

FY 2027

July 1, 2026 – June 30, 2027

Annual Report and Strategic Plan



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

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301 N. Guadalupe Street, Santa Fe, NM 87501

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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. 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

Gina Maestas, Albuquerque, Chair
Raymond Sanchez, Albuquerque, Vice Chair
Sheila Lewis, Santa Fe
Justice Richard Bosson, Ret., Santa Fe
Jacqueline Flores, Albuquerque
Maria Padilla, Albuquerque
Michael Sanchez, Belen
Melissa Sawyers, Hobbs
Peter Schoenberg, Albuquerque

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 2025, the New Mexico Public Defender Commission unanimously approved Chief Baur to a third, 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 programs for employees, litigation support (expert) services, and indigency and eligibility standards compliance.

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. LOPD administrative staff and leadership also participate in many court initiatives and programs developed and implemented by the New Mexico Supreme Court, Court of Appeals, District Courts, and the Metropolitan and Magistrate courts.



Justice Richard Bosson, Ret., swears in Maria Padilla to her Public Defender Commission seat in June 2025.



Deputy Chief Public Defender Cydni Sanchez

The Administrative Services Division (ASD) is overseen by Deputy Chief Public Defender Cydni Sanchez. The ASD team is comprised of fiscal, human resources, information technology, training and recruitment and communications staff as well as 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 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, annual reports, and leading the department's participation in a comprehensive workload study, 5-year plan, and strategic plan.

CLIENT ADVOCACY

Statewide Units

LOPD has several statewide units which offer specialized services for clients. These units are headed by the following positions:

- 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 a habeas corpus petition.

In FY25, the Appellate Division was assigned to represent clients in 259 cases before the appellate courts. While the overall number is slightly lower than FY24, the number of direct appeals to the Supreme Court, including capital cases and habeas appeals, is up 5% over FY24. The Appellate Division also provides daily on-call 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's analyses of proposed criminal legislation, called Fiscal Impact Reports. During the 2025 session, the division reviewed over 130 bills and prepared and submitted 103 agency FIRs to the Legislature.

- **Habeas Corpus Unit**

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 FY25, the Habeas Corpus Unit received 262 pre-appointment petitions for review and completed 269 pre-appointment reviews. The unit opened and assigned 76 cases with 74 of those cases assigned in-house. At the end of FY25 there were still 77 petitions pending before the Court, that they had not acted on, whether dismissing, returning to petitioner, or appointing LOPD.

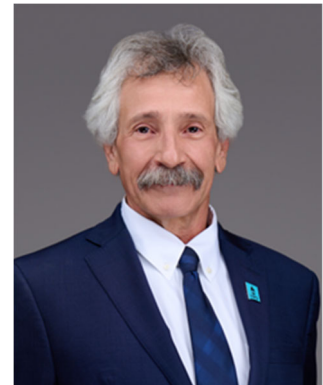
In FY23, the Supreme Court issued a decision in *State v. Thompson*, 2022-NMSC-023 regarding the failure to hold a 5-year parole review hearing for sex offenders. Numerous cases in the Habeas Corpus Unit had previously been stayed pending the New Mexico Supreme Court decision. Several of those cases have now been resolved. However, several others that were stayed

in the New Mexico Supreme Court have now been remanded down for further proceedings. This caused an uptick in 5-year parole duration review cases in FY24 and FY25.

In FY25, there were two cases joined in the Supreme Court relating to the remedy of “immediate discharge” for failure to hold a timely 5-year review hearing, Ronald Lusk S-1-SC-440112 and Jason Aragon S-1-SC-39172. Oral argument was heard on October 4, 2024. A decision was rendered by the NMSC on July 14, 2025, remanding the matter back to district court for evidentiary hearings. There are currently 32 cases within the unit that were stayed or pending briefing while awaiting the Aragon Decision. There are also approximately 21 additional cases that were stayed in the NMSC that will potentially be remanded for habeas evidentiary hearings.

Additionally, LOPD has seen an uptick in petitioners trying to file class action litigation after the decision in *Anderson v. State*, 2022-NMSC-019. The issue of whether the LOPD Habeas Corpus Unit can be properly appointed to represent in a class action matter is currently pending before the Supreme Court in *Franklin and Arroyo vs. State, et al*, S-1-SC-4087. Petitioners filed a habeas class action in the Third Judicial District. The court denied certification and severed the petitioners to proceed separately. Mr. Franklin then filed an appeal of the denial of certification, which was later transferred to the Supreme Court as a writ of certiorari. Briefing is currently pending. Depending on the outcome of this case, LOPD Habeas Corpus Unit can be severely impacted if ordered to represent in class action litigation.

The Appellate Division is managed by an appellate defender and the Habeas Corpus Unit is managed by a managing attorney. Both units report to Deputy Chief Philip Larragoite. 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 FY19, LOPD reorganized the structure through which clients charged with serious violent felonies are represented by creating the Major Crimes Defender Unit with offices in Albuquerque, Roswell, and Las Cruces. The Unit’s goal is to ensure that every rural client’s representation is as experienced as that given to clients in more populous areas. Additionally, the unit coordinates with managers in rural areas to provide support and training 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 client needs and matching the client with the available community services. There are currently 28 staff in the Social Work Unit with Social Workers or Case Managers in every LOPD district office. LOPD Case Managers and Social Workers work mostly with felony cases, including with the Major

Crimes Unit, as well as on serious violent offenses, probation violation cases, and with young adults and juveniles.

Successfully serving an adult or juvenile client charged with a criminal offense requires addressing the collateral consequences of arrest and conviction like loss of housing, removal of children, or deportation as well as basic and behavioral health needs including food, housing, and services for mental health and substance use disorders. This requires a Social Work Unit knowledgeable in the law as well as problem-solving, human behavior, and community resources. LOPD's social workers are a great asset in efforts to increase the availability of holistic defense. Our attorneys and the Social Work Unit engage with clients who are indigent and create a model of legal representation that may reduce incarceration as well as the consequences of legal involvement.

The Unit assists clients with addressing challenges by conducting interviews for intake, assessment, referral, and reassessment. The Unit reviews records, provides progress notes, and assists with treatment and service planning as well as maintains regular contact with clients and crisis or emergency services as needed. Additionally, the Unit works to establish community relationships to break down barriers that prevent clients from accessing services and having their needs met.

Licensed Social Workers, practicing in the forensic environment, apply social work principles and practices to evaluate cases and make recommendations to lawyers and judges. They often offer insight into issues of psychological competence and criminal responsibility. They coordinate access to services with agencies and institutions, including hospitals, mental health centers, and addiction recovery services. They connect clients with resources while providing support for clients and their social systems.

Social Workers assist attorneys by researching client histories and illuminating mitigating circumstances, while assessing biological, psychological, and social needs. From there, the Unit can develop treatment or service plans and provide competency recommendations. Social Workers can also support the client to participate in their own defense.

Case Managers assist with placement, housing referrals, obtaining vital documents such as a birth certificate or Social Security card needed to apply for Income Support and other benefits. Case Managers assist clients with filling out applications and provide referrals for mental health services, counseling, and medical services. Case Management also refer for substance abuse treatment which include out-patient, intensive outpatient, and in-patient programs.

Case Managers and Social Workers meet the client where they are: in detention centers, in the office, or in the community. Depending on the circumstances, they may meet people in their homes.

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 a commonly considered collateral consequence, convictions and pleas also affect one's eligibility for social services including housing programs, treatment programs, and employment programs.

Public Defender District Offices

LOPD district offices deliver highly competent, quality legal services through 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.



Deputy Chief Public
Defender Jennifer Barela

Deputy Chief Barela has spent a majority of her legal career working in indigent defense. She earned her law degree from the UNM School of Law 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

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

Twelfth Judicial District Office – Otero and Lincoln Counties

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



Mountain Trial Skills

Salt Lake City



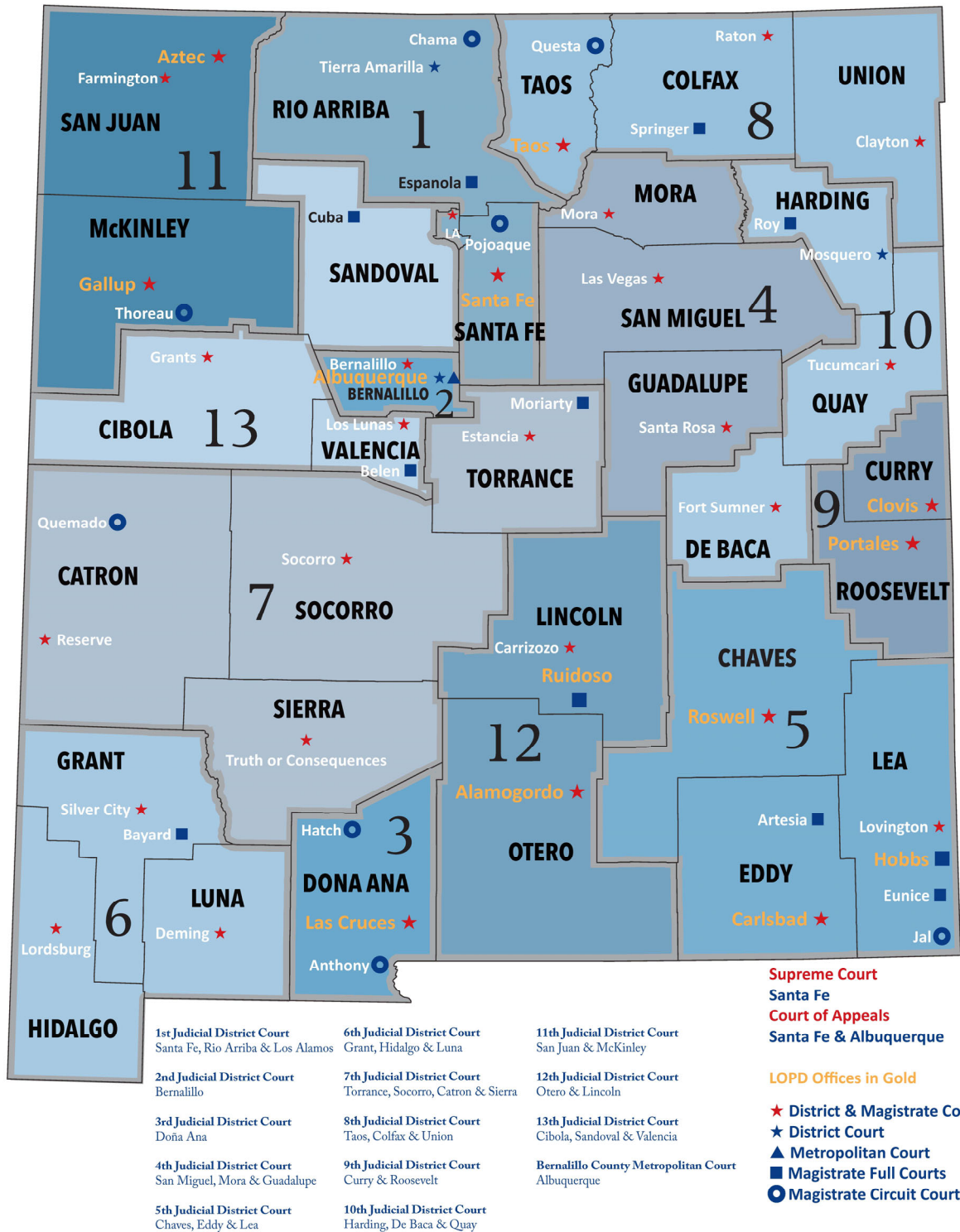
NEW MEXICO
LAW OFFICES OF THE
PUBLIC DEFENDER



Map of New Mexico Courts and LOPD Offices

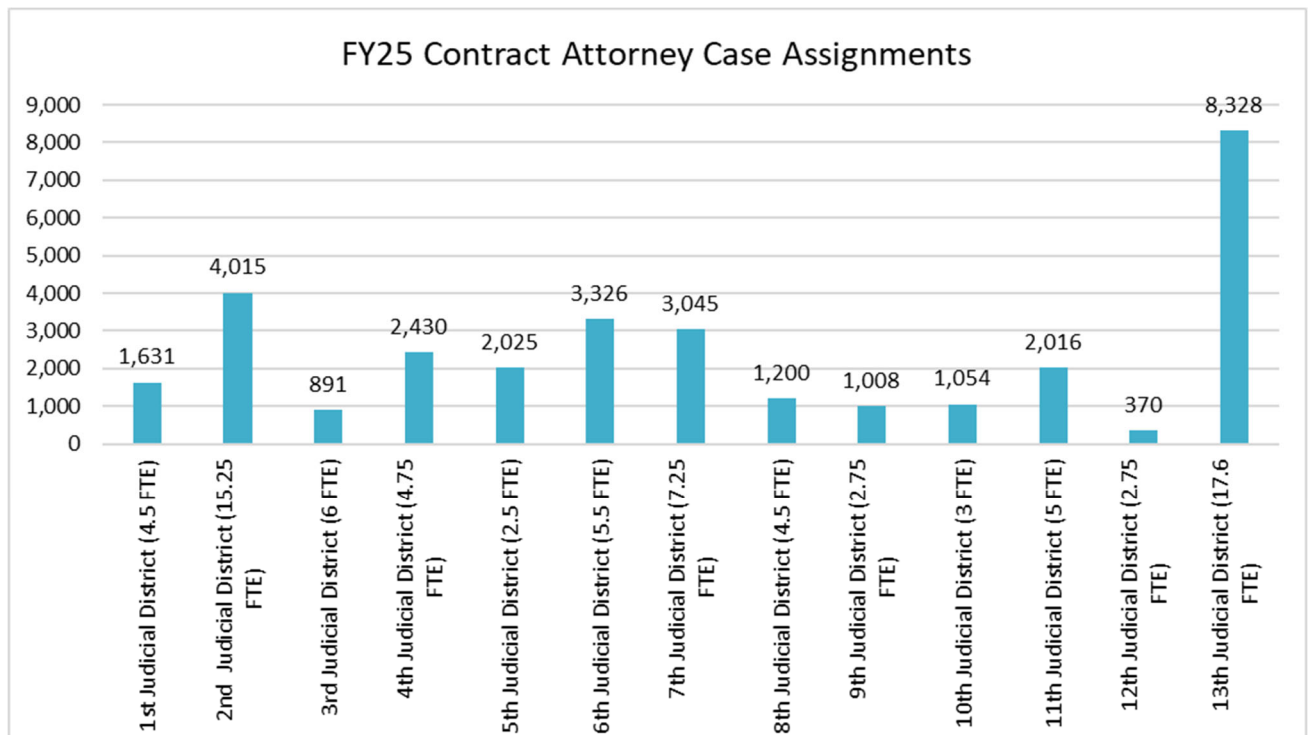


LAW OFFICES OF THE PUBLIC DEFENDER and NEW MEXICO COURTS



- 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 when 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 monitors and manages approximately 81 private attorneys who contract with LOPD. In FY25, contract attorneys were assigned 31,339 cases (approximately 33% of the cases assigned by LOPD), with most of those cases being in areas without LOPD offices.



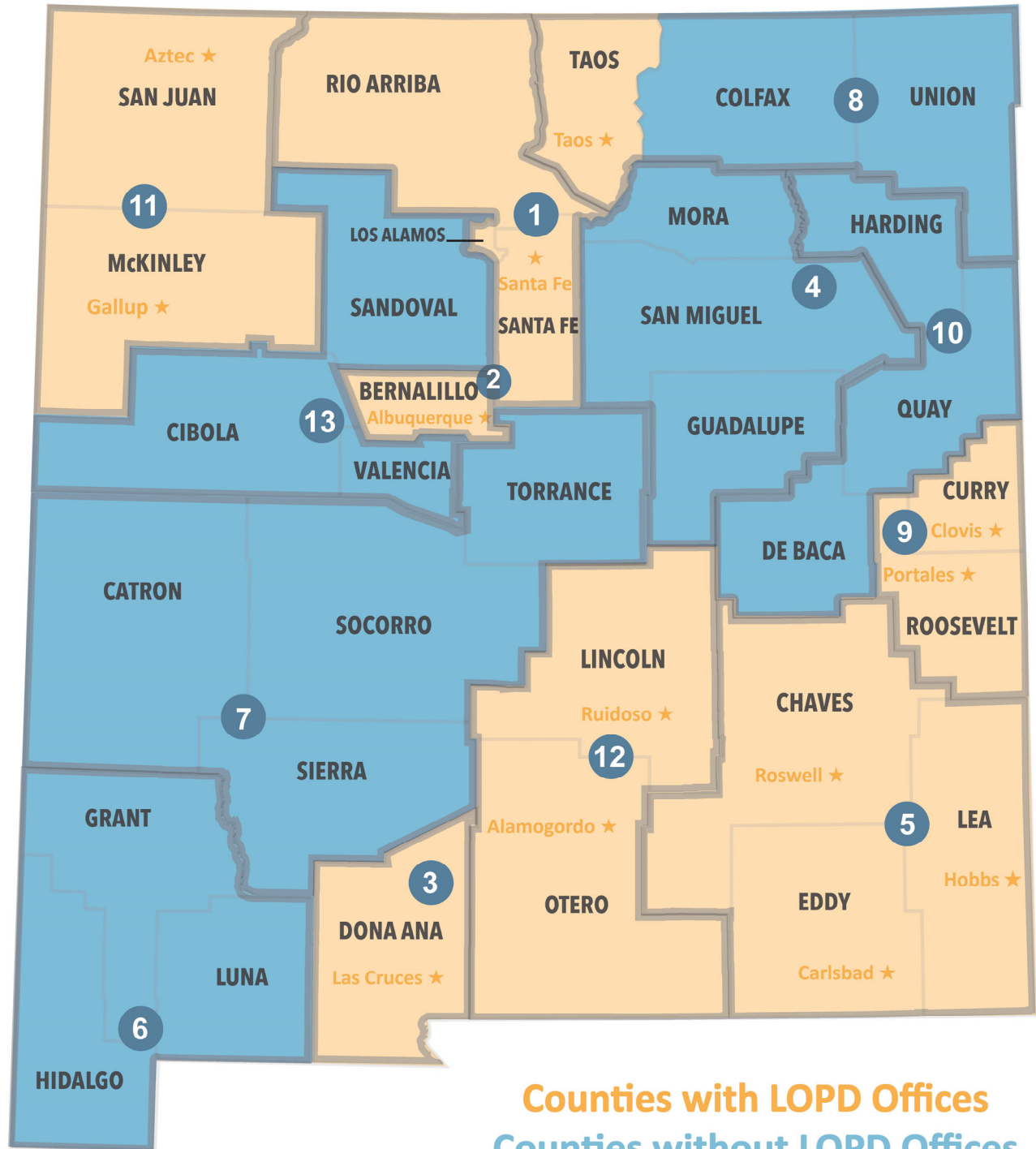
Deputy Chief Public
Defender Randy Chavez

The CCLS unit and the contract attorneys are managed by the Deputy Chief Public Defender of Contract Counsel Legal Services, Randy Chavez. Randy Chavez is a native New Mexican raised in Cuba, New Mexico. He earned his law degree from UNM School of Law 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



LAW OFFICES OF THE PUBLIC DEFENDER

Criminal Legal Services Program

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.

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.

"Injustice anywhere is a threat to justice everywhere."

Dr. Martin Luther King, Jr.

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 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

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.



Attorneys James Altamirano, left, and Greg Shearer, third from left, work with their client during his trial. This photo was taken by and featured in the Santa Fe New Mexican.

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 past and current 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 Coordinating Council, 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, and mental health advisory and other taskforces at the local levels throughout the state.

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.

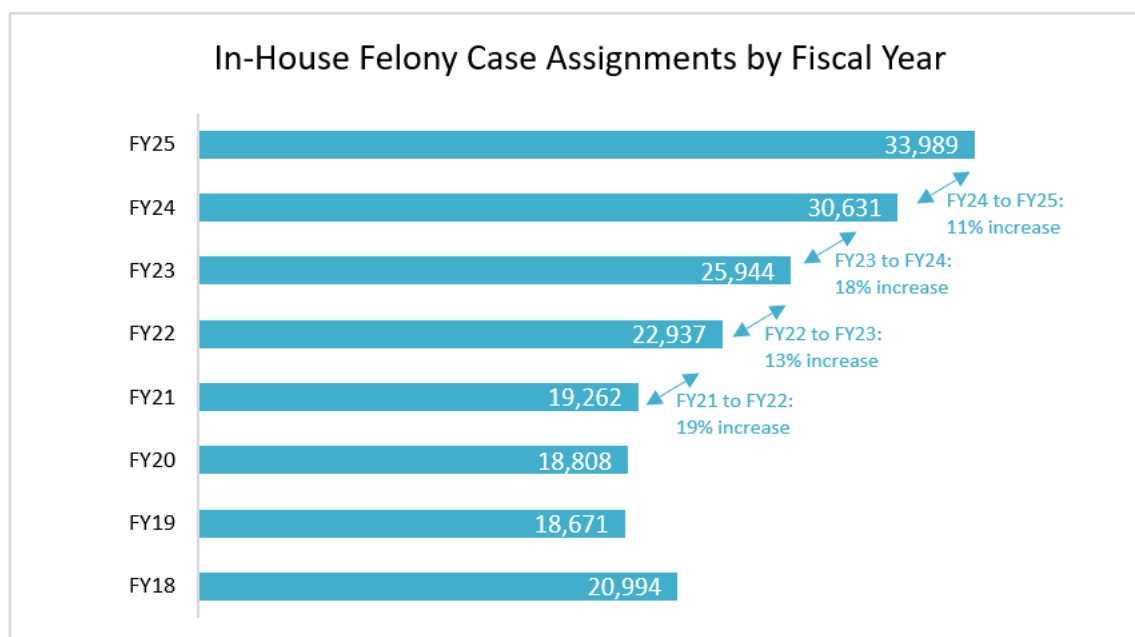


LOPD Commissioner Peter Schoenburg, Deputy Dir. Fiscal Robert Cardon, Deputy Chief Randy Chavez, CFO Debbie O'Dell, Chief Ben Baur, Commission Chair Gina Maestas, Deputy Chief Cydni Sanchez, Deputy Chief Jennifer Barela, HR Dir. Ronald Herrera, Deputy Dir. Policy & Administration Theresa Edwards, General Counsel Adrienne Turner.

CRITICAL CHALLENGES AND EFFORTS TO ADDRESS THEM

Caseloads

Felony caseloads remain a primary concern for the agency as FY26 projections continue to show felony case assignments far surpassing pre-COVID levels, a trend the rest of the criminal legal system is also reflecting. The rising number of felony cases - particularly murder cases - paired with a limited pool of available attorneys is a serious concern. Felony cases, especially murders, are highly complex and demand significantly more time, attention, and resources than other case types.

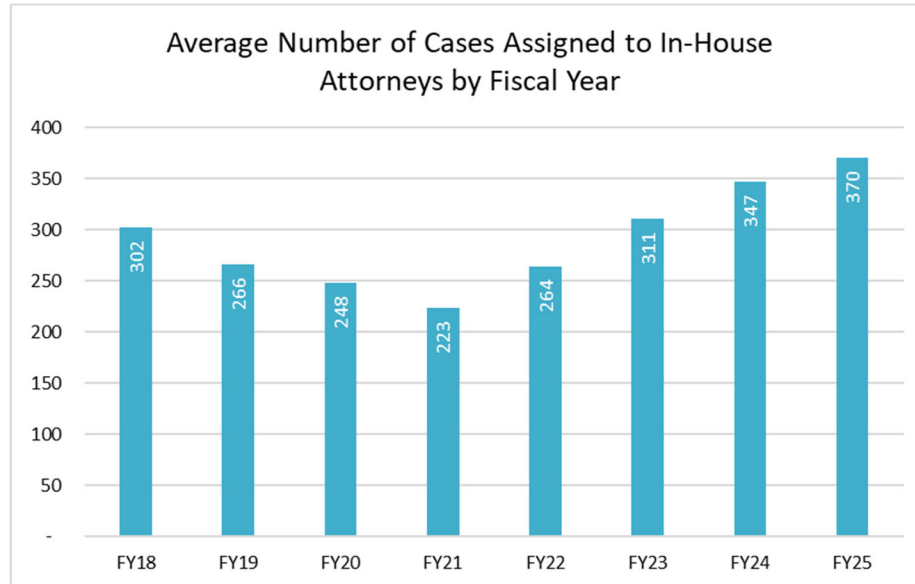


In FY25, LOPD assigned 93,756 cases. Due to LOPD's efforts to increase retention and stability in staffing, combined with the implementation of statewide data entry standards and criminal justice reform, case assignments declined slightly from FY19 to FY21, but then increased in FY22 and well surpassed pre-pandemic levels in FY25 as seen on the graph below.

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 FY25, LOPD in-house attorneys were assigned a total of 370 cases (201 felony cases, 9 juvenile cases, and 160 misdemeanor cases) on average for each attorney. Contract attorneys were

assigned an average of 370 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

In early 2022, LOPD established itself as a national leader in public defense by completing a comprehensive workload study (partly funded by the LFC) and was the first in the nation to pursue a 5-year plan to achieve the goals of the study. The reports’ findings emphasized LOPD needs 602 additional attorneys, as well as requisite support staff, assuming no demand side factors change. Demand side factors include reducing caseloads through decriminalization of non-violent crimes with no victim and sentencing reform. The study and plan also do not account for additional the staffing and attorneys required when judgeships are added to any courthouses statewide.

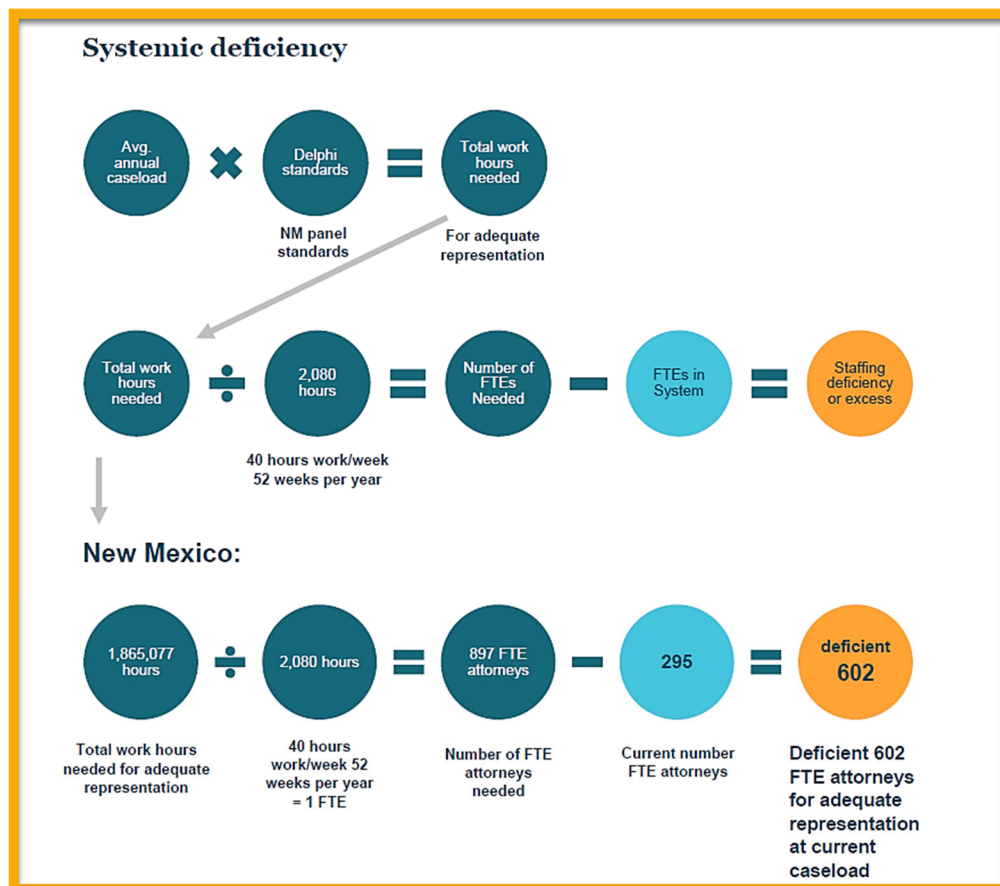
The New Mexico Project Reports

[Workload Study](#)

[Five Year Plan](#)

Available at lopdm.us/about-us/

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. The department added 8 new attorney FTE in FY23, 3 new attorney FTE in FY24, and 5 new attorney FTE in FY25. These FTE were assigned mostly to rural districts.



Shortage of Contract Defenders

Building on the issues identified in the Workload Study, 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. Recruitment competition for attorneys with criminal experience impacts the defense of indigent clients in communities without local public defender offices.

In FY24, 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 six decades. The comparison of the FY23 rates and FY24 rates is shown below. There have been no changes to base rates since FY24.

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 DW/DV	\$300.00	\$360.00
Misdemeanor (other)	\$180.00	\$220.00

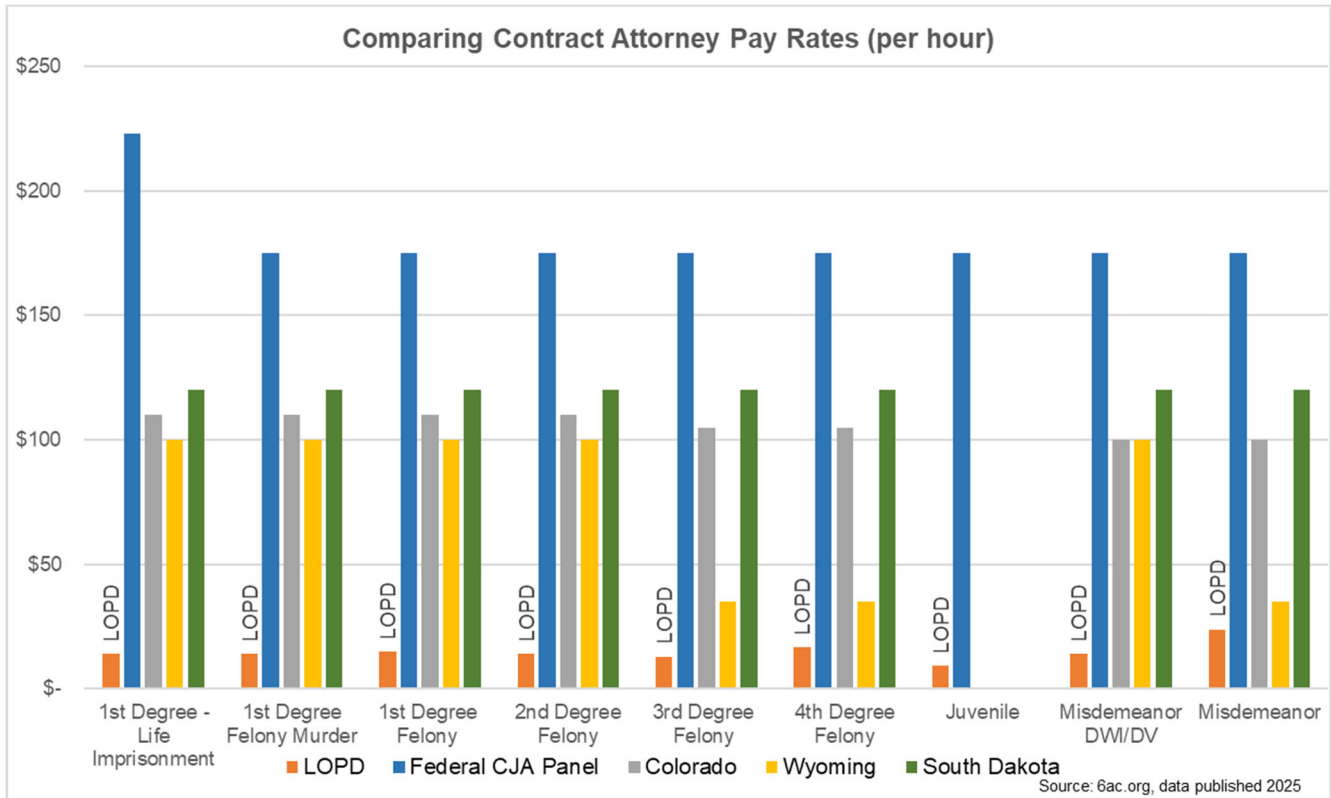
The State of New Mexico pays contract lawyers in civil cases \$150 (for those with zero to two years of experience) to \$225 (for over ten years of experience) **per hour** to protect the State's money through the Risk Management Division's contracts. Those hourly rates are laid out in the chart on the next page. Public defender contract attorneys are paid low base rates compared to their counterparts, with those contracted by district attorney offices earning \$150 per hour and those contracted for civil matters by the State of New Mexico receiving substantially higher compensation—highlighting a significant disparity in pay for comparable professional services.

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 an hourly rate of \$175 in non-capital cases, and, in capital cases, a maximum hourly rate of \$223.

NM Risk Management Division (Civil Cases)			
Years of Experience	FY23 Hourly Rates	FY24 Hourly Rates	Hourly Rate Percent Increase YOY
0-2 years	\$95	\$150	57.9%
2-5 years	\$125	\$175	40.0%
5-10 years	\$145	\$200	37.9%
10 years +	\$165	\$225	36.4%

The following chart compares, as of 2025, 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.



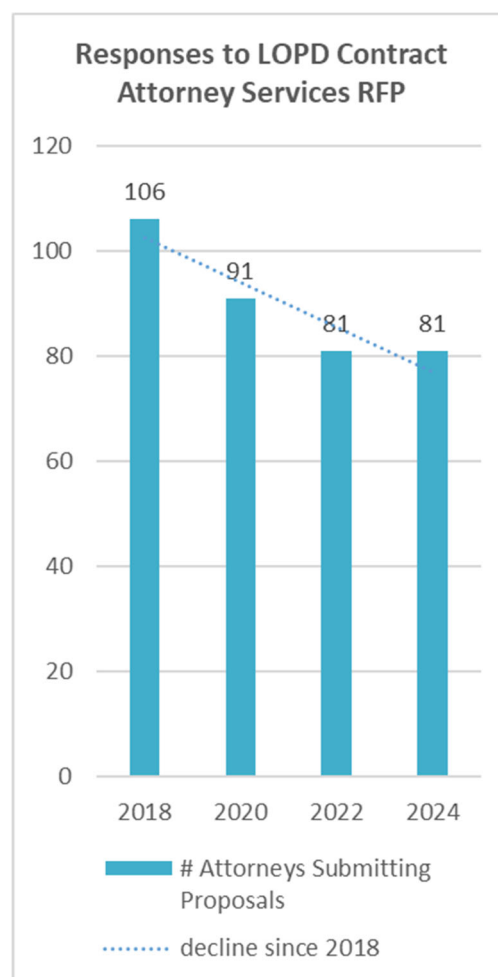
Accordingly, the New Mexico Public Defender Commission and LOPD support a minimum \$150 per hour to compensate contract defenders– the same as many DA special prosecutors. This hourly rate would better provide for constitutionally effective indigent defense, ensure accountability through their billing invoices and achieve the goal of providing true legal services to each client as guaranteed under the New Mexico and United States Constitutions.

Contracts with attorneys 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.

Pursuant to a Request for Proposals (RFP) issued in April of 2024, LOPD's Contract Counsel Legal Services (CCLS) completed execution of its contracts, effective November 1, 2024. The RFP was sent out to all private defense attorneys requesting those interested to submit a Proposal. Contract Attorneys execute a contract with CCLS to represent indigent clients in jurisdictions where LOPD does not have a district office, and, on conflict cases, in districts where there is a local LOPD office.

Overall, there was a decrease in attorneys submitting proposals. In 2018, there were 106 attorneys who submitted proposals, while in 2024, there were only 81. Although some of the contractors retired, others chose not to submit 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, the Judiciary, or relocating outside of New Mexico.

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.



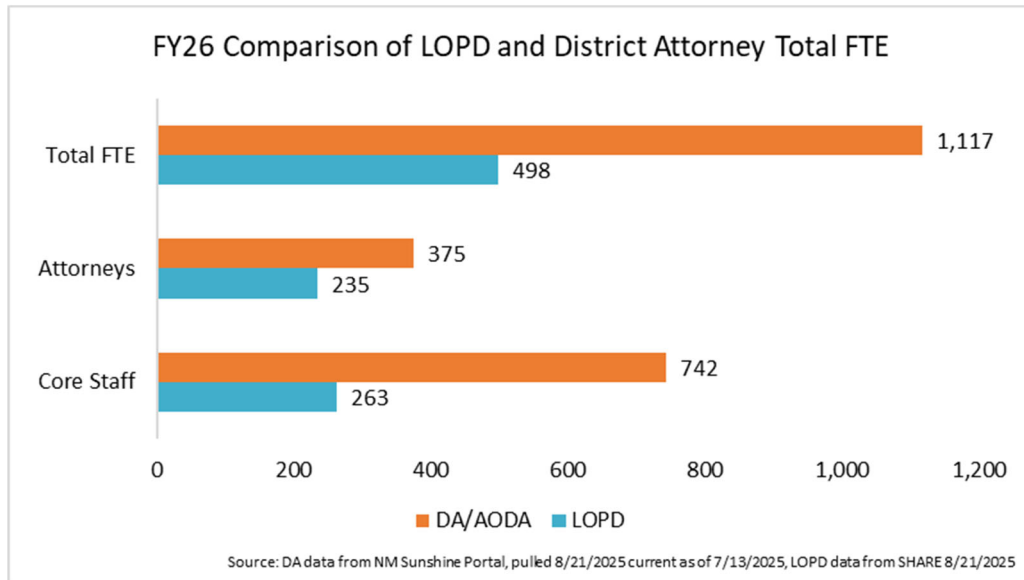
Every fiscal year, the LOPD submits a budget request seeking additional funds for complex case litigation and funds for the use of expert witnesses in complex cases. Paying hourly rates on serious cases and allowing for complex case compensation appears to be the only way to entice other attorneys to 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.

To help address all of these challenges, LOPD undertook a new study, in partnership with Moss Adams and Malia Brink, a national expert on public defense standards and structure, to develop a multi-year plan with realistic timeframes and estimated costs to transition from base rates to an hourly wage model. The plan, which was released in October 2024, incorporates the projected number of contract attorneys and required funding to provide effective assistance of counsel based on the New Mexico Project, published in January 2022. Transitioning from LOPD's current base rate system to hourly rates is not only a matter of fairness and good fiscal oversight, it is a critical step toward ensuring universal high-quality public defense services in New Mexico.

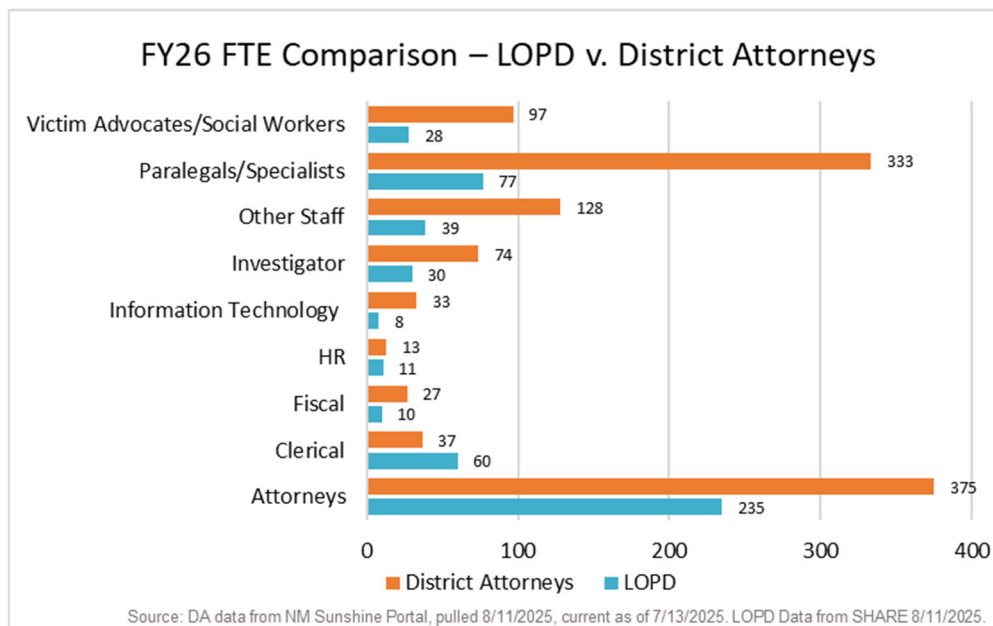
Public Defense Funding and Necessary Staffing Levels

LOPD appreciates the legislative commitment to help better align budget with mission so the Department may fulfill its constitutional mandate to provide effective assistance of counsel to its

clients. However, as shown in the chart below, the gap between the district attorney workforce compared to public defense workforce is stark. 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.



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). These charts and graphs do not include the resources provided to DA offices by local and state law enforcement.



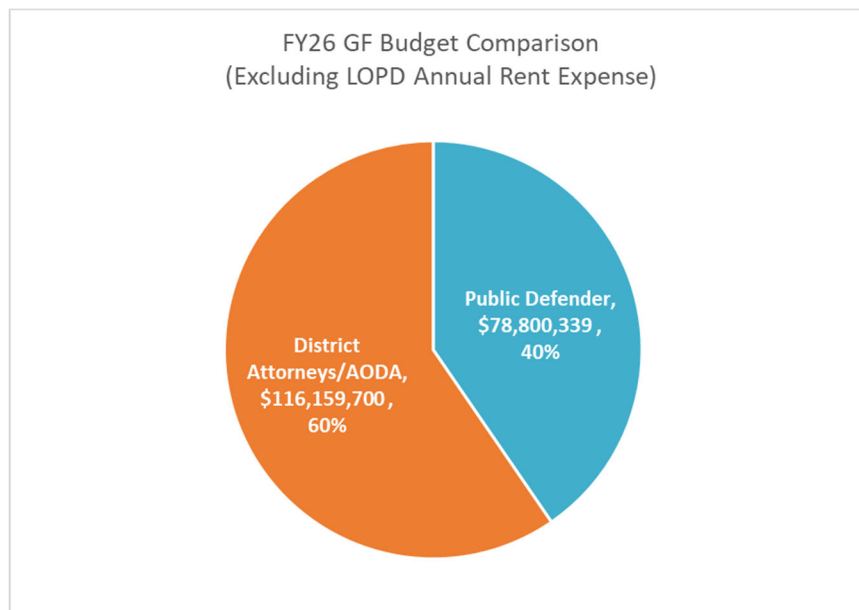
Including vacant FTE, LOPD has 41 administrative staff FTE dedicated to serving 507 FTE and about 80 contractors, while also auditing and monitoring invoicing by contract defenders. Administrative staff includes fiscal, human resources, information technology, and statewide administrative support staff.

AODA and the district attorney's offices have a total of 742 core staff FTE and 375 attorney FTE including vacancies. 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.

	DA/AODA	LOPD	Defense to Prosecution Staffing Ratio (%)
Core Staff	742	263	35%
Attorneys	375	235	63%
Total FTE	1,117	498	45%

Source: Sunshine Portal/SHARE

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.



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 public service legal community for attorneys 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



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.

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.

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.

LOPD has set up a very successful paid externship program using previously available Public Attorney Workforce Capacity Building funds. LOPD is requesting special appropriation funding to continue this program for next summer. Externs are paid \$10,000 to work in the 1st, 2nd, and 3rd judicial districts and \$12,000 to work in rural districts.

In FY24, LOPD received 60 applications and placed 13 externs in judicial districts around the state. Of the placed applicants, 4 were second year law students and 9 were third year law students. LOPD hired 6 externs during their third year of law school, with their employment set to begin upon graduation and successful completion of the bar exam. In FY25, LOPD received 44 applications and placed 20 externs around the state. Of note, the application window was shorter, limiting the number of applications received. Of the placed externs, 13 were second year law students and seven were third year law students. LOPD has hired two as full-time defenders so far.

LOPD has worked diligently to develop this pipeline to recruit undergraduates and law students to join LOPD. A huge obstacle for law students in participating in internships is funding as they have little to no income and are unable to move cross county, or even from Albuquerque to rural communities, to participate in the program. 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 paying rent at their home while finding new housing in another community for 12 weeks.

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. LOPD continues to pinpoint law schools with strong public interest programs and funding allocated for internships or externships with the goal is to develop pipelines by securing students dedicated to indigent defense for a summer. In FY25, LOPD will continue to focus on developing relationships with law schools by participating in tabling and on campus interview events.

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.

The program continues to expand and adjust to changes in the applicant pool and organizational needs. 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. The training includes an on-line, self-paced curriculum that can be reviewed if needed. There are weekly trainings on different topics and two in person intensive workshops that focus on client communication and trial skills. These trainings fulfill the new attorneys Bridge the Gap participation required by the NM State Bar. 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.

Results From our Innovative Hiring Program

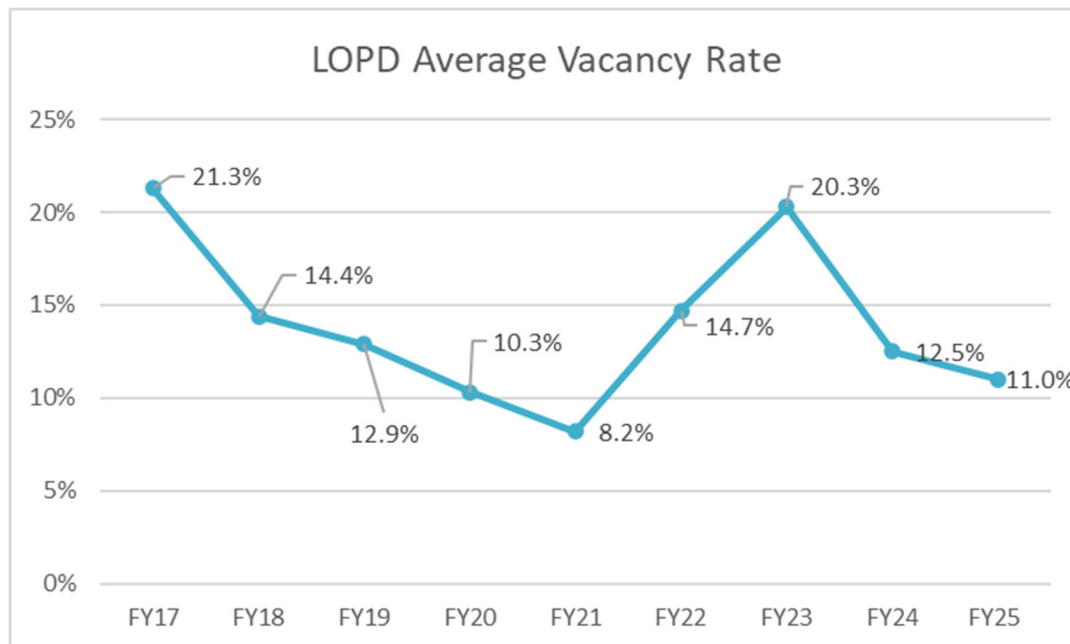
Diversity and Inclusion

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. As of August 2025, almost 70% of managing attorneys are female. In addition to gender equity, the department has made steady improvement in racial diversity of core staff and attorneys.

Vacancy Rate

Due to proactive recruitment, such as the limited practitioner program and creative placement of positions, LOPD has diligently worked to reduce vacancies. LOPD has evaluated the hiring process to eliminate delay, proactively planned for anticipated retirements or resignations, and diligently hired new employees.

The average vacancy rate for FY25 was 11% (FY24 was 12.5%). LOPD is pleased to report that the core staff vacancy rate was reduced to as low as 4.7%. Attorney positions are an ongoing struggle to fill with the vacancy rate hovering around 16.5% (FY24 was 18%) statewide. Historically, the biggest dip in the vacancy rate for attorneys occurs in the fall, after the new law student graduate hires are sworn in.



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 FY25, the department provided virtual and in person trainings for all employees.

LOPD held its in-person conference in June 2025 for attorneys to earn their continuing education credits while convening with their colleagues from around the state. Attorneys were trained by in-house attorneys on statutory case law updates, Indian law and working with clients with mental health issues. There were also trainers from around the country presenting on time management, Storytelling and an ethical approach to preparing clients to testify. In 2025, LOPD expanded its focus to provide training to its core staff on de-escalation and customer service.

We also place a strong emphasis on professional development for our core staff. Over the past year, we partnered with the National Association for Public Defense (NAPD) to deliver de-escalation training across the state, reaching more than 150+ core staff members from every district office. This 3.5-hour training equipped participants with practical strategies for navigating difficult interactions, emphasizing the use of words, body language, and gestures to help defuse tense

situations. Members of our administration joined trainer Stephanie Thornton at 4 regional offices in person, providing not only the training itself but also an opportunity to connect directly with staff. These sessions strengthened staff skills, enhanced workplace safety, and reinforced our commitment to investing in the people who are essential to supporting our clients and offices every day.

Strategic Planning

Process

In FY21, 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.

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

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

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.

Public Attorney Fund

The legislature created the Public Attorney Workforce Capacity Building Fund, which provided funding in FY24 for the recruitment and retention of public defenders and prosecutors. The funding was intended to provide a total of \$2 million dollars over two fiscal years; however, due to appropriation languages errors, LOPD did not receive the full amount allocated. Instead, the legislature appropriated \$675,300 to LOPD as a special appropriation and \$1.2 million to the district attorneys as a supplemental appropriation. LOPD expects FY26 to be the last year funding is available.

LOPD utilized the Public Attorney Fund to provide summer stipends of up to \$10,000 to law students in FY24, a program LOPD is looking to continue and expand using other sources of funding. See page 27 for more details.

Crime Reduction Grant Act

In FY23 and FY24, 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 FY23 and FY24, LOPD secured grants through the New Mexico Sentencing Commission to fund the recruitment and retention bonuses for attorneys in rural communities. LOPD secured over \$440,000 in FY23 and over \$215,000 in FY24 to payout the bonuses.

LOPD received FY25 awards totaling \$124,700 to continue staffing a paralegal to support clients by working with the Second Judicial District's Resource Reentry center and to continue Bernalillo County Warrant Forgiveness Walk-In Programs.

For FY26, LOPD received \$126,350, including \$675 each for the 1st and 12th Judicial Districts for client bus passes, \$35,000 for the 2nd Judicial District and \$30,000 for the 1st Judicial District for safe surrender warrant workshops, \$60,000 to continue staffing a paralegal to provide direct client services and work with the 2nd Judicial District's Resource Reentry center.

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 resulted in attorneys receiving between \$6,000 and \$10,500 in additional annual compensation, depending on the district office location.

LOPD also utilized grants from the Public Attorney Fund, authorized by the Legislature, to provide additional geographic pay differential amounts to attorneys. Additional annual compensation ranges from \$2,900 in Albuquerque to \$5,000 in remaining offices.

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 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.

Outstanding Young Lawyer of the Year



EDDIE RAMIREZ

The State Bar of New Mexico has chosen our own Eddie Ramirez in the Hobbs office as the state's Outstanding Young Lawyer of the Year.

The award is given "to attorneys who have, during the formative stages of their legal careers, by their ethical and personal conduct, exemplified for their fellow attorneys the epitome of professionalism, demonstrating a commitment to clients' causes and to public service, enhancing the image of the legal profession in the eyes of the public."



His Hobbs colleagues nominated him for the award, saying "He cares deeply for his clients and works tirelessly to meet their needs and expectations. Not only does he work on the case, but he strives to put each client in a position to do well after their case has been resolved. He is one of the best advocates when attempting to get clients resources and tools to help better their life. He is persistent in the best possible way as an advocate. Mr. Ramirez is a phenomenal advocate who has demonstrated a steadfast commitment to his clients."



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. Public defenders serve prominent roles in NMCDLA leadership. Additionally, they contribute their expertise through trainings and CLEs.

Washington, DC conference with NLADA

Chief Baur this month joined a panel presenting to the American Council of Chief Defenders in Washington, DC. The Council, part of the National Legal Aid and Defender Association, invited Ben to speak with other chiefs about community engagement, workload issues and leadership. The conference included a trip to the Capitol to visit with legislators.



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.

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

Several offices across the state, most notably the Albuquerque office, have launched community-based warrant workshops. These are day-long sessions with public defenders, prosecutors and support providers available for people with arrest warrants to consult and manage their warrant in a safe environment. More than 300 warrants have been addressed in Albuquerque in the FY25 warrant workshops. Additional workshops in Santa Fe have also assisted residents with warrants.

The Aztec office launched a client education project at their local integration center. Led by Social Worker Sonnie Rodriguez, the project installed an education station along with a phone charging station in the exit room for people released from the county jail. The station offers contact information for resources in the community, including our office.

Support for re-entry services

San Juan County officials celebrate the ribbon cutting of a Reentry Resource Center at the San Juan County Adult Detention Center. The Resource Center is a project of Leadership San Juan class of 2024.



We Are Part of the Story



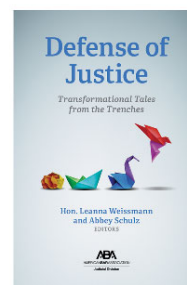
The Department continues to use media outreach and social media to connect with clients and communities across the state and nation. LOPD Communications Director Maggie Shepard works closely with the district offices to coordinate incoming television, radio, and print media interview requests in addition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

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. These videos will also be featured on the department's social media, which not includes a Facebook page, and Instagram channel and a Twitter feed.

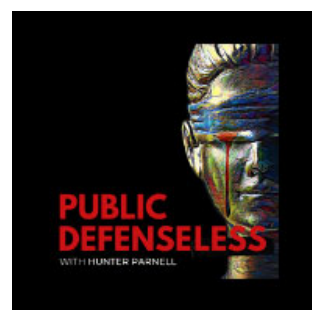


We Are Key Players

The American Bar Association is putting out a compilation of writing about public defense - and New Mexico is making a strong showing in it. Four essays and a poem from LOPD staff have been accepted to the publication, which should be out sometime this year. Accepted authors include Santa Fe attorneys Jennifer Burrill and Isaac Jeantete; Las Cruces attorney James Tiu; and Hobbs investigator Gabrielle Arsiaga.



LOPD leaders and employees continue to be invited to be invited to participate in podcasts and television appearances that discuss public defense issues and public safety. Chief Ben Baur as participated in the Public Defenseless podcast twice, along with Communications Director Maggie Shepard and Taos attorney Travis Weiner. The podcast is in the top 50 legal podcasts.



FY26 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 all FTE allocated 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 public 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. LOPD will continue working on an hourly rate model and transition plan with suggested transition phases and estimated costs.
 - 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. 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 FY27 budget request to hire an additional 29 FTE.
- b. Action Step: LOPD will seek advocacy assistance from the New Mexico Public Defender Commission, the criminal defense bar, and the New Mexico State Bar to advocate support from the Legislature and Executive for adequate funding and compensation for contractors.

PERFORMANCE MEASURES

1. Number of alternative sentencing treatment placements in felony, misdemeanor, and juvenile cases.
2. Average cases assigned to attorneys yearly (*staff and contract attorney assignments in each county*).
3. Average time to case disposition (*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.