

THE DEFENDER

*Monthly newsletter of the
New Mexico Law Offices of the Public Defender*



Message from the Chief



There is a saying that a budget is a moral document; it represents your priorities. So when we tell the legislature what it is we need to spend money on, we are telling them about the role of the public defender, about the criminal justice system, and about how it's working in our communities. The role of public defense has been undervalued for decades, and we are striving to change that. We are doing that by not only asking for more resources, but also by working to change the laws and challenging the assumptions that the criminal justice system is based upon. There is an understanding among legislators that the system is not working to improve public safety, that simply prosecuting and jailing people doesn't make the community safer. But the legislature doesn't know what to do about it. So through our budget and conversations at committees and meetings, we are trying to provide them the answer to, "If not this, then what?" We're asking them to think outside the box that they've created. That is a long-term process. And we're asking for what we need so that we can do our the jobs the way they should be -- and must be -- done. That's our goal, and it is reflected in our budget request, which is, for us, not just about money, but about our morals and values.

Budget request formalized

The LOPD budget was submitted Sept. 3 seeking an 11.8 percent increase over last year's budget. In hard numbers, that's nearly \$6.6 million more than last year for a total request of \$62.3 million. Last year's budget was \$55.7 million.

In addition to that base budget request, LOPD also seeks an additional \$2.2 million for various IT projects, including electronic

archiving (here's to hope that there's an end to hallways lined with file boxes).

"We're working to get the resources for us to do our jobs professionally to better serve our clients," Chief Public Defender Ben Baur said. "The budget, asking for more money, is a part of that, but only part of it. The other part is advocating for changes that will make the system better."

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Budget seeks to add attys, staff

This year's budget request focuses on increasing the number of public defenders and staff and compensating and equipping them appropriately with hope of reducing vacancies.

"We're focusing on improving representation for clients in all communities, especially rural communities," Deputy Chief Cydni Sanchez said.

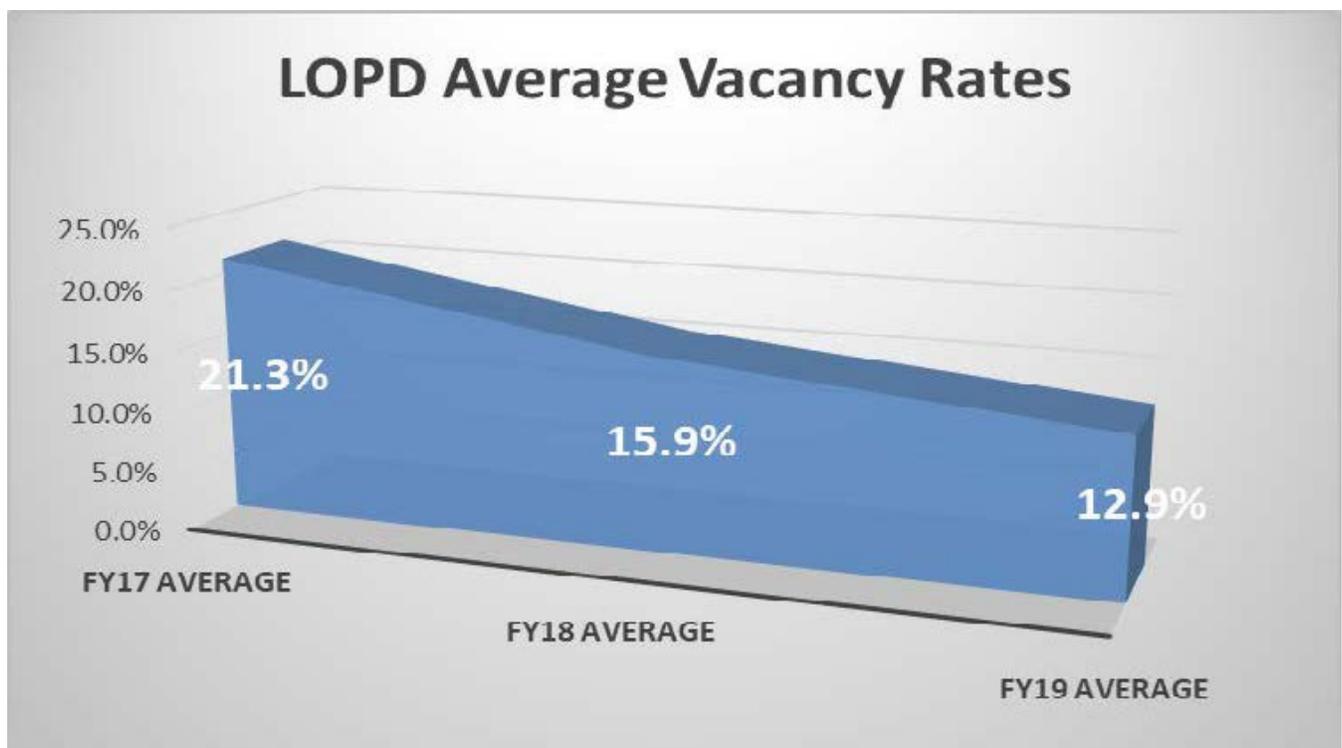
"We plan to do so by increasing compensation for contract counsel. And we've requested an additional 15 attorneys and 30 staff for the state."

The department is also repeating its call to transition to hourly rates for contract attorneys and it is advocating for salary increases.

The budget includes requested funds to purchase several vehicles along with other requests to create professional work space, including furniture, IT upgrades and training opportunities. Don't forget, LOPD pays about \$2 million in rent annually, so that's also included in the budget.

Chief Financial Officer Dorella Molina said the executive team, especially Deputy Chief Cydni Sanchez, helped her navigate her first round of budget for the department. She came on board in April.

"The budget process for the FY21 Budget Request has been fairly smooth," she said. "The FY21 Budget Request was fully approved by the Commission on August 23 and a final draft will be submitted by September 3."



Advocacy, budget team up



LOPD's 12th District teamed up to present about rural sentencing and justice issues before the Court and Criminal Justice Committee's Criminal Justice Reform Subcommittee on Aug. 16. They were joined by Kimmie Jordan, far left, President of the National Alliance on Mental Illness in NM and Jeanette Borunda, Director of Clinical Services Behavioral Medicine at Gerald Champion Regional Medical Center.

While the budget works its way through the legislative process, LOPD continues to advocate for criminal justice reform.

"If we change the way the system is run, our clients will be better off, and we'll be able to do our jobs better," Baur said.

From department leaders to line attorneys and staff, LOPD has this year engaged with many state functions to offer our specific insight into the functions and failures of how our communities do criminal justice.

Here are some of the summer's policy advocacy highlights:

Several people from LOPD serve on the state's Sentencing Commission and its subcommittees, focusing on juvenile issues, policy reform and data sharing.

Baur and Deputy Chief Philip Larragoite attend most of the state's Legislative Finance Committee meeting, including the Aug. 28-29 session, at which they learned state revenue

projections and discussed how LOPD's request fits into the overall trends. Baur and Abq felony attorney Jonathan Ibarra presented on probation and parole reform at the legislature's Court and Criminal Justice Committee's July 9 meeting.

Kim Chavez-Cook, an appellate attorney and department policy advocate, presented twice this summer: once for the CCJC on parole and probation reform and once for the CCJC's Criminal Justice Reform Subcommittee, where she spoke about recommended reforms to the Habitual Offender Act.

And on Aug. 16, 12th District Defender Matt Chavez and case manager Danielle Muñoz presented before the reform subcommittee about sentencing and access to justice in rural New Mexico. Chavez is leading an effort to create a fellowship for rural prosecutors and public defenders to attract and keep rural areas staffed.

Public defense pillar Norm Lefstein dies at 82

LOPD would like to note the passing of public defense advocate Norm Lefstein, who died Aug. 29. Norm worked for decades to draw awareness to the harm of overworked public defenders, writing books and traveling the country to help departments, including ours. "Norm had been actively involved in preparing us," Deputy Chief Cydni Sanchez said. "I am honored to have work closely with such a highly respected, kind man dedicated to improving representation for indigent clients." Indiana's Chief Justice told Norm at an honoring ceremony that "it does not overstate the case to say that thousands upon thousands of people have lived better lives because of how you have lived yours."



LOPD Anniversaries

Celebrating 1, 5, 10

15, 20+ years

** some anniversary dates include years at other state agencies. It's difficult to separate.

15 Years

Douglas Wood, assistant appellant defender

1 Year

Elizabeth Vecchi, attorney 11th District

Erin Gutierrez, social worker program

Ashley Smith, law clerk 12th District

Marissa Prieto, legal associate 5th District

5 Years

Cherylinn Gunning, attorney Albuquerque

Raymond Hernandez, attorney Las Cruces

Thank you to Cassandra Montoya for compiling these lists.
If your name was somehow left off a list, please know it was not on purpose.
Just let Maggie Shepard know and she'll make it right in the next newsletter.

Upcoming events

 Sept. 5 3:30-5 p.m. **Civil Rights Considerations for LOPD Clients** live webinar. Defenders are often asked by clients for advice and information on pursuing potential civil claims for money damages arising from police misconduct and other civil rights violations.

 Sept. 16 1:30 – 2:30 p.m. Learn how best to use NMOneSource.com 2.0, the master database of official state laws, in live webinar with New Mexico Compilation Commission Executive Director and CFO Brenda Castello.

 Sept. 15-23 **New Attorney Trial Skills** in Albuquerque. Email patricia.anders@lopdnm.us

 Sept. 11 – 12 Office Manager Meeting in Albuquerque

Team changes

 **Hello and welcome to:**

Carolyn Gonzales, legal associate CCLS

Maria Zamora, secretary in Las Cruces

Cole Leonard, attorney in Hobbs

Yosheani Lujan, paralegal in Albuquerque

Jodi Ahrend, social worker

Jodi Ahrend, social worker

Holding it down in Hobbs



After Ibukun Adepoju graduated from law school in Texas, she was offered some good jobs in big cities, but she said they would have had her sitting at a desk for a year processing paperwork.

She chose LOPD's Hobbs office where, before she knew it, she was leagues ahead in experience of where she would have been had she taken the big city job.

Now she runs the office in the 9th District, where she was recently appointed as district defender.

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9th District Defender Ibukun Adepoju

Not pictured but not forgotten

Hobbs offers 'exhilarating' work

The Hobbs office, she says, is not only a place to get that crucial experience but to actually be a part of a close-knit team in a city that is growing and thriving with new amenities.

"We're really like a family here," she said of the Hobbs crew. And while it hasn't always been that way, she says she only sees it getting better.

"It's a great place to work. It really is," she said.

Attorney Frank DePalma agrees that opportunities are abundant. But so are difficulties in the community. Poverty and a struggling education system are apparent, he said.

Making "a public defender position here ... different – at least from what can be inferred through caseload data and private conversation – in that we have an elevated caseload and a contentment from the bench to take conservative views on Court precedent."

He said trial opportunities are "plentiful" and the office provides solid experience. "The work," he said, "is exhilarating." It's satisfying, too, said paralegal Josie Enriquez.

Hobbs is home to her huge family and she's been there "forever...sigh."

She worked for 15 years at the Lea County Correctional Facility, which she called "almost half a life sentence." At LOPD now for five years, she says she has found her "calling... doing what I can to help others."

She handles competency, docket preparation and notice of settings, and answering all sorts of questions from attorneys across the state. Because she is so rooted in the community, she also provides crucial insight during jury selection.

"We had a jury trial on charge of vehicular homicide (DWI) and one of the potential jurors who I've known for many years had a 5-year-old brother that was ran over and killed by a drunk driver in his front yard," she recalled.

She was able to help the attorneys, best represent that client.

"I really enjoy it," she said. "I love this job. I love my peeps here, and I love our leadership from Ugo to Ibukun to the Chief."

Free wellness classes

August: Effective Budgeting, opens Aug. 20

September: Maximizing Your Day: Effective Time Management, opens Sept. 17

Provided by your Employee Support Program through The Solutions Group

Access at www.solutionsbiz.com with password: phs

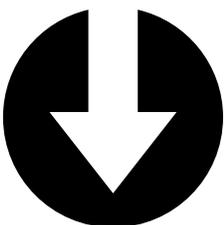
The welcoming continues and work begins for LPs

The department's 2019 class of limited practitioners gathered in Albuquerque Aug. 19-23 for a full dive in to the daily life at LOPD. They met top leadership, received a heavy dose of trainings from front line attorneys and staff and played a bit, too, making the work an extension of the welcome to our new LPs.

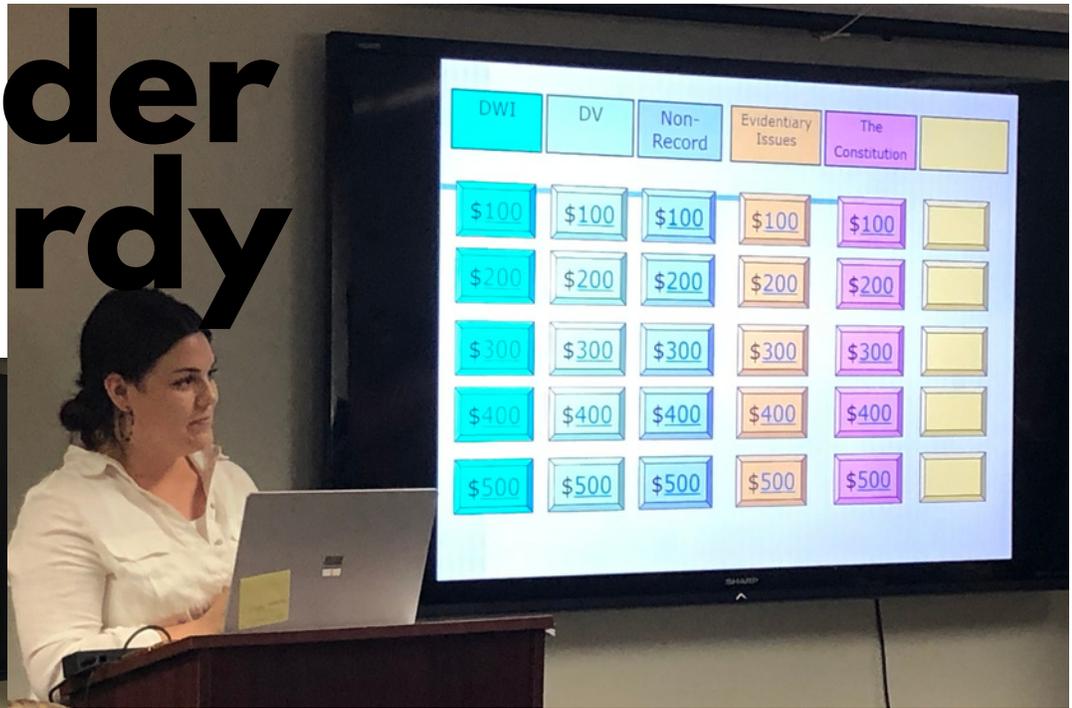
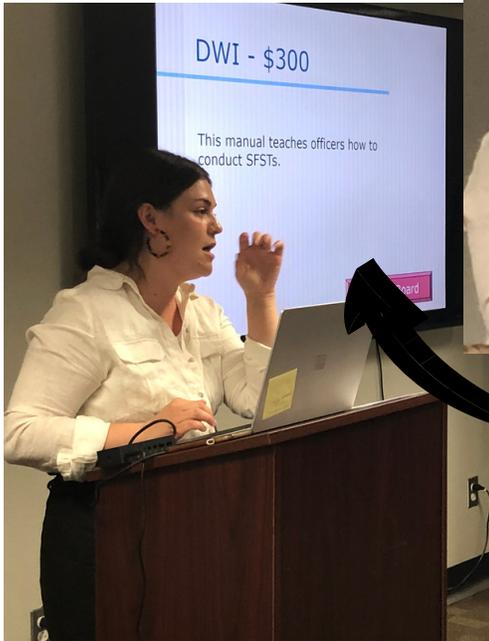
WORK



PLAY



Defender Jeopardy



The answer is: "This manual teaches officers how to conduct SFSTs. The question is ..."



Tiny gavels serve as buzzers

Defender Jeopardy champions



The NHTSA manual

From left, LPs Joshua Goldberg, Lena Kephart, Cameron Payette and Sofia Flores with prizes donated by Deputy Chief Cydni Sanchez.



MORE PLAY
↓



High speed and more here

As of August 20, all LOPD offices have launched extra highspeed internet. And in a few more weeks, the speed will increase again -- up to 60 times faster than current speeds -- IT Director Matt Bevington said.



IT Director
Matt Bevington

The change is part of a broad package of IT upgrades including increased email and data storage.

Bevington said those changes alone are a benefit to the department, but there is even more to look forward to.

"There are some really big things coming," he said.

Details of those changes aren't formalized yet, as some policy decisions are still in the works.

In addition to the the highspeed internet upgrades, Bevington said all offices are now equipped with failsafe backup internet service in the case of an outage in one of the internet lines.

"So if one malfunctions, the other will work," he said. "And it all should remove downtime."

Commissioners, one new, accept posts

The state's chief justice has appointed two members of the LOPD Commission.

The Hon. Michael Vigil, retired, has been reappointed to his post.

The Hon. Richard Bosson, retired, was appointed to the seat held by former UNM School of Law Dean Leo Romero.



Hon. Richard
Bosson

The two join Thomas Joseph Clear III, Raymond Sanchez, Daniel Banks, Hugh Dangler, Traci Neff , Naomi Salazar, Melissa Sawyers and Michael Stout. One chair remains vacant following the departure of Commissioner Ahmad Assed.



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