan County
 - Managing Attorney – San Juan County
 - Managing Attorney – McKinley County



Otero County office in Alamogordo

Twelfth Judicial District Office – Otero and Lincoln Counties

- District Defender – Stationed in Otero County
 - Managing Attorney – Otero County

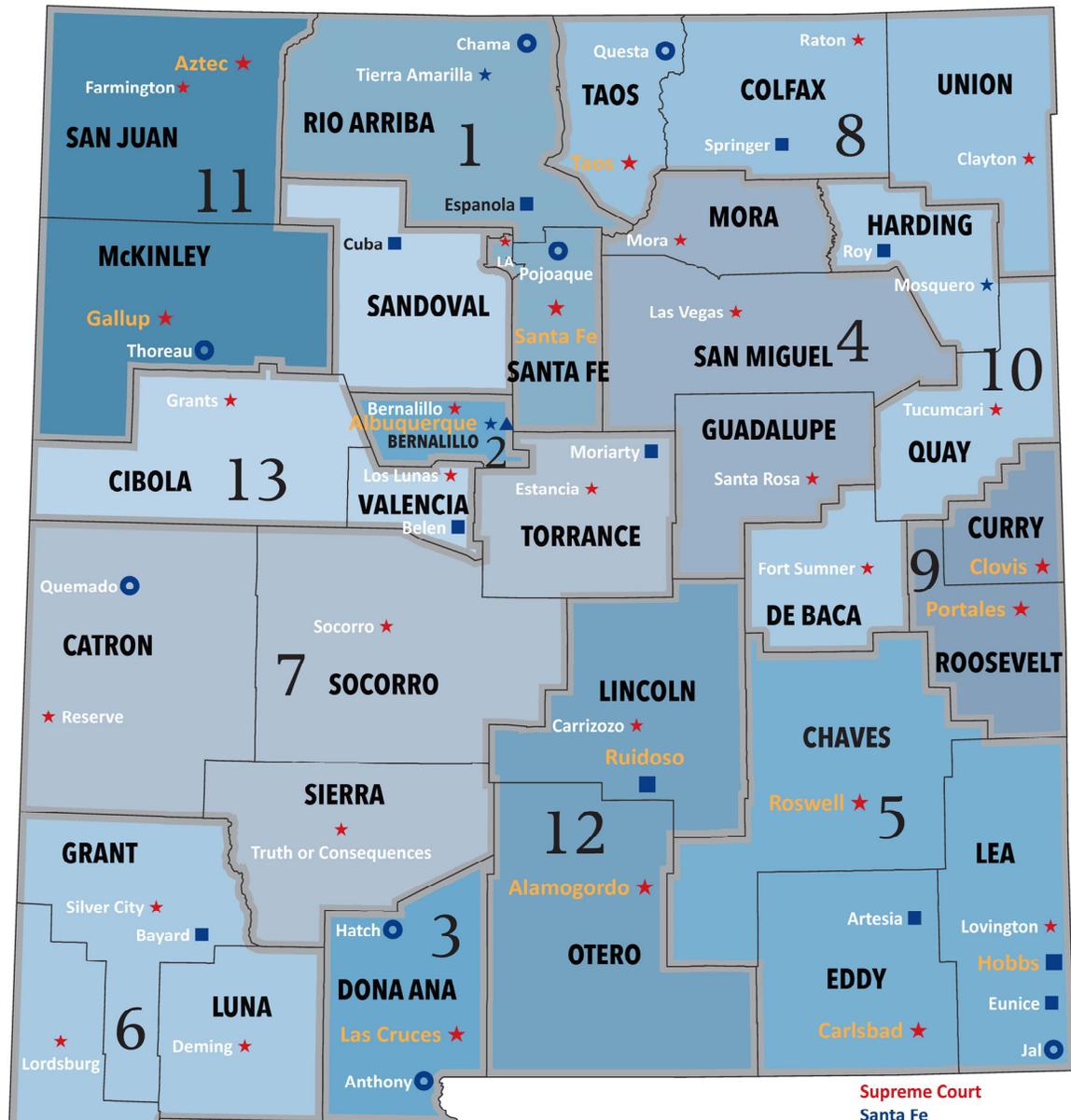


At our Santa Fe office, Luke Griffin, Meredith Cockman, and Gordon Lazar have some fun with a new children's play area donated by UNM Early Childhood services to offer our clients and their families a little levity during what can be a stressful process.

Map of New Mexico Courts and LOPD Offices



**LAW OFFICES OF THE PUBLIC DEFENDER
and NEW MEXICO COURTS**



- | | | |
|--|---|---|
| 1st Judicial District Court
Santa Fe, Rio Arriba & Los Alamos | 6th Judicial District Court
Grant, Hidalgo & Luna | 11th Judicial District Court
San Juan & McKinley |
| 2nd Judicial District Court
Bernalillo | 7th Judicial District Court
Torrance, Socorro, Catron & Sierra | 12th Judicial District Court
Otero & Lincoln |
| 3rd Judicial District Court
Doña Ana | 8th Judicial District Court
Taos, Colfax & Union | 13th Judicial District Court
Cibola, Sandoval & Valencia |
| 4th Judicial District Court
San Miguel, Mora & Guadalupe | 9th Judicial District Court
Curry & Roosevelt | Bernalillo County Metropolitan Court
Albuquerque |
| 5th Judicial District Court
Chaves, Eddy & Lea | 10th Judicial District Court
Harding, De Baca & Quay | |

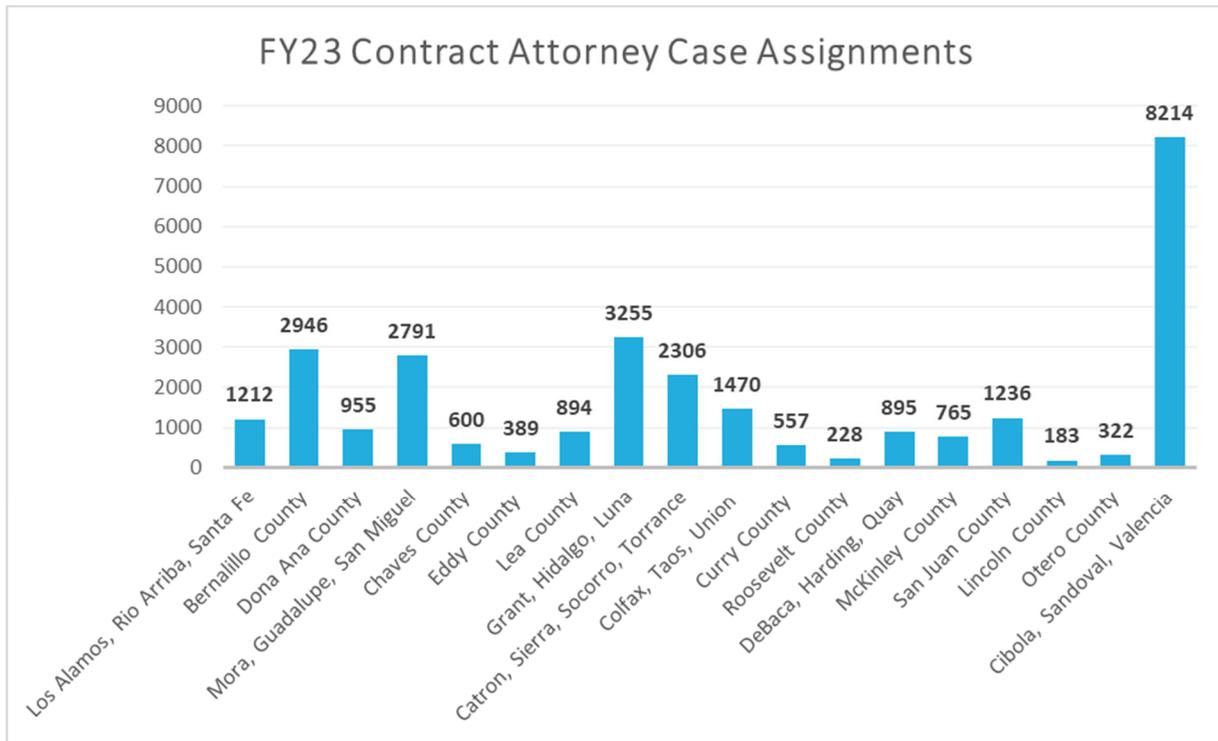
Supreme Court
Santa Fe
Court of Appeals
Santa Fe & Albuquerque

LOPD Offices in Gold

- ★ District & Magistrate Courts
- ★ District Court
- ▲ Metropolitan Court
- Magistrate Full Courts
- Magistrate Circuit Courts

- **Contract Counsel Legal Services (CCLS Unit)**

LOPD’s statewide Contract Counsel Legal Services Unit organizes and oversees the contract defender representation system whereby LOPD contracts with attorneys to represent clients. In those counties where LOPD maintains district office operations, the unit’s responsibility is assigning contract counsel in cases that the in-house public defender attorneys cannot represent the client due to legal conflicts of interests. In judicial districts and counties lacking district office operations, the unit must assign both primary and conflict of interest contract counsel. LOPD may monitor and manage approximately 110 private attorneys who contract with LOPD. In FY2023, contract attorneys were assigned 29,218 cases (approximately 37% of the cases assigned by LOPD), with most of those cases being in areas without LOPD offices.



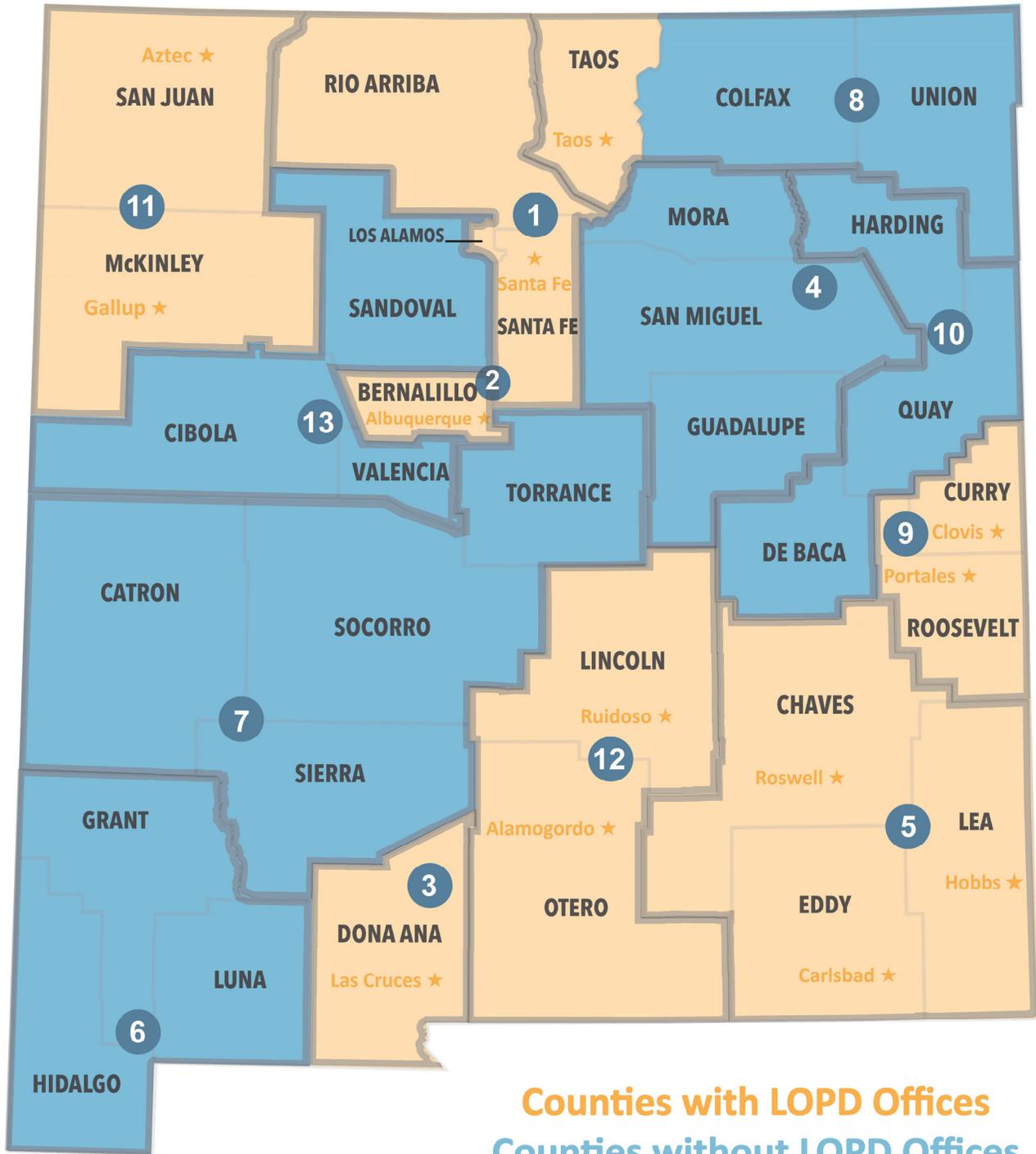
Deputy Chief Public Defender
Randy Chavez

The CCLS unit and the contract attorneys are managed by the Deputy Chief Public Defender of Contract Counsel Legal Services, Randy Chavez (pictured to the left). Randy Chavez is a native New Mexican raised in Cuba, New Mexico. He earned his law degree from UNMSOL in 1991, joining the Law Offices of the Public Defender shortly after. After serving as an Assistant District Attorney for a couple of years, he entered private practice and served as Contract Counsel for 19 years and then joined LOPD as the Director of CCLS in 2016. Chief Baur appointed him as Deputy Chief of CCLS in 2019.

Map of Counties with and without LOPD offices



LAW OFFICES OF THE PUBLIC DEFENDER and NEW MEXICO COURTS



Counties with LOPD Offices
Counties without LOPD Offices

LOPD PROGRAMS

Agency Mission

To provide holistic legal representation of the highest quality to persons charged with criminal offenses in New Mexico, to protect constitutional rights, to advocate zealously for our clients, and to reduce criminal recidivism and redirect clients from the criminal legal system throughout the State of New Mexico.

“Injustice anywhere is a threat to justice everywhere.”
Dr. Martin Luther King, Jr.

Program Name

The Law Offices of the Public Defender (Public Defender Department) State of New Mexico Public – Indigent- Criminal Legal Services.

Agency Purpose

LOPD’s purpose is to meet New Mexico’s federal and state constitutional mandates by providing effective legal and holistic representation and advocacy for indigent juveniles and adult criminal defendants, and serving the community as a justice partner to guarantee a fair and efficient legal system that reduces recidivism.

Stages of Client Representation (Program Activities)

Pre-Indictment Representation Tasks

Pre-Indictment representation tasks include, but are not limited to:

1. Counseling and advising clients on eligibility for pre-prosecution programs, drug court diversion programs, and Judicial Supervision Program Courts (veterans court, mental health courts), and the Early Plea Programs;
2. Conducting pre-indictment investigations, interviews and plea negotiations;
3. Handling pre-indictment interaction with juvenile probation and parole officers; and
4. Advising individuals “under investigation” for criminal offenses.

This stage of representation also covers initial appearances, preliminary hearings and grand jury representation, including regular submission of evidence alert letters to grand jurors pursuant to New Mexico Court rules.

Pre-indictment tasks have expanded to include representation at pre-trial detention hearings, which has created an additional responsibility for the department. A new bond rule established after a constitutional amendment allows district attorneys to file a motion requesting that the court detain a defendant charged with a felony pending trial. The rule requires the court to set a hearing on the motion within five days of filing. Public defenders must represent defendants at the pre-trial detention hearings.

Case Preparation

Case preparation and Courtroom Advocacy Tasks Include:

Obtaining and evaluating discovery	Directing and managing case investigations
Interviewing and counseling clients	Interviewing witnesses
Brainstorming and collaborating with colleagues on case defenses	Preparation and presentation of necessary motion hearings/trials
Pretrial litigation of substantive legal issues	Preparing trial materials
Researching scientific evidence	Conducting legal research
Requesting appropriate expert analysis and testimony	Engaging in plea negotiations where appropriate
Sentencing mitigation and presentation	Preparation of appellate docketing statements or post-trial motions

Courtroom/Trial Work and Sentencing Advocacy



Santa Fe Supervising Attorney Jennifer Burrill represents a client in district court.

LOPD's courtroom and trial work provides high quality representation to clients statewide, despite overwhelming caseloads and workloads. Trial attorneys advocate in evidentiary and various other hearings and trials. LOPD attorneys skillfully work their cases and work closely with clients to determine if there are any challenges that contribute to contact with the criminal legal system. Those attorneys refer clients to LOPD's social services unit for assessment. Cases are resolved in the best interests of the clients, which often includes trials.

Post-Trial Appeals

LOPD's post-trial work includes appeals and special writs to the New Mexico Court of Appeals as well as appeals and special and habeas corpus writs to the New Mexico Supreme Court.

Post-Conviction Representation

Post-conviction representation includes: adult and juvenile probation violation hearings, habeas corpus petitions and hearings, and probation and parole review hearings for convicted sex offenders. By statute, LOPD is charged with providing legal representation at review hearings at the initial 5-year review and at 2.5 year increments for every individual convicted of a sex offense in New Mexico and serving an indeterminate term of probation or parole.

Administrative and Legislative Functions

Administrative and legislative functions of LOPD include: eligibility determinations, human resources management, procurement, payroll, fiscal and budget management, training, policy

development, legislative consultation and testimony, clerical and secretarial support, information system resources, contract management, strategic planning, maintenance of information and property, quality assurance, policy interaction with legal associations, courts, and the criminal legal community, and service to client advocacy groups and related initiatives by state, county, and municipal entities.

One administrative function includes the standards and policies for determining whether a defendant qualifies for public defender representation. LOPD is dedicated to finding creative solutions for the problem of overwhelming caseloads of its attorneys and focusing resources on the indigent. Since the LOPD mission is to serve the indigent, there is an evaluation of eligibility to ensure the best use of limited resources.

Advocating for Criminal Justice Reform and System Change

Representatives of the LOPD continue to be active participants across the state in many initiatives designed to improve the criminal legal system and ensure efficiency for all criminal legal partners. These include the NM Sentencing Commission, Criminal Justice Coordinating Councils, the Bernalillo County Criminal Justice Review Commission, the Legislative Interim Subcommittee on Criminal Justice Reform, the Legislative Interim Committee on Corrections, Courts and Justice, the CYFD Juvenile Justice Stakeholders Committee, the NM Sentencing Commission Juvenile Justice Committee, the Anne E. Casey Foundation's Juvenile Detention Alternative Initiative, the NM Drug Court Advisory Committee, the NM Association of Drug Court Professionals, the City of Santa Fe Law Enforcement Assisted Diversion Program (LEAD), the Albuquerque Metro Crime Initiative (pictured below), and mental health advisory and other taskforces at the local levels throughout the state.

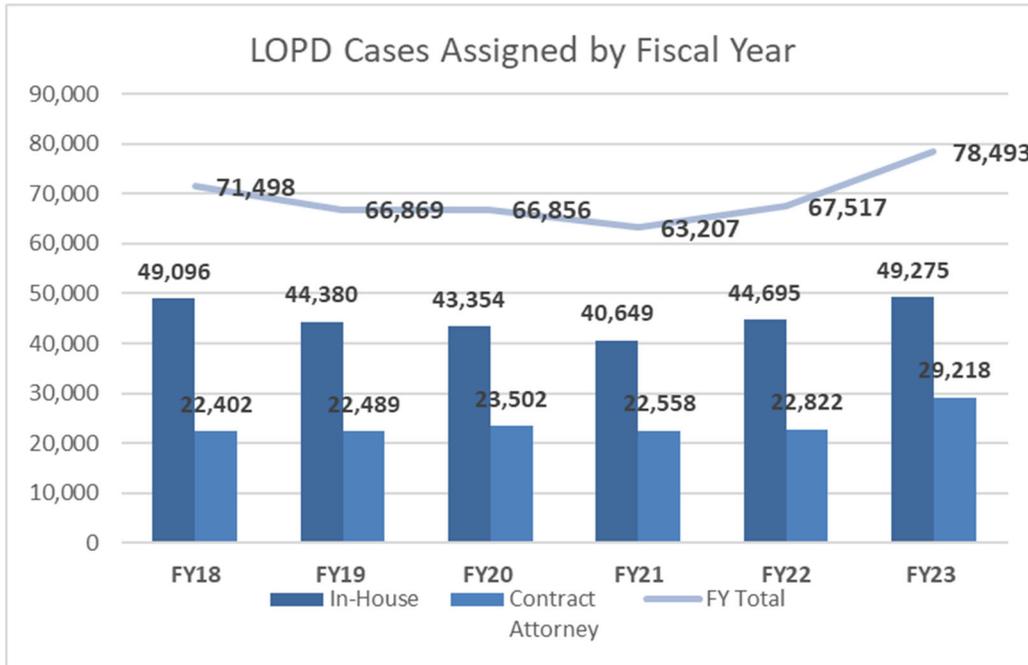


LOPD leadership (pictured above from left to right) including Albuquerque Managing Attorney Christopher Knight, Communications Specialist Maggie Shepard, Chief Ben Baur, General Counsel Adrienne Turner, and Deputy Chief Cydni Sanchez join Albuquerque City leadership including Mayor Tim Keller and numerous legislators at a meeting of the Albuquerque Metro Crime Initiative.

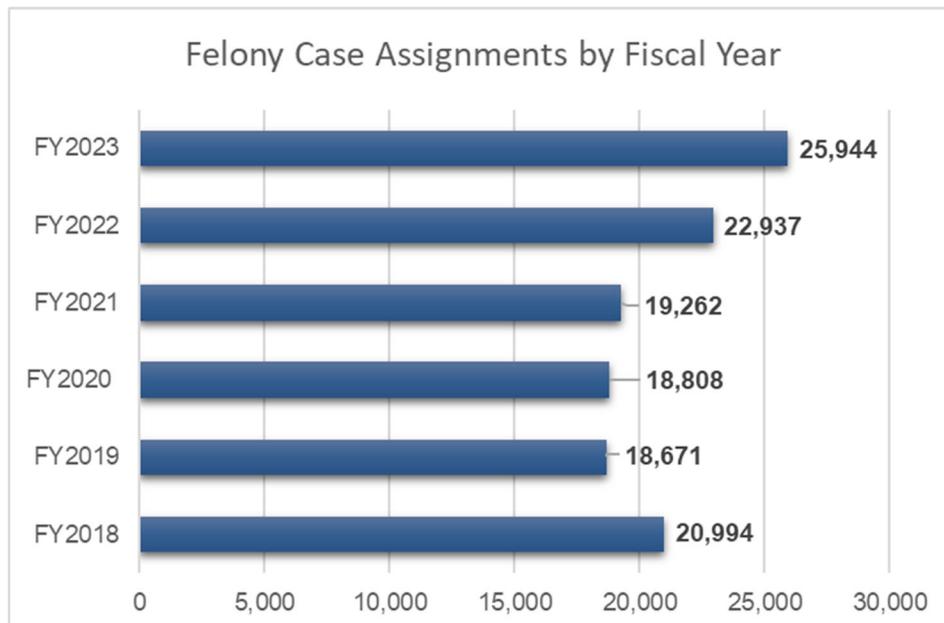
In addition to participating in organizations, LOPD continues to advocate for reforms in the criminal legal system that would allow LOPD to work more efficiently and effectively and for the betterment of our clients and communities. This cannot be accomplished overnight and will not reduce the demands on the system for an indefinite time.

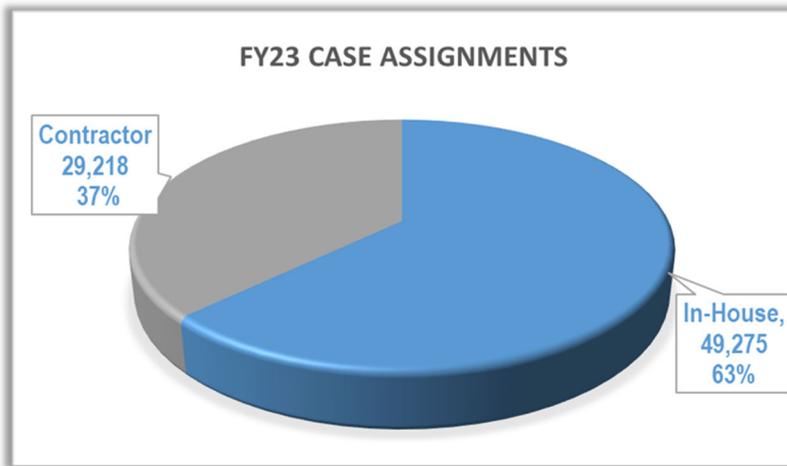
CRITICAL CHALLENGES AND EFFORTS TO ADDRESS THEM

Caseloads



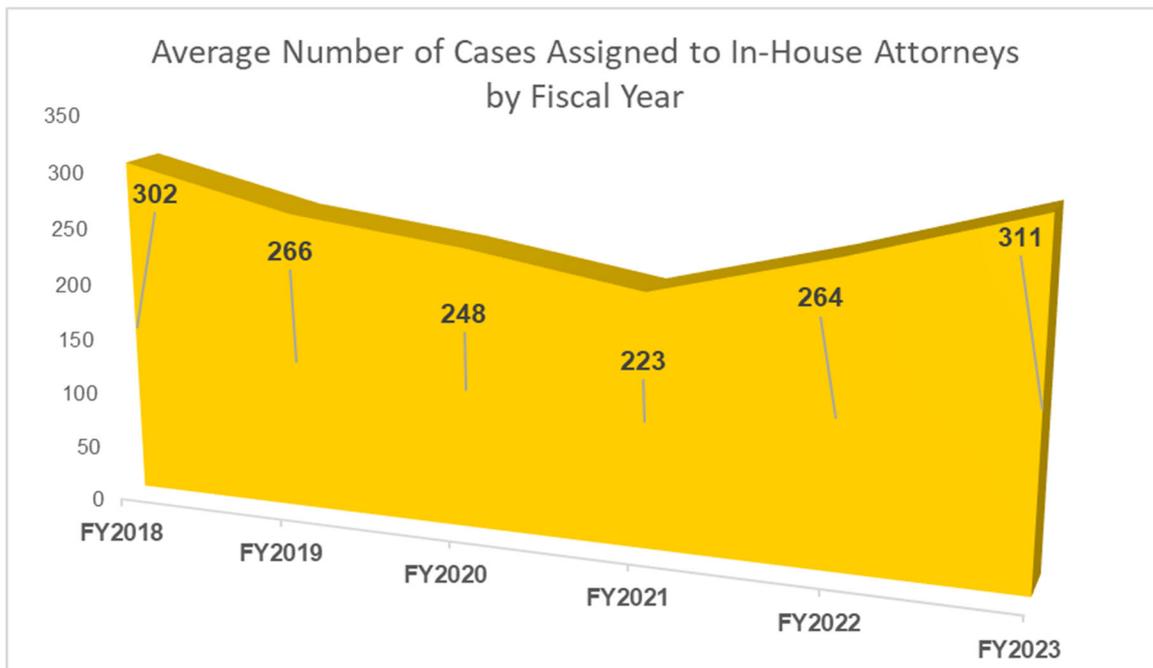
In FY2023, LOPD assigned 78,493 cases. Due to LOPD’s efforts to increase retention and stability in staffing, combined with the implementation of statewide data entry standards and criminal justice reform, case assignments declined slightly from FY2019 to FY2021, but then increased in FY2022 and well surpassed pre-pandemic levels in FY2023 as seen on the graph below. Another issue to highlight with the significant increase in case assignments is the increases are largely in felony cases, which is clearly demonstrated in the bottom graph.





The resulting caseload for both LOPD attorneys and contract defenders is high enough to cause serious concern about whether most defendants are receiving constitutionally adequate representation. Litigation seeking to flesh-out constitutional mandates regarding caseloads has been pursued in the state Supreme Court and District Courts.

The systemic problems with contract defense in the hybrid model (in which cases are assigned to both in-house and contract attorneys) are exacerbated by the excessive workloads carried by many in-house attorneys (contract defenders may suffer from excessive caseloads as well). In FY2023, LOPD in-house attorneys were assigned a total of 311 cases (164 felony, 7 juvenile, and 140 misdemeanor) on average for each attorney. Contract attorneys were assigned an average of 278 cases each. Because both in-house and contract attorneys carry such high caseloads, there is no available release valve to ease caseloads.



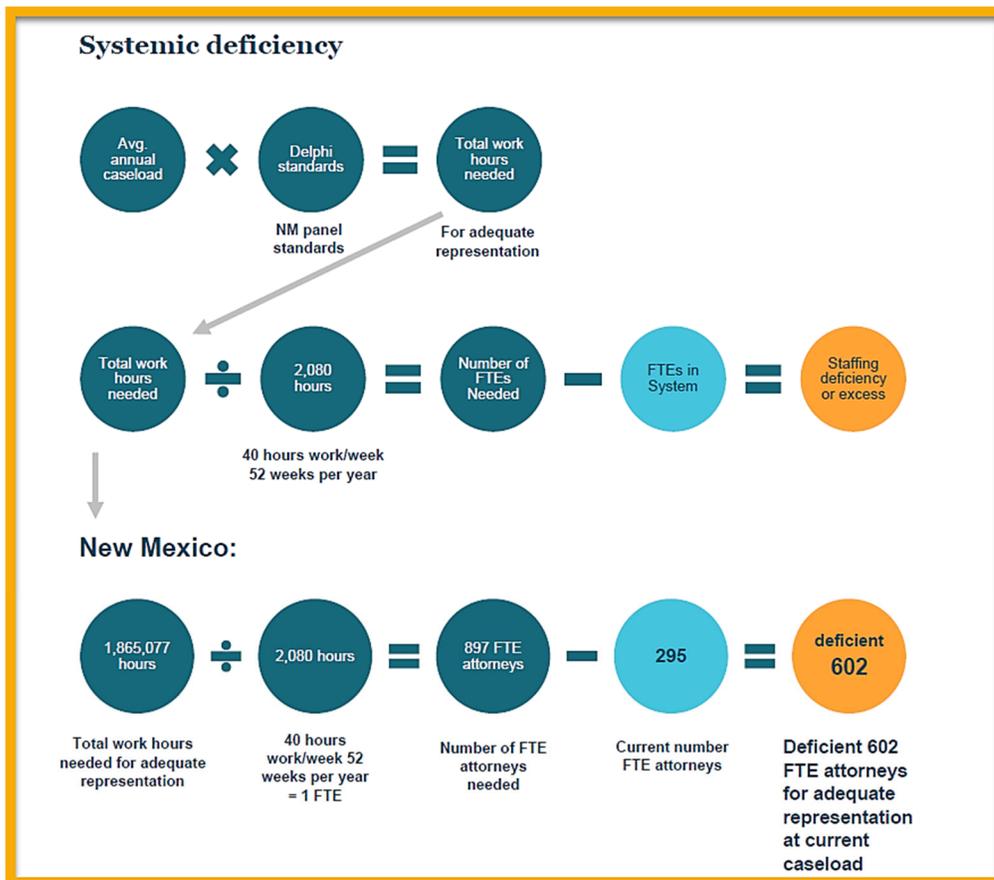
LOPD has few options to ease excessive caseloads because the District Attorneys have exclusive control over the cases that are filed. One option for LOPD is assigning in-house cases to contract defenders, however, the problem is simply transferred to the contractors who also have excessive caseloads. Time spent traveling to court and jail in rural New Mexico exacerbates workload issues for both public and contract defenders. Caseload measurement does not account for travel time or in-court waiting time but is critical to evaluating workloads.

There is a shared responsibility between LOPD and the Legislative and Executive Branches to provide constitutionally adequate representation statewide. Because of continuing concerns about caseloads, the Public Defender Commission has promulgated a rule entitled, “Interim Case Refusal Protocol” to address excessive attorney workloads. The objective of the rule is to establish guidelines for the Department to use when excessive attorney workloads would make it unethical for the affected attorneys to accept additional clients or would violate the New Mexico Rules of Professional Conduct or the federal and state constitutional rights of LOPD clients.

The New Mexico Project and 5-Year Plan – a Workload Study and Funding Plan

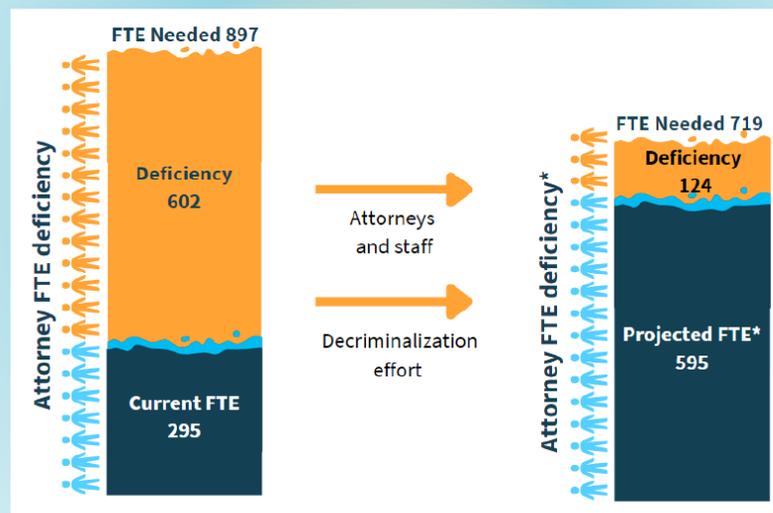
LOPD has established itself as a national leader in public defense by completing a comprehensive workload study and was the first in the nation to pursue a 5-year plan. In January 2022, the American Bar Association Standing Committee on Legal Aid and Indigent Defense released the report on LOPD workloads, partially funded by the LFC, which confirms what every LOPD attorney experiences on a daily basis. Findings of the report emphasize that LOPD is in need of an additional 602 full time attorneys. The 602 does not consider the additional workload required with new legislation, nor additional staffing and attorneys required when judgeships are added to any courthouses statewide.

The following includes a link to the ABA’s full report discussing the findings: [The New Mexico Project: An Analysis of the New Mexico Public Defense System and Attorney Workload Standards](#). The following graphic is taken directly from the workload report and lays out the data used in the finding that LOPD has a deficiency of 602 attorneys.



Following the finding in the workload study, LOPD worked with Steve Hanlon, a national expert on public defender workloads, experts from Moss Adams, and others to develop an initial long-term plan to find a way toward sustainable effective assistance of counsel for attorneys and core staff. The full plan is located using this link: [5-year Plan to Reduce Representation Deficiency](#). The 5-year plan proposes tackling New Mexico's verified public defense resource deficiency from two sides: 1) supply side factors, which includes adding to and reallocating resources within LOPD, and 2) demand side factors, or reducing the caseload through the decriminalization of non-violent crimes with no victim and sentencing reform. The following graphic demonstrates the impact of addressing the demand and supply factors:

Ultimately, by adding additional attorney resources and reducing the average caseloads through the decriminalization process the attorney deficiency would be reduced from the current 602 Full Time Equivalent (FTE) attorneys to 124 FTE attorneys, as shown in the next graph.



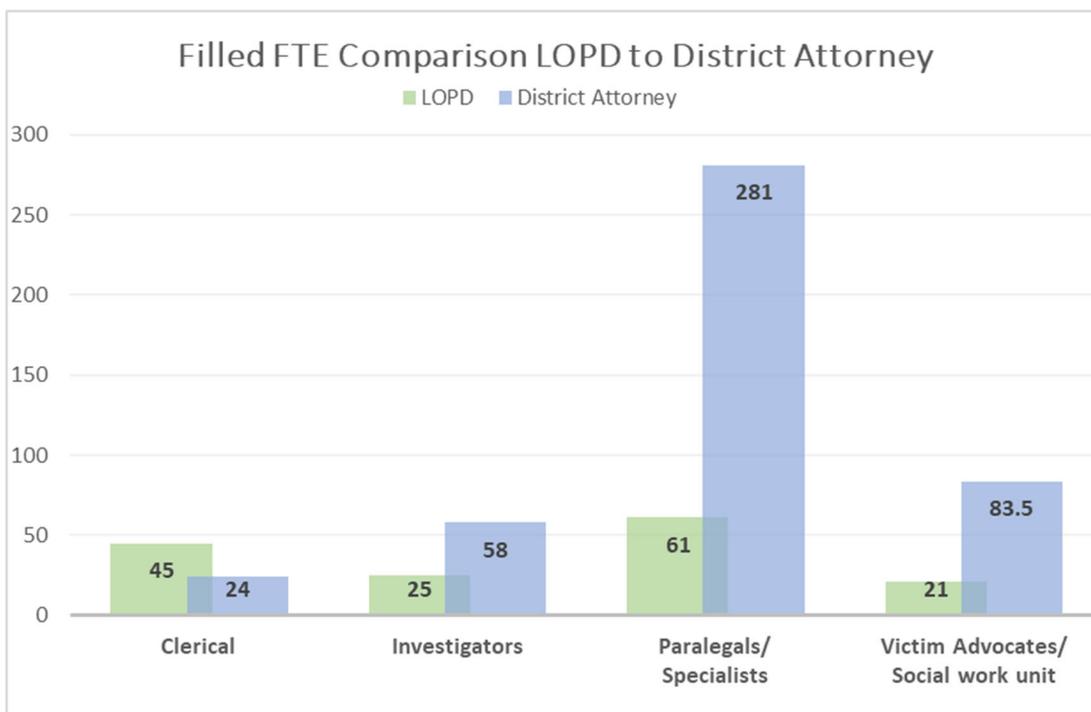
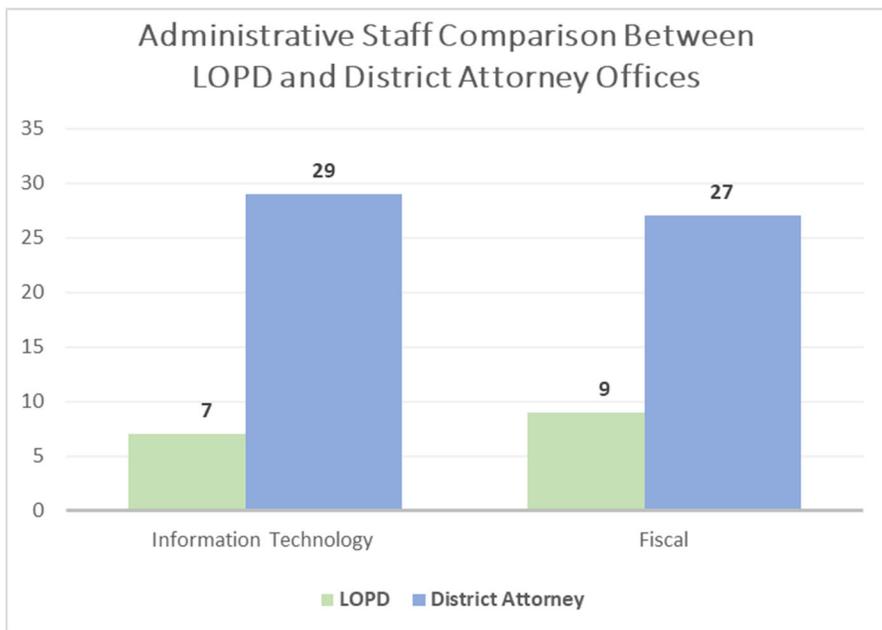
*Projected based on five-year plan

Public Defense Funding and Necessary Staffing Levels

LOPD appreciates the legislative commitment to incrementally align its budget with its mission so that the Department may fulfill its constitutional mandate to provide effective assistance of counsel to its clients. Though the roles of the prosecution and defense are admittedly different, the structure of the funding is different as well. District attorney offices are individually budgeted for higher staffing levels. The district attorney offices are not only served by their in-house administration and state-level administration for support, but they are also served by state, local and federal law enforcement. For example, state and local law enforcement conducts the initial investigation for the cases that the local district attorney may choose to charge. In addition, each district attorney's office has in-house chief financial officers, human resources staff, and information technology support, combined with similar statewide resources and support provided by the Administrative Office of the District Attorney (AODA).

The following charts and graphs demonstrate the stark difference in staffing between district attorney offices and AODA compared to LOPD.

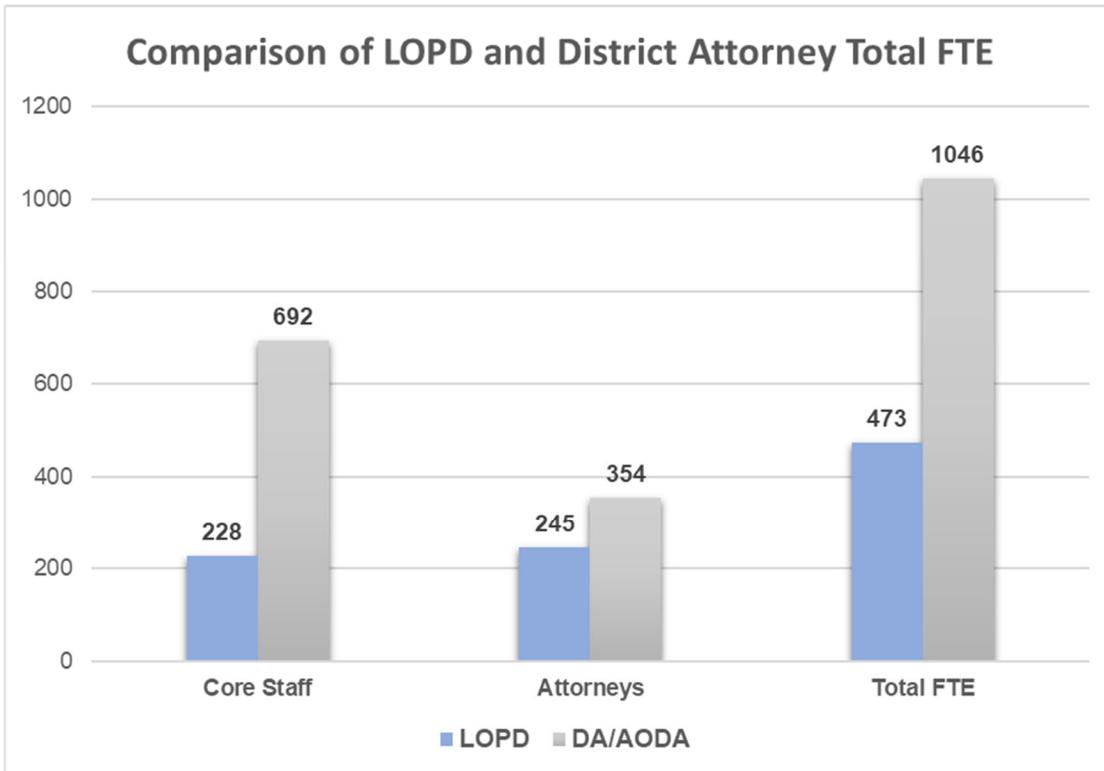
LOPD has 46 administrative staff dedicated to serving 476 FTE and 110 contractors, while also auditing and monitoring invoicing by contract defenders. Administrative staff includes fiscal, human resources, information technology, and statewide administrative support staff.



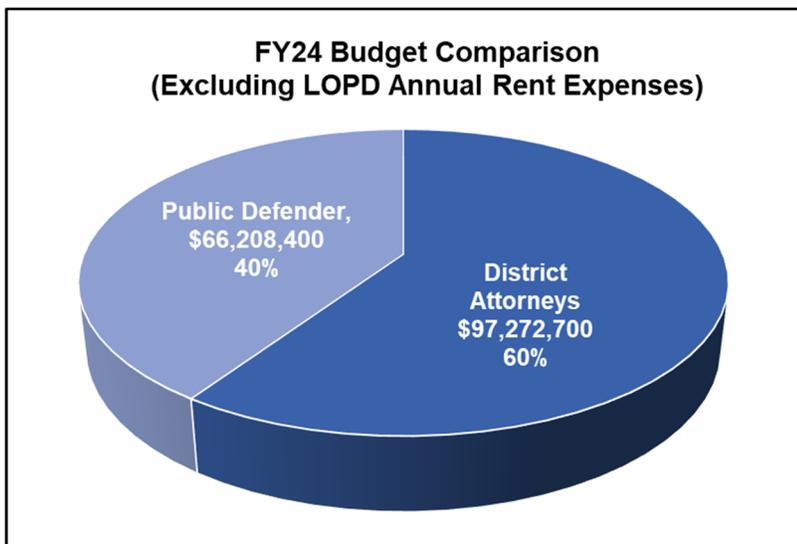
AODA and the district attorney’s offices have a total of 692 core staff FTE and 354 attorney FTE. In addition, many district attorney offices have Deputy District Attorneys or other attorney supervisors that are not assigned cases, nor carry an active caseload as part of their duties. When compared to data compiled from the district attorney offices across the state, LOPD ratios are significantly lower than the DA’s indicated statewide average staffing ratios, as illustrated in the following charts and graphs.

	LOPD	DA/AODA	% PD to DA
Core Staff	228	692	33%
Attorneys	245	354	69%
Total FTE	473	1046	45%

LOPD continues to advocate for the legislature to increase the funding necessary for LOPD to "catch up" with others in the system, especially the prosecution. The greater the gap between the two, the more harm to constitutional representation.



* The charts and graphs use LOPD filled FTE as of June 26, 2023 and DA/AODA filled and total FTE as of June 13, 2023.
 **This total does not include the resources provided to DA offices by local and state law enforcement.



The funding gap is further exacerbated because LOPD is burdened with the additional expense of paying leases for its facilities with General Fund revenues, while the district attorney offices are provided and paid for by the counties. The following graph demonstrates how this additional expense depletes the LOPD budget and the difference in the remaining funds dedicated to client services.

Shortage of Contract Defenders

Due to funding levels forcing meager compensation paid to LOPD contract defenders, LOPD has struggled to find and retain an adequate number of contractors to provide a constitutionally appropriate level of defense. This is especially true in Curry, Eddy, Lea, Lincoln, Luna, McKinley, Roosevelt, and San Juan counties.

The constitutional requirements and performance standards for attorneys apply equally to both contract defenders and in-house attorneys. Unfortunately, contractors are often less able to meet these requirements because of a lack of resources. Contract defenders often receive less support due to having no support staff, including investigators, paralegals, social workers, and secretaries; whereas in-house attorneys have that support. Competition for attorneys with criminal experience impacts the defense of indigent clients in communities without local public defender offices.

In FY2024, LOPD increased base rate compensation by type of case for contract defenders by approximately 20%. Regardless of this recent increase, when comparing these rates to the \$300 to \$400 per case paid in 1968 under the Indigent Defense Act, it becomes evident that inflation has devalued¹ the compensation rate dramatically over the past four decades. The comparison of the FY2023 rates and FY2024 rates is shown below.

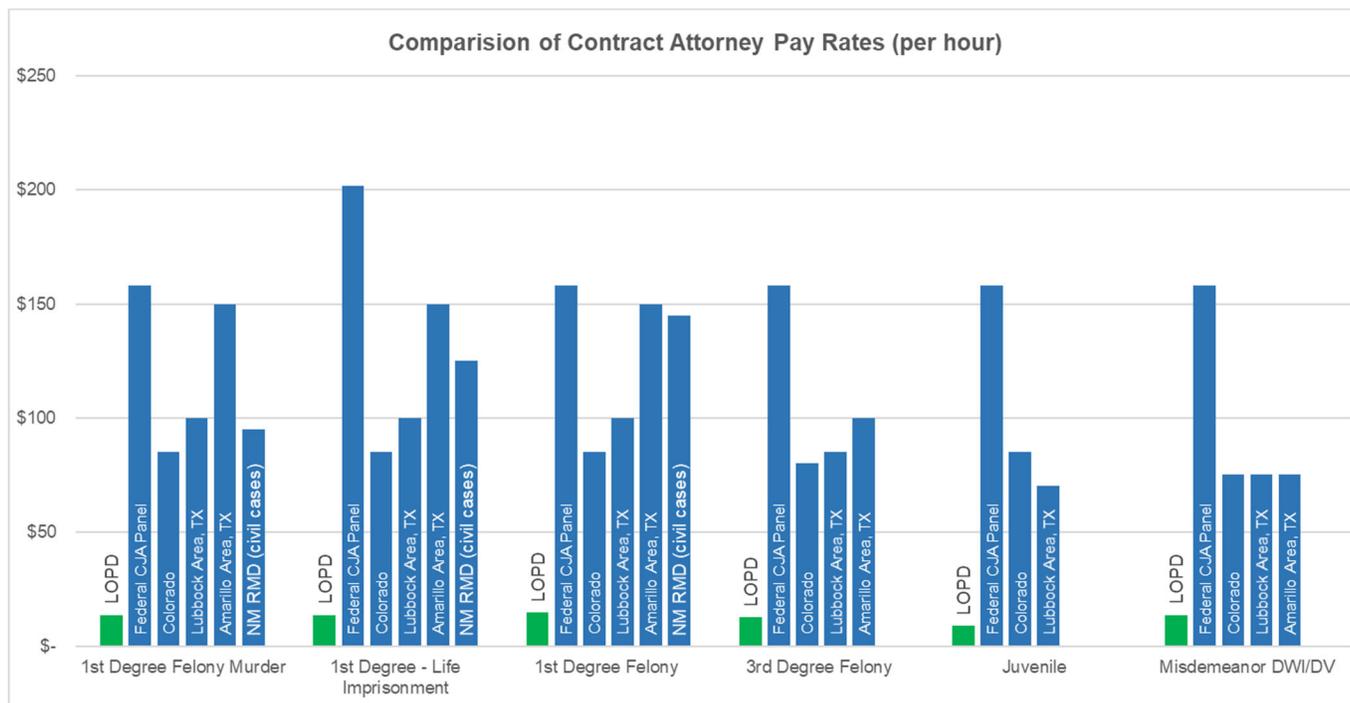
Base Rate Per Case Payment to LOPD Contract Attorneys by Fiscal Year		
Case Type	FY2023 Payment Per Case	FY2024 Payment Per Case
First Degree Murder	\$5,400.00	\$6,500.00
First Degree Felony Life Imprisonment	\$5,400.00	\$6,500.00
1st Degree Felony	\$750.00	\$900.00
2nd Degree Felony	\$700.00	\$850.00
3rd Degree Felony	\$645.00	\$775.00
4th Degree Felony	\$540.00	\$650.00
Juvenile	\$300.00	\$360.00
Misdemeanor DWI/DV	\$300.00	\$360.00
Misdemeanor (other)	\$180.00	\$220.00

Other New Mexico State Contractor Comparisons	
Years of Experience	NM Risk Management Division (civil cases)
1-2 years	\$95/hour
2-5 years	\$125/hour
5-10 years	\$145/hour
10+	\$165/hour

The State of New Mexico pays contract lawyers in civil cases \$95 (for those with zero to two years of experience) to \$165 (for over ten years of experience) **per hour** to protect the State's money through the Risk Management Division's contracts. Those hourly rates are laid out in the chart to the left.

¹ An inflation calculator shows 1968 dollars to be worth eight and a half times 2022 dollars.

Those hourly rates provide compensation far higher than attorneys representing clients charged with first degree murder or cases that carry a sentence of life imprisonment. The civil contract lawyers defending the state are eligible to receive additional compensation for their paralegals in excess of the amount that even LOPDs most experienced contract lawyers receive for serious violent felony trials. By contrast, federal contract public defenders are compensated at an hourly rate of \$158. The following chart compares the hourly rates paid by various public defender offices, the federal contract defenders (Federal CJA Panel), the New Mexico Risk Management Division and the effective hourly rates for LOPD contract attorneys based on current base rates paid per case and the Delphi panel results as reported in the NM workload study, as discussed on pages 19-20.



Accordingly, the New Mexico Public Defender Commission has determined that the minimum possible amount to start compensating contract defenders should be \$85 per hour. This hourly rate would better provide for constitutionally effective indigent defense, ensure accountability through their billing invoices and achieve the goal of providing true legal services to each client as guaranteed under the New Mexico and United States Constitutions.

The contracts that went into effect starting November 2015 through November 2022 have provided a mechanism for additional compensation for complex case representation, although funding to fully implement this mechanism is currently lacking. This mechanism is an interim step to address the inadequate compensation of contract defenders until a system to compensate contract counsel on an hourly basis for the actual work performed can be funded.

LOPD's Contract Counsel Legal Services division completed the execution of its contracts effective November 1, 2022, pursuant to a Request for Proposals (RFP) to solicit proposals from private attorneys interested in contracting with LOPD to serve indigent clients in jurisdictions where LOPD does not have a district office and on conflict cases in districts housing local LOPD offices. Overall, there was a decrease in attorneys submitting proposals—106 in 2018 compared to 81 for the last RFP. Although some of the contractors retired, others did not resubmit proposals, preferring instead to concentrate on their more lucrative private practices. Others obtained employment with State or Federal agencies; including, but not limited to, the District Attorneys' Offices, or relocated.

Despite increased advertising of contract work with LOPD through the RFP, it is becoming more difficult to recruit Contract Counsel, especially to the rural areas of New Mexico at the funded base rates. Once LOPD loses contractors in rural areas, it is becoming increasingly difficult to replace them. However, now that many of the hearings are conducted via Zoom or another virtual platform, there may be an increase in contractors willing to accept cases in rural areas. Naturally, this is dependent on judges continuing to use virtual platforms for hearings, and the courts resistance to going back to pre-COVID practices of requiring attorneys to travel long distances for brief, non-trial hearings.

Every fiscal year, the LOPD submits a Budget Request seeking additional funds to pay contract defenders an hourly rate in designated cases, compensate for complex case litigation and fund the use of expert witnesses in complex cases. Paying hourly rates on serious cases and allowing for complex case compensation appears to be the only way to entice other attorneys to become involved and also for LOPD to ensure lawyers are compensated such to fulfill the State's constitutional requirements to provide zealous representation for indigent New Mexicans charged with crimes in rural New Mexico.

Innovative Recruitment and Retention Program

LOPD continues to fight to keep offices staffed to provide services to clients. Turnover is inevitable; however, it is exacerbated by the increased competition in the legal community for attorneys with criminal experience, COVID-19 pandemic, the Great Resignation and significant challenges to recruiting in-house and contract attorneys to serve rural communities.

While LOPD has struggled with recruiting experienced attorneys, it has not settled for simply posting positions and hoping candidates will apply. Instead, LOPD has been proactive in targeting different groups of prospective candidates and has dedicated resources to contacting



those candidates and actively recruiting them to join our team. As a result, LOPD has been able to reinvent our recruitment program over the last several years. However, retention of hires is critical and an ongoing struggle, especially for rural offices in Eddy, Lea, Curry, Chaves, Roosevelt, Lincoln, and Otero Counties. LOPD still lacks adequate funding to fill positions at a competitive level. To attempt to address recruitment and retention issues, LOPD completed a Classification and Compensation Study in FY2017 and implemented the recommendations in FY2019. LOPD has also included a pay package and an additional funding request to address pay disparity with district attorney offices.

In addition, LOPD created an innovative program that uses geographic pay differentials to reward the attorneys in our rural offices and acknowledge their willingness to serve New Mexico's rural communities. The differential is helpful with recruitment and retention as well. Following the LOPD example, rural district attorney's offices requested funding from the legislature to implement the same program.

LOPD has expanded its active recruitment of attorneys. This allows LOPD to proactively address the inevitable attrition of in-house attorneys and contract defenders in the "legal deserts" in New Mexico where there are few lawyers. Over the last two years, LOPD has pinpointed law schools with strong public interest programs and funding allocated for internships or externships. The goal is to develop pipelines by securing students dedicated to indigent defense for a summer.

In addition, LOPD has shifted to focus recruitment on hiring law school students immediately prior to or during the beginning of their final year of law school. This early recruitment allows LOPD to secure top notch candidates, while allowing the best candidates to receive an offer long before their colleagues, which provides stability during their last year of law school and while studying for the bar exam. These new hires are "limited practitioners," which means they have a legal education, but are not sworn into the bar and therefore unable to represent clients in court.

2023 LIMITED PRACTITIONER RECRUITMENT

In 2023, 18 LPs were hired representing:

- 13 Law Schools
- 4 UNM Law Graduates
- 9 Different States
- 6 Women
- 6 BIPOC

The Limited Practitioner Program continues to create a pipeline from law school to the workforce while LOPD maintains a commitment to hiring a diverse workforce.

UNM School of Law recruitment table



From left, attorneys Sam Jay, Sarah Pepin and Lilia Diaz help host a recruitment table along with Programs Administrator Julie Kitch, Deputy Chief Jennifer Barela, Sam Jay, Abq Metro MA Kate Thompson, and Training + Recruitment Dir. Liz Holmes

Between FY2020 and FY2022, the program successfully expanded with approximately twenty-five limited practitioners hired for 10 ten LOPD offices. In FY2023, eighteen limited practitioners were hired through interviews conducted in person as well as virtually.

LOPD brings the limited practitioners onboard for training starting immediately after the bar exam. This time provides the department and the new hire between eight and ten weeks of training so that as soon as the limited practitioners are sworn into the bar, they can be assigned cases and represent clients in court. Limited practitioners have access to resources such as: investigators, paralegals, secretaries, contract immigration counsel, and hundreds of other attorneys to serve as mentors, trainers, and sounding boards to brainstorm cases.



Answering law student questions at the University of New Mexico, from left, attorney Jonathan Ibarra, Deputy Chief Randy Chavez, Metro Managing Attorney Kate Thompson, Felony Managing Attorney Chris Knight, attorney Sarah Pepin.

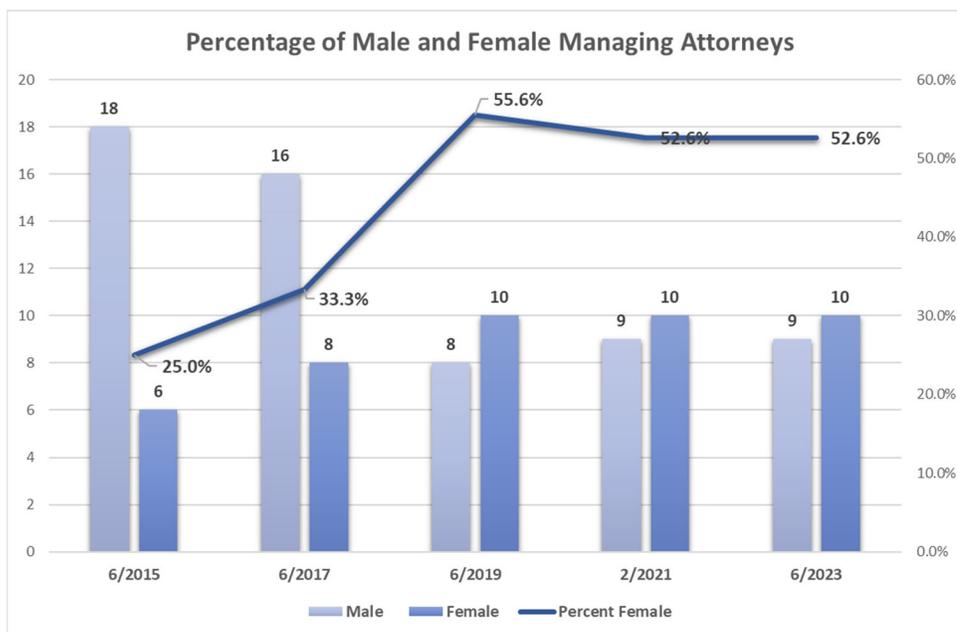


Deputy Chief Cydni Sanchez (pictured above) interviews limited practitioner candidates during the last in person Equal Justice Works Conference and Career Fair, in 2019 when it was last held in person.

Results From the Innovative Hiring Program

Diversity and Inclusion

More women hold leadership roles at LOPD now than at any time in the last six years. Additionally, the number of female managing attorneys has more than doubled since 2015, and for the last three years have steadily held more than 50% of managing attorney positions. In addition to gender equity, the department has made steady improvement in racial diversity of core staff and attorneys.

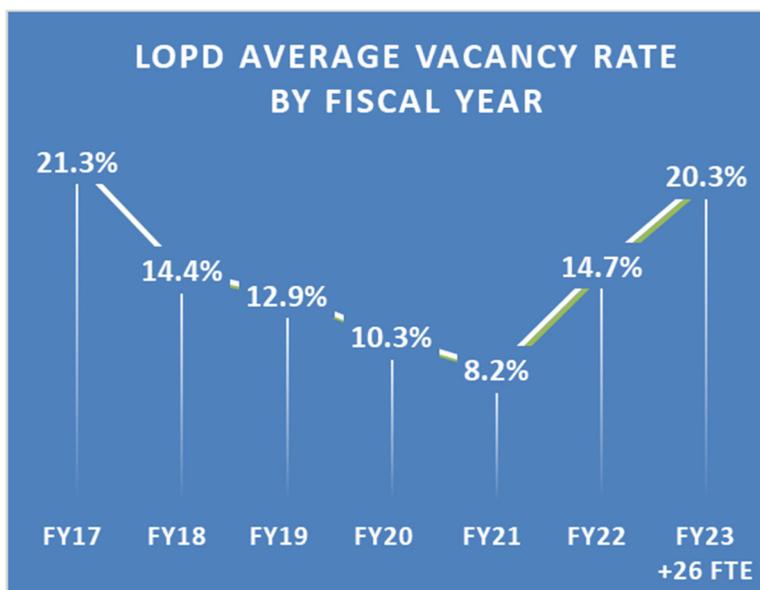


Deputy Chief Jennifer Barela, left, and District Defender Ibukun Adepoju, center, attended a recruiting and collaborative conference with National Legal Aid and Defender Association and the Black Public Defender Association in Baltimore, Maryland.

Innovative Hiring Program Results in Reduced Vacancy Rate

Due to proactive recruitment, such as the limited practitioner program and innovative placement of positions, LOPD has consistently reduced the vacancy rate since FY2017. LOPD has evaluated the hiring process to eliminate delay, proactively plan for anticipated retirements or resignations, and diligently hire new employees. As a result, in FY2021 the lowest vacancy rate was 6.15%, compared to previous years when the lowest vacancy rate was 8.6% (in FY2020). The average vacancy rate in FY2020 was reduced to 10.3%. In FY2021, the average vacancy rate was reduced further to 8.2%.

However, in FY2022 LOPD was not spared from the “Great Resignation,” seeing an increased number of employees departing in FY2021 and FY2022. The average vacancy rate for FY2023 is 20.3%, however, LOPD is pleased to report that the core staff vacancy rate was reduced to as low as a 11.4% vacancy rate. Unfortunately, the attorney positions are an ongoing struggle to fill with the vacancy rate hovering around 24% statewide for the fiscal year. Historically, the biggest dip in the vacancy rate for attorneys occurs in the fall, after the new law student graduate hires are sworn in. Regardless, LOPD was able to stay on top of hiring, especially with the additional 26 positions allocated in FY2023. As a result, the average vacancy rate for FY2023 was 20.3%, which was still well below the FY2023 statewide classified service average of 23.9% and in line with prior year LOPD average vacancy rates, as demonstrated in the chart below.



As mentioned previously, the efforts to reduce the vacancy rate and proactively plan for attorney losses is evident in the increase in average attorney FTE from 162.5 in FY2018 to 182.0 in FY2021 and down to 159 in FY2023. When the average attorney FTE increases, it positively affects the number of cases assigned and assists LOPD in successfully meeting the established performance measure related to case assignments. It is important to emphasize that, although LOPD efforts are reducing the numbers, caseload numbers remain too high to provide effective assistance of counsel in all cases.



Statewide Training and Professional Development Program

LOPD’s training and professional development program is designed to improve the quality of client representation while also meeting the evolving needs of employees. The program is developed and maintained by the Director of Training and Recruitment and a part-time core staff employee. In FY2023, the department provided virtual and in-person trainings for all employees.

LOPD continued to invest in its employees by providing a variety of training. All employees were invited to attend the National Association of Public Defense (NAPD) virtual conference in March 2023. There were also in-person training opportunities. NAPD held its largest national conference in New Mexico. The conference entitled “We the Defenders” included participation by core staff, investigators and social workers. Numerous members of the LOPD team from around the state were able to work with their peers from around the county and discuss the importance of issues in public defense.



Case manager Sonnie Begaye-Rodriguez of our Aztec office listens to a session.



Investigator Irene Marquez, Abq felony office manager Juanita Maldonado and paralegal supervisor Jacinda Parker visit between sessions.



Social worker Andrea Miles and Social Work Director KC Quirk participate in a session.



LOPD leaders support the registration table. From left, General Counsel Adrienne Turner, Recruitment and Training Dir. Liz Holmes, Deputy Chief Cydni Sanchez and Deputy Chief Jennifer Barela.

Pictures capture LOPD participation in NAPD We the Defenders Conference in Albuquerque in May 2023.



Metro Supervising Attorney Carlene Miller, left, training on how to prepare a docket with limited practitioner Matthew Gonzales, attorney Claire Cooley, law student and intern Isabella Montoya, and attorney Gabriel Gabaldon.

LOPD was able to hold its in-person conference in June 2023 for attorneys to earn their continuing education credits while convening with their colleagues from around the state. Attorneys were trained by Larry Pozner on cross examination, and also on topics including client communication and statutory case law updates. In FY2024, LOPD is dedicated to providing training on leadership and supervision as a means to focus on retention of LOPD’s most valuable resource – its employees.

Strategic Planning Process

In FY2021, LOPD launched a strategic planning process for the department. This process enabled LOPD to re-center on its mission, refine its vision of success, and focus time and resources on the projects and initiatives with the greatest potential for transforming LOPD in order to support the LOPD mission and allocate resources. In this regard, the strategic plan will provide a means to ensure that all parts of the organization are working collaboratively together in alignment to realize a vision that is fulfilling to staff, compelling to clients, and relevant to the many stakeholders across the entire criminal legal system. Leaders from the Maryland Office of the Public Defender (OPD) provided assistance and served as facilitators through the process. These facilitators have helped several other public defender departments through the strategic planning process.

Strategic Plan 5-year 2022

Areas of Focus

In pursuit of providing the best representation for our clients:

Defender Wellness

Culture Change

Criminal Justice Reform and Advocacy for Resources

Professional Development and Training

Holistic Defense

The first step of the planning process included gathering feedback from all employees through an anonymous survey in order for employees to feel comfortable being open with feedback. Over 40% of employees responded (165 responses) to the survey. The OPD facilitators reviewed the feedback that was collected and sorted them into general themes. Then, a virtual retreat was held in April 2021, when all LOPD employees, Public Defender Commission members, and community partners were invited to participate. The OPD facilitators helped the participants and the department with a vision session and hone in on areas of focus to help LOPD strategically plan to meet our vision and updated mission. During the session, there were discussions on how to improve client services and support employees by evaluating our mission, vision and culture. After those themes were developed, LOPD employees were selected to serve on five different writing teams. The writing teams developed plans that LOPD leadership, employees, and the Public Defender Commission will work to implement its goals and measure success.

Efforts to Secure Grants and Other Funding

LOPD works to use funding effectively and also seeks out sources, other than the legislature, for additional funding. For example, LOPD has been working with Bernalillo County for many years to provide staffing at needed hearings for probation violations and weekend arraignments. LOPD and Bernalillo County entered into a Memorandum of Understanding in which Bernalillo County provides LOPD funding to provide staff support and attorney representation for clients requiring representation.

In addition, the Administrative Services Division has been securing and administering grants awarded to LOPD. In FY2023 and FY2024, LOPD worked with various district attorneys to submit joint applications to fund the recruitment and retention of public defender and district attorneys in seven districts. The goal is to incentivize experienced attorneys to stay in their positions with a retention bonus with the amount of the bonus being based on their years of experience. Retaining experienced attorneys helps provide needed stability for clients, to offices, and ongoing training of newer attorneys. In FY2023 and FY2024, LOPD secured grants through the New Mexico Sentencing Commission to fund these recruitment and retention bonuses for attorneys in rural communities. LOPD secured over \$440,000 in FY2023 and over \$215,000 in FY2024 to payout the bonuses.

Lastly, the legislature created the public attorney workforce capacity building fund, which provided funding in FY2024 and FY2025 for the recruitment and retention of public defenders and prosecutors. The funding includes a total of \$2 million dollars over two fiscal years. LOPD will utilize the funding for recruitment and retention bonuses for attorneys who were not eligible for a bonus through the NM Sentencing Commission grants. LOPD also intends to incentivize serving our rural communities by allocating funding to help new attorney hires with expenses associated with starting a new legal career. Costs for new attorneys to transition from another state, or from law school to a professional legal career can be prohibitive when faced with application fees for State Bar admittance, moving costs, rent, security deposits, transportation, and wardrobe costs.

Funding will also establish a necessary stipend for LOPD externs. Externs train with and shadow experienced public defenders in criminal law practice, litigation, and working with clients. LOPD hopes to attract those interested in public defense work to extern with LOPD by providing a stipend to help defray costs during the externship period. By exposing these candidates to hands-on public defense work, LOPD hopes to increase future recruitment for attorney positions. A huge obstacle for law students in participating in internships is funding as they have little to no income and are unable to move across the county, or even from Albuquerque to rural communities. This is a bigger obstacle for people of color, who are often interested in working with indigent clients at LOPD but do not have resources to cover costs related to finding new housing in another community.



Deputy Director of Policy and Administration Theresa Edwards, Chief Financial Officer Debbie O'Dell, Deputy Chief Cydni Sanchez and Deputy Chief Jennifer Barela attend a NM Sentencing Commission event in Albuquerque.

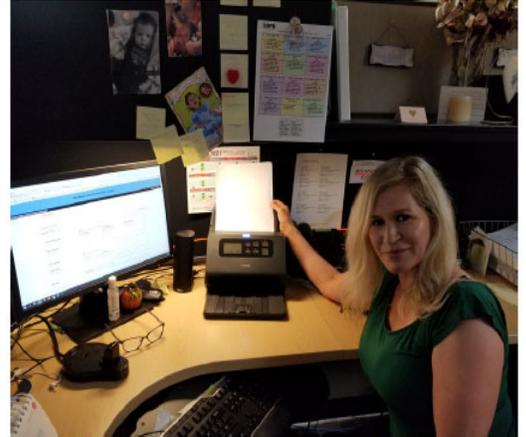
Improving Client Services Through Technological Enhancements

Electronic Archiving – LOPD requested and was appropriated specialized funding over four fiscal years, which was used to build a state-of-the-art document management system and became operational in June 2021. LOPD used funding to purchase scanners for offices statewide. The funding was used to scan 1,500 archive boxes with client files into the document management system. At the project completion, LOPD will have scanned over 5,100 boxes. The entire transition to digital archiving has taken several years and eliminate the stacks of boxes in all offices. This project will also help core staff reduce time spent on searching for physical files and free up needed space.

Cellebrite – These special devices which include two laptops and a remote device (mobile unit) will allow LOPD to handle cell phone extractions in-house instead of paying a contract expert. This will increase the quality of evidence presented to defend clients. LOPD dedicated the funds to make the purchase and will save expending some funds on experts; however, this means the actual work is shifted in-house. Three employees were selected to complete the training and obtain certification. The team will develop guidelines on these extractions and work with attorneys and investigators statewide on defense strategies.

LOPD is one of the first public defender departments in the country to have this system.

Tracking officer misconduct – IT is working on a build out in defenderData to track information on officer misconduct. Attorneys have provided feedback on the data that should be tracked and reports that would be helpful. The goal is to provide attorneys the ability to search by officer name and find whether there has been misconduct, *Giglio* information, and any associated cases. This is an ongoing project as it requires core staff and attorneys to add information to the database to create comprehensive statewide reporting and data.



Maribel Ortega, senior secretary for the Felony Division in Albuquerque, works with her small scanner at her desk.



IT's Ron Day works a large archive scanner in the Albuquerque office.

Improving Employee Services

Geographic pay differential – Several years ago, LOPD created an innovative program that uses geographic pay differentials to reward the attorneys in our rural offices and acknowledge their willingness to serve New Mexico’s rural communities. The differential is helpful with recruitment and retention as well. LOPD implemented the program by dedicating resources to make it successful. In 2018, LOPD reassessed the program and the Chief increased the variable recruitment and retention geographical differential for the Alamogordo, Carlsbad, Clovis, Portales, Hobbs, Roswell, and Ruidoso offices due to the continued recruitment and retention challenges. The increases varied from an additional 25 cents to an additional \$1.00 per hour for attorneys and social workers, depending on the location of the district office.

Addressing pay disparities – Over the last five years, LOPD has proactively analyzed pay disparities within the department by contracting with an expert to conduct a study on pay and also implementing in-band pay increases.

Paid parental leave policy – Effective April 2020, LOPD provides 12 weeks of paid parental leave to eligible employees. The purpose of the leave is to ensure that eligible employees are provided with paid leave to care for and bond with a newborn, newly adopted child, or foster child with an anticipated placement of six months.

LOPD Awards – Presents an ongoing opportunity for LOPD leaders and colleagues to nominate colleagues who deserves recognition and an award for their efforts serving clients and the department. Nominations are collected annually and the winners that are selected are announced during a ceremony (in-person pre-COVID and virtual post-COVID). The following is the list of award titles: Unsung Hero award, Rising Star award, Innovator, Dedicated Public Defender and the Leadership award.

Wellness room in Hobbs



Joy Applewhite, Hobbs office, shows off the Wellness Room she set up. It includes sensory activities, such as coloring books, essential oils and meditative chimes.

Wellness leave – The Staying Healthy and Rejuvenated Program (SHARP) is designed to recognize the benefits of employee health and wellness and supports time for wellness activities. LOPD recognizes that such activities are mutually beneficial to LOPD and its employees because they improve productivity, work performance and morale. The purpose of the policy is to provide the Law Offices of the Public Defender (LOPD) employees with paid time off to support employees’ efforts to engage in activities that promote wellness, and improve employee conduct, performance, and job satisfaction; and to establish guidelines for the request, approval and administration of the SHARP policy to eligible employees.

AWARDS AND ACCOLADES

LOPD employees are stellar in the courtroom and in the offices. They are also outstanding in many specialty areas locally and in the national public defense community. Numerous notable acknowledgments are on the following pages.

We Are a Leader in Supporting Our Employees

LOPD earns highest Family Friendly designation



LOPD has been recognized with the top level Family Friendly Business award for the department's policies and practices that seek to support employees in their work-life balance.

This is the first year LOPD has received this designation. Our entire HR team and Chief Ben Baur accepted the award at a ceremony April 25.



Shawn Krause, Tiffani Lopez, Justin Riley, Cristina Savery, Chief Ben Baur, Kortney Barker, Cassandra Montoya, HR Dir. Ronald Herrera and Zac Olivas.

We Are Recognized for Our Inspirational Voices

Joy Applewhite wins NM Bar's Excellence in Well-Being Award



Joy Applewhite
attorney, Hobbs

This award recognizes an individual or organization that has made an outstanding positive contribution to the New Mexico legal community's well-being.

Joy Applewhite, Hobbs office, smiles after receiving the award for Excellence in Well-Being from the State Bar of New Mexico during the State Bar Conference.



Nicole Hall wins NM Women's Bar Rising Star Award



Nicole Hall
attorney, Aztec

It's such an honor to be able to represent the department in this light. However, I would not be who I am today without the inspiration, motivation, and support of my colleagues here in Aztec and across the state.

This award goes to an attorney who has been practicing for fewer than five years and who has made strong contributions to their community in their practice and out. Aztec attorney Nicole Hall played a key role in building community following the murder of George Floyd, and she is a leader in the LGBTQ+ community in Aztec. She participated in a nationally televised documentary series featuring small town residents as drag show contestants to raise awareness about LGBTQ+ issues. In addition to her community work, Nicole is a savvy attorney committed to public defense and helping clients with their life and legal issues.

This recognition is part of the NM Bar Women's Bar Association's Henrietta Pettijohn Award, which selects a Rising Star and an Honoree each year; this year the Honoree is Roberta Cooper Ramo. The award ceremony is Sept. 22, and more information is available at www.nmwba.org

Nicole Hall, Aztec office, recognized for her contributions to the LGBTQ+ community with Rising Star Award by the New Mexico Women's Bar Association

We Are Leaders in Our State and Nationally

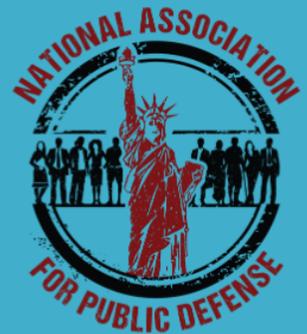


The New Mexico Criminal Defense Lawyers Association is a leading voice for criminal legal reform in New Mexico. Jennifer Burrill, Supervising Attorney in our Santa Fe office, was elected president of NMCDLA after service on the board of directors for fifteen years. Jennifer served as chair of the public information committee combating misinformation and supporting legislative reform efforts in the media for the past six years and continues to dedicate a significant amount of time to NMCDLA's CLE, legislative, and public information committees.

The National Association of Public Defense is the professional organization for more than 33,000 public defense practitioners, which includes all members of the defense team – attorneys, investigators, paralegals, secretaries, etc. The national organization is led by an executive director and a board of directors.

LOPD Deputy Chief Cydni Sanchez has been elected as president of the NAPD Board of Directors. She will serve as the first Latina and first female head of this board as the group leads public defense policy and organizing efforts across the country. Prior to the recent election, she served on the board of directors for the last two years, and on the executive board for the last year.

LOPD Deputy Chief Cydni Sanchez elected president of NAPD Board of Directors



COMMUNITY ENGAGEMENT

LOPD continues to engage our communities through traditional media, social media, individual outreach, service and community-rooted office events. Additionally, new efforts include participation in documentaries and national public defense messaging campaigns.

We Are Part of Our Communities

The Albuquerque office has begun hosting monthly office hours at the International Library. An attorney and social worker operate out of a private meeting space, welcoming clients and or their families to discuss warrants, look over appropriate paperwork and discovery, and other general topics.



The Hobbs office continues its commitment to community, including hosting a “know your rights” booth at local festivals and a monthly coffee time with community members.



We Are Part of the Story



The Department continues to use media outreach and social media to connect with clients and communities across the state and nation. LOPD Communications Director Maggie Shepard works closely with the district offices to coordinate incoming television, radio, and print media interview requests in addition to leveraging media relations to get stories from within the department out into our local communities and national media markets.



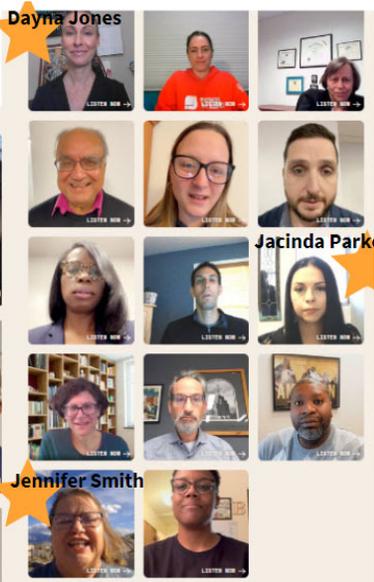
LOPD introduced an Instagram account to its social media portfolio, which also includes a Twitter and Facebook account. All of the accounts are featured on the department's website. The department's website, fully refreshed and rebranded in early 2023, continues to evolve, with design and planning work to include client-centered videos on topics ranging from understanding the court process to looking up a case in online databases and employee- and recruit-centered videos geared toward celebrating and highlighting the benefits of working for LOPD.



We Are Key Players

Five LOPD employees were prominently featured in the national *This is Defense* campaign, found at www.thisisdefense.org, which collected video testimonials from all types of public defenders for use in social media posts and advocacy work around the country.

THIS IS DEFENSE



District Defender Ibukun Adepoju (pictured below on the left and right bottom) and the Hobbs team dedicated their time to a documentary film crew telling the story of drug possession rates and prosecution trends in Hobbs. The documentary was featured at a film festival in Birmingham and was followed by a panel of some of the film participants, including Ms. Adepoju.



We canvassed the country for stories that demonstrate the power of criminal justice data to inform and inspire change. The ones we chose stood out for their humanity and diversity of experience from all sides of the system.

Let's be clear: these stories are only the beginning.



FY2025 GOALS AND OBJECTIVES

- I. GOAL/OBJECTIVE: Strengthen the statewide system of Public Defender Attorneys and Contract Defenders to improve rural representation to ensure effective indigent defense and focus on restoration, not retribution.
 - a. Action Step: Recruit and retain in-house attorneys, core staff, investigators, and social workers by expanding the current innovative and proactive recruitment program targeting in-house employees statewide with a commitment to diversity and inclusion. Expanding current efforts to recruit attorneys and include prospective employees from core staff, investigators, and social workers and fill FTE allocated in FY2024 which will improve retention and decrease vacancy rate.
 - i. LOPD seeks to build a team of professionals who support the mission and vision of the organization with a commitment to leading the fight for justice in New Mexico by protecting constitutional rights.
 - ii. LOPD will work to establish and secure funding to provide a rate of equitable and competitive pay, increased levels of accountability, training and performance for in-house attorneys, contract attorneys and core staff.
 - iii. LOPD is committed to recruiting a diverse and inclusive workforce by:
 1. Working to create pipelines with law schools with strong public interest or criminal defense programming, and
 2. Recruit diverse employees that reflect the populations LOPD represents; specifically, Spanish speaking and employees of Black and Indigenous backgrounds.
 - b. Action Step: Expand the pool of contract defenders by further addressing inadequate compensation for contract counsel. LOPD is advocating for increased funding for contractors.
 - i. Ensure indigent clients receive a constitutionally adequate public defense by advocating for funding to address the existing low base rate, as an hourly rate contract is more likely to garner interest from skilled criminal defense attorneys in the private sector.
 - ii. In FY2024, LOPD will analyze data from the hourly rate pilot project to determine a path forward. LOPD will analyze the data from these cases to project future funding requirements to further expand the pilot program.
 - iii. LOPD will engage the Public Defender Commission and the criminal defense bar to advocate statewide for adequate funding and implementation of an hourly rate for contract counsel.
 - c. Action Step: Continue investing in employees and improving representation through the development of the LOPD Training Program.
 - i. Improve management and operations to invest in employee development including diversity, professional development and self-care.

- ii. LOPD will implement programs/opportunities/trainings with a focus on diversity and inclusion with input from employees, as well as self-care and well-being.
- iii. LOPD will continue to invest in leadership and supervision training.
- iv. Training and Recruitment Director will coordinate with LOPD's District Defenders and regional managers to identify training topics.
- v. Training and Recruitment Director will facilitate training for new attorney hires recently sworn into the New Mexico Bar, which will also fulfill the new attorneys Bridge the Gap participation required by the NM State Bar.
- vi. In FY2024, the Training and Recruitment Director will identify, organize, and promote quality trainings to ensure LOPD employees are offered opportunities to fulfill their professional licensure requirements and professional development through both virtual, in-person, and hybrid opportunities.

II. GOAL/OBJECTIVE: Reduce recidivism and support community needs by positively impacting public safety.

- a. Action Step: Dedicate resources to equip the LOPD social work unit and other front-line core staff with essential training to work with clients to address underlying issues impacting their interaction with the criminal legal system.
- b. Action Step: Educate legislators and criminal legal partners about the limited mental health and substance abuse treatment resources statewide.
- c. Action Step: Advocate for additional support and resources to allow clients to address underlying issues.
- d. Action Step: Continue leadership and active involvement in criminal legal reforms.
 - i. LOPD will continue to collaborate with District Attorneys and courts statewide to improve existing and create more diversion programs, keeping low risk offenders out of the criminal legal system and reducing jail and prison populations.
 - ii. LOPD continues to advocate for reforms in the criminal legal system which would allow LOPD to work more efficiently and effectively.
 - iii. Participate in community policy conversations about criminal legal reform and garner community participation.

III. GOAL/OBJECTIVE: Meeting staffing requirement reported by the ABA Workload Study by aligning Public Defender pay and staffing levels similar to those of the District Attorneys.

- a. Action Step: Obtain funding in the FY2025 budget request to hire an additional sixty (60) FTE.
- b. Action Step: LOPD will seek advocacy assistance from the New Mexico Public Defender Commission and the criminal defense bar to advocate support from the Legislature and Executive for adequate funding and compensation for contractors.

SUMMARY OF PERFORMANCE MEASURES

FY2025 Performance Measures

1. Number of alternative sentencing treatment placements in felony, misdemeanor, and juvenile cases.
2. Average cases assigned to attorneys yearly (*reported staff and contract attorney assignments in each county*).
3. Average time to case disposition (*reported for staff and contract attorneys in each county*) (measured in months at the close of the case).
4. Percent of felony cases resulting in a reduction of the original formally filed charges.
5. Percent of juvenile cases resulting in a reduction of the original formally filed charges.
6. Percent of misdemeanor cases resulting in a reduction of the original formally filed charges.
7. Percent of total cases taken by contract attorneys reported by county.