

The Defender: Coronavirus Edition

A mini
newsletter



Corona week 25
September 4, 2020

Our Beloved Ben

Sept. 30, 1988-Aug. 7, 2020



Not all of you in the department knew Ben Smith. I wish you could have. He joined the department in 2016 as a law clerk in Albuquerque. He came on full time in Metro and moved to Albuquerque felony in 2018. In that time, he partnered with Kait Knauber and they welcomed two sons, Isaiah and Kyrie, now ages 4 and almost 1. Ben ended his life August 7. He would have turned 32 this month.

I don't know anything about the personal struggles that overwhelmed Ben, but I don't need to in order to know that I'm very sad to have lost him. I'm sad for him. I'm sad for his babies, for his friends. And I'm sad for our LOPD community. Thank you for sending pictures and stories of Ben to help put this together.

- Maggie Shepard



Community support
fund for Ben's family

<https://www.paypal.com/pools/c/8rxEH484SA>



I have too many stories to share about Ben. Instead, I'll share a few things I knew about him: he loved hip hop; he loved his 2 boys even more; he was a good partner to Kait; he gave the best hugs (ask anyone if they ever felt the consuming warmth of a BenHug); his laugh was loud and booming, but made you want to be in on the joke; he could talk to you about NWA's influence on West Coast rap in one breath, and then talk about how he was building a strong "Magic, the Gathering" deck in the next; he was a fierce advocate for his clients; he sometimes drank too many energy drinks; he could get any DA to give his clients the plea he wanted for them; his office was always a mess; he said "I love you" any chance he got; his heart was pure gold.

It's hard to imagine how to do this work without him, but Stephen King said it best at the end of IT: "Drive away and try to keep smiling. Get a little rock and roll on the radio and go toward all the life there is with all the courage you can and all the belief you can muster. Be true, be brave, stand. All the rest is darkness." Ben was true, he was brave, and he stood. We should all try to do the same.

-- Victor Chacon
Albuquerque attorney

I met Ben only a couple of years ago, but he inspired me to be a better leader and a better person. He cared about his clients and was a fighter in the courtroom. He would come into my office after he had a hearing or a trial and tell me what happened. I was always impressed by his compassion, creativity, and persistence. At some point in his stories, he always made me laugh. No matter how serious the case or the hearing may have been.

Ben was a leader. He led our office in the Black Lives Matter to Public Defenders March in June. His speech and the news coverage of that march made a true impact on our criminal justice system in Bernalillo County. I will remember Ben and his fight for justice when I watch the first Bernalillo County Sheriff's lapel video. I will remember his fighting spirit when I see them being used in trials and hearings to defend our clients.

-- Jennifer Barela
Albuquerque District Defender

Delayed justice: Inside look at New Mexico's criminal court system shows new challenges and a growing backlog



Chief's message

Dear Colleagues,

This newsletter is dedicated to the memory of Ben Smith, who was known in our department in our community as an advocate for social justice, and a dear friend to so many, and as a family man. This is an opportunity for those who knew Ben to share and for those who did not to learn about him. And in learning about him and his friends and coworkers, we are reminded of the things that have brought us to public defense: a commitment to each client and to the larger cause of systemic change - not just in the criminal courts, but in all of the aspects of society that feed into, and sometimes feed off of, this flawed and unequal system in which we work. It is because of our belief that we can create a better system that we advocate for changes in police practices, like advocating for the mandatory use of body cameras, better training, and ultimately, a complete rethinking of the way society has valued policing, prosecution and punishment over education, housing, treatment, and rehabilitation. It's why LOPD will be fighting this year for issues such as ending the ludicrous and regressive system of court fines and fees, for de-felonizing the simple possession of drugs, and opposing the inevitable new penalties and crimes that will be proposed, that we know would do nothing to solve social problems, but would result in even more indigent people being incarcerated.

As we work towards these goals, we also need to band together in these tough times, value and connect with our friends and colleagues, check in on each other, share frustrations, tell stories, and laugh when we can.

For Ben and for all of us in LOPD – keep treating each other with kindness, and keep fighting for justice.

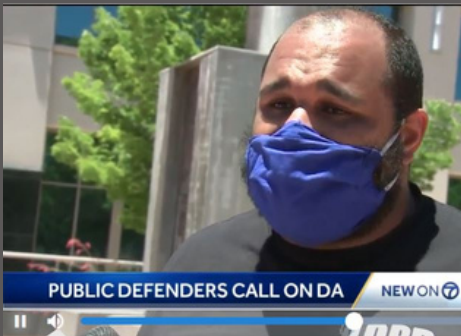
-- Ben Baur



I knew Ben as a friend and a true public defender. Ben often joked that we should open our own law firm called Big Body Law where our motto would be “the best pound for pound attorneys money can buy.” I remember when we would be in some of the worst trials together and Ben would jokingly ask a client “I bet you didn’t think that 10 dollars would buy you 700 lbs. of lawyer.” And we’d all laugh, even in the worst of times.

But that’s who Ben was, he was a light in the darkness. He was courageous, strong, honest, and true. Ben’s hug, his laugh, Ben just being Ben seemed to make the world a less dark and hateful place whenever he was around. That seemed to be the unexplainable part of who Ben was –his ability to bring light into the darkness. And for that, he will always be truly well remembered, loved, and missed by us all.

-- Martin Juarez
Albuquerque
attorney



Suicide prevention and loss resources



Toll Free Suicide Loss
Helpline: 1-800-646-
7322

In a crisis?

**Text HOME to 741741 to
connect with a Crisis
Counselor**

Free 24/7 support at your fingertips

Asking about
suicide or if
someone is
contemplating it
does NOT increase
suicidality.

- NAMI

Free counseling

NMCDLA has offered to provide two free 30-minute follow-up counseling sessions for NMCDLA members. The focus of these sessions is specifically designed to help individuals process Ben's death, including exploring feelings related to surviving suicide, and strategies for self-care. Contact therapists directly:

- Linda Myers at (505) 823-2323
- Sheila Ciminera, (505) 510-1414

Support walk

New Mexico Out of the
Darkness Experience

Suicide is the 10th leading cause of death in the U.S. The *American Foundation for Suicide Prevention* holds fundraisers during the month of September, recognized as National Suicide Awareness Month.

Out of the Darkness DAY

When: Saturday, September 19th

Time: ALL DAY / 10:00-11:00am MT
(e-vent)

REGISTER: [click here](#)

For more information, contact:

Beanna Chavez Phone: 505-263-

2085 Email: newmexico@afsp.org

Women in public defense



Stacey Abrams inspiration tip

MA Dayna Jones has it on a sticky note on her desk

1. Know your power
2. Define your victory
3. Focus on changing behavior, not beliefs

“Vision without steps is a dream”.

Earlier this month, 25 LOPD women “went” to a first of its kind conference just for women in public defense. While a few were skeptical it would be worth the time – 3 days of Zoom sessions – each and every one concluded that they left the We Are the Ones We’ve Been Waiting For: A Virtual Conference for Women in Public Defense feeling “inspired,” “refreshed,” and even “healed.”

“This came at just the right time after losing Ben, especially Stacey Abrams. She was incredibly helpful and very healing,” said Deirdre Ewing, district defender for the 5th. The conference was hosted entirely virtually by the National Association of Public Defense and included dozens of Zoom sessions on a range of topics and hosted by a diverse group of experts, including the expected attorneys but also including paralegals, social workers and financial experts.

“While I was unsure what to expect, the women’s conference was truly inspiring. One of the unexpected surprises was how much the conference focused on the role of non-attorney staff and their invaluable contributions. It is my hope that more non-attorney staff attend in future years,” LOPD office administrator Patricia Martinez said.

“I had this preconception that [the conference would be] all about attorneys. What am I going to get from it? ... But I have to say, this particular conference was really enlightening and very motivating and ... being part of that allowed me to see what women in the profession go through and still hold their head up high and do the work so well,” Martinez said.

[Link to Stacey Abrams intro https://vimeo.com/447837321/7df24d49e4](https://vimeo.com/447837321/7df24d49e4)

Good-bye Ilea



The Albuquerque office said goodbye to felony secretary Ilea Jaramillo last month with an outside party. "She has been a great asset to LOPD and we are sure going to miss her. She's off to pursue her dreams and conquer what she worked so hard in school to do. Congrats to Ms. Ilea. CSI is going to love you as much as we do," said Prescilla Gum, Albuquerque felony office manager.

Open enrollment



The Employee Benefits 2020 Open/Switch Enrollment webpage will be available **August 31st**, and will be laid out in **3 simple steps** to help employees go in, get what they need, and enroll! (Please note, OSE begins October 1st, at 12:00AM, therefore the links to enrollment forms will be locked until that time).

We suggest that employees get onto the OSE webpage early, take a look at all the tools and information available. With a third medical carrier being added to the Group Health Plan, we suggest employees take their time, explore each benefit plan and all the additional options they offer to make the right decision for themselves and their families.

As we get closer to OSE, the Live Webinar schedule (below) will be equipped with live links so you will only have to click to attend. This schedule will be posted in our September EBB Newsletter, DoIT email communications, and of course our website (www.mybenefitsnm.com).

Because we could use some cuteness



Albuquerque felony office manager Prescilla Gum's Shih tzu puppies, from top, Addi Mae Guzzi (named by her new parents and brothers), Axel, Layla and Slash (aka Gordo) are about 6 weeks old.

Virtual recovery

NM DEFENDERS IN RECOVERY, a virtual recovery meeting, will be held every Friday at 6 p.m. via Zoom. For the Zoom link, more information or for links to other virtual recovery resources, you can contact Craig Acorn at craig.acorn@gmail.com or 650-283-0694; Jennifer Birmingham at Jbirmingham2112@gmail.com or 575-288-7958. This is not a department-sponsored effort. Anonymity is strictly honored.

To contribute, correct, compliment or criticize newsletter content, or to talk to LOPD Communication Specialist Maggie Shepard, contact her at maggie.shepard@lopdm.us or (505) 690-4529. All newsletter content is compiled by Maggie Shepard and approved by LOPD leadership.