

*New Mexico*

*Law Offices of the Public Defender*



*Fiscal Year 2016 Strategic Plan*

(July 1, 2015 to June 30, 2016)

**THE LAW OFFICES OF THE PUBLIC DEFENDER**  
**STRATEGIC PLAN**  
Fiscal Year 2016

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## **EXECUTIVE SUMMARY**

### **General Background: The Law Offices of the Public Defender**

The mandate of the Law Offices of the Public Defender (hereinafter LOPD) is to fulfill New Mexico's constitutional and statutory guarantees of providing legal services to indigent adults and juveniles charged with criminal or delinquent acts in New Mexico. The LOPD provides legal counsel in every state court: the New Mexico Supreme Court, the New Mexico Court of Appeals, 15 District Courts, the Bernalillo County Metropolitan Court, and 25 Magistrate Courts. The New Mexico Public Defender Act, Sections 31-15-1 through 31-15-12, NMSA 1978, requires the LOPD 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.

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 (hereinafter Commission). The Commission is charged with the selection of the Chief Public Defender, setting fair and consistent standards for the operation of the LOPD, and approval of the annual budget. The Chief Public Defender, appointed to a four year term, is responsible for managing all day to day operations of the LOPD.

Adequate funding is critical to the LOPD's ability to meet its constitutional and statutory mandate by engaging its' clients, training lawyers and staff, conducting investigation and discovery activities, and preparing for hearings and trials. The LOPD serves a vital role in the criminal justice system by ensuring fairness in the criminal justice process, protecting every New Mexican's constitutional rights, and guaranteeing "equal justice under the law" for the less privileged citizens of New Mexico. The LOPD also strives to reduce criminal recidivism in New Mexico communities by providing treatment guidance through the LOPD's social services, assisting clients with reintegration efforts, supporting numerous treatment courts statewide, and participating in other innovative criminal justice reforms.

The LOPD provides legal services in every county and every judicial district in New Mexico. The LOPD is the largest law firm in the State of New Mexico, employing approximately 226 staff attorneys, 180 support staff, and contracting the legal services of another 160 lawyers statewide. In FY2014, these attorneys represented clients in 70,152 new cases.

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The LOPD's delivery of services system has four major overlapping service components: Judicial District Office Operations, Statewide Units, Administration and Contract Counsel Legal Services. Each of these areas is generally described as follows:

**Administration**

Located in Santa Fe, 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 plant operations and leasehold management, training and staff development, litigation support (expert) services, indigency and eligibility standards compliance, and contract fee reimbursement for legal services provided to non-indigent public defender clients who pay for legal services on a sliding scale.

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

The LOPD's administrative staff 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. The LOPD's administrators provide formal testimony to legislative committees and interim committees, bill analysis, and substantive written information on a full range of issues directly and indirectly impacting client representation in the trial and appellate courts. The chief and deputy chiefs serve on a number of task forces, advisory committees and councils which shape public policy, criminal justice initiatives and legislation in New Mexico. Finally, LOPD administrative staff participates in many court initiatives and programs developed and implemented by the New Mexico Supreme Court, Court of Appeals, District Courts, and the Metropolitan/Magistrate courts.

**Statewide Units**

The LOPD has the following statewide units which offer specialized, statewide legal services for public defender clients.

**Appellate Division**

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With a main office in Santa Fe and a satellite office in Albuquerque, the LOPD's appellate division provides post-conviction representation in public defender cases on direct appeal before the New Mexico Supreme Court, the Court of Appeals and in the Second Judicial District Court "on record" appeals from the Bernalillo County Metropolitan Court. Additionally, the appellate division provides appellate counsel for interlocutory appeals of dispositive legal issues worthy of appellate review prior to final disposition in the district courts. The appellate division also provides daily "Appellate Attorney on Duty" assistance to all public defender and contract attorneys statewide. The Appellate Defender, appointed by the Chief Public Defender, hires and supervises appellate attorneys and support staff. The LOPD's appellate lawyers and contract appellate lawyers use the LOPD's written standards for appellate practice as a best practices model.

In FY14, in order to increase efficiency, provide greater service and save costs, the Appellate Division merged with the Habeas Corpus Unit. The Habeas Corpus Unit, based in Albuquerque, represents individuals who have completed the direct appeal process, and challenge their underlying criminal conviction on constitutional and other legal grounds. The Unit also represents prison inmates who, through habeas corpus petitions, raise critical issues concerning their treatment in prison, their sentence time credits, and their conditions of confinement.

### **Capital Crimes Unit**

The LOPD's Capital Crimes Unit (CCU) is headquartered in Albuquerque and defends first-degree murder and other homicide cases statewide. With the abolition of the death penalty in the 2009 legislative session, the Unit now focuses on defending both first degree murder cases and child abuse resulting-in-death cases. The Unit's ability to do complex motions practice allows it to develop the LOPD's protocol for cases which rely heavily on discovery from hospitals, and its experience in homicide, allows the Unit to be a quality control for statewide practice. Finally, the Unit will continue to track those few death-eligible cases that were unaffected by the 2009 repeal of the death penalty.

### **Mental Health Unit**

The LOPD's statewide Mental Health Unit is housed in Albuquerque and it provides direct and advisory/support services statewide. The unit's managing attorney, lawyers, social worker, and support staff work on a broad range of policy and program issues that impact people with mental illness or intellectual disabilities involved in the criminal and juvenile justice systems. Defendants who participate in the Judicial Supervision Program Court (mental health court) program are less likely to re-offend due to meeting their

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medication and housing needs. The LOPD helps to expand mental health court programs statewide by working with local LOPD district offices, district attorneys, the district courts, the Department of Health and other community service providers. With the assistance of the Mental Health Unit, new mental health courts were established in the 1<sup>st</sup> Judicial District Court, Santa Fe County, and in the 11<sup>th</sup> Judicial District Court, San Juan County in 2012. Finally, the Mental Health Unit plays an integral part in the development of Mental Health Court Standards statewide.

### **Regional/District Office Operations**

The large majority of the LOPD's services are delivered through the thirteen regional trial offices located in key population and caseload centers. Clients are represented from arrest through resolution of the case by approximately 221 staff trial lawyers in District Courts, Magistrate Courts, Children's Courts, and the Metropolitan Court. In FY2014, our lawyers represented clients in 47,014 cases throughout the state. The regional and district offices are supervised by District Public Defenders and managing attorneys who are appointed by the Chief Public Defender. District Public Defender's management efforts may be supported by attorney team leaders and sub-team leaders and by non-attorney law office administrators. The regional office management teams are responsible for staff hiring, office systems training, local supervision, case assignments, courtroom coverage, regional attorney training, and client legal representation.

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

The LOPD's statewide Contract Counsel Legal Services Unit organizes and oversees the contract attorney representation system. In those counties where the LOPD maintains district office operations, the unit's responsibility is assigning contract counsel in cases where the public defender attorney staff cannot represent the client for legal conflicts of interests. In judicial districts and counties<sup>1</sup> lacking district office operations, the unit must assign both primary and conflict of interest contract counsel. At any one time, the LOPD may monitor and manage approximately 160 on-going contracts with private attorneys who provide primary and conflict of interest case representation statewide. In FY2014, the Contract Counsel Legal Services division handled 23,138 cases, approximately 33% of the cases represented by the LOPD, most being in areas without LOPD Regional Offices.<sup>1</sup>

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<sup>1</sup> Counties and Judicial Districts completely serviced through Contract Counsel Legal Services operations include:

1. Fourth Judicial District (San Miguel, Mora, Guadalupe)
2. Sixth Judicial District (Grant, Luna, Hidalgo)
3. Seventh Judicial District (Sierra, Socorro, Torrance, Catron)
4. Eighth Judicial District (Union, Colfax)
5. Tenth Judicial District (Harding, De Baca, Quay)
6. Thirteenth Judicial District (Sandoval, Valencia, Cibola)

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District/Regional Offices Locations:

- 1) First & Eighth Judicial Districts - Santa Fe, Rio Arriba, Los Alamos and Taos Counties**
  - a). District Defender – First and Eighth Judicial Districts
  - b). Santa Fe Team Leader – First Judicial District, Santa Fe & Los Alamos
  - c). Managing Attorney – Eighth Judicial District, Taos
  
- 2) Second Judicial District Office – Albuquerque, Bernalillo County**
  - a). District Defender
  - b). Three Felony Team Leaders
  - c). One Metropolitan Court Team Leader
  - d). One Children’s Court Team Leader
  - d). Sub-team Leaders in Felony and in Metropolitan Court
  
- 3) Third Judicial District Office – Las Cruces, Dona Ana County**
  - a). District Defender
  - b). Two Felony Team Leaders
  - c). Magistrate Court Team Leader
  - d). Children’s Court Team Leader
  
- 4) Fifth Judicial District Offices – Lea, Chaves, and Eddy Counties**
  - a). District Defender
  - b). Managing Attorney – Carlsbad, New Mexico
  - c). Managing Attorney – Roswell, New Mexico
  - d). Managing Attorney – Hobbs, New Mexico
  
- 5) Ninth Judicial District Office – Curry and Roosevelt Counties**
  - a). District Defender
  - b). Supervising Attorney – Portales, New Mexico
  
- 6) Eleventh Judicial District Office – San Juan and McKinley Counties**
  - a). District Defender – Aztec, New Mexico
  - b). Managing Attorney – Gallup, New Mexico (Opened in 2012)
  
- 7) Twelfth Judicial District Office – Otero and Lincoln Counties**
  - a). District Defender
  - b). Supervising Attorney – Carrizozo, New Mexico

These district and regional offices provide legal counsel to the majority (67%) of the LOPD’s clients in a cost-effective and efficient manner. Our district/regional office

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operations deliver highly competent, quality legal services through the direct supervision and mentoring of staff lawyers by experienced trial attorneys.

## **AGENCY PROGRAMS**

### **Agency Mission**

The Law Offices of the Public Defender strives for the pursuit of justice and the protection of our constitutional rights. Our mission is to provide exemplary, caring and professional legal services to people charged with crimes in New Mexico. We stand for equal access to quality legal representation for all which improves their lives, reduces recidivism and makes the community safer.

### **Program Name**

The Law Offices of the Public Defender, State of New Mexico Public – Indigent Criminal Defense Legal Services

### **Program Purpose**

The purpose of the LOPD is to meet New Mexico’s Federal and State Constitutional mandates to provide effective legal representation and advocacy for indigent criminal defendants and to serve the community as a partner in assuring a fair and efficient criminal justice system.

### **Program Activities**

#### **Pre-Indictment Representation Tasks**

Pre-Indictment representation tasks include, but are not limited to: conducting pre-indictment investigations, interviews and plea negotiations; counsel and advise clients on eligibility for pre-prosecution programs, drug court diversion programs, programs, and Judicial Supervision Program Courts (veterans court, mental health courts) and the Early Plea Programs; handling pre-indictment interaction with juvenile probation and parole officers; and advising individuals “under investigation” for criminal offenses. This activity also covers grand jury or preliminary hearing representation, including regular submission of Evidence Alert Letters to grand jurors pursuant to New Mexico Court rules.



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**Case Preparation and Courtroom/Trial Work and Sentencing Advocacy**

Case preparation and courtroom advocacy tasks include: obtaining and evaluating discovery from the prosecution; interviewing and counseling clients; directing and managing case investigations; interviewing witnesses; conducting legal research; pretrial litigation of substantive legal issues; brainstorming and collaborating with colleagues on case defenses; preparing trial materials; researching scientific evidence; requesting appropriate expert analysis and testimony; engaging in plea negotiations where appropriate; preparation and presentation of necessary trials; sentencing mitigation and presentation; and preparation of appellate docketing statements.

Sentencing advocacy includes requesting and obtaining dangerousness and forensic evaluations from expert psychologists and psychiatrists; and obtaining internal social needs assessments conducted by the LOPD's social workers and alternative sentencing advocates. Sentencing recommendations and treatment assessments are presented to the court as an alternative to incarceration designed to address the root of the problem with the client whereby recidivism is reduced.

The LOPD continues its long term goal to reduce the number of persons cycling through the criminal justice system. Social Workers have long been a critical part of that mission by diverting people at sentencing from jail or prison into treatment and housing programs of various types. The LOPD will continue to support mental health court, drug court, and veteran's court programs. Specialized programs help address the issues that bring the individual to the criminal justice system which in turn reduces recidivism. These programs help clients, help families and increase public safety. The LOPD will also continue to advocate for secure housing for the severely and persistently mentally ill as a representative on the Behavioral Health Purchasing Collaborative.

**Post-Trial Appeals**

The LOPD's post-trial work includes appeals in: 1.) District Courts which hear de novo trials from the Bernalillo County Metropolitan Court or Magistrate Courts; 2.) appeals and special writs to the New Mexico Court of Appeals; and 3.) appeals, 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, the LOPD is charged with providing legal representation at review

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hearings every 2.5 years for every individual convicted of a sex offense in New Mexico and serving an indeterminate term of probation or parole.

**Administrative/Community/Legislative Functions**

Administrative, Community and Legislative Functions of the LOPD include: representation 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 justice community; and service to client advocacy groups and related initiatives by state, county, and municipal entities.

**Critical Program Challenges**

**High Caseloads Continue**

In FY2014, the LOPD opened 70,152 new cases. This is a slight reduction from the FY2012 and FY2013 (73,334 and 75,560 respectively). Nonetheless, the resulting caseloads for both the staff and contract attorneys remains high enough to question whether defendant's are receiving constitutionally adequate representation. Moreover, the number of new felony cases in FY2014 increased to 30,924, a 1.6% increase over FY2013 (30,452 new felony cases) and a 13% increase over FY2011 (27,034 new felony cases). Felony cases require significantly more attorney and support staff time and resources than other case types.

**Attorney Recruitment Efforts**

The LOPD continues to struggle to maintain attorney staffing levels statewide, but most especially in more rural areas: McKinley, San Juan, Curry, Lea, Eddy, Chavez, Roosevelt, Lincoln, and Otero Counties.

**Difficulty Recruiting an Adequate Number of Competent Contract Attorneys**

Due to the extremely low compensation paid to the LOPD's contract attorneys, the 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, Roosevelt, and San Juan counties. These counties are currently in a crisis state in September 2014. Both LOPD and contract attorneys in these counties are carrying untenable caseloads.

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The current **flat rate** compensation for contract attorneys is \$700 for first degree felonies (except capital crimes which are compensated at \$5,400), \$650 for second degree felonies, \$595 for third degree felonies, \$540 for fourth degree felonies, \$250 for juvenile cases, and \$180 for misdemeanors. These rates are up from the \$300 to \$400 per case paid in 1968 under the Indigent Defense Act. Inflation has devalued the compensation rate dramatically over the past four decades.

The State of New Mexico pays contract lawyers in civil cases \$90 (for zero to two years of experience) to \$160 (for over ten years of experience) **per hour** to defend it through the Risk Management Division's contracts. Furthermore, these contract lawyers are able to receive greater compensation for their paralegals than our most experienced contract lawyers receive for serious violent felonies. Federal contract defenders are paid an hourly rate of \$125.

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

### **Inadequate Support Staff Levels**

The 2014 New Mexico Sentencing Commission does an annual evaluation of staffing levels to determine the outstanding needs of the LOPD in comparison to court case levels. In August 2014, the Sentencing Commission determined that the LOPD was short 70 attorneys and 58 support staff to adequately cover indigent defense in New Mexico with 160 contractors. The Sentencing Commission also suggests that if the LOPD were to cease using contract attorneys, the LOPD would need to hire an additional 114 lawyers and 88 support staff.

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<b>Law Offices of the Public Defender</b>			
<b>Comparative Analysis of Actual FY2015 FTE Staffing Levels and the New Mexico Sentencing Commission Workload Study Recommendations*</b>			
	<b>FY2015 Authorized Full Time Equivalents (FTE's)</b>	<b>August 2014 Workload Study Recommendation**</b>	<b><u>Deficiency in Staffing Levels</u></b>
Attorney	221	291	<b>70</b>
Attorney Support	142	215	<b>73</b>
<b>Total Direct Client Services FTEs</b>	363	506	<b>143</b>
Administrative Support**	43	n/a	<b>12</b>

\* The New Mexico Sentencing Commission utilizes data from a 2007 comprehensive workload study and current case statistics in their annual update of the LOPD's FTE needs. The above staffing recommendation is based on the New Mexico Sentencing Commission's August 2014 update.

\*\*Administrative support FTE needs were excluded in the Sentencing Commission's workload study. The Department currently has 33 FTEs that are considered Administrative support – not client services – including five administrative positions that require law degrees (Chief Public Defender, two Deputy Chiefs, the Director of Contract Counsel, and the Training Director). Twelve additional staff are necessary to fully implement the tasks that used to be performed by the Executive Branch (IT, Fiscal, HR) and properly oversee the Contract Counsel services. This line also includes 10 law clerks and one student employee.

Although the Sentencing Commission recognizes the need for a significant FTE increase, the LOPD contends that a better measure of our need is a comparison of staffing levels with the District Attorney offices across the state.

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**Comparison of Staff Levels and Staff  
to Attorney Ratios between the  
Department and the District Attorneys/AODA**

	<b>LOPD (Current)</b>	<b>LOPD (FY 2016 Request)</b>	<b>Current FY 2015 Staffing for District Attorneys/ AODA</b>
<b>Attorneys*</b>	221	254	346
<b>Investigators**</b>	19 (1:12)	78 (1:3.6)	55 (1:6)
<b>Paralegals/ Specialists</b>	33 (1:6)	84 (1:3)	112 (1:3)
<b>Social Workers/ Victim Advocates</b>	17 (1:14)	28 (1:9)	69 (1:5)
<b>Admin/Other</b>	43 (1:6)	55 (1:4.6)	100 (1:3.5)
<b>Clerical</b>	73 (1:3)	128 (1:2)	301 (1:1.1)

\* The current number of attorneys does not include five administrative positions that require law degrees (Chief Public Defender, 2 Deputy Chiefs, the Contract Counsel Director, and the Training Director).

\*\* The FY2016 request is for 221 new positions, including 33 attorneys plus 2 additional administrative attorneys for Contract Counsel Litigation Services.

The LOPD is seeking 221 new positions for FY2016, including 35 of the 70 lawyers recommended by the Sentencing Commission. The remainder of the new positions will provide the proper staff to attorney ratios to allow the LOPD to maximize attorney resources by using staff to do work that does not need to be directly done by an attorney. This will allow LOPD attorneys to competently handle more cases and to push for speedier resolution of cases, a benefit that inures to everyone involved in the criminal justice system, including, most importantly, both victims and our clients.

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**Structural Pay Inequities**

In FY2016, the LOPD is requesting \$565,935 to address issues of internal pay inequity. Compensation for nearly 200 staff members is below the mid-point of the current pay bands or not at a level which is competitive or conducive to retention of professionals. Many have been loyal LOPD employees and, other than statutory pay increases given to all state classified employees, have not received an increase in compensation for many years. The ability to provide in-band pay increases to staff has been exceptionally limited and highly restrictive. This has resulted in poor LOPD morale and increased turnover. In many instances, in-pay band increases have been denied for highly qualified and well deserving employees while newly hired employees with similar experience are compensated at a higher rate. And in some instances, the loyal employee is required to provide guidance, training and oversight of these new hires. In a few instances, the new hire's supervisor is making nearly the same amount as the new employee. The State Personnel Office recently estimated that the average employee turnover costs the State \$42,620. At this cost, even a fractional reduction in turnover due to more equitable pay will quickly pay for itself. This request will help close the gap and take a step in the right direction towards developing a career-oriented public law firm.

**FY2016 GOALS AND OBJECTIVES**

***I. GOAL/OBJECTIVE : Work with the Public Defender Commission, Legislature, and Governor to address inadequate compensation for contract counsel in order to ensure both constitutionally effective indigent defense and the sound oversight of the expenditure of public funds.***

- a. Action Step: In FY2014, the Public Defender Commission decided that an hourly rate of \$85 for the LOPD's contract counsel was the appropriate means for ensuring that indigent clients would receive a constitutionally adequate public defense. Compared to the existing low flat rate detailed above, an hourly rate contract is more likely to garner more interest from additionally skilled criminal defense attorneys in the private sector. With appropriate level of attorneys, representation of cases will be timely and efficient; with increased efficiency, unnecessary delays will be reduced; with reduction of unnecessary delays, cases will more timely reach a resolution; with more timely resolution of cases, court backlogs are eliminated and jail overcrowding is reduced. By "frontloading" the appropriate representation of clients, time is saved, justice is more appropriately reached and money is saved, In FY2015, the LOPD will use the hourly rate in Roosevelt, Lea, and Eddy counties to address a severe shortage of attorneys willing to contract with the Department for the flat rate fees.*

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- b. **Action Step:** The LOPD will seek advocacy assistance from the New Mexico Public Defender Commission and the criminal defense bar to gain support for statewide implementation of an hourly rate for contract counsel for FY2016.
- c. **Action Step:** In FY2015, The Contract Counsel Legal Services division of the LOPD will institute hourly rate policies and invoice review procedures to prevent fraud and ensure fiscal accountability. These policies and procedures will be modified according to experience gained through oversight of Roosevelt, Lea, and Eddy counties in FY2015. Revised policies and procedures will be implemented statewide in FY2016 to appropriately manage hourly rate compensation.
- d. **Action Step:** Upon approval of the new hourly rate method of compensating contract counsel by the Legislature and Governor, the LOPD will institute a new Request for Proposals (RFP) in early FY2016. This RFP process will select experienced, competent, criminal defense attorneys across New Mexico and will allow the LOPD to require contract counsel to abide by the performance standards adopted by the Public Defender Commission.

2. **GOAL/OBJECTIVE :** **Work with the Public Defender Commission, Legislature, and Governor to bring Public Defender staffing levels in accord with those of the District Attorneys and the recommendations of the New Mexico Sentencing Commission’s Workload Study for the LOPD.**

Currently, the New Mexico Sentencing Commission recommends an additional 70 attorneys for the LOPD to provide a constitutionally adequate defense to indigent clients as shown in the graph on page 13. The LOPD contends that an additional 35 attorneys, combined with a significant (186 FTE) increase in support staff, would better meet the goals of the Sentencing Commission of providing constitutionally effective indigent defense.

- a. **Action Step:** The LOPD will seek advocacy assistance from the New Mexico Public Defender Commission and the criminal defense bar to gain support from the Legislature and Governor for an additional 221 FTEs including 35 more attorneys for FY2016. This request is somewhat higher than the 143 additional FTE suggested by the New Mexico Sentencing Commission, but, since it includes more staff than attorney positions, it will be more fiscally prudent. It also is in line with the staffing levels of the District Attorney offices and the Administrative Office of the District Attorneys. This request does not include what attorney and support staff in the NM Attorney General’s Office handling criminal cases at the trial court or the appellate levels. Nor does it include the additional assistance these offices receive in the form of police investigation or officer prosecution of misdemeanors.





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plans include an independent computer network, email, internet, and voice-over telephone statewide system.

- b. **Action Step:** In FY2016, the LOPD will conduct training to ensure that staff and attorneys are using technology to maximize efficiency.
- c. **Action Step:** In FY2016, the LOPD will begin the process of developing a new case management system designed specifically for public defense that will interface with the Odyssey system of the Judiciary.
- d. **Action Step:** In FY2016, the LOPD will conduct outside network and telephone system testing to ensure a secure and robust system.
- e. **Action Step:** In FY2016, the LOPD will develop and implement a more robust backup server storage array.

6. **GOAL/OBJECTIVE:** Continue development of the LOPD's Training Division with an expanded emphasis on staff training and a continued emphasis on trial practice and trial skills workshops for attorneys

- a. **Action Step:** Coordinate with the LOPD's regional managers to ensure that all staff receive on-going training for their particular job duties.
- b. **Action Step:** Coordinate with the LOPD's regional managers to ensure that all new attorneys are provided a beginning trial skills class and an advanced trial skills class. Beginning trial skills classes will be provided internally by the LOPD's Training Division. Advanced training courses will be provided by local and national training programs contracted by the LOPD. These trainings will be designed to meet the requirements of the Public Defender Commission's performance practice standards.
- c. **Action Step:** Coordinate with the New Mexico Criminal Defense Lawyers Association and the National Criminal Defense College on participation of the LOPD's lawyers at trial skills courses throughout the year. Primary emphasis will be on a fall beginning trial skills course and a spring advance trial skills workshop.
- d. **Action Step:** Request a significant increase in the LOPD's training budget for FY2016 to accommodate the increased training costs for staff.

7. **GOAL/OBJECTIVE :** Increase the management and supervisors training for all LOPD District Defenders, Managing Attorneys and regional Office Administrators.

- a. **Action Step:** In FY2105, the LOPD will conduct a needs assessment of management training needs from supervisory personnel. Based upon the

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findings of the assessment, the LOPD will contract with a public administration management specialist to provide annual training for all District Defenders, Managing Attorneys, Administrators, other supervisors and development of those who are interested in developing supervisory skills for future advancement.

- b. **Action Step:** In FY2016, the LOPD will sponsor attorney and support staff managers to attend regional and national management training courses. Sponsored participants would then be required to conduct internal trainings and briefings on learned management skills.
- c. **Action Step:** Starting in FY2015, the LOPD will conduct quarterly District Defender and Managing Attorney meetings to address LOPD, office and attorney management challenges.

8. **GOAL/OBJECTIVE** : **Enhance the efficient management of the LOPD's budgetary and personnel resources.**

- a. **Action Step:** Starting in FY2015, the LOPD will continually assess client services needs in our regional offices and divisions and reallocate positions and human resources as needed. Factors such as economic and population increase or decline will be considered along with long-term crime trends in each region.
- b. **Action Step:** The LOPD will continue to reach out to District Attorneys and courts statewide to create and utilize more diversion programs, keeping low risk offenders out of the criminal justice system and reducing the jail and prison populations.
- c. **Action Step:** The LOPD will continue to strictly comply with procedures for private defense attorney requests for LOPD expert funds via "Schoonmaker Requests" to ensure that all tax payer funds are allocated only to cases that meet the requirements of *State v. Schoonmaker*, 2006-NMSC-010, and *State v. Brown*, 2006-NMSC-023.

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**SUMMARY OF PERFORMANCE MEASURES**

**Performance Measures Listed with Targets & Actuals**

Measure	FY2013 Target	FY2013 Actual	FY2014 Target	FY2014 Actual	FY2015 Proposed Target
Number of alternative sentencing treatment placement for felony and juvenile clients	4,500	8,726	10,000	3102	10,000
Percentage of felony cases resulting in a reduction of the original charges	51%	52.3%	65%	87.60%	65%
Percentage of juvenile cases resulting in a reduction of the original charges	*	76.9%	65%	12.4%	65%
Percentage of misdemeanor cases resulting in a reduction of the original charges	*	82.5%	65%	19.4%	65%
Percentage of cases in which application fees were collected	40%	35.6%	45%	38.44%	45%

\*There was no target set for these measures in FY2012 for FY2013.