

FY 2026

(FY26, July 1, 2025 – June 30, 2026)

Annual Report and Strategic Plan



NEW MEXICO
LAW OFFICES OF THE
PUBLIC DEFENDER

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EXECUTIVE SUMMARY

Background: The New Mexico Law Offices of the Public Defender

The mandate of the New Mexico Law Offices of the Public Defender (LOPD) is to fulfill New Mexico's constitutional and statutory guarantees of providing legal services to indigent adults and juveniles charged with criminal or delinquent acts in New Mexico. 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

Raymond Sanchez, Albuquerque
Dan Banks, Carlsbad
Justice Richard Bosson, Ret., Santa Fe
Jacqueline Flores, Albuquerque
Gina Maestas, Albuquerque
Traci Neff, Farmington
Naomi Salazar, Albuquerque
Michael Sanchez, Belen
Melissa Sawyers, Hobbs
Peter Schoenburg, 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 2021, the New Mexico Public Defender Commission unanimously approved Chief Baur to a second, four-year term leading the Law Offices of the Public Defender.

Mission

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

Vision

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

Values

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

ADMINISTRATION

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



Public Defender Commissioner Raymond Sanchez, left, visits with Human Resources Director Ronald Herrera.

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

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



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 FY24, the appellate division was assigned to represent approximately 284 cases before the appellate courts. The appellate division also provides daily assistance to all public defender attorneys and contract defenders statewide. During sessions of the New Mexico Legislature, appellate division attorneys prepare the majority of LOPD's analyses of proposed criminal legislation, called Fiscal Impact Reports.

- **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 FY24, the habeas corpus unit received 228 pre-appointment petitions for review and completed 209 pre-appointment reviews. The unit opened and assigned 71 cases with 68 of those cases assigned in-house. At the end of FY24 there were still 54 petitions the Court that 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 division had previously been stayed pending the New Mexico Supreme Court decision. Several of those cases have now been resolved. However, several others that were stayed in the New Mexico Supreme Court have now been remanded down for further proceedings. This caused an uptick in 5-year parole duration review cases in FY24. There are now 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 are set for oral argument on October 4, 2024. LOPD anticipates any decision in that case to effect several pending habeas matters in the district court and at least 16 cases that are currently stayed in the Supreme Court. Depending on the decision, those stayed in the Supreme Court could potentially be remanded back to the District Court for the habeas unit to handle.

Additionally, LOPD has seen an uptick in petitioners trying to file class action litigation after the decision in *Anderson v. State*, 2022-NMSC-019. So far we have been able to stave off being appointed to class action litigation; however, we see this continuing to be an issue until the Criminal Rules Committee addresses *Anderson* and makes changes to Rule 5-802.

The appellate unit is managed by an appellate defender and the habeas unit is managed by a managing attorney. Both units report to Deputy Chief Philip Larragoite. 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 25 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 a client charged with a criminal or juvenile 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



Social Work Unit

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

≡ Welcome ≡



Aztec rolls out a low country seafood boil for their newest addition. Welcome attorney Ellie Bond from Mississippi.



Abq plaza outreach

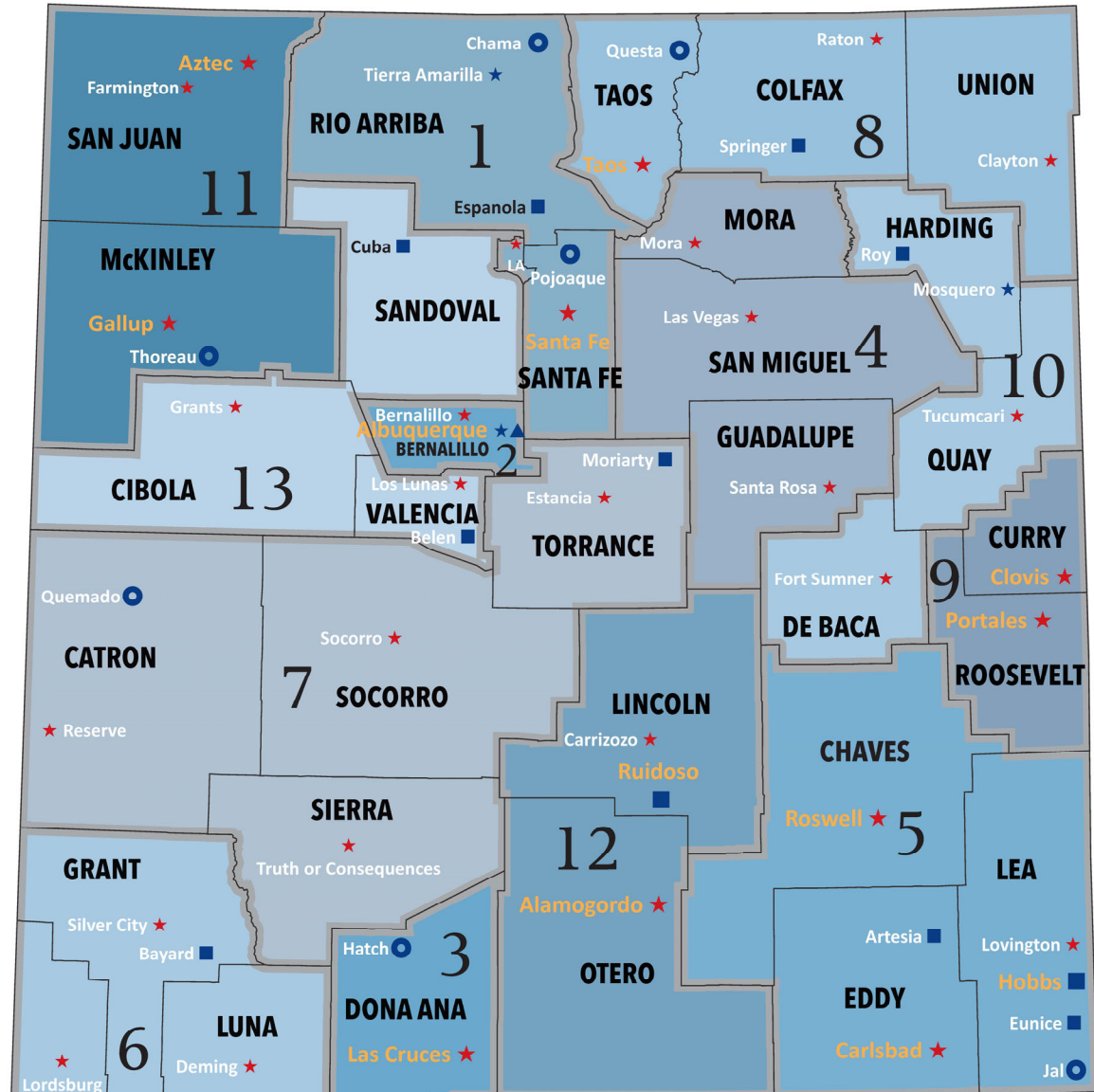


LOPD joined in this year's Albuquerque Celebrates Recovery Day in Civic Plaza. A rotation of attorneys and social workers staffed our table.

Map of New Mexico Courts and LOPD Offices



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



Supreme Court
 Santa Fe
Court of Appeals
 Santa Fe & Albuquerque

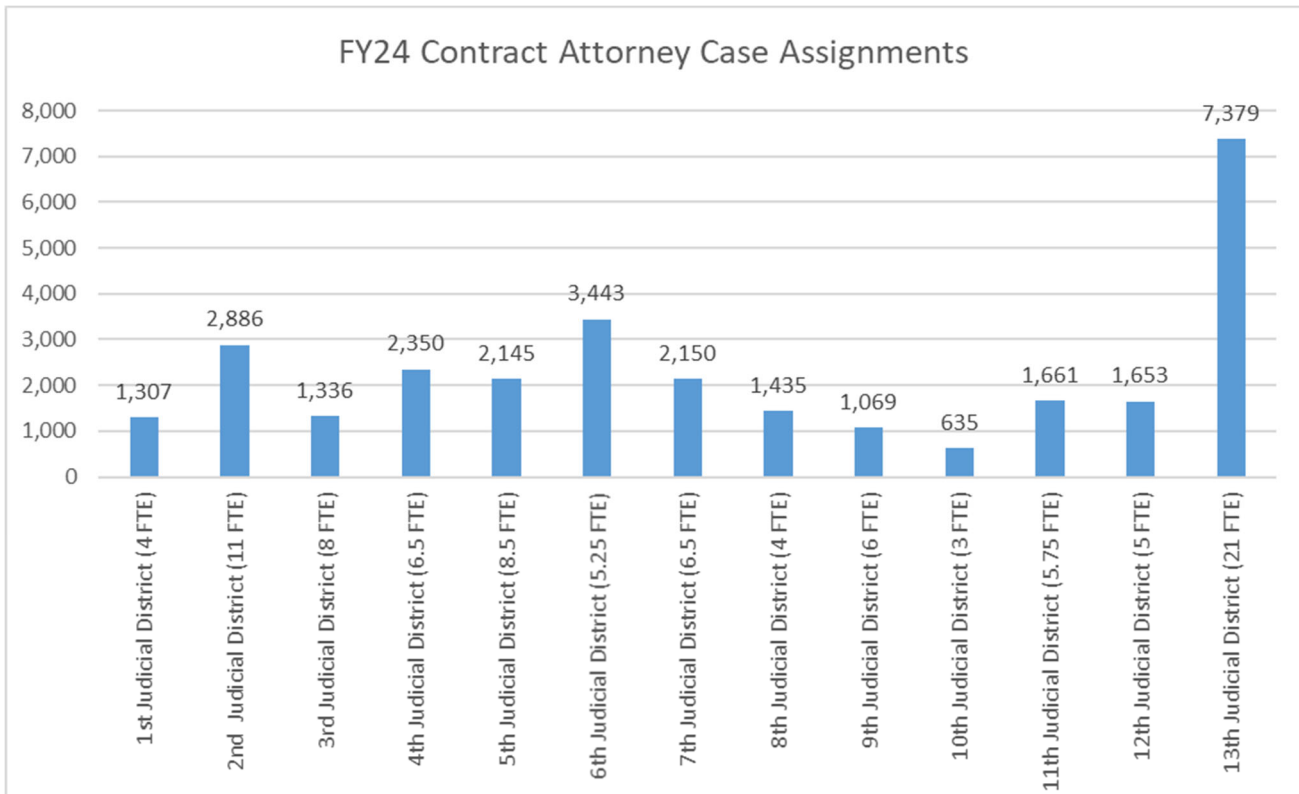
LOPD Offices in Gold

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

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

- **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 95 private attorneys who contract with LOPD. In FY24, contract attorneys were assigned 29,492 cases (approximately 34% of the cases assigned by LOPD), with most of those cases being in areas without LOPD offices.



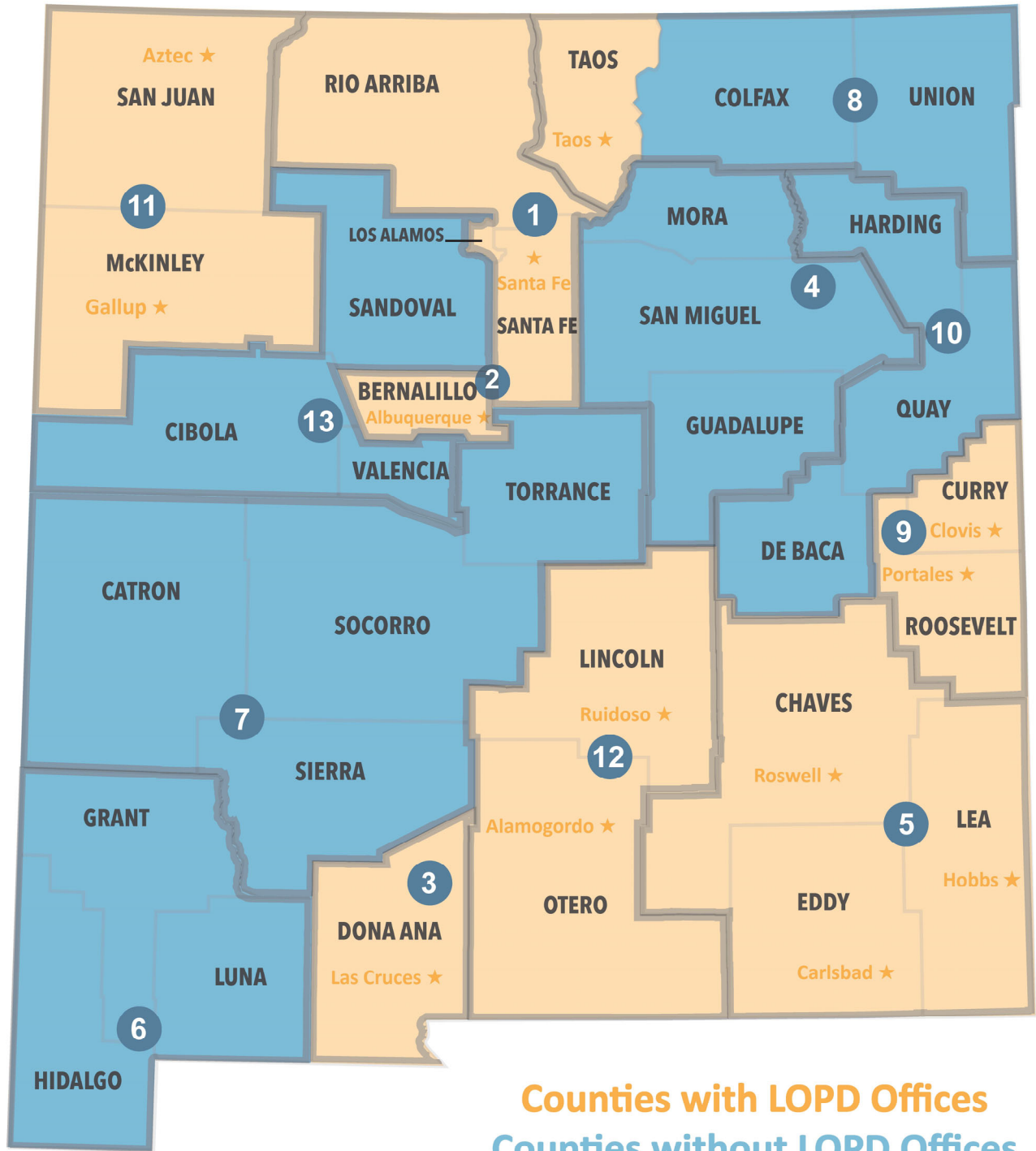
Deputy Chief Public Defender Randy Chavez

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



Counties with LOPD Offices
Counties without LOPD Offices

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



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

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

Post-Trial Appeals

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

Post-Conviction Representation

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

Administrative and Legislative Functions

Administrative and legislative functions of LOPD include: eligibility determinations, human resources management, procurement, payroll, fiscal and budget management, training, policy development, legislative consultation and testimony, clerical and secretarial support, information

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

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

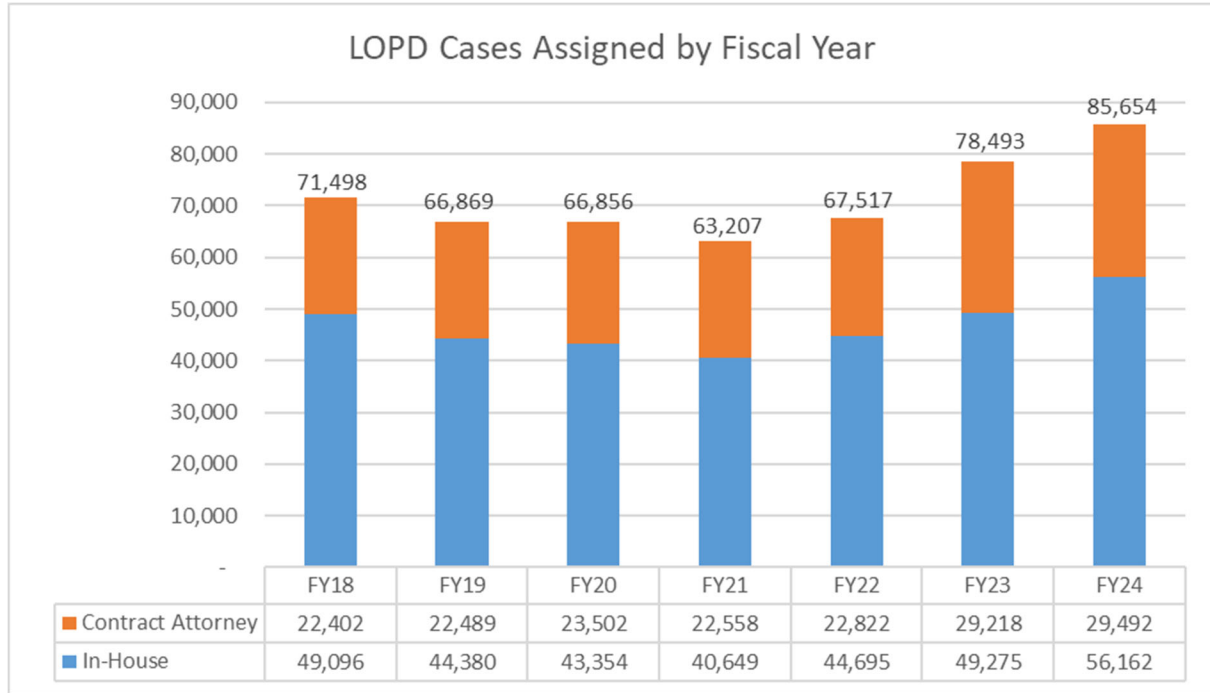
Advocating for Criminal Justice Reform and System Change

Representatives of the LOPD continue to be active participants across the state in many 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.

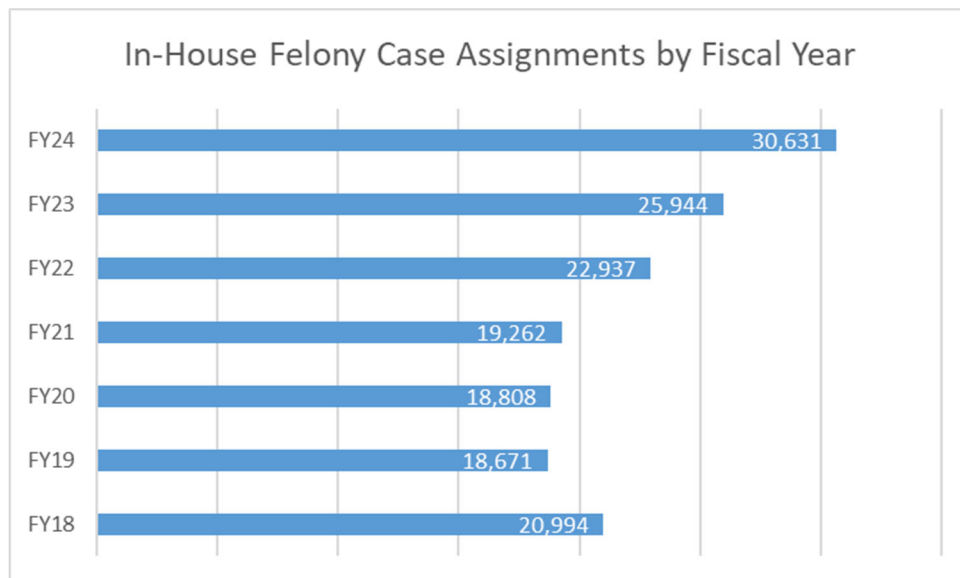
In addition to participating in organizations, LOPD continues to advocate for reforms in the criminal legal system that would allow LOPD to work more efficiently and effectively and for the betterment of our clients and communities. This cannot be accomplished overnight and will not reduce the demands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

CRITICAL CHALLENGES AND EFFORTS TO ADDRESS THEM

Caseloads

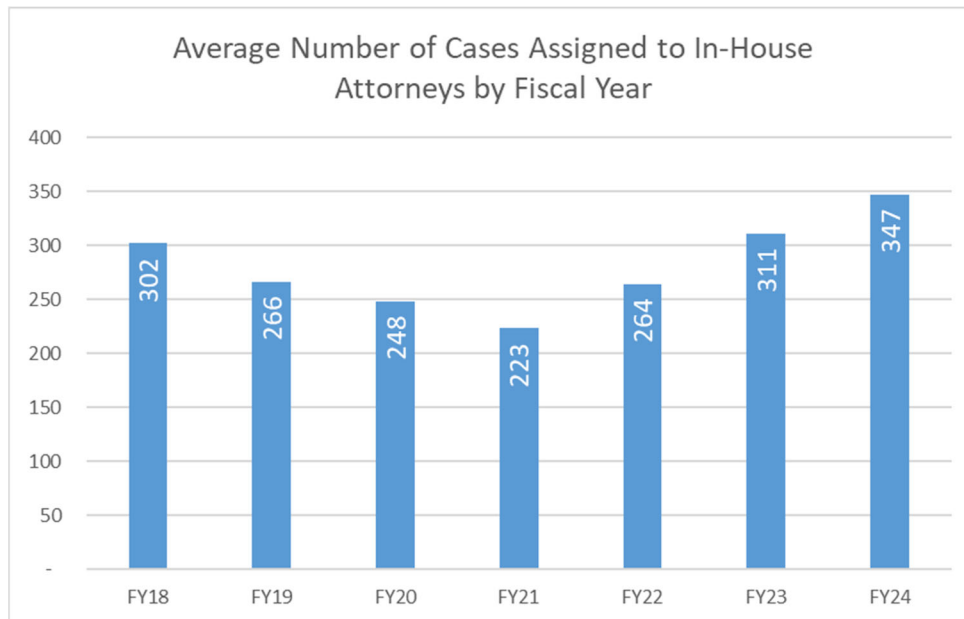


In FY24, LOPD assigned 85,654 cases. Due to LOPD’s efforts to increase retention and stability in staffing, combined with the implementation of statewide data entry standards and criminal justice reform, case assignments declined slightly from FY19 to FY21, but then increased in FY22 and well surpassed pre-pandemic levels in FY24 as seen on the graph below. Additionally, the significant increase in case assignments are largely increase in felony cases, clearly demonstrated by 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 FY24, LOPD in-house attorneys were assigned a total of 347 cases (190 felony cases, 8 juvenile cases, and 150 misdemeanor cases) on average for each attorney. Contract attorneys were assigned an average of 312 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.

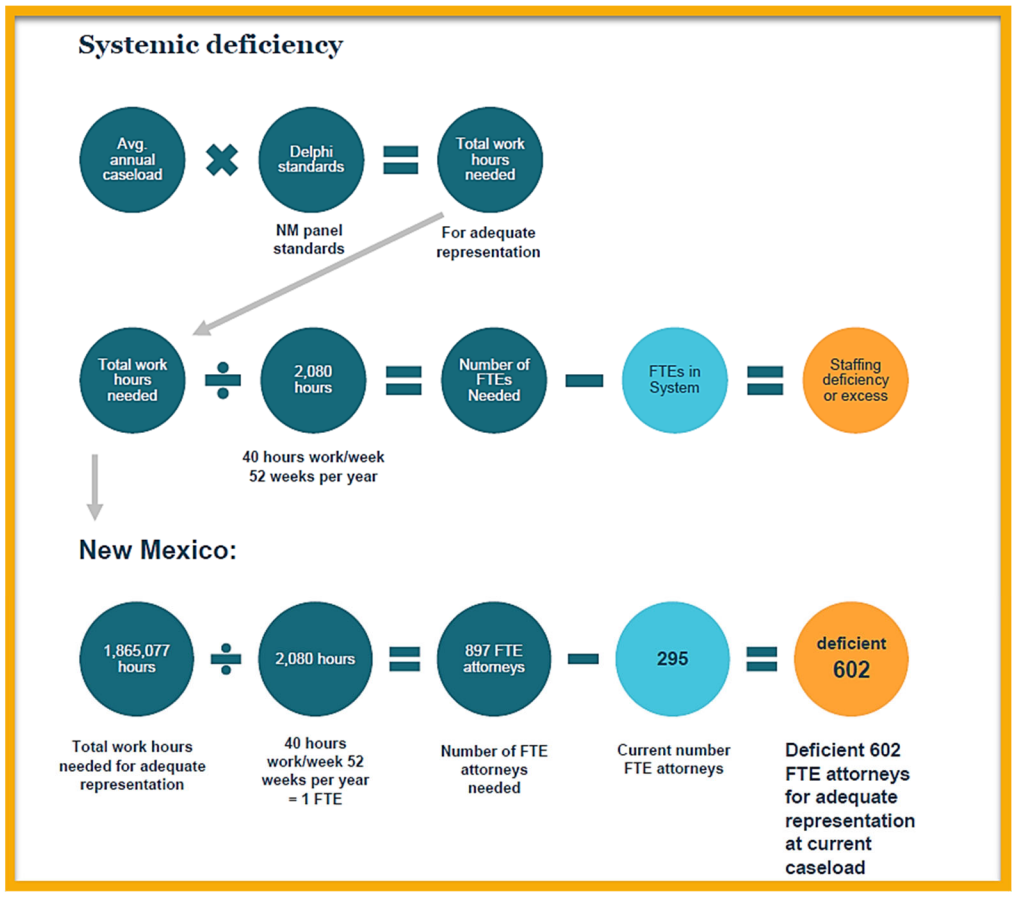
The New Mexico Project Reports

[Workload Study](#)

[Five Year Plan](#)

Available at lopdm.us/about-us/

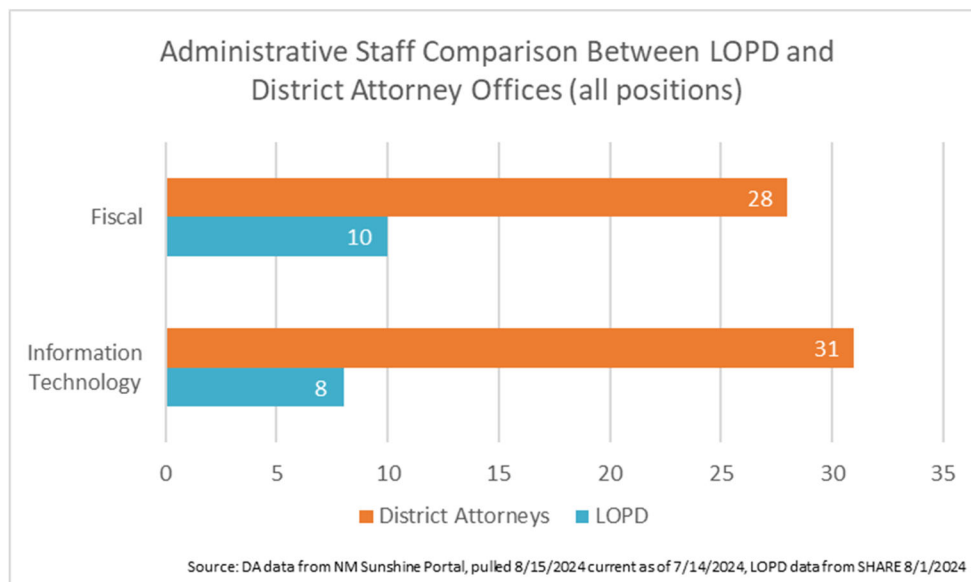
The following graphic is taken directly from the workload report and lays out the data used in the finding that LOPD has a deficiency of 602 attorneys. The department added 8 new attorney FTE in FY23, 3 new attorney FTE in FY24, and 5 new attorney FTE in FY25. These FTE were assigned mostly to rural districts.



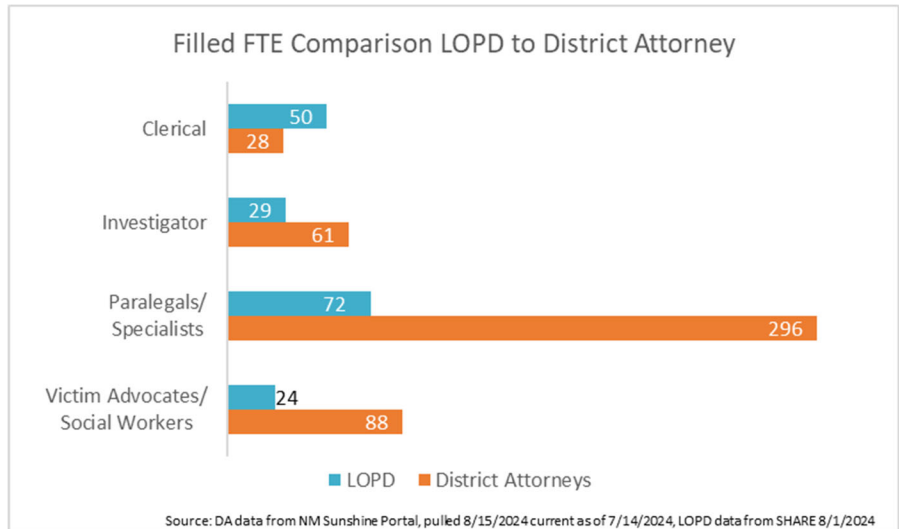
Public Defense Funding and Necessary Staffing Levels

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

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



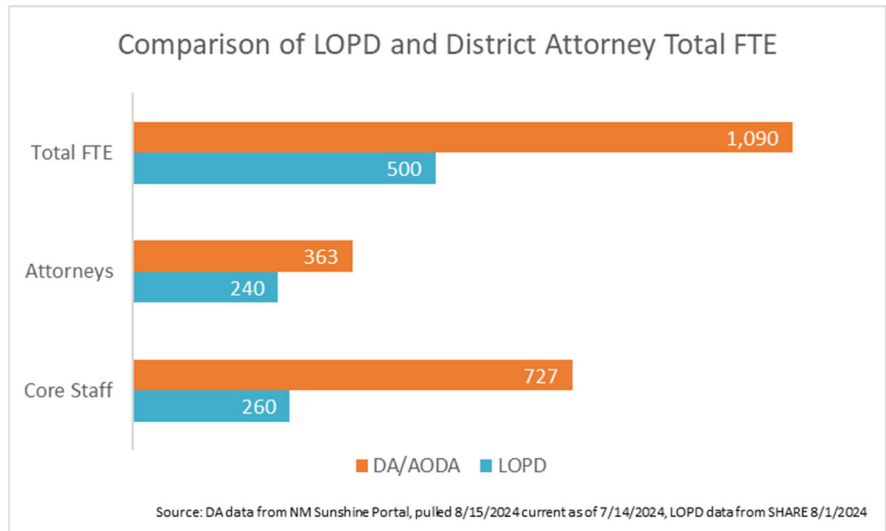
LOPD has 48 administrative staff dedicated to serving 500 FTE and 95 contractors, while also auditing and monitoring invoicing by contract defenders. Administrative staff includes fiscal, human resources, information technology, and statewide administrative support staff.



AODA and the district attorney’s offices have a total of 727 core staff FTE and 363 attorney FTE. In addition, many district attorney offices have Deputy District Attorneys or other attorney supervisors that are not assigned cases, nor carry an active caseload as part of their duties. When compared to data compiled from the district attorney offices across the state, LOPD ratios are significantly lower than the DA’s indicated statewide average staffing ratios, as illustrated in the following charts and graphs.

	LOPD	DA/AODA	% PD to DA
Core Staff	260	727	36%
Attorneys	240	363	66%
Total FTE	500	1,090	46%

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.



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

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

Shortage of Contract Defenders

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

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

In 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 four decades. The comparison of the FY23 rates and FY24 rates is shown below.

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

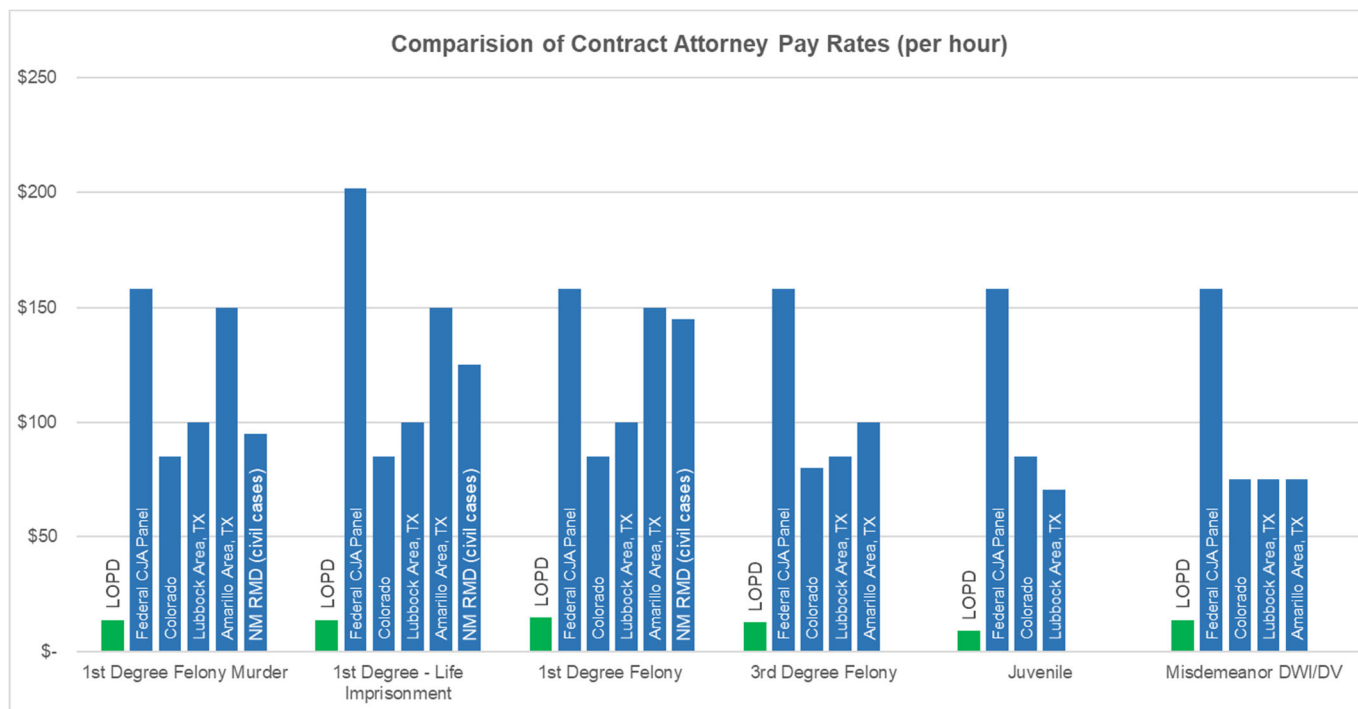
The State of New Mexico pays contract lawyers in civil cases \$95 (for those with zero to two years of experience) to \$165 (for over ten years of experience) **per hour** to protect the State's money

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

through the Risk Management Division’s contracts. Those hourly rates are laid out in the chart to the left.

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 \$172 in non-capital cases, and, in capital cases, a maximum hourly rate of \$220. The following chart compares, as of 2023, 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.

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%



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

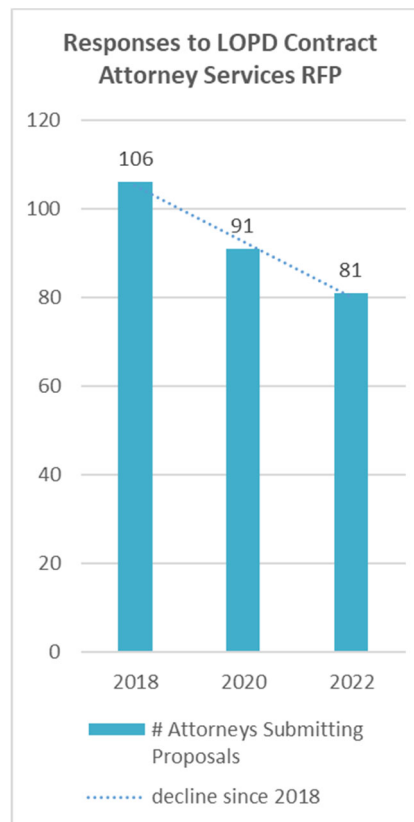
The contracts that went into effect starting November 2015 through November 2022 have provided a mechanism for additional compensation for complex case representation, although funding to fully implement this mechanism is currently lacking. This mechanism is an interim step to address the inadequate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

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

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

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

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. They plan, which is expected to be completed September 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.

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 dedicated resources to contacting those candidates and actively recruiting them to join our team. As a result, LOPD has been able to reinvent our recruitment program over the last several years. However, retention of hires is critical and an ongoing struggle, especially for rural offices in Eddy, Lea, Curry, Chaves, Roosevelt, Lincoln, and Otero Counties. LOPD still lacks adequate funding to fill positions at a competitive level.

To address recruitment and retention challenges, LOPD conducted a Compensation Study that resulted in the increase of LOPD salary grades. The changes were effective April 1, 2023, and 118 LOPD employees were raised to the new salary range minimum, effective May 13, 2023. The goal of the study was to ensure that our pay ranges are competitive with those of similarly situated organizations. Another pay study is underway to ensure our salary ranges are still competitive. LOPD is seeking to address pay disparities between public defenders and district attorneys, as well as other government attorneys, in prior budget requests and the FY26 budget request.

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 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 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.



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.

Results From the Innovative Hiring Program

Diversity and Inclusion

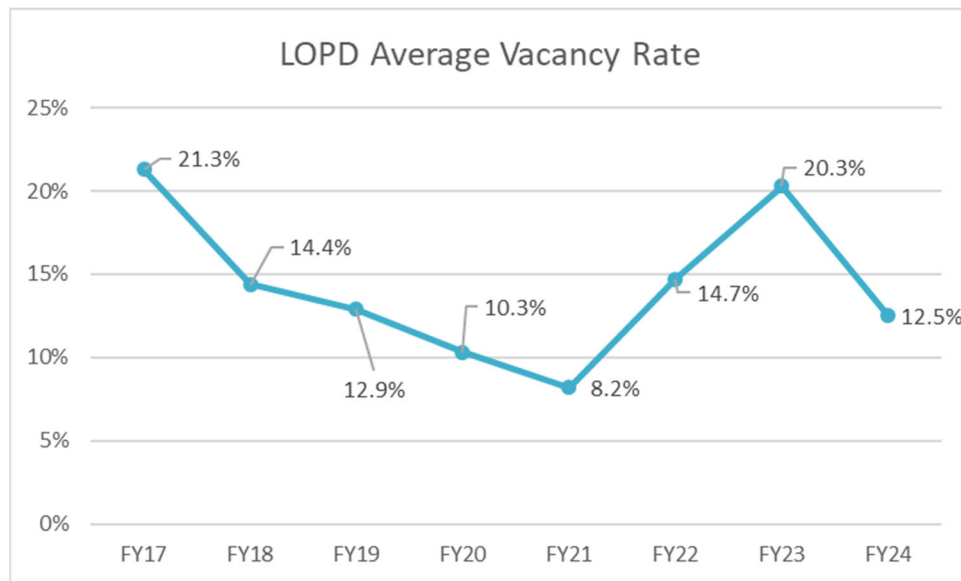
More women hold leadership roles at LOPD now than at any time in the last six years. Additionally, the number of female managing attorneys has more than doubled since 2015, and for the last three years have steadily held more than 50% of managing attorney positions. In addition to gender equity, the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

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 FY24 was 12.5%, however, LOPD is pleased to report that the core staff vacancy rate was reduced to as low as 4.3%. Attorney positions are an ongoing struggle to fill with the vacancy rate hovering around 18% statewide for the fiscal year, an improvement from a 24% vacancy last year. Historically, the biggest dip in the vacancy rate for attorneys occurs in the fall, after the new law student graduate hires are sworn in.

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 FY24, the department provided virtual and in person trainings for all employees.

LOPD held its in-person conference in June 2024 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 FY24, LOPD provided training on leadership and supervision as a means to focus on retention of LOPD's most valuable resource – its employees. In 2025, LOPD will expand its focus to provide training to its core staff on de-escalation and customer service.

LOPD expanded its externship program in two ways. First, LOPD partnered with NMSU's Department of Philosophy and its Justice, Political Philosophy, and Law degree. Four to six students in the program are placed in an externship at LOPD's Las Cruces Office in the fall and spring semester.

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.



Abq extern-turned LP Elena Luna volunteered to run the mic around the conference room, here to contractor Gary Mitchell.

Strategic Plan 5-year 2022

Areas of Focus

In pursuit of providing the best representation for our clients:

Defender Wellness

Culture Change

Criminal Justice Reform and Advocacy for Resources

Professional Development and Training

Holistic Defense

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

Efforts to Secure Grants and Other Funding

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

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, more than \$1 million of the funding is not available in FY25 as of the time of writing in August 2024.

It is critical to remedy the Public Attorney Fund appropriations language so LOPD may continue utilizing the funding to incentivize serving our rural communities by allocating funding to help eligible new attorney hires with expenses associated with starting a new legal career, for about 240 attorney retention differentials, and over a dozen paid externships statewide.

In FY24, LOPD successfully utilized the Public Attorney Fund to provide summer stipends of up to \$10,000 to law students. The externships were wildly popular with over 60 applicants for funded positions in Albuquerque, Alamogordo, Hobbs and Carlsbad. After interviewing many applicants from UNM School of Law as well as around the country, 13 students were selected. One extern noted he always wanted to participate in an externship at LOPD but had to take positions that paid. This funding opened doors to students who could not otherwise participate. Of those eight externs who were rising third year students (3Ls), LOPD has hired four into the 2025 LP class and anticipates hiring at least two more. It is critical that funding for the valuable public defense externships in New Mexico continues to further develop this pipeline to recruit and retain attorneys.

By exposing the externs to hands-on public defense work, LOPD hopes to increase future recruitment for attorney positions. A huge obstacle for law students in participating in internships is funding as they have little to no income and are unable to move across the county, or even from Albuquerque to rural communities. This is a bigger obstacle for people of color, who are often interested in working with indigent clients at LOPD but do not have resources to cover costs related to finding new housing in another community.

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 the Second Judicial District's Resource Reentry center with a paralegal and to continue Bernalillo County Warrant Forgiveness Walk-In Programs.

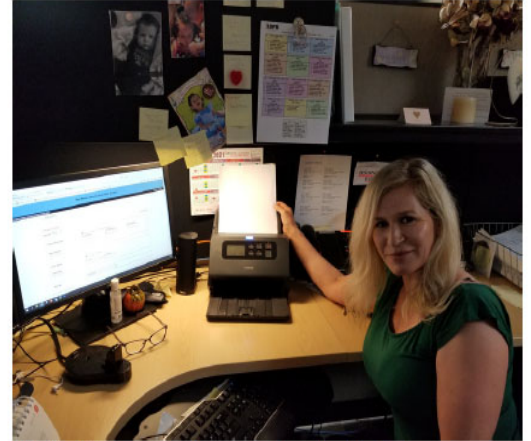
Improving Client Services Through Technological Enhancements

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

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

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

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



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



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

Improving Employee Services

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

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

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

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

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

AWARDS AND ACCOLADES

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

We Are a Leader in Supporting Our Employees

Family Friendly NM designation x2

For the second year in a row, LOPD has earned the Family Friendly designation from Family Friendly New Mexico. LOPD received the highest level marks for family-friendly policies and practices.



HR Deputy Dir. Zach Olivas and Chief Ben Baur




At right, HR Administrator Kortney Barker




Team LOPD

We Are Recognized for Our Inspirational Voices




Judicial Trailblazer Woman of the Year

New Mexico Office of African American Affairs



Ibukun Adepoju

District Defender
- Hobbs



From left, Deputy Chief Jennifer Barela
and District Defenders Ibukun Adepoju

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.

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

LOPD Deputy Chief Cydni Sanchez served as president of the NAPD Board of Directors. She is the first Latina and first female head of this board as the group leads public defense policy and organizing efforts across the country.

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



COMMUNITY ENGAGEMENT

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

We Are Part of Our Communities

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

The Aztec office launched a client education project at their local integration center. Led by Social Worker Sonnie Rodriquez, 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.

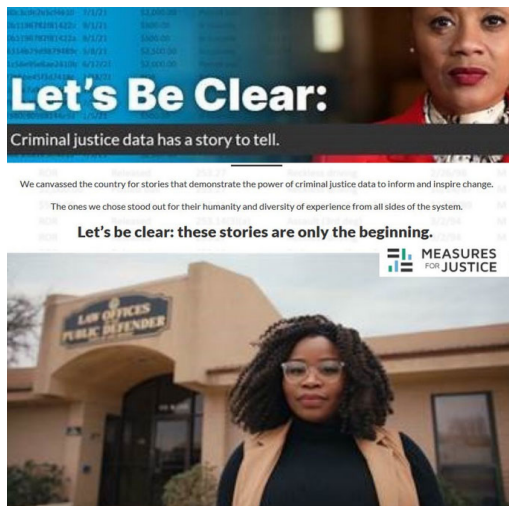
The department’s website, fully refreshed and rebranded in early 2023, continues to evolve, with design and planning work to include client-centered videos on topics ranging from understanding the court process to looking up a case in online databases and employee- and recruit-centered videos geared 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

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

Additionally, the film premiered in Albuquerque at a local movie theater. The audience included community members and policy makers, including legislators, prosecutors and leaders with the New Mexico Sentencing Commission





LOPD team members across the state continue to serve on panels, commissions and in community groups. They are called as dignitaries and experts. Here, 2nd District Defender Dennica Torres is among those honoring Bernalillo County sheriff's deputies and Albuquerque Police officers with plaques of gratitude for their participation in LEAD. LEAD stands for Law Enforcement Assisted Diversion and is a program launched in close coordination with public defenders in several locations around the state. It encourages and allows officer discretion in arrest when drug treatment is a better option.

These officers and deputies get it!

We can't prosecute and punish our way out of drug addiction.



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 FTE allocated in FY25 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. In FY25, 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. In FY25, 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 FY26 budget request to hire an additional sixty (60) FTE.
- b. Action Step: LOPD will seek advocacy assistance from the New Mexico Public Defender Commission and the criminal defense bar to advocate support from the Legislature and Executive for adequate funding and compensation for contractors.

FY25 PERFORMANCE MEASURES

FY25 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.