

FY26 Appropriation Request Checklist

Agency Name: Public Defender's Office

Business Unit: 28000

Reports to Include in PDF Submission

Form #	Title	Where to Attach
<input checked="" type="checkbox"/>	Cvr Ltr	Agency Level
<input checked="" type="checkbox"/>	S-1	Agency Level
<input checked="" type="checkbox"/>	S-2	Agency/Program Level
<input checked="" type="checkbox"/>	S-8	Agency/Program Level
<input checked="" type="checkbox"/>	S-9	Agency/Program Level
<input checked="" type="checkbox"/>	S-10	Fund Level
<input checked="" type="checkbox"/>	S-13	Agency Level
<input checked="" type="checkbox"/>	P-1	Program Level
<input type="checkbox"/> NA	R-2	Agency Level
<input checked="" type="checkbox"/>	REV/EXP	Agency/Program Level
<input type="checkbox"/> NA	FFRW	Agency/Program Level
<input type="checkbox"/> NA	EB-1	Program Level
<input type="checkbox"/> NA	EB-2	Program Level
<input type="checkbox"/> NA	EB-3	Program Level
<input type="checkbox"/> NA	LFR	Program Level
<input checked="" type="checkbox"/>	E4	Program Level
<input checked="" type="checkbox"/>	E5	Program Level
<input type="checkbox"/> NA	SAR	Agency Level
<input checked="" type="checkbox"/>	APR	Program Level
<input checked="" type="checkbox"/>	Table 2	Program Level
<input checked="" type="checkbox"/>	SP	Agency Level
<input checked="" type="checkbox"/>	ITP	Agency Level
<input checked="" type="checkbox"/>	C-1	Agency Level
<input type="checkbox"/> NA	C-2	Agency Level
<input type="checkbox"/> NA	Perf Audit	Agency Level

Documents to Attach in BFM (PDF Optional)

<input checked="" type="checkbox"/>	Board Cert	Board or Commission Budget Certification	Form 9900
<input checked="" type="checkbox"/>	E-6B	Leased Passenger-Related Vehicles	Form 3300/4300



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

Chief Public Defender
Bennett J. Baur

September 1, 2024

Wayne Propst
Cabinet Secretary
DFA State Budget Division
190 Bataan Memorial Building
Santa Fe, New Mexico 87503

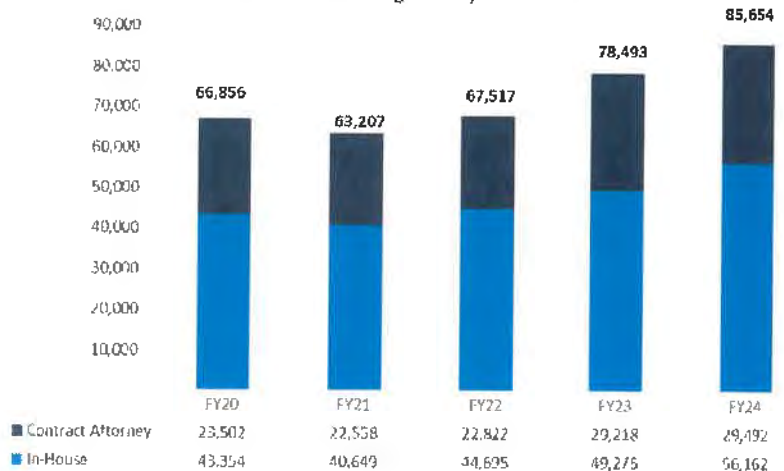
Charles Sallee, Director
Legislative Finance Committee
325 Don Gaspar, Suite 101
Santa Fe, New Mexico 87503

FY2026 Budget Request for the Law Offices of the Public Defender (Agency 280)

The Law Offices of the Public Defender (LOPD) is the largest law firm in New Mexico, with approximately 247 LOPD public defender attorneys and 95 contract defender attorneys. These attorneys represented criminal defendants in over 85,000 cases assigned in fiscal year 2024 alone, a significant increase from prior years, demonstrated in the graph to the right.

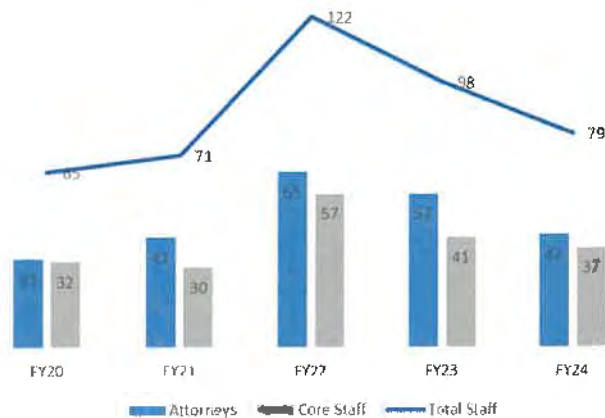
LOPD was created in response to the U.S. Supreme Court's Gideon v. Wainwright decision, guaranteeing indigent defendants the right to counsel in criminal cases. Both the federal and New Mexico Constitutions require the State of New Mexico to adequately fund indigent defense in order to ensure equality for all persons before the law.

LOPD Cases Assigned by Fiscal Year



LOPD has been effective in managing financial resources wisely, ensuring every dollar is spent efficiently and effectively. LOPD has a track record of careful planning, accountability, and a commitment to using funds in a way that maximizes value and supports the overall goals and mission of the organization. In addition, LOPD remains a

LOPD Employee Departures by Fiscal Year



gold standard in data reporting. LOPD is grateful the legislature has acknowledged LOPD’s positive outcomes through granting nearly 60 additional FTE over the last four years.

LOPD’s innovative recruitment and retention programs have successfully kept the vacancy rate well below the statewide average. Additionally, LOPD has seen an increase in retention and fewer departures over the last five years, as laid out in the chart to the left.

Workloads for both LOPD in-house attorneys and contract defenders are high enough to seriously call into question the ability to provide adequate representation to many of our clients. The [New Mexico Project workload study](#), authored by the American Bar Association Standing Committee on Legal Aid and Indigent Defense and Moss Adams, an internationally-recognized accounting and professional services firm, confirmed the shortage of public defenders statewide. The study determined LOPD needs 602 attorneys to provide effective assistance of counsel on existing caseloads.

Following the completion of the workload study, LOPD worked with Steve Hanlon, a national expert on public defender workloads, and experts from Moss Adams, to develop a long-term path toward sustainable effective assistance of counsel for attorneys and core staff. The [5-year Plan to Reduce Representation Deficiency](#) proposes tackling New Mexico’s verified public defense resource deficiency from two sides: 1) addressing supply side factors, which includes increasing and reallocating resources to LOPD, and 2) addressing demand side factors by reducing the caseload through decriminalization of non-violent crimes with no victim and through sentencing reform.

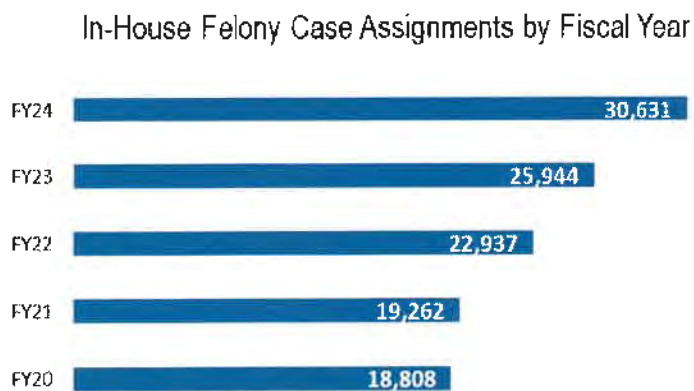
Within the last few months, LOPD has undertaken a project, again with Moss Adams and a national expert on public defense standards and structure, to develop a multi-year plan and to estimate the cost to transition contract attorneys from base rates to an hourly rate model. The report is slated for release in September 2024 and includes an initial planning phase to begin the transition. While LOPD is not requesting funds for this project in the FY26 base budget, planning and implementation will move forward.

LOPD’s budget request for FY2026 continues to build on FY2024 and FY2025 requests and does not attempt to immediately achieve the full recommendations in the workload study or the 5-year plan; however, it is another step in improving indigent representation and providing direct client services. A one-page summary of the full request is attached.

The request includes funding for six social workers and four case managers who will support our clients’ increased need for mental health and addiction treatment services. Connecting our clients with these services, which are critically lacking specifically in rural communities, is a key step in reducing recidivism and avoiding the high social and fiscal costs of incarceration.

The requested FTE will bring LOPD closer to staffing parity with criminal legal partners. The request will also help fund essential and more competitive compensation for contract defenders by creating more pay parity with civil contract attorneys through increasing base rates on cases and funding complex case compensation.

Lastly, LOPD is seeing a steady increase in the assignment of felony cases, including murders and other complex litigation. This increase will require additional resources for attorneys handling these cases, as well for expert witnesses and contract investigators needed to provide effective representation. The volume of murder cases, often involving multiple co-defendants, has further compounded the need for additional trial expenses.

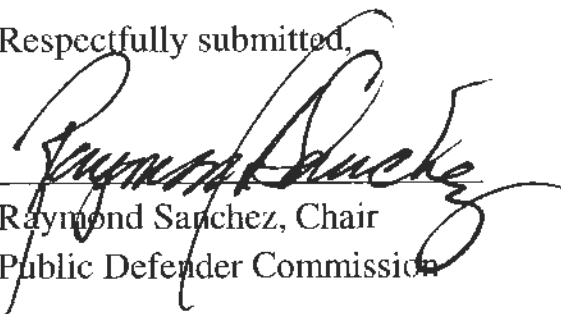


The graph above illustrates the rise in felony case assignments, which seems to align with criminal case filings for the courts.

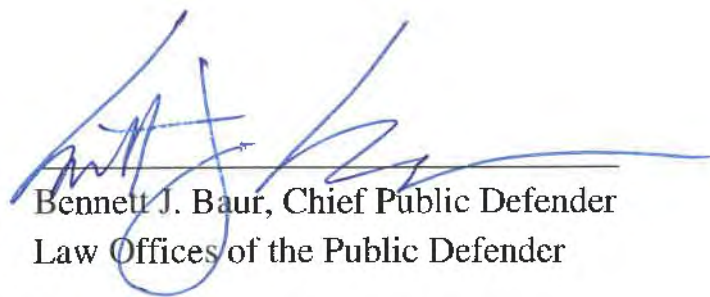
For these reasons, we are compelled by constitutional obligations to our clients, as well as our obligations to rural communities and our state as a whole, to submit the attached budget request which outlines the critical need for a 15.6% increase to our base budget and takes additional steps to implement recommendations in the New Mexico Project and the 5-year Plan to Reduce Representation Dciciency.

The Public Defender Commission and the Law Offices of the Public Defender greatly appreciate your consideration of this FY2026 request.

Respectfully submitted,



Raymond Sanchez, Chair
Public Defender Commission



Bennett J. Baur, Chief Public Defender
Law Offices of the Public Defender

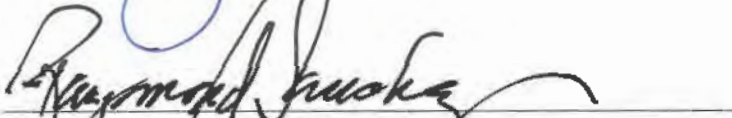
**APPROPRIATION REQUEST
CERTIFICATION
FORM S-1**

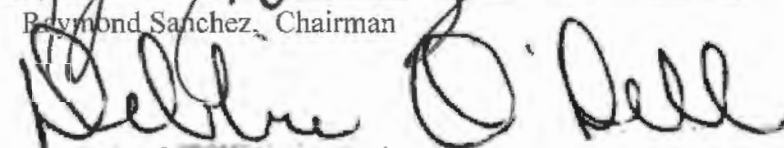
Agency Name: Public Defender Department

Business Unit: 28000

I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.


Bennett J. Baur, Chief Public Defender


Raymond Sanchez, Chairman


Debbie O'Dell, CFO

301 North Guadalupe
Street, Suite 200
Santa Fe, NM 87501

505-490-5463

Debbie.odell@lopdm.us

Note: Appropriation Requests for agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Appropriation Requests not properly signed will be returned.



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

Chief Public Defender



S-8 Financial Summary

(Dollars in Thousands)

BU PCode Department
28000 0000 0000000000

	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	Base	----- FY 2026 Agency Request -----		Total
						Expansion		
REVENUE								
111 General Fund Transfers	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0		87,438.1
112 Other Transfers	0.0	2,199.3	0.0	0.0	0.0	0.0		0.0
130 Other Revenues	303.6	259.6	100.0	0.0	100.0	0.0		100.0
150 Fund Balance	150.0	0.0	0.0	0.0	0.0	0.0		0.0
REVENUE, TRANSFERS	72,159.1	71,968.2	77,155.0	0	87,538.1	0.0		87,538.1
REVENUE	72,159.1	71,968.2	77,155.0	0	87,538.1	0.0		87,538.1
EXPENSE								
200 Personal Services and Employee Benefits	47,345.9	47,786.6	50,710.7	56,513.4	57,006.8	0.0		57,006.8
300 Contractual services	18,681.5	17,241.0	19,417.1	0.0	23,117.1	0.0		23,117.1
400 Other	6,131.7	6,370.2	7,027.2	0.0	7,414.2	0.0		7,414.2
EXPENDITURES	72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0		87,538.1
EXPENSE	72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0		87,538.1
FTE POSITIONS								
810 Permanent	477.00	491.00	497.00	491.00	557.00	0.00		557.00
820 Term	5.00	3.00	5.00	3.00	5.00	0.00		5.00
830 Temporary	14.00	3.00	14.00	3.00	14.00	0.00		14.00
FTEs	496.00	497.00	516.00	497.00	576.00	0.00		576.00
FTE POSITIONS	496.00	497.00	516.00	497.00	576.00	0.00		576.00

State of New Mexico
S-8 Financial Summary
 (Dollars in Thousands)

BU **PCode** **Department**
 28000 P850 000000

	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	Base	----- FY 2026 Agency Request ----- Expansion	Total
REVENUE							
111 General Fund Transfers	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
112 Other Transfers	0.0	2,199.3	0.0	0.0	0.0	0.0	0.0
130 Other Revenues	303.6	259.6	100.0	0.0	100.0	0.0	100.0
150 Fund Balance	150.0	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE, TRANSFERS	72,159.1	71,968.2	77,155.0	0.0	87,538.1	0.0	87,538.1
REVENUE	72,159.1	71,968.2	77,155.0	0.0	87,538.1	0.0	87,538.1
EXPENSE							
200 Personal Services and Employee Benefits	47,345.9	47,786.6	50,710.7	56,513.4	57,006.8	0.0	57,006.8
300 Contractual services	18,681.5	17,241.0	19,417.1	0.0	23,117.1	0.0	23,117.1
400 Other	6,131.7	6,370.2	7,027.2	0.0	7,414.2	0.0	7,414.2
EXPENDITURES	72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0	87,538.1
EXPENSE	72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0	87,538.1
FTE POSITIONS							
810 Permanent	477.00	491.00	497.00	491.00	557.00	0.00	557.00
820 Term	5.00	3.00	5.00	3.00	5.00	0.00	5.00
830 Temporary	14.00	3.00	14.00	3.00	14.00	0.00	14.00
FTEs	496.00	497.00	516.00	497.00	576.00	0.00	576.00
FTE POSITIONS	496.00	497.00	516.00	497.00	576.00	0.00	576.00

BU PCode Department
28000 0000 0000000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
111	General Fund Transfers	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
475109	Other Gifts-Grants-Interagency	0.0	3.2	0.0	0.0	0.0	0.0	0.0
499905	Other Financing Sources	0.0	2,196.1	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	2,199.3	0.0	0.0	0.0	0.0	0.0
422902	Other Fees	303.6	95.6	100.0	0.0	100.0	0.0	100.0
425302	Legal Services	0.0	163.3	0.0	0.0	0.0	0.0	0.0
441101	Interest On Bank Deposits	0.0	0.0	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue	0.0	0.6	0.0	0.0	0.0	0.0	0.0
130	Other Revenues	303.6	259.6	100.0	0.0	100.0	0.0	100.0
325900	Restricted FB - Gov	150.0	0.0	0.0	0.0	0.0	0.0	0.0
150	Fund Balance	150.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		72,159.1	71,968.2	77,155.0	0	87,538.1	0.0	87,538.1
520100	Exempt Perm Positions P/T&F/T	32,877.8	32,909.8	36,048.0	41,278.5	41,125.0	0.0	41,125.0
520200	Term Positions	168.9	245.5	268.9	273.9	315.0	0.0	315.0
520300	Classified Perm Positions F/T	0.0	1.8	0.0	0.0	0.0	0.0	0.0
520500	Temporary Positions F/T & P/T	551.9	283.8	623.6	172.6	210.0	0.0	210.0
520600	Paid Unused Sick Leave	56.5	52.7	56.5	0.0	0.0	0.0	0.0
520700	Overtime & Other Premium Pay	31.9	60.6	31.9	0.0	0.0	0.0	0.0
520800	Annl & Comp Paid At Separation	245.5	177.2	245.5	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	4,010.7	2,745.2	4,185.2	3,340.1	3,664.9	0.0	3,664.9
521200	Retirement Contributions	5,261.7	6,454.5	5,401.7	8,011.5	6,550.3	0.0	6,550.3
521300	F I C A	2,431.0	2,568.6	2,079.4	2,576.8	2,910.0	0.0	2,910.0
521400	Workers' Comp Assessment Fee	4.7	3.9	4.7	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	79.7	79.7	139.7	0.0	175.7	0.0	175.7
521500	Unemployment Comp Premium	50.8	34.1	50.8	0.0	34.4	0.0	34.4
521600	Employee Liability Ins Premium	780.3	780.7	780.3	0.0	376.5	0.0	376.5
521700	RHC Act Contributions	794.5	671.3	794.5	860.1	950.0	0.0	950.0
521900	Other Employee Benefits	0.0	716.8	0.0	0.0	695.0	0.0	695.0
523200	COVID Related Time Worked	0.0	0.7	0.0	0.0	0.0	0.0	0.0
200	Personal Services and Employee Bene	47,345.9	47,786.6	50,710.7	56,513.4	57,006.8	0.0	57,006.8
535200	Professional Services	40.0	229.7	40.0	0.0	0.0	0.0	0.0
535300	Other Services	4,163.4	1,433.8	4,699.0	0.0	4,539.2	0.0	4,539.2

BU PCode Department
28000 0000 0000000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	----- FY 2026 Agency Request -----		
					Base	Expansion	Total
535400 Audit Services	40.4	45.1	40.4	0.0	45.2	0.0	45.2
535500 Attorney Services	13,932.7	15,532.4	13,932.7	0.0	18,132.7	0.0	18,132.7
535600 IT Services	505.0	(0.0)	705.0	0.0	400.0	0.0	400.0
300 Contractual services	18,681.5	17,241.0	19,417.1	0.0	23,117.1	0.0	23,117.1
542100 Employee I/S Mileage & Fares	80.0	28.3	80.0	0.0	50.0	0.0	50.0
542200 Employee I/S Meals & Lodging	120.0	128.0	120.0	0.0	140.0	0.0	140.0
542300 Brd & Comm Mbr Meals & Lodging	3.0	0.1	3.0	0.0	3.0	0.0	3.0
542310 Brd & Comm Mbr Mileage & Fares	0.0	0.3	0.0	0.0	0.0	0.0	0.0
542500 Transp - Fuel & Oil	20.0	23.7	20.0	0.0	30.0	0.0	30.0
542600 Transp - Parts & Supplies	10.0	2.6	10.0	0.0	10.0	0.0	10.0
542700 Transp - Transp Insurance	0.5	0.0	1.0	0.0	0.6	0.0	0.6
542800 State Transp Pool Charges	153.8	160.5	175.0	0.0	175.0	0.0	175.0
543200 Maint - Furn, Fixt, Equipment	98.0	2.9	98.0	0.0	50.7	0.0	50.7
543300 Maint - Buildings & Structures	6.0	1.1	6.0	0.0	6.0	0.0	6.0
543400 Maint - Property Insurance	0.2	0.0	0.5	0.0	0.1	0.0	0.1
543600 Maint - Laundry/Dry Cleaning	0.0	0.3	0.0	0.0	0.0	0.0	0.0
543700 Maintenance Services	15.5	0.0	15.3	0.0	0.0	0.0	0.0
543830 IT HW/SW Agreements	210.5	274.7	100.0	0.0	475.0	0.0	475.0
544000 Supply Inventory IT	150.0	163.5	144.0	0.0	175.0	0.0	175.0
544100 Supplies-Office Supplies	95.0	110.8	95.0	0.0	120.0	0.0	120.0
544200 Supplies-Medical,Lab,Personal	0.0	32.3	0.0	0.0	0.0	0.0	0.0
544400 Supplies-Field Supplies	0.2	0.0	0.0	0.0	0.0	0.0	0.0
544500 Supplies-Food	0.0	0.1	0.0	0.0	0.0	0.0	0.0
544700 Supplies-Clothing,Unifrms,Linen	5.0	7.6	5.0	0.0	8.0	0.0	8.0
544900 Supplies-Inventory Exempt	50.0	72.7	60.0	0.0	75.0	0.0	75.0
545600 Reporting & Recording	685.0	492.3	685.0	0.0	887.0	0.0	887.0
545710 DOIT HCM Assessment Fees	172.8	158.1	172.8	0.0	182.0	0.0	182.0
545900 Printing & Photo Services	20.0	56.4	45.0	0.0	60.0	0.0	60.0
546100 Postage & Mail Services	90.0	48.0	90.0	0.0	60.0	0.0	60.0
546400 Rent Of Land & Buildings	3,006.6	3,086.3	3,100.0	0.0	3,100.0	0.0	3,100.0
546500 Rent Of Equipment	100.0	142.6	140.0	0.0	145.0	0.0	145.0
546600 Communications	44.1	599.4	844.1	0.0	750.0	0.0	750.0
546610 DOIT Telecommunications	68.0	102.1	90.0	0.0	104.3	0.0	104.3

BU PCode Department
28000 0000 0000000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
546700	Subscriptions/Dues/License Fee	300.0	242.8	300.0	0.0	300.0	0.0	300.0
546709	Subscription & Due Interagency	0.0	0.9	0.0	0.0	0.0	0.0	0.0
546800	Employee Training & Education	72.5	61.8	72.5	0.0	72.5	0.0	72.5
546900	Advertising	15.0	54.2	15.0	0.0	60.0	0.0	60.0
547000	Legal Settlements	200.0	1.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	10.0	29.9	10.0	0.0	25.0	0.0	25.0
547999	Request to Pay Prior Year	50.0	42.1	50.0	0.0	50.0	0.0	50.0
548300	Information Tech Equipment	250.0	108.9	450.0	0.0	150.0	0.0	150.0
548400	Other Equipment	0.0	22.7	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	15.0	58.3	15.0	0.0	75.0	0.0	75.0
549700	Employee O/S Meals & Lodging	15.0	52.4	15.0	0.0	75.0	0.0	75.0
400	Other	6,131.7	6,370.2	7,027.2	0.0	7,414.2	0.0	7,414.2
TOTAL EXPENSE		72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0	87,538.1
810	Permanent	477.00	491.00	497.00	491.00	557.00	0.00	557.00
810	Permanent	477.00	491.00	497.00	491.00	557.00	0.00	557.00
820	Term	5.00	3.00	5.00	3.00	0.00	5	0.00
820	Term	5.00	3.00	5.00	3.00	0.00	5	0.00
830	Temporary	14.00	3.00	14.00	3.00	0.00	14	0.00
830	Temporary	14.00	3.00	14.00	3.00	0.00	14	0.00
TOTAL FTE POSITIONS		496.00	497.00	516.00	497.00	557.00	576	576

Criminal Legal Services

State of New Mexico

BU PCode Department
28000 P850 000000

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
111	General Fund Transfers	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
475109	Other Gifts-Grants-Interagency	0.0	3.2	0.0	0.0	0.0	0.0	0.0
499905	Other Financing Sources	0.0	2,196.1	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	2,199.3	0.0	0.0	0.0	0.0	0.0
422902	Other Fees	303.6	95.6	100.0	0.0	100.0	0.0	100.0
425302	Legal Services	0.0	163.3	0.0	0.0	0.0	0.0	0.0
441101	Interest On Bank Deposits	0.0	0.0	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue	0.0	0.6	0.0	0.0	0.0	0.0	0.0
130	Other Revenues	303.6	259.6	100.0	0.0	100.0	0.0	100.0
325900	Restricted FB - Gov	150.0	0.0	0.0	0.0	0.0	0.0	0.0
150	Fund Balance	150.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		72,159.1	71,968.2	77,155.0	0.0	87,538.1	0.0	87,538.1
520100	Exempt Perm Positions P/T&F/T	32,877.8	32,909.8	36,048.0	41,278.5	41,125.0	0.0	41,125.0
520200	Term Positions	168.9	245.5	268.9	273.9	315.0	0.0	315.0
520300	Classified Perm Positions F/T	0.0	1.8	0.0	0.0	0.0	0.0	0.0
520500	Temporary Positions F/T & P/T	551.9	283.8	623.6	172.6	210.0	0.0	210.0
520600	Paid Unused Sick Leave	56.5	52.7	56.5	0.0	0.0	0.0	0.0
520700	Overtime & Other Premium Pay	31.9	60.6	31.9	0.0	0.0	0.0	0.0
520800	Annl & Comp Paid At Separation	245.5	177.2	245.5	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	4,010.7	2,745.2	4,185.2	3,340.1	3,664.9	0.0	3,664.9
521200	Retirement Contributions	5,261.7	6,454.5	5,401.7	8,011.5	6,550.3	0.0	6,550.3
521300	F I C A	2,431.0	2,568.6	2,079.4	2,576.8	2,910.0	0.0	2,910.0
521400	Workers' Comp Assessment Fee	4.7	3.9	4.7	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	79.7	79.7	139.7	0.0	175.7	0.0	175.7
521500	Unemployment Comp Premium	50.8	34.1	50.8	0.0	34.4	0.0	34.4
521600	Employee Liability Ins Premium	780.3	780.7	780.3	0.0	376.5	0.0	376.5
521700	RHC Act Contributions	794.5	671.3	794.5	860.1	950.0	0.0	950.0
521900	Other Employee Benefits	0.0	716.8	0.0	0.0	695.0	0.0	695.0
523200	COVID Related Time Worked	0.0	0.7	0.0	0.0	0.0	0.0	0.0
200	Personal Services and Employee Bene	47,345.9	47,786.6	50,710.7	56,513.4	57,006.8	0.0	57,006.8
535200	Professional Services	40.0	229.7	40.0	0.0	0.0	0.0	0.0
535300	Other Services	4,163.4	1,433.8	4,699.0	0.0	4,539.2	0.0	4,539.2

Criminal Legal Services

State of New Mexico

BU PCode Department
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S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
535400	Audit Services	40.4	45.1	40.4	0.0	45.2	0.0	45.2
535500	Attorney Services	13,932.7	15,532.4	13,932.7	0.0	18,132.7	0.0	18,132.7
535600	IT Services	505.0	(0.0)	705.0	0.0	400.0	0.0	400.0
300	Contractual services	18,681.5	17,241.0	19,417.1	0.0	23,117.1	0.0	23,117.1
542100	Employee I/S Mileage & Fares	80.0	28.3	80.0	0.0	50.0	0.0	50.0
542200	Employee I/S Meals & Lodging	120.0	128.0	120.0	0.0	140.0	0.0	140.0
542300	Brd & Comm Mbr Meals & Lodging	3.0	0.1	3.0	0.0	3.0	0.0	3.0
542310	Brd & Comm Mbr Mileage & Fares	0.0	0.3	0.0	0.0	0.0	0.0	0.0
542500	Transp - Fuel & Oil	20.0	23.7	20.0	0.0	30.0	0.0	30.0
542600	Transp - Parts & Supplies	10.0	2.6	10.0	0.0	10.0	0.0	10.0
542700	Transp - Transp Insurance	0.5	0.0	1.0	0.0	0.6	0.0	0.6
542800	State Transp Pool Charges	153.8	160.5	175.0	0.0	175.0	0.0	175.0
543200	Maint - Furn, Fixt, Equipment	98.0	2.9	98.0	0.0	50.7	0.0	50.7
543300	Maint - Buildings & Structures	6.0	1.1	6.0	0.0	6.0	0.0	6.0
543400	Maint - Property Insurance	0.2	0.0	0.5	0.0	0.1	0.0	0.1
543600	Maint - Laundry/Dry Cleaning	0.0	0.3	0.0	0.0	0.0	0.0	0.0
543700	Maintenance Services	15.5	0.0	15.3	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	210.5	274.7	100.0	0.0	475.0	0.0	475.0
544000	Supply Inventory IT	150.0	163.5	144.0	0.0	175.0	0.0	175.0
544100	Supplies-Office Supplies	95.0	110.8	95.0	0.0	120.0	0.0	120.0
544200	Supplies-Medical,Lab,Personal	0.0	32.3	0.0	0.0	0.0	0.0	0.0
544400	Supplies-Field Supplies	0.2	0.0	0.0	0.0	0.0	0.0	0.0
544500	Supplies-Food	0.0	0.1	0.0	0.0	0.0	0.0	0.0
544700	Supplies-Clothing,Unifrms,Linen	5.0	7.6	5.0	0.0	8.0	0.0	8.0
544900	Supplies-Inventory Exempt	50.0	72.7	60.0	0.0	75.0	0.0	75.0
545600	Reporting & Recording	685.0	492.3	685.0	0.0	887.0	0.0	887.0
545710	DOIT HCM Assessment Fees	172.8	158.1	172.8	0.0	182.0	0.0	182.0
545900	Printing & Photo Services	20.0	56.4	45.0	0.0	60.0	0.0	60.0
546100	Postage & Mail Services	90.0	48.0	90.0	0.0	60.0	0.0	60.0
546400	Rent Of Land & Buildings	3,006.6	3,086.3	3,100.0	0.0	3,100.0	0.0	3,100.0
546500	Rent Of Equipment	100.0	142.6	140.0	0.0	145.0	0.0	145.0
546600	Communications	44.1	599.4	844.1	0.0	750.0	0.0	750.0
546610	DOIT Telecommunications	68.0	102.1	90.0	0.0	104.3	0.0	104.3
546700	Subscriptions/Dues/License Fee	300.0	242.8	300.0	0.0	300.0	0.0	300.0

Criminal Legal Services

State of New Mexico

BU PCode Department
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S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
546709	Subscription & Due Interagency	0.0	0.9	0.0	0.0	0.0	0.0	0.0
546800	Employee Training & Education	72.5	61.8	72.5	0.0	72.5	0.0	72.5
546900	Advertising	15.0	54.2	15.0	0.0	60.0	0.0	60.0
547000	Legal Settlements	200.0	1.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	10.0	29.9	10.0	0.0	25.0	0.0	25.0
547999	Request to Pay Prior Year	50.0	42.1	50.0	0.0	50.0	0.0	50.0
548300	Information Tech Equipment	250.0	108.9	450.0	0.0	150.0	0.0	150.0
548400	Other Equipment	0.0	22.7	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	15.0	58.3	15.0	0.0	75.0	0.0	75.0
549700	Employee O/S Meals & Lodging	15.0	52.4	15.0	0.0	75.0	0.0	75.0
400	Other	6,131.7	6,370.2	7,027.2	0.0	7,414.2	0.0	7,414.2
TOTAL EXPENSE		72,159.1	71,397.9	77,155.0	56,513.4	87,538.1	0.0	87,538.1
810	Permanent	477.00	491.00	497.00	491.00	557.00	0.00	557.00
810	Permanent	477.00	491.00	497.00	491.00	557.00	0.00	557.00
820	Term	5.00	3.00	5.00	3.00	0.00	5	0.00
820	Term	5.00	3.00	5.00	3.00	0.00	5	0.00
830	Temporary	14.00	3.00	14.00	3.00	0.00	14	0.00
830	Temporary	14.00	3.00	14.00	3.00	0.00	14	0.00
TOTAL FTE POSITIONS		496.00	497.00	516.00	497.00	557.00	0.00	557.00

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Public Defender Department

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S-9 Account Code Revenue Summary
 (Dollars in Thousands)

	Provider PCode	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	----- FY 2026 Agency Request -----		
						Base	Expansion	Total
499105	General Fd. Appropriation	71,705.5	69,509.4	0.0	0.0	87,438.1	0.0	87,438.1
111	General Fund Transfers	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
475109	Other Gifts-Grants-Interagency	0.0	3.2	0.0	0.0	0.0	0.0	0.0
499905	Other Financing Sources	0.0	2,196.1	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	2,199.3	0.0	0.0	0.0	0.0	0.0
422902	Other Fees	303.6	95.6	0.0	0.0	100.0	0.0	100.0
425302	Legal Services	0.0	163.3	0.0	0.0	0.0	0.0	0.0
441101	Interest On Bank Deposits	0.0	0.0	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue	0.0	0.6	0.0	0.0	0.0	0.0	0.0
130	Other Revenues	303.6	259.6	100.0	0.0	100.0	0.0	100.0
325900	Restricted FB - Gov	150.0	0.0	0.0	0.0	0.0	0.0	0.0
150	Fund Balance	150.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		72,159.1	71,968.2	77,155.0	0	87,538.1	0.0	87,538.1

Criminal Legal Services

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S-9 Account Code Revenue Summary
 (Dollars in Thousands)

	Provider PCode	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	----- FY 2026 Agency Request -----		
						Base	Expansion	Total
499105	General Fd. Appropriation	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
111	General Fund Transfers	71,705.5	69,509.4	77,055.0	0.0	87,438.1	0.0	87,438.1
475109	Other Gifts-Grants-Interagency	0.0	3.2	0.0	0.0	0.0	0.0	0.0
499905	Other Financing Sources	0.0	2,196.1	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	0.0	2,199.3	0.0	0.0	0.0	0.0	0.0
422902	Other Fees	303.6	95.6	100.0	0.0	100.0	0.0	100.0
425302	Legal Services	0.0	163.3	0.0	0.0	0.0	0.0	0.0
441101	Interest On Bank Deposits	0.0	0.0	0.0	0.0	0.0	0.0	0.0
496901	Miscellaneous Revenue	0.0	0.6	0.0	0.0	0.0	0.0	0.0
130	Other Revenues	303.6	259.6	100.0	0.0	100.0	0.0	100.0
325900	Restricted FB - Gov	150.0	0.0	0.0	0.0	0.0	0.0	0.0
150	Fund Balance	150.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL REVENUE		72,159.1	71,968.2	77,155.0	0.0	87,538.1	0.0	87,538.1

Public Defender Department

BU PCode Department
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State of New Mexico

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
520100	Exempt Perm Positions P/T&F/T	32,877.8	32,909.8	36,048.0	41,278.5	41,125.0	0.0	41,125.0
520200	Term Positions	168.9	245.5	268.9	273.9	315.0	0.0	315.0
520300	Classified Perm Positions F/T	0.0	1.8	0.0	0.0	0.0	0.0	0.0
520500	Temporary Positions F/T & P/T	551.9	283.8	623.6	172.6	210.0	0.0	210.0
520600	Paid Unused Sick Leave	56.5	52.7	56.5	0.0	0.0	0.0	0.0
520700	Overtime & Other Premium Pay	31.9	60.6	31.9	0.0	0.0	0.0	0.0
520800	Annl & Comp Paid At Separation	245.5	177.2	245.5	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	4,010.7	2,745.2	4,185.2	3,340.1	3,664.9	0.0	3,664.9
521200	Retirement Contributions	5,261.7	6,454.5	5,401.7	8,011.5	6,550.3	0.0	6,550.3
521300	F I C A	2,431.0	2,568.6	2,079.4	2,576.8	2,910.0	0.0	2,910.0
521400	Workers' Comp Assessment Fee	4.7	3.9	4.7	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	79.7	79.7	139.7	0.0	175.7	0.0	175.7
521500	Unemployment Comp Premium	50.8	34.1	50.8	0.0	34.4	0.0	34.4
521600	Employee Liability Ins Premium	780.3	780.7	780.3	0.0	376.5	0.0	376.5
521700	RHC Act Contributions	794.5	671.3	794.5	860.1	950.0	0.0	950.0
521900	Other Employee Benefits	0.0	716.8	0.0	0.0	695.0	0.0	695.0
523200	COVID Related Time Worked	0.0	0.7	0.0	0.0	0.0	0.0	0.0
200	Personal Services and Employee Benefits	47,345.9	47,786.6	50,710.7	56,513.4	57,006.8	0.0	57,006.8
535200	Professional Services	40.0	229.7	40.0	0.0	0.0	0.0	0.0
535300	Other Services	4,163.4	1,433.8	4,699.0	0.0	4,539.2	0.0	4,539.2
535400	Audit Services	40.4	45.1	40.4	0.0	45.2	0.0	45.2
535500	Attorney Services	13,932.7	15,532.4	13,932.7	0.0	18,132.7	0.0	18,132.7
535600	IT Services	505.0	(0.0)	705.0	0.0	400.0	0.0	400.0
300	Contractual services	18,681.5	17,241.0	19,417.1	0.0	23,117.1	0.0	23,117.1
542100	Employee I/S Mileage & Fares	80.0	28.3	80.0	0.0	50.0	0.0	50.0
542200	Employee I/S Meals & Lodging	120.0	128.0	120.0	0.0	140.0	0.0	140.0
542300	Brd & Comm Mbr Meals & Lodgin	3.0	0.1	3.0	0.0	3.0	0.0	3.0
542310	Brd & Comm Mbr Mileage & Fares	0.0	0.3	0.0	0.0	0.0	0.0	0.0
542500	Transp - Fuel & Oil	20.0	23.7	20.0	0.0	30.0	0.0	30.0
542600	Transp - Parts & Supplies	10.0	2.6	10.0	0.0	10.0	0.0	10.0
542700	Transp - Transp Insurance	0.5	0.0	1.0	0.0	0.6	0.0	0.6
542800	State Transp Pool Charges	153.8	160.5	175.0	0.0	175.0	0.0	175.0

Public Defender Department

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State of New Mexico

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
543200	Maint - Furn, Fixt, Equipment	98.0	2.9	98.0	0.0	50.7	0.0	50.7
543300	Maint - Buildings & Structures	6.0	1.1	6.0	0.0	6.0	0.0	6.0
543400	Maint - Property Insurance	0.2	0.0	0.5	0.0	0.1	0.0	0.1
543600	Maint - Laundry/Dry Cleaning	0.0	0.3	0.0	0.0	0.0	0.0	0.0
543700	Maintenance Services	15.5	0.0	15.3	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	210.5	274.7	100.0	0.0	475.0	0.0	475.0
544000	Supply Inventory IT	150.0	163.5	144.0	0.0	175.0	0.0	175.0
544100	Supplies-Office Supplies	95.0	110.8	95.0	0.0	120.0	0.0	120.0
544200	Supplies-Medical, Lab, Personal	0.0	32.3	0.0	0.0	0.0	0.0	0.0
544400	Supplies-Field Supplies	0.2	0.0	0.0	0.0	0.0	0.0	0.0
544500	Supplies-Food	0.0	0.1	0.0	0.0	0.0	0.0	0.0
544700	Supplies-Clothing, Unifrms, Linen	5.0	7.6	5.0	0.0	8.0	0.0	8.0
544900	Supplies-Inventory Exempt	50.0	72.7	60.0	0.0	75.0	0.0	75.0
545600	Reporting & Recording	685.0	492.3	685.0	0.0	887.0	0.0	887.0
545710	DOIT HCM Assessment Fees	172.8	158.1	172.8	0.0	182.0	0.0	182.0
545900	Printing & Photo Services	20.0	56.4	45.0	0.0	60.0	0.0	60.0
546100	Postage & Mail Services	90.0	48.0	90.0	0.0	60.0	0.0	60.0
546400	Rent Of Land & Buildings	3,006.6	3,086.3	3,100.0	0.0	3,100.0	0.0	3,100.0
546500	Rent Of Equipment	100.0	142.6	140.0	0.0	145.0	0.0	145.0
546600	Communications	44.1	599.4	844.1	0.0	750.0	0.0	750.0
546610	DOIT Telecommunications	68.0	102.1	90.0	0.0	104.3	0.0	104.3
546700	Subscriptions/Dues/License Fee	300.0	242.8	300.0	0.0	300.0	0.0	300.0
546709	Subscription & Due Interagency	0.0	0.9	0.0	0.0	0.0	0.0	0.0
546800	Employee Training & Education	72.5	61.8	72.5	0.0	72.5	0.0	72.5
546900	Advertising	15.0	54.2	15.0	0.0	60.0	0.0	60.0
547000	Legal Settlements	200.0	1.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	10.0	29.9	10.0	0.0	25.0	0.0	25.0
547999	Request to Pay Prior Year	50.0	42.1	50.0	0.0	50.0	0.0	50.0
548300	Information Tech Equipment	250.0	108.9	450.0	0.0	150.0	0.0	150.0
548400	Other Equipment	0.0	22.7	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	15.0	58.3	15.0	0.0	75.0	0.0	75.0
549700	Employee O/S Meals & Lodging	15.0	52.4	15.0	0.0	75.0	0.0	75.0
400	Other	6,131.7	6,370.2	7,027.2	0.0	7,414.2	0.0	7,414.2

Public Defender Department

BU PCode Department
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State of New Mexico

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

	2023-24 Opbud	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	----- FY 2026 Agency Request -----		
					Base	Expansion	Total
TOTAL EXPENSE	72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0	87,538.1

Criminal Legal Services

BU PCode Department
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State of New Mexico

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
520100	Exempt Perm Positions P/T&F/T	32,877.8	32,909.8	36,048.0	41,278.5	41,125.0	0.0	41,125.0
520200	Term Positions	168.9	245.5	268.9	273.9	315.0	0.0	315.0
520300	Classified Perm Positions F/T	0.0	1.8	0.0	0.0	0.0	0.0	0.0
520500	Temporary Positions F/T & P/T	551.9	283.8	623.6	172.6	210.0	0.0	210.0
520600	Paid Unused Sick Leave	56.5	52.7	56.5	0.0	0.0	0.0	0.0
520700	Overtime & Other Premium Pay	31.9	60.6	31.9	0.0	0.0	0.0	0.0
520800	Annl & Comp Paid At Separation	245.5	177.2	245.5	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	4,010.7	2,745.2	4,185.2	3,340.1	3,664.9	0.0	3,664.9
521200	Retirement Contributions	5,261.7	6,454.5	5,401.7	8,011.5	6,550.3	0.0	6,550.3
521300	F I C A	2,431.0	2,568.6	2,079.4	2,576.8	2,910.0	0.0	2,910.0
521400	Workers' Comp Assessment Fee	4.7	3.9	4.7	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	79.7	79.7	139.7	0.0	175.7	0.0	175.7
521500	Unemployment Comp Premium	50.8	34.1	50.8	0.0	34.4	0.0	34.4
521600	Employee Liability Ins Premium	780.3	780.7	780.3	0.0	376.5	0.0	376.5
521700	RHC Act Contributions	794.5	671.3	794.5	860.1	950.0	0.0	950.0
521900	Other Employee Benefits	0.0	716.8	0.0	0.0	695.0	0.0	695.0
523200	COVID Related Time Worked	0.0	0.7	0.0	0.0	0.0	0.0	0.0
200	Personal Services and Employe	47,345.9	47,786.6	50,710.7	56,513.4	57,006.8	0.0	57,006.8
535200	Professional Services	40.0	229.7	40.0	0.0	0.0	0.0	0.0
535300	Other Services	4,163.4	1,433.8	4,699.0	0.0	4,539.2	0.0	4,539.2
535400	Audit Services	40.4	45.1	40.4	0.0	45.2	0.0	45.2
535500	Attorney Services	13,932.7	15,532.4	13,932.7	0.0	18,132.7	0.0	18,132.7
535600	IT Services	505.0	(0.0)	705.0	0.0	400.0	0.0	400.0
300	Contractual services	18,681.5	17,241.0	19,417.1	0.0	23,117.1	0.0	23,117.1
542100	Employee I/S Mileage & Fares	80.0	28.3	80.0	0.0	50.0	0.0	50.0
542200	Employee I/S Meals & Lodging	120.0	128.0	120.0	0.0	140.0	0.0	140.0
542300	Brd & Comm Mbr Meals & Lodgin	3.0	0.1	3.0	0.0	3.0	0.0	3.0
542310	Brd & Comm Mbr Mileage & Fares	0.0	0.3	0.0	0.0	0.0	0.0	0.0
542500	Transp - Fuel & Oil	20.0	23.7	20.0	0.0	30.0	0.0	30.0
542600	Transp - Parts & Supplies	10.0	2.6	10.0	0.0	10.0	0.0	10.0
542700	Transp - Transp Insurance	0.5	0.0	1.0	0.0	0.6	0.0	0.6
542800	State Transp Pool Charges	153.8	160.5	175.0	0.0	175.0	0.0	175.0
543200	Maint - Furn, Fixt, Equipment	98.0	2.9	98.0	0.0	50.7	0.0	50.7

Criminal Legal Services

State of New Mexico

BU PCode Department
28000 P850 000000

S-9 Account Code Expenditure Summary
(Dollars in Thousands)

		2023-24	2023-24	2024-25	2025-26	----- FY 2026 Agency Request -----		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
543300	Maint - Buildings & Structures	6.0	1.1	6.0	0.0	6.0	0.0	6.0
543400	Maint - Property Insurance	0.2	0.0	0.5	0.0	0.1	0.0	0.1
543600	Maint - Laundry/Dry Cleaning	0.0	0.3	0.0	0.0	0.0	0.0	0.0
543700	Maintenance Services	15.5	0.0	15.3	0.0	0.0	0.0	0.0
543830	IT HW/SW Agreements	210.5	274.7	100.0	0.0	475.0	0.0	475.0
544000	Supply Inventory IT	150.0	163.5	144.0	0.0	175.0	0.0	175.0
544100	Supplies-Office Supplies	95.0	110.8	95.0	0.0	120.0	0.0	120.0
544200	Supplies-Medical,Lab,Personal	0.0	32.3	0.0	0.0	0.0	0.0	0.0
544400	Supplies-Field Supplies	0.2	0.0	0.0	0.0	0.0	0.0	0.0
544500	Supplies-Food	0.0	0.1	0.0	0.0	0.0	0.0	0.0
544700	Supplies-Clothing,Unifrms,Linen	5.0	7.6	5.0	0.0	8.0	0.0	8.0
544900	Supplies-Inventory Exempt	50.0	72.7	60.0	0.0	75.0	0.0	75.0
545600	Reporting & Recording	685.0	492.3	685.0	0.0	887.0	0.0	887.0
545710	DOIT HCM Assessment Fees	172.8	158.1	172.8	0.0	182.0	0.0	182.0
545900	Printing & Photo Services	20.0	56.4	45.0	0.0	60.0	0.0	60.0
546100	Postage & Mail Services	90.0	48.0	90.0	0.0	60.0	0.0	60.0
546400	Rent Of Land & Buildings	3,006.6	3,086.3	3,100.0	0.0	3,100.0	0.0	3,100.0
546500	Rent Of Equipment	100.0	142.6	140.0	0.0	145.0	0.0	145.0
546600	Communications	44.1	599.4	844.1	0.0	750.0	0.0	750.0
546610	DOIT Telecommunications	68.0	102.1	90.0	0.0	104.3	0.0	104.3
546700	Subscriptions/Dues/License Fee	300.0	242.8	300.0	0.0	300.0	0.0	300.0
546709	Subscription & Due Interagency	0.0	0.9	0.0	0.0	0.0	0.0	0.0
546800	Employee Training & Education	72.5	61.8	72.5	0.0	72.5	0.0	72.5
546900	Advertising	15.0	54.2	15.0	0.0	60.0	0.0	60.0
547000	Legal Settlements	200.0	1.5	0.0	0.0	0.0	0.0	0.0
547900	Miscellaneous Expense	10.0	29.9	10.0	0.0	25.0	0.0	25.0
547999	Request to Pay Prior Year	50.0	42.1	50.0	0.0	50.0	0.0	50.0
548300	Information Tech Equipment	250.0	108.9	450.0	0.0	150.0	0.0	150.0
548400	Other Equipment	0.0	22.7	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	15.0	58.3	15.0	0.0	75.0	0.0	75.0
549700	Employee O/S Meals & Lodging	15.0	52.4	15.0	0.0	75.0	0.0	75.0
400	Other	6,131.7	6,370.2	7,027.2	0.0	7,414.2	0.0	7,414.2
TOTAL EXPENSE		72,159.1	71,397.9	77,155.0	56,513.45	87,538.1	0.0	87,538.1

APPROPRIATION REQUEST

FORM S-10 FUND BALANCE PROJECTION

(In Whole Dollars)

Agency: <u>Public Defender Department</u>	Business Unit: <u>28000</u>
Fund Name: <u>Public Defender</u>	Fund Number: <u>75910</u>
Legal Auth. <u>Administratively Established</u>	

BEGINNING BALANCE

Unreserved, undesignated fund balance (not cash balance) from SHARE NMS006GL Balance Sheet Report at close of FY24	885,800
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ADJUSTMENTS

Add:

Interfund receivables, accounts receivables, and other assets not reflected in fund balance from FCD Reports at close of FY24	0
Other (explain in detail)	96,300

Deduct:

Liabilities not reflected in FCD Reports at close of FY24	0
Fund balance designated by law for future expenditure (non-reverting funds)	0
Amount due to State General Fund or other fund designated by statute	0
Other (explain in detail)	0
FY24 revision not reflected in liabilities	0
Total Adjustments	96,300

ADJUSTED UNRESERVED, UNDESIGNATED FUND BALANCE at close of FY24	982,100
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Add:

Projected revenue/sources (less fund balance budgeted) for FY25	100,000
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Deduct:

Projected total expenditures for FY25	0
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ADJUSTED UNRESERVED/UNDESIGNATED FUND BALANCE at close of FY25	1,082,100
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Add:

Projected revenue/sources (less fund balance requested) for FY26	100,000
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Deduct:

Total expenditures budgeted in appropriation request	0
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ADJUSTED UNRESERVED/UNDESIGNATED FUND BALANCE at close of FY26	1,182,100
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State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

BusUnit	Line Item	2023-24	2024-25	Request		Recommendation		Opbud
		Actuals	Opbud	Base	Expansion	Base	Expansion	
28000	P850-R Criminal Legal Services							
	521410 GSD Work Comp Insur Premium	79.67	139.7	175.7	0	0	0	0.0
	521500 Unemployment Comp Premium	34.06	50.8	34.4	0	0	0	0.0
	521600 Employee Liability Ins Premium	780.73	780.3	376.5	0	0	0	0.0
	535400 Audit Services	45.12	40.4	45.2	0	0	0	0.0
	542700 Transp - Transp Insurance	0	1	0.6	0	0	0	0.0
	542800 State Transp Pool Charges	160.55	175	175	0	0	0	0.0
	543400 Maint - Property Insurance	0	0.5	0.1	0	0	0	0.0
	545710 DOIT HCM Assessment Fees	158.1	172.8	182	0	0	0	0.0
546610 DOIT Telecommunications	102.06	90	104.3	0	0	0	0.0	
Subtotal for:	28000 P850-R Criminal Legal Services	1,360.28	1,450.5	1,093.8	0	0	0	0.0
28000		1,360.28	1,450.5	1,093.8	0	0	0	0.0

Totals by Line Item

BusUnit	Line Item	2023-24	2024-25	Request		Recommendation		Opbud
		Actuals	Opbud	Base	Expansion	Base	Expansion	
28000	521410 GSD Work Comp Insur Premium	79.67	139.7	175.7	0	0	0	0.0
	521500 Unemployment Comp Premium	34.06	50.8	34.4	0	0	0	0.0
	521600 Employee Liability Ins Premium	780.73	780.3	376.5	0	0	0	0.0
	535400 Audit Services	45.12	40.4	45.2	0	0	0	0.0
	542700 Transp - Transp Insurance	0	1	0.6	0	0	0	0.0
	542800 State Transp Pool Charges	160.55	175	175	0	0	0	0.0
	543400 Maint - Property Insurance	0	0.5	0.1	0	0	0	0.0
	545710 DOIT HCM Assessment Fees	158.1	172.8	182	0	0	0	0.0
	546610 DOIT Telecommunications	102.06	90	104.3	0	0	0	0.0
Grand Total		1,360.28	1,450.5	1,093.8	0	0	0	0.0

Program Description:

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. Our mission is 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 in New Mexico. LOPD has thirteen offices spread throughout eight of the thirteen Judicial Districts (First, Second, Third, Fifth, Eighth, Ninth, Eleventh, and Twelfth). Those offices handle approximately 66% of all assigned cases. Contract defenders provide representation in 34% of assigned cases annually, in the 20 counties where LOPD does not have an office and in cases statewide where LOPD has a conflict of interest.

Major Issues and Accomplishments:

Public Defense Funding and Staffing Levels

Though the roles of the prosecution and defense are inherently different, there are significant disparities in funding and resource levels between the two entities. In FY25, LOPD's budget was about 40% of all district attorney's office (including AODA) budgets despite having the same cases and clients. As of July 2024, the DAs employed 1,090 staff in total, compared with 500 employed by LOPD – more than double the amount of prosecutorial staff than defense staff.

The DA offices are not only supported by their in-house administration as well as state-level administration, but are also served by state, local and federal law enforcement. For example, state and local law enforcement conduct the initial investigations for the cases handled by the local DA; for LOPD, this process must occur using internal staff time and resources. In addition, each DA's office has an in-house CFO, HR staff, and IT support, combined with similar statewide resources and support provided by AODA.

LOPD has 51 administrative staff dedicated to serving 500 FTE and 95 contractors, while also auditing and monitoring invoicing by contract defenders. Administrative staff includes fiscal, HR, IT, and statewide administrative staff. AODA and the DA's offices have a total of 727 core staff FTE and 363 attorney FTE. In addition, many DA offices have Deputy DAs or other attorney supervisors that are not assigned cases nor carry an active caseload. When compared to data compiled from DA offices across the state, LOPD staffing ratios are significantly lower than the DAs.

The funding gap is further exacerbated as LOPD is burdened with the additional expense of paying leases for its facilities, while DA offices are provided and paid for by the counties. This additional expense depletes the LOPD budget.

Shortage of Contract Defenders

LOPD's funding levels force minimal compensation rates for LOPD contract defenders. As a result, LOPD has struggled to find and retain an adequate number of contractors to provide a constitutionally appropriate level of defense, worsening the legal deserts existing in the state. The current base rate compensation for contract defenders is \$900 for first degree felonies (except capital crimes which are compensated at \$6,500), \$850 for second degree felonies, \$775 for third degree felonies, \$650 for fourth degree felonies, \$360 for juvenile cases, \$220 for misdemeanor cases, and \$360 for misdemeanor DWI and DV cases. Case compensation rates remain low despite LOPD increasing rates 20% in FY24.

The State of New Mexico pays contract lawyers in civil cases \$150 (for those with zero to two years of experience) to \$225 (for over ten years of experience) per hour to protect the State's money through the RMD's contracts. 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. By contrast, federal contract public defenders are compensated an hourly rate of \$172. In prior years, LOPD has seen a decrease in response to RFPs for contract attorneys. Although some of the contractors retired, others did not resubmit proposals, preferring instead to concentrate on their more lucrative private practices. It is becoming increasingly difficult to replace contractors in rural areas when LOPD loses them.

Overview of Request:

The request includes a base general fund increase of \$11.8 million, a 15.6% increase.

The request includes:

- \$6.3 million for 60 additional FTE, 30 attorneys (\$3.5 million) and 30 core staff (\$2.8 million), to continue to implement ABA New Mexico Workload Study recommendations toward adequate defense team staffing to improve representation, increase direct support and social work services to clients, and reduce recidivism.
- \$168,480 for increased multi-lingual pay to aid in better direct client services.
- Recognizing struggles to recruit and retain in rural communities, the request contains \$695,000 for additional compensation for employees serving rural communities.
- \$4.2 million is requested to bolster efforts to recruit and retain contract attorneys statewide. LOPD is striving to attain pay parity with state civil contract attorneys and to provide necessary funding for complex cases compensation.
- \$387,000 is also included in the request to maintain funding for operational and trial needs.

Programmatic Changes: The New Mexico Project

In January 2022, the American Bar Association Standing Committee on Legal Aid and Indigent Defense released the long awaited report on LOPD workloads, partially funded by the LFC, which confirms what every LOPD attorney experiences on a daily basis. Findings of the report emphasize that LOPD is in need of an additional 602 full time attorneys. The 602 does not consider the additional workload required with new legislation, nor additional staffing and attorneys required when judgeships are added to any courthouses statewide.

Following the findings in the workload study, LOPD worked with a national expert on public defender workloads, experts from Moss Adams, and others to devise an initial long-term plan to find a way toward sustainable effective assistance of counsel for attorneys and core staff.

Since these reports, 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.

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 them with the available community services. A social worker considers the client as a whole person, assessing their needs and their strengths and communicating their assessment findings to the client in order to build a partnership with the client and an alliance with the client's social support system.

The Social Work unit is a statewide unit of social workers and case managers housed in all district offices. Most LOPD clients struggle with challenges beyond the legal concerns for which they are represented. Often times these challenges precede criminal legal system involvement. Social workers connect with defendants and provide assessment and treatment or service plan recommendations. Social workers and case managers help clients access housing, benefits, mental health and substance abuse treatment, and provide support as they negotiate these complex care systems. Social workers and case managers connect clients to resources and liaise with pre-trial, probation, and correctional discharge planners to assist LOPD clients in receiving the proper care. Additionally, social workers and case managers are in a unique position to gather mitigating information and prepare reports and presentations for plea negotiations and sentencing hearings.

In 2010, the Supreme Court stated in *Padilla v. Kentucky* that public defenders need to consider collateral consequences of criminal legal involvement when providing representation. While deportation is the commonly considered collateral consequence, convictions and pleas also affect one's eligibility for social services including housing programs, treatment programs, and employment programs.

The FY25 budget request includes 10 additional FTE for the social work unit: 6 social workers and 4 case managers. Most of LOPD's licensed social workers are stationed in Albuquerque but travel the state to work complex cases and help in overwhelmed and underserved rural areas. Many of the rural offices have just one case manager or social worker, making it difficult to provide needed services to clients to address underlying issues contributing to recidivism. With additional staff, the unit would be able to conduct in-depth work from the very beginning of a case and provide support throughout the life of a case.

Base Budget Justification: LOPD continues to strive to implement ABA New Mexico workload study recommendations toward adequate defense team staffing to improve representation, increase direct support and social work services to clients, and reduce recidivism.

The request includes 60 additional FTE, including 30 attorney FTE and 30 core staff FTE, to implement

State of New Mexico
P-1 Program Overview

recommendations in The New Mexico Project workload study:

- 30 additional attorneys of which 20 attorneys will serve rural communities.
- 10 investigators to assist attorneys with developing cases.
- 10 core staff to assume administrative work to free up attorneys to focus on client representation, including building relationships and communicating with clients.
- 10 staff dedicated to the social work unit, including 6 social workers and 4 case managers to assess client substance abuse and mental health needs and to engage clients towards recovery.
- Funding for increasing multilingual pay, which will aid in better direct client services.

The request also includes essential and competitive compensation for contract defenders creating more pay parity with civil contract attorneys, including funding for complex case compensation, and to increase base rates on cases requiring specialized knowledge, including juvenile work or violent offenses.

- Private attorneys who contract with LOPD are compensated at a base rate depending on the type of criminal charges. LOPD is not funded to pay rates commensurate with the hourly rates paid to attorneys that contract on civil matters to protect the state's money. State contract civil attorneys are compensated an hourly rate based on years of experience.
- There has been a statewide increase in assignments of murders and filing of complex cases, which require additional work by contract attorneys. Funding complex case compensation for contract attorneys requires the contract attorneys to provide hourly time keeping on cases. LOPD reviews the time keeping to evaluate whether additional compensation is justified and the amount appropriate.
- There are 3 New Mexico counties with zero attorneys residing in the county and 10 counties with fewer than 10 resident attorneys. Increased funding will ensure lawyers are compensated such that they are willing to travel to fulfill the State's constitutional requirements to provide zealous representation for indigent New Mexicans living in rural communities and legal deserts.
- LOPD is often tasked with paying more than one attorney on a given case because there are often co-defendants – sometimes as many as six – which requires LOPD to pay several different attorneys, investigators, and experts, on a case while the prosecution costs are relatively fixed.

The request contains funding for additional compensation for employees serving rural communities – LOPD has seen marked success in offering attorneys pay differentials and attraction and relocation incentives..

The request also includes funding for increased trial costs and operational expenses, including expert witnesses, compensation for contract social workers and investigators, transcription costs, and equipment and lease escalations.

- Request will help meet increased demand for investigators and social workers by contract defenders, which assists LOPD in meeting performance measures. Clients in the counties with LOPD offices have access to an integrated defense team with paralegals, investigators, social workers, and other staff assisting public defender attorneys with cases. Contract defenders must request funding for social workers or investigators to assist on a case, especially when a case is complex, likely to be tried or when clients have mental health or substance abuse issues. This request will fund increased social worker and investigator contract hourly rates.
- Numerous social workers have expressed interest in contracting with LOPD to work with clients in rural communities; however, LOPD is unable to meet the rates requested despite increasing rates to \$45. LOPD only has two contract social workers.
- Budget request will help manage increased assignments of murders and filings of complex cases, which also require use of expert witnesses.
- Funding to address escalating rent. LOPD leases and pays rent for space at all of its 15 offices. All other criminal justice partners, specifically the courts and district attorneys, are provided facilities by the state or county. In FY25, lease costs are estimated to exceed \$3 million.

REV EXP COMPARISON

(Dollars in Thousands)

28000 - Public Defender Department

	General Fund	Other Funds	Other Transfers	Federal Funds	Total
SOURCES	87,438.1	100.0	0.0	0.0	87,538.1
Personal Services and Employee Benefits	57,006.8	0.0	0.0	0.0	57,006.8
Contractual services	23,117.1	0.0	0.0	0.0	23,117.1
Other	7,314.2	100.0	0.0	0.0	7,414.2
USES Total:	87,438.1	100.0	0.0	0.0	87,538.1
Net:	0.0	0.0	0.0	0.0	0.0

REV EXP COMPARISON

(Dollars in Thousands)

28000 - Public Defender Department

P850 - Criminal Legal Services

	General Fund	Other Funds	Other Transfers	Federal Funds	Total
SOURCES Totals	87,438.1	100.0	0.0	0.0	87,538.1
Personal Services and Employee Benefits	57,006.8	0.0	0.0	0.0	57,006.8
Contractual services	23,117.1	0.0	0.0	0.0	23,117.1
Other	7,314.2	100.0	0.0	0.0	7,414.2
USES Total:	87,438.1	100.0	0.0	0.0	87,538.1
Net:	0.0	0.0	0.0	0.0	0.0

Criminal Legal Services

BU PCode
28000 P850

State of New Mexico

E4 PCode Detail
(Dollars in Thousands)

Fund	Account		2023-24	2024-25	2025-26	FY 2026 Agency Request				Justification	
			Actuals	Opbud	PCF Proj	GF	OSF	ISF/IAT	FF		Total
00000	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	2,706.63	0.0	0.0	0.0	0.0	0.0	
00000	521100	Group Insurance Premium	0.0	0.0	203.38	0.0	0.0	0.0	0.0	0.0	
00000	521200	Retirement Contributions	0.0	0.0	570.92	0.0	0.0	0.0	0.0	0.0	
00000	521300	F I C A	0.0	0.0	167.17	0.0	0.0	0.0	0.0	0.0	
00000	521700	RHC Act Contributions	0.0	0.0	72.83	0.0	0.0	0.0	0.0	0.0	
17510	520100	Exempt Perm Positions P/T&F/T	32,909.8	36,048.0	38,571.83	41,125.0	0.0	0.0	0.0	41,125.0	
17510	520200	Term Positions	245.5	268.9	273.87	315.0	0.0	0.0	0.0	315.0	
17510	520300	Classified Perm Positions F/T	1.8	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	520500	Temporary Positions F/T & P/T	283.8	623.6	172.63	210.0	0.0	0.0	0.0	210.0	
17510	520600	Paid Unused Sick Leave	52.7	56.5	0	0.0	0.0	0.0	0.0	0.0	
17510	520700	Overtime & Other Premium Pay	60.6	31.9	0	0.0	0.0	0.0	0.0	0.0	
17510	520800	Annl & Comp Paid At Separation	177.2	245.5	0	0.0	0.0	0.0	0.0	0.0	
17510	521100	Group Insurance Premium	2,745.2	4,185.2	3,136.71	3,664.9	0.0	0.0	0.0	3,664.9	
17510	521200	Retirement Contributions	6,454.5	5,401.7	7,440.6	6,550.3	0.0	0.0	0.0	6,550.3	
17510	521300	F I C A	2,568.6	2,079.4	2,409.65	2,910.0	0.0	0.0	0.0	2,910.0	
17510	521400	Workers' Comp Assessment Fee	3.9	4.7	0	0.0	0.0	0.0	0.0	0.0	
17510	521410	GSD Work Comp Insur Premium	79.7	139.7	0	175.7	0.0	0.0	0.0	175.7	
17510	521500	Unemployment Comp Premium	34.1	50.8	0	34.4	0.0	0.0	0.0	34.4	
17510	521600	Employee Liability Ins Premium	780.7	780.3	0	376.5	0.0	0.0	0.0	376.5	
17510	521700	RHC Act Contributions	671.3	794.5	787.24	950.0	0.0	0.0	0.0	950.0	
17510	521900	Other Employee Benefits	716.8	0.0	0	695.0	0.0	0.0	0.0	695.0	
17510	523200	COVID Related Time Worked	0.7	0.0	0	0.0	0.0	0.0	0.0	0.0	
	200	Personal Services and Employee Bene	47,786.6	50,710.7	56,513.45	57,006.8	0.0	0.0	0.0	57,006.8	
17510	542100	Employee I/S Mileage & Fares	28.3	80.0	0	50.0	0.0	0.0	0.0	50.0	
17510	542200	Employee I/S Meals & Lodging	128.0	120.0	0	140.0	0.0	0.0	0.0	140.0	
17510	542300	Brd & Comm Mbr Meals & Lodging	0.1	3.0	0	3.0	0.0	0.0	0.0	3.0	
17510	542310	Brd & Comm Mbr Mileage & Fares	0.3	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	542500	Transp - Fuel & Oil	23.7	20.0	0	30.0	0.0	0.0	0.0	30.0	
17510	542600	Transp - Parts & Supplies	2.6	10.0	0	10.0	0.0	0.0	0.0	10.0	
17510	542700	Transp - Transp Insurance	0.0	1.0	0	0.6	0.0	0.0	0.0	0.6	
17510	542800	State Transp Pool Charges	160.5	175.0	0	175.0	0.0	0.0	0.0	175.0	
17510	543200	Maint - Furn, Fixt, Equipment	2.9	98.0	0	50.7	0.0	0.0	0.0	50.7	
17510	543300	Maint - Buildings & Structures	1.1	6.0	0	6.0	0.0	0.0	0.0	6.0	

Criminal Legal Services

State of New Mexico

BU PCode
28000 P850

E4 PCode Detail
(Dollars in Thousands)

Fund	Account	2023-24 Actuals	2024-25 Opbud	2025-26 PCF Proj	FY 2026 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
17510	543400	Maint - Property Insurance	0.0	0.5	0	0.1	0.0	0.0	0.0	0.1	
17510	543600	Maint - Laundry/Dry Cleaning	0.3	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	543700	Maintenance Services	0.0	15.3	0	0.0	0.0	0.0	0.0	0.0	
17510	543830	IT HW/SW Agreements	274.7	0.0	0	375.0	0.0	0.0	0.0	375.0	
17510	544000	Supply Inventory IT	163.5	144.0	0	175.0	0.0	0.0	0.0	175.0	
17510	544100	Supplies-Office Supplies	110.8	95.0	0	120.0	0.0	0.0	0.0	120.0	
17510	544200	Supplies-Medical,Lab,Personal	32.3	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	544500	Supplies-Food	0.1	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	544700	Supplies-Clothng,Unifrms,Linen	7.6	5.0	0	8.0	0.0	0.0	0.0	8.0	
17510	544900	Supplies-Inventory Exempt	72.7	60.0	0	75.0	0.0	0.0	0.0	75.0	
17510	545600	Reporting & Recording	492.3	685.0	0	887.0	0.0	0.0	0.0	887.0	
17510	545710	DOIT HCM Assessment Fees	158.1	172.8	0	182.0	0.0	0.0	0.0	182.0	
17510	545900	Printing & Photo Services	56.4	45.0	0	60.0	0.0	0.0	0.0	60.0	
17510	546100	Postage & Mail Services	48.0	90.0	0	60.0	0.0	0.0	0.0	60.0	
17510	546400	Rent Of Land & Buildings	3,086.3	3,100.0	0	3,100.0	0.0	0.0	0.0	3,100.0	
17510	546500	Rent Of Equipment	142.6	140.0	0	145.0	0.0	0.0	0.0	145.0	
17510	546600	Communications	599.4	844.1	0	750.0	0.0	0.0	0.0	750.0	
17510	546610	DOIT Telecommunications	102.1	90.0	0	104.3	0.0	0.0	0.0	104.3	
17510	546700	Subscriptions/Dues/License Fee	242.8	300.0	0	300.0	0.0	0.0	0.0	300.0	
17510	546709	Subscription & Due Interagency	0.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	546800	Employee Training & Education	61.8	72.5	0	72.5	0.0	0.0	0.0	72.5	
17510	546900	Advertising	54.2	15.0	0	60.0	0.0	0.0	0.0	60.0	
17510	547000	Legal Settlements	1.5	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	547900	Miscellaneous Expense	29.9	10.0	0	25.0	0.0	0.0	0.0	25.0	
17510	547999	Request to Pay Prior Year	42.1	50.0	0	50.0	0.0	0.0	0.0	50.0	
17510	548300	Information Tech Equipment	108.9	450.0	0	150.0	0.0	0.0	0.0	150.0	
17510	548400	Other Equipment	22.7	0.0	0	0.0	0.0	0.0	0.0	0.0	
17510	549600	Employee O/S Mileage & Fares	58.3	15.0	0	75.0	0.0	0.0	0.0	75.0	
17510	549700	Employee O/S Meals & Lodging	52.4	15.0	0	75.0	0.0	0.0	0.0	75.0	
75910	543830	IT HW/SW Agreements	0.0	100.0	0	0.0	100.0	0.0	0.0	100.0	MS 8/28 moving from ISF/IAT to OSF
	400	Other	6,370.2	7,027.2	0	7,314.2	100.0	0.0	0.0	7,414.2	
TOTAL EXPENSE			54,156.9	57,737.9		64,321.0	100.0	0.0	0.0	64,421.0	

Criminal Legal Services

BU PCode
28000 P850

State of New Mexico
Contract by PCode Detail
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	FY 2026 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
17510	535200	Professional Services	1000	229.7	0.0	0.0	0.0	0.0	0.0		
17510	535300	Other Services	1000	Expert witness	1,433.8	4,539.2	0.0	0.0	0.0	4,539.2	
17510	535400	Audit Services	1000		45.1	45.2	0.0	0.0	0.0	45.2	
17510	535500	Attorney Services	1000	Contract Attorneys	15,532.4	18,132.7	0.0	0.0	0.0	18,132.7	Increase in contract attorney rates
17510	535600	IT Services	1000		(0.0)	400.0	0.0	0.0	0.0	400.0	
75910	535600	IT Services	1000		0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL EXPENSE					17,241.0	23,117.1	0.0	0.0	0.0	23,117.1	

DFA Performance Based Budgeting Data System

Annual Performance Report

Agency: 28000 Public Defender Department

Program: P850 Criminal Legal Services

The purpose of the criminal legal services program is to provide effective legal representation and advocacy for eligible clients so their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Performance Measures:		2023-24 Target	2023-24 Result	Met Target	Year End Result Narrative
Output	Average cases assigned to attorneys yearly	330	347	No	
Output	Average number of cases opened by district	0	0	Yes	
Output	Average time to case disposition, in months	9	8	Yes	
Output	Difference between the number of cases opened and closed by office	0	0	Yes	
Output	Number of alternative sentencing treatment placements for felony, misdemeanor and juvenile clients	5,000	28,523	Yes	LOPD has been working to better educate and explain the importance of accurate and timely closure of cases and each quarter shows a marked improvement, especially FY24's cumulative results. Staff are being trained on when and for what reasons cases should be marked closed and what qualifies as a alternative senetence or referral to treatment.
Output	Number of alternative sentencing treatment placements in felony, misdemeanor and juvenile cases for clients of contract attorneys	0	0	Yes	
Output	Number of cases closed by attorneys	0	0	Yes	
Output	Number of cases dismissed in felony, misdemeanor, and juvenile cases	0	0	Yes	
Quality	Percent of felony cases resulting in a reduction of original formally filed charges	60%	62%	Yes	"LOPD has been working to better educate and explain the importance of accurate and timely closure of cases and each quarter shows a marked improvement, especially FY24's cumulative results. Staff are being trained on when and for what reasons cases should be marked closed and what counts as a reduction in sentence."
Quality	Percent of juvenile cases resulting in a reduction of the original formally filed charges	60%	65%	Yes	"LOPD has been working to better educate and explain the importance of accurate and timely closure of cases and each quarter shows a marked improvement, especially FY24's cumulative results. Staff are being trained on when and for what reasons cases should be marked closed and what counts as a reduction in sentence."

Added by DFA 9/19

DFA Performance Based Budgeting Data System

Annual Performance Report

Program: P850 Criminal Legal Services

Performance Measures:		2023-24 Target	2023-24 Result	Met Target	Year End Result Narrative
Quality	Percent of misdemeanor cases resulting in a reduction of the original formally filed charges	60%	71%	Yes	"LOPD has been working to better educate and explain the importance of accurate and timely closure of cases and each quarter shows a marked improvement, especially FY24's cumulative results. Staff are being trained on when and for what reasons cases should be marked closed and what counts as a reduction in sentence."

Performance Measures Summary

P850 Criminal Legal Services

Purpose: The purpose of the criminal legal services program is to provide effective legal representation and advocacy for eligible clients so their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that sustains New Mexico’s statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Performance Measures:		2022-23 Actual	2023-24 Actual	2024-25 Budget	2025-26 Request	2025-26 Recomm
Quality	Percent of felony cases resulting in a reduction of original formally filed charges	54%	62%	65%	65%	
Quality	Percent of misdemeanor cases resulting in a reduction of the original formally filed charges	60%	71%	65%	65%	
Quality	Percent of juvenile cases resulting in a reduction of the original formally filed charges	58%	65%	60%	60%	
Output	Number of alternative sentencing treatment placements for felony, misdemeanor and juvenile clients	13,260	28,523	5,000	5,000	
Output	Number of alternative sentencing treatment placements in felony, misdemeanor and juvenile cases for clients of contract attorneys	Discont	0	Discont	0	
Output	Number of cases dismissed in felony, misdemeanor, and juvenile cases	Discont	0	Discont	0	
Output	Number of cases closed by attorneys	Discont	0	Discont	0	
Output	Average number of cases opened by district	Discont	0	Discont	0	
Output	Difference between the number of cases opened and closed by office	Discont	0	Discont	0	
Output	Average cases assigned to attorneys yearly	311	347	330	330	
Output	Average time to case disposition, in months	11	8	9	9	

FY 2026

(FY26, July 1, 2025 – June 30, 2026)

Annual Report and Strategic Plan



NEW MEXICO
LAW OFFICES OF THE
PUBLIC DEFENDER

Website: www.lopdnm.us

Twitter: @NMDefenders

Facebook: NM Law Offices of the Public Defender

Instagram: New Mexico Public Defenders

301 N. Guadalupe Street, Santa Fe, NM 87501

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EXECUTIVE SUMMARY

Background: The New Mexico Law Offices of the Public Defender

The mandate of the New Mexico Law Offices of the Public Defender (LOPD) is to fulfill New Mexico's constitutional and statutory guarantees of providing legal services to indigent adults and juveniles charged with criminal or delinquent acts in New Mexico. LOPD provides legal counsel in every state court: the New Mexico Supreme Court, the New Mexico Court of Appeals, 15 District Courts, the Bernalillo County Metropolitan Court, and 25 Magistrate Courts. The New Mexico Public Defender Act, Sections 31-15-1 through 31-15-12, NMSA 1978, requires the Department to provide indigent criminal defense representation that complies with constitutional standards of effective representation under the V and VI Amendments of the United States Constitution and Article II, Sections 14, 15 and 18 of the New Mexico State Constitution.

Public Defender Commission

In 2012, the citizens of New Mexico passed a constitutional amendment declaring that the New Mexico Public Defender Department "is established as an independent state agency" to be administered by a Chief Public Defender and overseen by a newly-created Public Defender Commission. The Commission is charged with the selection of the Chief Public Defender, setting fair and consistent standards for the operation of LOPD, and approval of the annual budget request. The Chief Public Defender, appointed to a four-year term, is responsible for managing all day-to-day operations of LOPD.

Public Defender Commission Members

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.

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.



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



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

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- 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



Abq plaza outreach

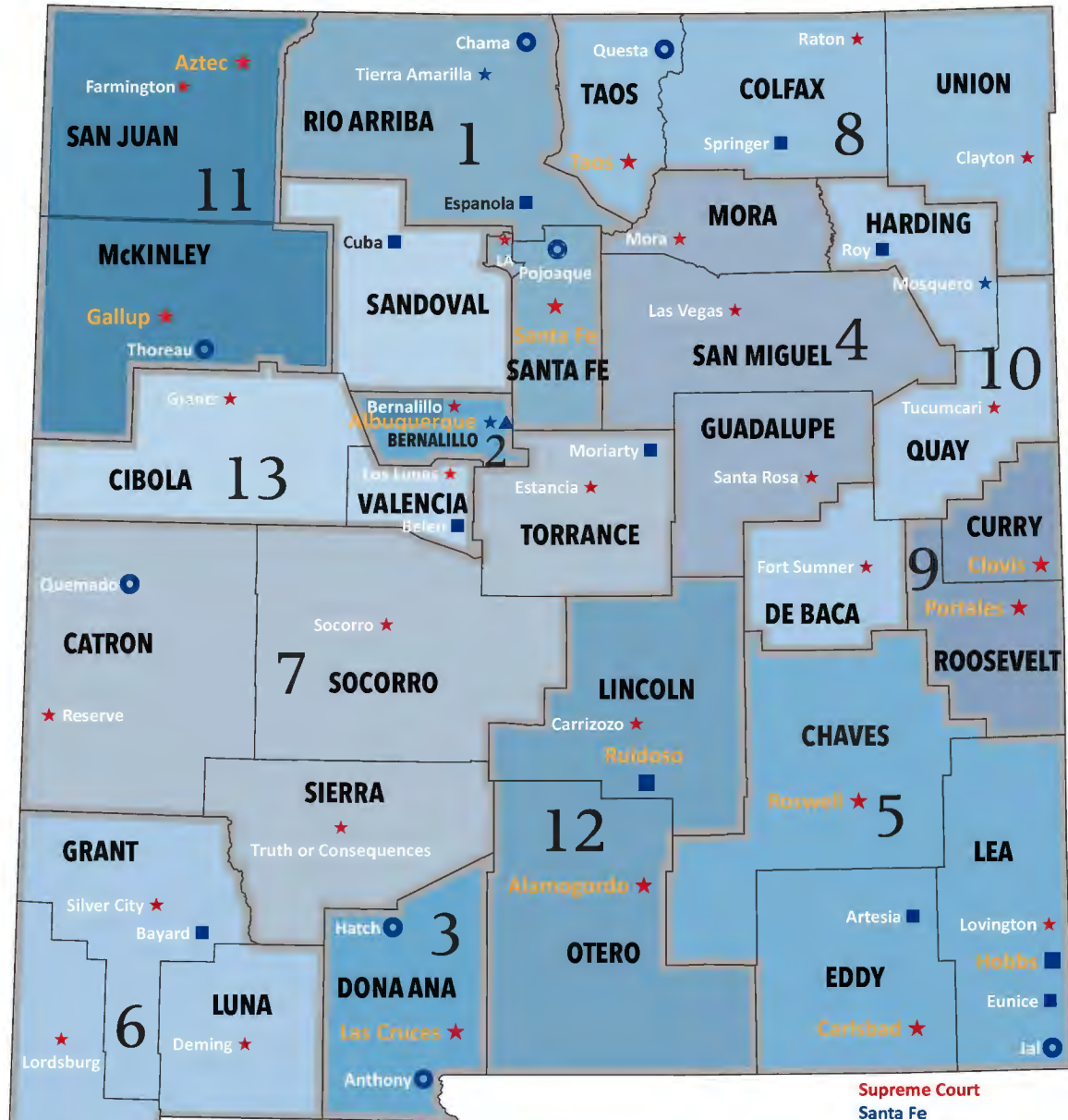


LOPD joined in this year's Albuquerque Celebrates Recovery Day in Civic Plaza. A rotation of attorneys and social workers staffed our table.

Map of New Mexico Courts and LOPD Offices



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



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	

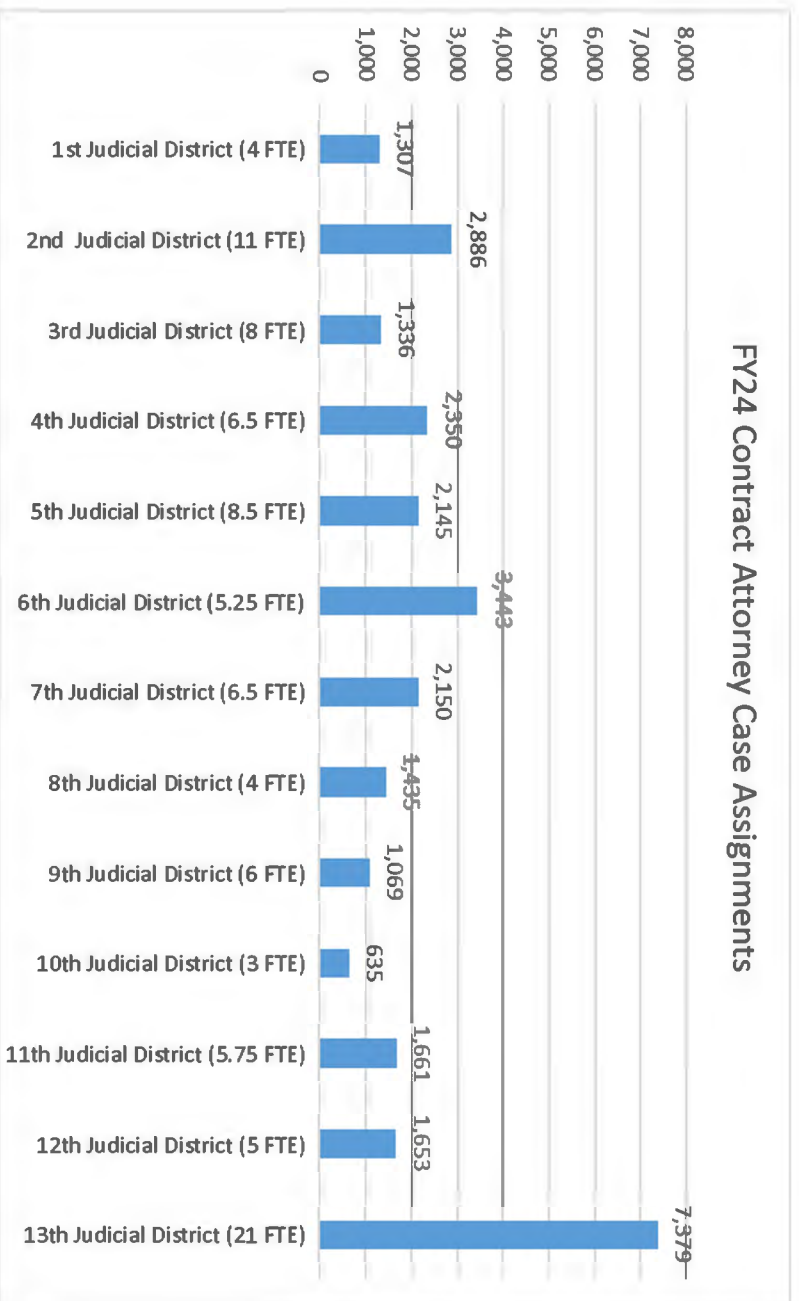
Supreme Court
 Santa Fe
Court of Appeals
 Santa Fe & Albuquerque

LOPD Offices in Gold

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

- 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.



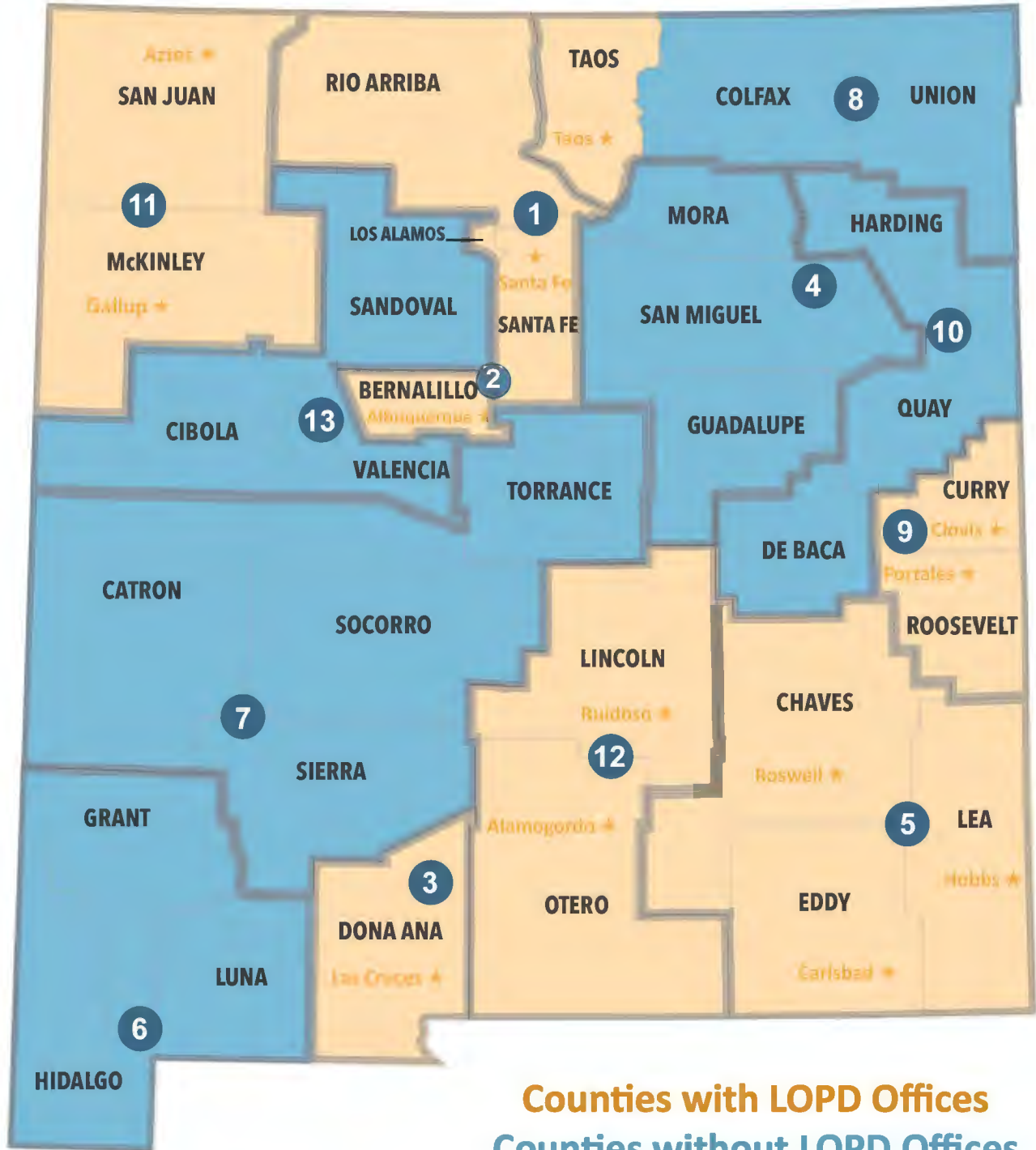
Deputy Chief Public Defender Randy Chavez

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.

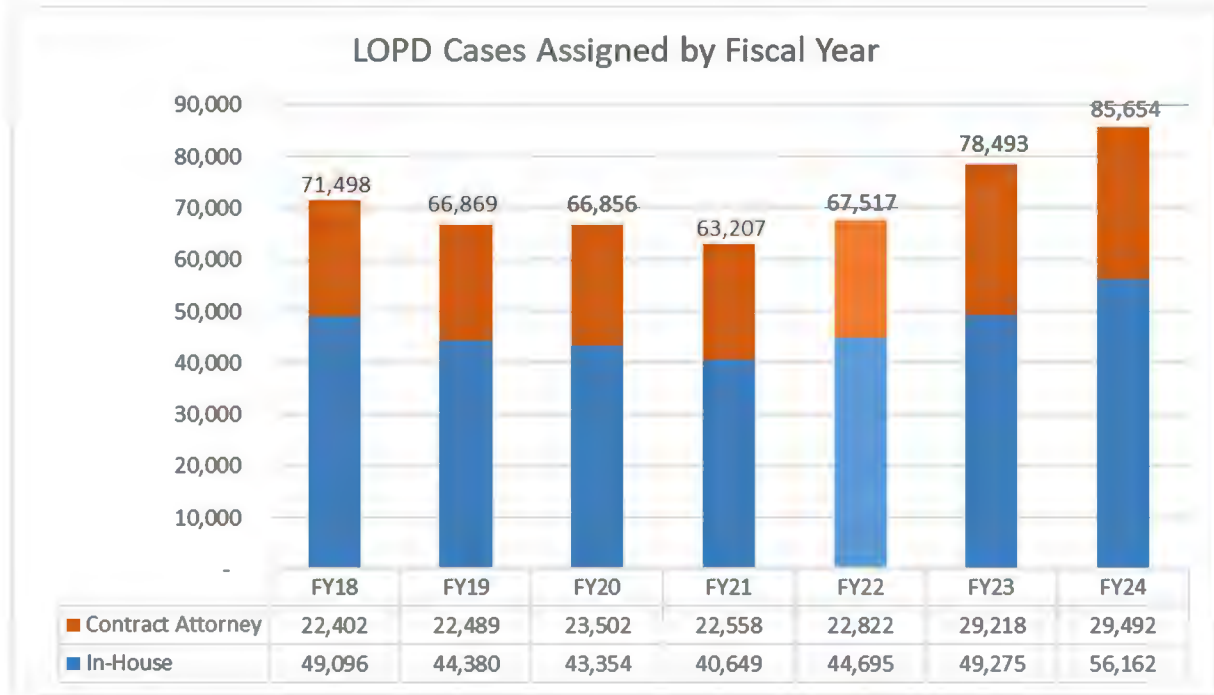
Advocating for Criminal Justice Reform and System Change

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.

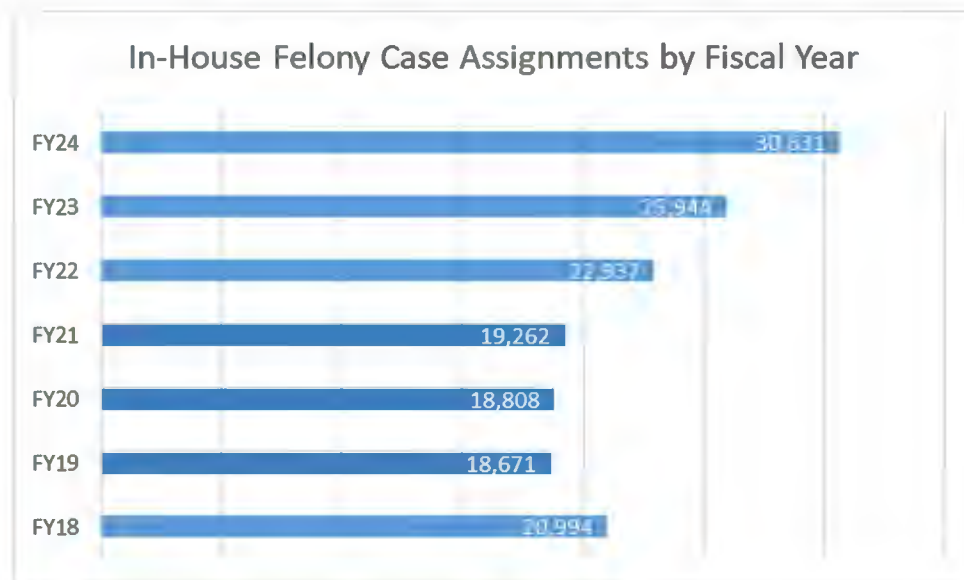
In addition to participating in organizations, LOPD continues to advocate for reforms in the criminal legal system that would allow LOPD to work more efficiently and effectively and for the betterment of our clients and communities. This cannot be accomplished overnight and will not reduce the demands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

CRITICAL CHALLENGES AND EFFORTS TO ADDRESS THEM

Caseloads

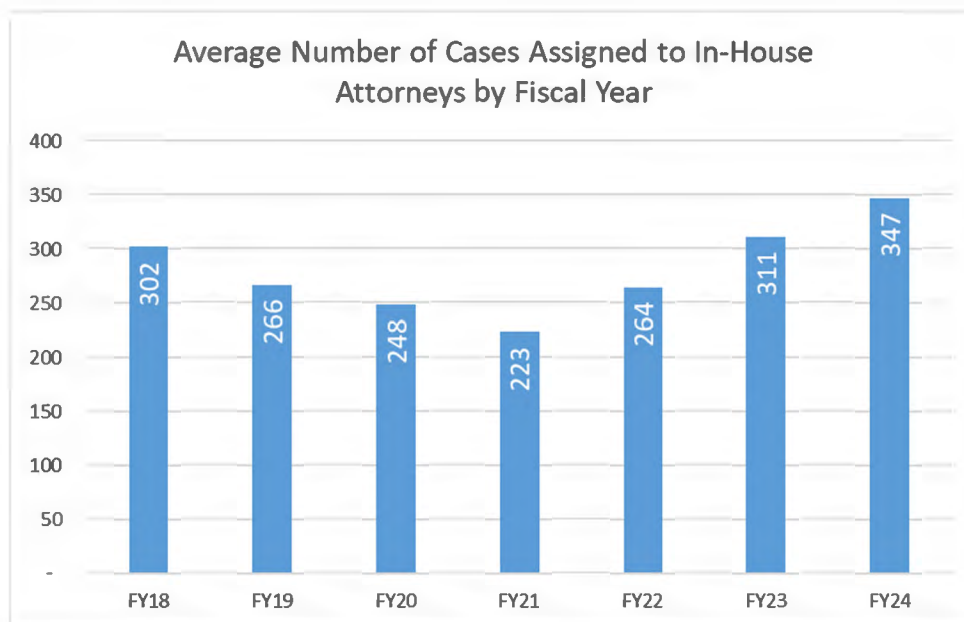


In FY24, LOPD assigned 85,654 cases. Due to LOPD’s efforts to increase retention and stability in staffing, combined with the implementation of statewide data entry standards and criminal justice reform, case assignments declined slightly from FY19 to FY21, but then increased in FY22 and well surpassed 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.

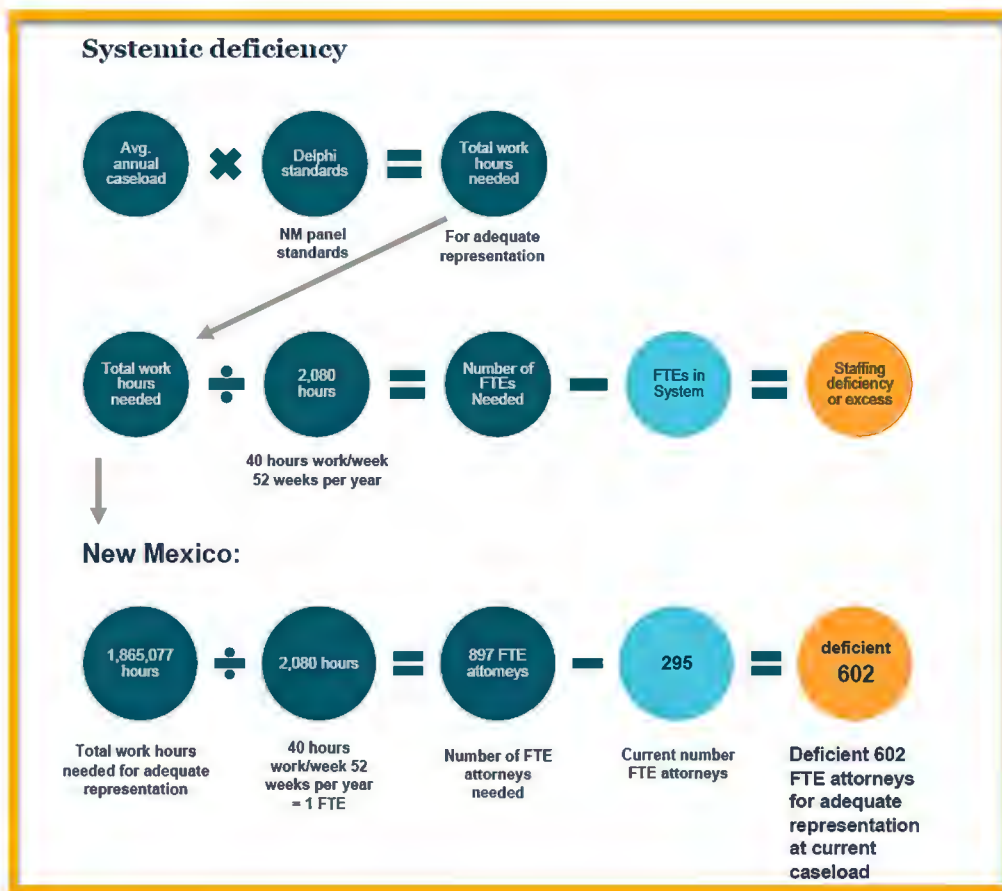
The New Mexico Project Reports

[Workload Study](#)

[Five Year Plan](#)

Available at lopdm.us/about-us/

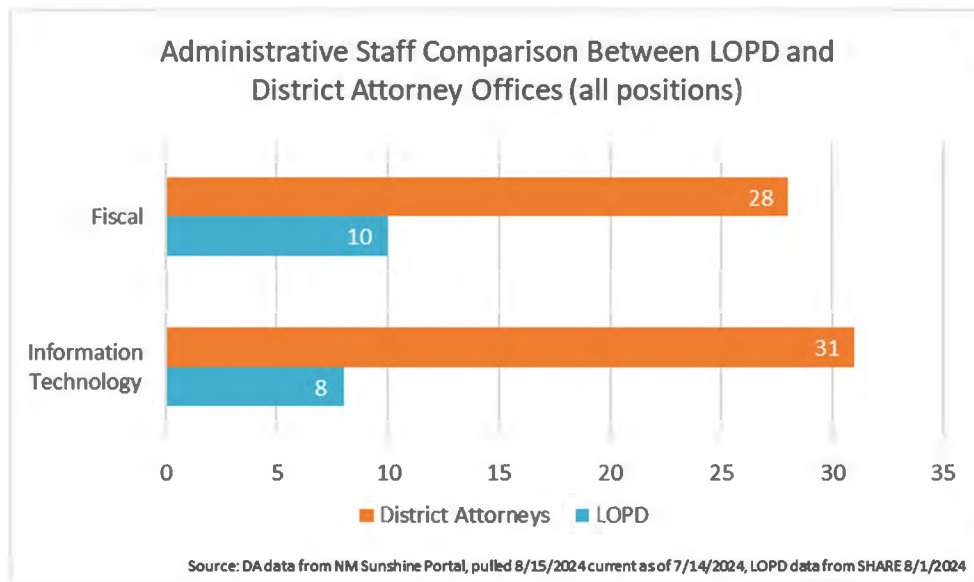
The following graphic is taken directly from the workload report and lays out the data used in the finding that LOPD has a deficiency of 602 attorneys. The department added 8 new attorney FTE in FY23, 3 new attorney FTE in FY24, and 5 new attorney FTE in FY25. These FTE were assigned mostly to rural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



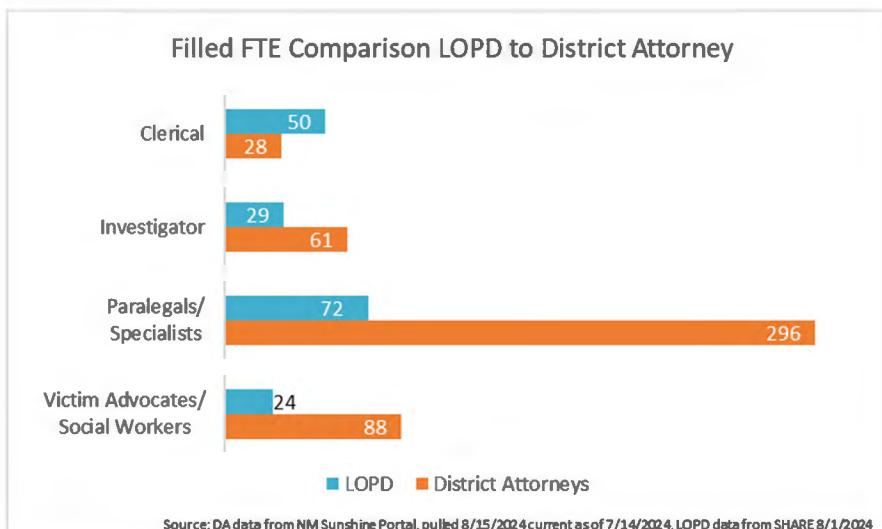
Public Defense Funding and Necessary Staffing Levels

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.



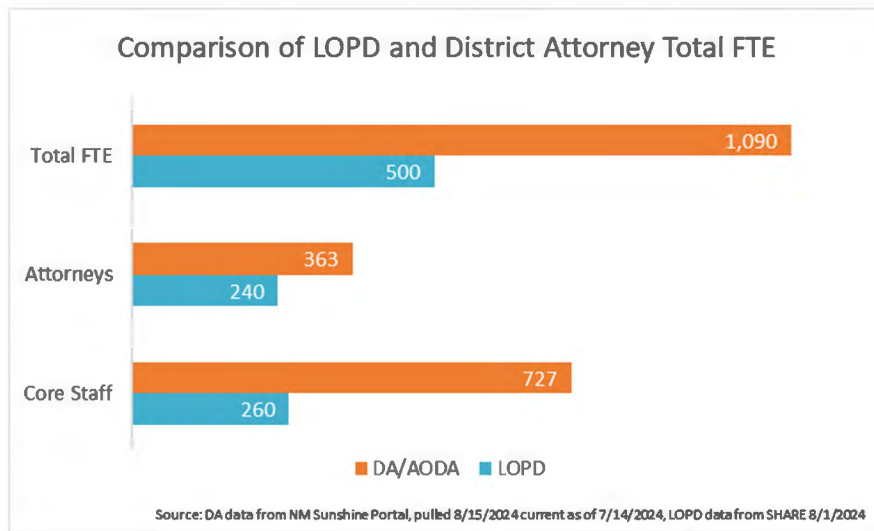
LOPD has 48 administrative staff dedicated to serving 500 FTE and 95 contractors, while also auditing and monitoring invoicing by contract defenders. Administrative staff includes fiscal, human resources, information technology, and statewide administrative support staff.



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

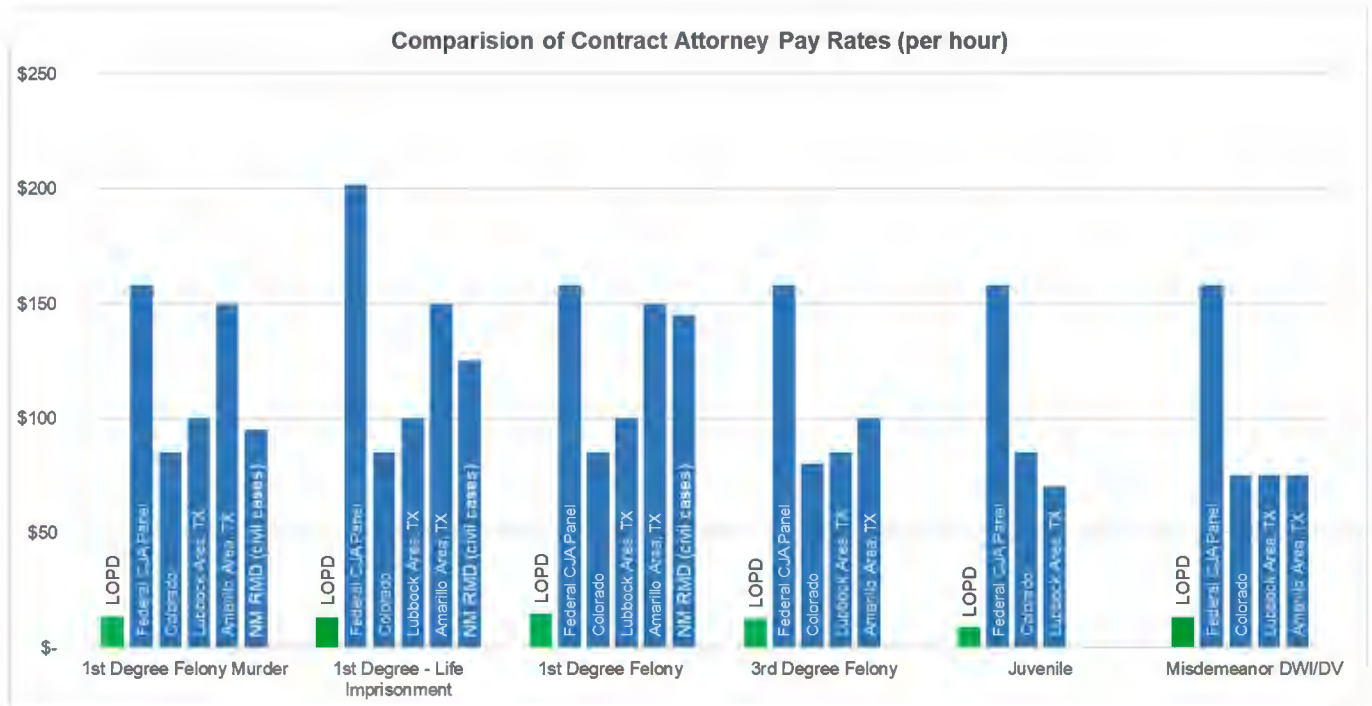
The State of New Mexico pays contract lawyers in civil cases \$95 (for those with zero to two years of experience) to \$165 (for over ten years of experience) **per hour** to protect the State's money

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.

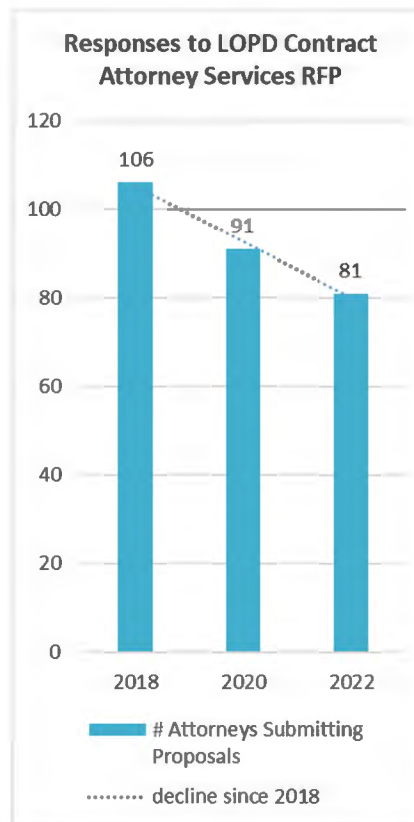
The contracts that went into effect starting November 2015 through November 2022 have provided a mechanism for additional compensation for complex case representation, although funding to fully implement this mechanism is currently lacking. This mechanism is an interim step to address the inadequate 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

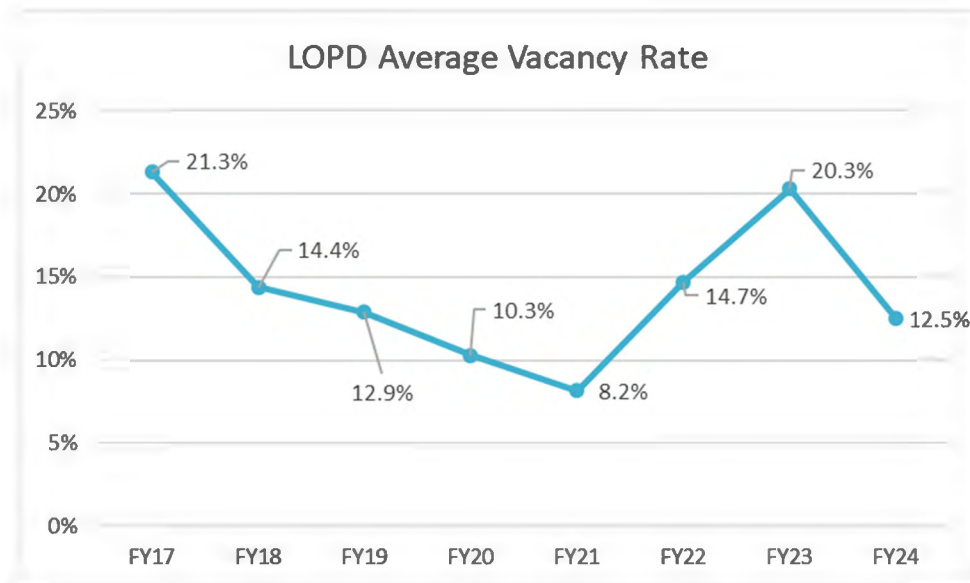
More women hold leadership roles at LOPD now than at any time in the last six years. Additionally, the number of female managing attorneys has more than doubled since 2015, and for the last three years have steadily held more than 50% of managing attorney positions. In addition to gender equity, the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

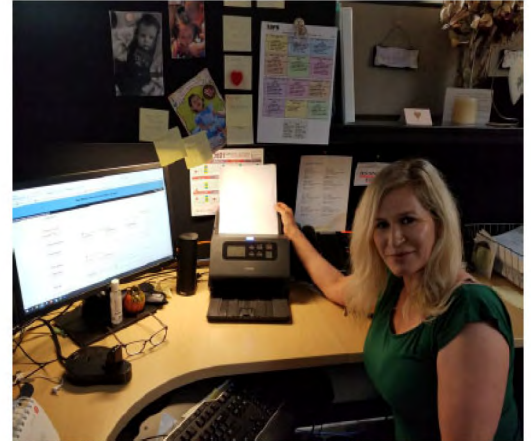
Improving Client Services Through Technological Enhancements

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



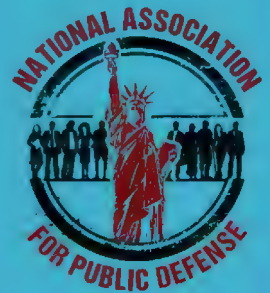
We Are Leaders in Our State and Nationally

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.

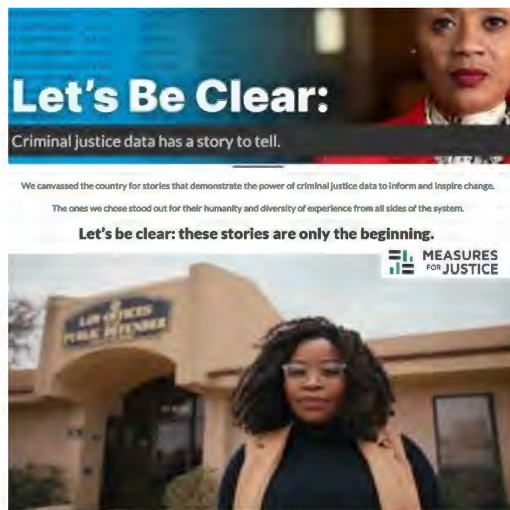
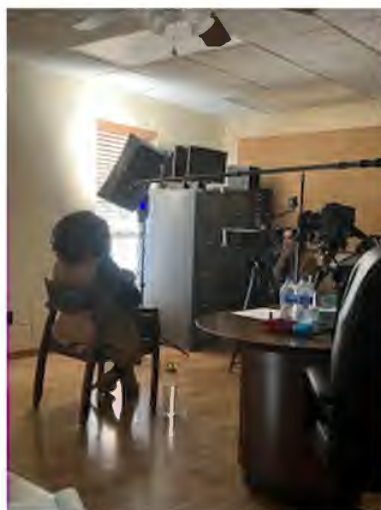
The department’s website, fully refreshed and rebranded in early 2023, continues to evolve, with design and planning work to include client-centered videos on topics ranging from understanding the court process to looking up a case in online databases and employee- and recruit-centered videos geared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



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

Fiscal Year 2026

**LAW OFFICES OF THE PUBLIC DEFENDER
IT STRATEGIC PLAN**

September 3, 2024

Matt Bevington

Chief Information Officer

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EXECUTIVE SUMMARY

- The Law Offices of the Public Defender (LOPD) protects the constitutional rights of indigent individuals. The mandate of the 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's priority is providing effective assistance of counsel and holistic representation to all clients. The primary function of LOPD's Information Technology (IT) department is to ensure department employees can carry out their functions unencumbered and in the fastest, most efficient way possible.
- LOPD IT concentrated on updating the core systems in FY24 to the most current on premise Microsoft platforms. The Exchange system was updated to the most recent version with all patches in anticipation of an Office 365 migration. Windows server 2022 was deployed at all offices. All server hardware was refreshed with new TPM 2.0 compliant parts. Bandwidth was increased at LOPD offices when larger data lines became available. An AI security system was placed on the outgoing data line to listen for abnormal traffic and automate blocks on the Sonicwall firewall and Cisco Umbrella platforms to reduce response time and increase detention. Proofpoint email security defense was integrated into the Exchange environment and replaced the Sonicwall email security appliance. Cisco Duo was installed and integrated into the LOPD systems to provide 2FA for network logon, VPN and email access identify control: rollout to the users is underway. Sonicwall Secure Mobile access was installed to replace traditional VPN: rollout to users is underway.
- ***Key IT accomplishments, goals and concerns or challenges.***
 - The LOPD is seeing a large increase in the sophistication of cyber security incidents and a necessary increase in third party solutions and support for evolving threats.
 - One concern is the need for the availability of cybersecurity insurance coverage to state agencies.
 - Email continues to be the most likely vector of cyber security incidents and the LOPD successfully deployed Proofpoint to combat this threat. A reduction in spam and phishing of over 70% above the prior Sonicwall Email Security appliance has been observed while also increasing user visibility into the message traffic being blocked.
 - The LOPD concluded the third year of internal digital forensic service using the Cellebrite platform.
 - LOPD IT completed FY24 with a focus on evaluating AI capabilities in the legal field, remote access capabilities, security expansion, online production, completing the paperless archive system, and general backend optimization.
 - Mobile computing enhancements
 - Next generation of Microsoft Surfaces acquired and being distributed

- VPN system replaced with new SMA system
- Windows 11 deployment exceeding 50% statewide
- Additional Zoom licenses distributed to users
- Internal, External and Remote Security Improvements
 - Cisco Umbrella tuned for Lumu.IO integration and automation
 - Proofpoint Defend operational
 - Exchange 2019 upgrade
 - Desktop antivirus version upgrades
 - Email archiving appliance upgraded
 - Active Directory cleaned, reconfigured, and optimized
 - Windows Server upgraded to 2022 for all domain controllers
- Productivity and Capability Improvements
 - Document Management System (LaserFiche) additional scanners deployed in the field
 - Cellebrite Forensics, additional certifications procured for two more operators
 - LOPD Website expanded
 - Updated Mitel collaboration apps installed statewide
 - Defender Data case management system updates and feature expansions
 - LOPD broadband increase statewide adding an additional 50% to data lines
 - SnagIT updated to 2024 version for attorney toolset
 - Camtasia upgraded to 2024 version for attorney toolset
 - Expanded HPE Apollo Storage system online

I. AGENCY OVERVIEW

A. 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. This IT Plan supports the agency mission by providing additional resources and support to the core staff and attorneys to improve client representation and services.

B. AGENCY GOALS

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

C. VISION AND PRIORITIES

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, and to work toward reducing criminal recidivism throughout the State of New Mexico in the most efficient and cost-effective way as possible.

The LOPD I.T. plan supports the vision of the Agency Strategic plan by adding capabilities and improving existing processes. A main goal of the LOPD I.T. plan is to enhance production and reduce efforts spent on computing tasks, to improve efficiencies and allow our employees to better serve our clients.

D. AGENCY DESCRIPTION AND ORGANIZATION STRUCTURE

The mandate of the Law Offices of the New Mexico 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. 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 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.

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. The Chief Public Defender, appointed to a four-year term, is responsible for managing all day-to-day operations of LOPD.

LOPD provides legal services in every county and every judicial district in New Mexico. LOPD is the largest law firm in the State of New Mexico, employing approximately 240 staff attorneys, 260 core staff, and contracting the legal services of another 95 private attorneys statewide. In FY24, these attorneys represented clients in 56,162 cases assigned to LOPD defense lawyers and 29,492 assigned to contract defenders.

LOPD has one statutory program (P850, Criminal Legal Services) that covers the function of the entire agency. For organizational charts, please see Appendices A-I and A-II.

With offices located in Santa Fe and Albuquerque, administrative services encompasses 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, indigence and eligibility standards compliance.

The administration actively advocates on a broad range of governmental, public policy, and criminal justice issues affecting LOPD and its clients. In addition, the Chief Public Defender, Deputy Chiefs, statewide unit coordinators and District Defenders communicate LOPD's interests to criminal justice 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 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. 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 which shape public policy, criminal justice initiatives and legislation in New Mexico and nationally. Finally, LOPD administrative staff and leadership participate 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.

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 that the public defender attorney staff cannot represent the client for legal conflicts of interest. 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 currently contract with LOPD. In FY24, contract attorneys were assigned 29,218 cases (approximately 34% of the cases assigned by LOPD), with most of those cases being in areas without LOPD offices.

Public Defender District Offices

The large majority of LOPD's services are delivered through the thirteen current regional trial offices located in key population and caseload centers. Clients are represented from arrest through resolution of the case by staff trial lawyers in District Courts, Magistrate Courts, Children's Courts, and the Metropolitan Court. In FY24, LOPD in-house attorneys represented clients in 56,162 cases assigned 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 Defenders' management efforts are supported by managing attorneys and supervising attorneys and by non-attorney law office administrators. The regional office management teams are responsible for core

staff hiring, training, local supervision, case assignments, courtroom coverage, regional attorney training, and client legal representation.

LOPD Office Locations and FTE

LOPD FTE by District/Office		Core Staff	Attorney
Location	TOTAL FTE	Total Core Staff Positions	Total Attorney Positions
Administration Unit	11	5	6
Fiscal Unit	9	9	0
Human Resources Unit	11	11	0
Information Technology Unit*	8	8	0
1st District-Santa Fe Office	29	11	18
2nd JD-Bernalillo-ABQ Felony Division	104	42	62
2nd JD-Bernalillo-ABQ Misdemeanor Division	41	13	28
2nd JD-Bernalillo-ABQ Juvenile Division	6	2	4
3rd District-Doña Ana-Las Cruces Office*	37	18	19
5th District-Chaves-Roswell Office	18	9	9
5th District-Eddy-Carlsbad Office*	14	8	6
5th District-Lea-Hobbs Office*	18	9	9
8th District-Taos Office	7	2	5
9th District-Curry-Clovis Office	17	7	10
9th District-Roosevelt-Portales Office	2	2	
11th District-McKinley-Gallup Office*	14	7	7
11th District-San Juan-Aztec Office*	26	12	14
12th District-Lincoln-Ruidoso Office	8	4	4
12th District-Otero-Alamogordo Office	18	9	9
Contract Counsel Legal Services Unit	10	8	2
Appellate Unit*	23	4	19
Post-Conviction Unit	6	2	4
Social Workers Program*	26	26	0
Major Crimes Defender Unit	14	6	8
TOTAL	477	234	243

II. IT ENVIRONMENT

1. Major Applications

The LOPD’s primary application is Justice Work’s “Defender Data,” a case management system. This is a cloud-based software as a service application. The case management system is connected to an on premise document management system from LaserFiche.

The LOPD’s collaboration tools consists of Mitel phones with attending desktop-based texting and visual voicemail. Microsoft Office, Zoom, Outlook Web Access, ESET antivirus, and SnagIT are available for all employees.

The daily backups are handled by VEEAM One suite, and the Windows Servers, Exchange and active directory all reside as virtual machines inside VMware vSphere.

2. Infrastructure

LOPD's primary infrastructure:

- HPE Servers
- HPE Nimble & Apollo Storage units
- Mitel Cloud phones
- VMware VSphere
- One and ten gigabyte switches
- Veeam backup software
- OpenPath secure door systems
- Lumu.IO (AI security automation)
- Sonicwall Firewall
- Microsoft Server 2022
- Microsoft Exchange 2019
- Proofpoint Defend
- Sonicwall Secure Mobile Access (SMA)
- Cisco Duo 2FA
- Cisco Umbrella

3. Security

The LOPD's security strategy revolves around multiple passes of scanning as data transverses the various systems. This method was last assessed in January 2023 by Sonicwall, and as a result has been updated to the latest next generation dual firewall in June 2023. The new system places the firewalls into an active/passive failover configuration to eliminate any single point of failure. The LOPD's specialized Sonicwall email firewall was also upgraded in early 2023. Protecting our cloud edge via DNS is Cisco Umbrella. Cisco conducted an assessment on cloud edge security in 2023 and suggestions were implemented. The interior of the network, all servers, Microsoft Exchange, and all user terminals is ESET antivirus. New security deployed in FY24 includes Lumu.IO, Cisco Duo 2FA, Proofpoint Defend, Sonicwall SMA, Windows Server 2022, and Exchange 2019.

4. Agency IT Certified Projects

All projects support the agency mission of serving our clients and staff by providing a better user experience and security.

PROJECT NAME	
Project Description	Document Management
Estimated Project Costs	\$2,350,000
Current Funding	\$2,350,000
Certified Project Phase	Implementation
Estimated Completion	Dec 2024
Strategic Priority	1

PROJECT NAME	
Project Description	Secure Core Project
Estimated Project Costs	2,450,000
Current Funding	925,000
Certified Project Phase	Completion
Estimated Completion	June 2024
Strategic Priority	2
PROJECT NAME	
Project Description	Attorney Tools
Estimated Project Costs	\$1,240,000
Current Funding	\$1,240,000
Certified Project Phase	Implementation
Estimated Completion	June 2025
Strategic Priority	3
Strategic Priority	3
PROJECT NAME	
Project Description	WiFi 6
Estimated Project Costs	\$300,000
Current Funding	\$300,000
Certified Project Phase	Implementation
Estimated Completion	June 2025
Strategic Priority	4

TABLE II.1: Current Certified IT Projects

5. Workforce

A. Full Time Employees

The LOPD has a staff of eight I.T. personnel:

I.T. Director, I.T. Manager, I.T. Supervisor, two I.T. Administrator 2 positions, three I.T. Administrator 1 positions.

All eight FTE positions were filled in FY24, with zero vacancies in the unit.

We intend to create an I.T. Administrator 2 position in the near future as a security specialist.

All I.T. staff operate as 60% in-office and 40% by telework on a weekly basis. Supervisors are required to work in office at least three days a week.

B. IT Professional Services Contractors

The LOPD has used a single temporary employee to augment support volumes as a helpdesk person. In addition, LOPD utilizes a dedicated developer contracted with Justice Works to perform application enhancements to the Defender Data case management system.

6. Challenges

- Transition to cloud platforms from on premise platforms.
- Desire of users to embrace AI systems for work and the unforeseen consequences of these systems.
- Training for using AI systems in production work.
- Greatly expanded security needs against external threats.
- Evolving evidence and court systems which increase cost and complicate access.
- New forensic formats and the associated systems to process the data.
- Training for advanced forensic analysis and staffing.
- Continued Socrata Integration, changing requirements and funding.
- Training of the LOPD IT staff to engineer level on current and future systems.
- Retention of LOPD IT staff to retain organizational knowledge of systems.
- Available funding and assessing needs compared to wants.
- Feature enhancements for case management system.
- Institutional transition to scanning files instead of creating archive boxes.
- Further understanding and improving on the capabilities of an already mobile workforce.
- Continual industry transformation to subscription based services and the new costs associated with it.
- Additional demands from younger demographics internally and externally for ease of access to information while maintaining general security and compartmentalized information.

III. FY24 KEY ACCOMPLISHMENTS

A. FY24 STRATEGIC IT ACCOMPLISHMENTS

STRATEGIC PRIORITY 1 – Microsoft Platform Update	
Updated equipment, email, and security products for best performance and protection	
FY24 Strategy 1	Server 2022 overhaul
Accomplishments	Replacement of 2012 and 2016 versions of Microsoft Server
Outcomes/Metrics	All servers replaced – standardized version 2022 of Microsoft Server
FY24 Strategy 2	Exchange 2019 overhaul
Accomplishments	Upgrade of existing Exchange 2016 to the latest version 2019

Outcomes/Metrics	Upgrade complete, increased stability and speed
FY24 Strategy 3	Cloud Security Enhancement (Lumu.io)
Accomplishments	Outgoing traffic listener to automate blocks on the firewall and Cisco Umbrella
Outcomes/Metrics	Automatic rule functioning with a response time of 90 seconds or less
FY24 Strategy 4	Microsoft Surface & Desktop changeover
Accomplishments	Replacement of first and second generation LOPD Microsoft Surfaces for Attorneys
Outcomes/Metrics	All LOPD Attorneys are now on third generation or later generations of LOPD Surfaces (Surface 5 – Surface 9)

STRATEGIC PRIORITY 2 – Security Enhancement	
Enhanced system defenses and security	
FY24 Strategy 1	Lumu.IO
Accomplishments	All outgoing traffic monitored for suspect data packets
Outcomes/Metrics	New Cisco Umbrella and Firewall blocking rules automatically created
FY24 Strategy 2	Proofpoint Email Defense
Accomplishments	All incoming and outgoing email scanned and cross-referenced against known conversations and identities
Outcomes/Metrics	70% reduction of spam and phishing emails
FY24 Strategy 3	Cisco Duo
Accomplishments	Integrated Cisco Duo with Active Directory and Exchange
Outcomes/Metrics	Test group had no ability to sign on without proving their identity
FY24 Strategy 4	Sonicwall SMA
Accomplishments	Installed Sonicwall SMA
Outcomes/Metrics	Ability to scan, identify and filter prior to VPN connection confirmed

TABLE III.1: FY24 Strategic IT Accomplishments

B. OTHER KEY IT ACCOMPLISHMENTS – FY24

In FY24, LOPD IT was able to roll out various initiatives to support LOPD employees which improve efficiencies and in turn improved client services.

APPLICATION	
Accomplishment	Defender Data Signature Pads
Value or Impact	Allow employees to digitally accept client signatures
DATA	
Accomplishment	Veeam Speed enhancement
Value or Impact	Tripled the speed between the Veeam system and Apollo storage units
PROCESS IMPROVEMENT	
Accomplishment	Data bridge between Defender Data and local storage
Value or Impact	Allows for the storage of files within Defender Data and local large storage devices
WORKFORCE	
Accomplishments	Maintained 100% retention thru FY24
Value or Impact	Maintain knowledgebase and reduced costs for training
CUSTOMER SERVICE	
Accomplishments	Maintained an average response time of 3 minutes.
Value or Impact	Very fast response increases production and user satisfaction
TELEWORK	
Accomplishments	Integrated Cisco DUO 2FA with Sonicwall SMA
Value or Impact	Mandates using 2FA before authentication with VPN
SECURITY	
Accomplishments	Exchange hardening
Value or Impact	Rebuilt Exchange to be more security centric, integrating Proofpoint and KnowB4 modules into the system

TABLE III.2: Other Key IT Accomplishments – FY24

IV. FY26 IT STRATEGIC GOALS AND STRATEGIES

In FY26, LOPD IT intends to focus on transitioning to more cloud based services and improving security to limit cyber security incidents.

STRATEGIC PRIORITY 1 –Online Platform Transition	
Goal Statement: Transition to Microsoft 365	
FY26 Strategy 1	Microsoft 365
Outcomes/Metrics	Move all Exchange mailboxes to Microsoft 365
FY26 Strategy 2	Microsoft Entra
Outcomes/Metrics	Migrate Active Directory account to Microsoft Entra
FY26 Strategy 3	Proofpoint Online conversion
Outcomes/Metrics	Convert on-premise Proofpoint to Microsoft 365 version
FY26 Strategy 4	Barracuda Online Conversion
Outcomes/Metrics	Transition on-premise email archiver to the Microsoft 365 version

STRATEGIC PRIORITY 2 –User Secure Experience	
Goal Statement: Create a stronger security environment	
FY26 Strategy 1	MDR/XDR Sentinel One
Outcomes/Metrics	All LOPD servers, desktops, laptops and Surfaces integrated into the Sentinel One security web and monitored at all times of the day with human verification & remediation.
FY26 Strategy 2	Secure Key Capture Halcyon
Outcomes/Metrics	Real time key collection in the event of an attack. Will load on all LOPD assets.

FY26 Strategy 3	Sonicwall Secure Mobile Access
Outcomes/Metrics	Change VPN client to use the Sonicwall SMA device.
FY26 Strategy 4	Penetration Testing
Outcomes/Metrics	Annual security penetration to verify best practices.

STRATEGIC PRIORITY 3 – Advanced Training Initiative	
Goal Statement: Provide enhanced I.T. Staff trainings	
FY26 Strategy 1	Proofpoint Protect 2024 & Proofpoint Protect 2025
Outcomes/Metrics	Advanced I.T. annual training against emerging email threats
FY26 Strategy 2	Sentinel One – OneCon 2025
Outcomes/Metrics	Advanced I.T. annual training against ransom attacks
FY26 Strategy 3	Recertification & Certification Cellebrite 2024 & 2025
Outcomes/Metrics	Bi-Annual recertification for Cellebrite operators (forensic analysis)
FY26 Strategy 4	O365 Certification

TABLE IV.1. FY26 IT Strategic Goals and Strategies

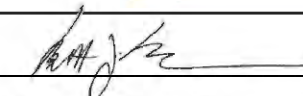
V. IT FISCAL AND BUDGET MANAGEMENT

Information Technology (IT) Operating Budget (C1)

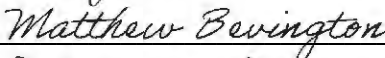
(To update this table, please double click on the embedded spreadsheet and add the required information. Before exiting the spreadsheet, please make sure to scroll up. Otherwise, the entries of this table will not be fully previewed.) □

Agency Name		Agency Code			
NM Law Offices of the Public Defender		28000			
Base Request Operational Support of IT. Check one of the options below:				Flat Budget	Expansion from previous year
Revenue IT Base Budget (dollars in thousands)					
Appropriation Funding Type	FY23 Actual	FY24 Actual	FY25 OpBud	FY26 Request	FY27 Estimate
General Fund	63,147.4	71,705.5	75,658.8	87,438.1	100,553.8
Other State Funds	0.0	0.0	0.0	0.0	0.0
Federal Funds	0.0	0.0	0.0	0.0	0.0
Internal Svc Funds/Interagency Transfer	0.0	0.0	0.0	0.0	0.0
Total	63,147.4	71,705.5	75,658.8	87,438.1	100,553.8
Expenditure Categories (dollars in thousands)					
Category or Account Description	FY23 Actual	FY24 Actual	FY25 OpBud	FY26 Request	FY27 Estimate
Personal Services & Employee Benefits	38,723.1	47,345.9	50,710.7	57,006.8	65,557.8
Contractual & Professional Services	16,359.3	18,227.9	19,417.1	23,117.1	26,584.7
IT Other Services	0.0	486.9	0.0	0.0	0.0
Other Financing Uses	7,658.4	5,644.8	5,531.0	7,314.2	8,411.3
Total	62,740.8	71,705.5	75,658.8	87,438.1	100,553.8
	Print Name	Phone	Email Address	Date	
Agency Cabinet Secretary/Director (Mandatory)	Bennett J. Baur	505-395-2881	bennettj.baur@lopdm.us	8/27/2024	
Chief information Officer or IT Lead(Mandatory)	Matthew Bevington	505-715-5801	matthew.bevington@lopdm.us	8/27/2024	
Chief Finance Officer (Mandatory)	Debbie O'Dell	505-395-2865	debbie.odell@lopdm.us	8/27/2024	

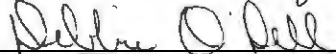
Agency Cabinet Secretary/Director Signature



Chief Information Officer/IT Lead Signature



Chief Financial Officer Signature



VI. SPECIAL FUNDING, SUPPLEMENTAL, COMPUTER SYSTEM ENHANCEMENT (C2) FUNDING AND REAUTHORIZATION OF C2 APPROPRIATIONS

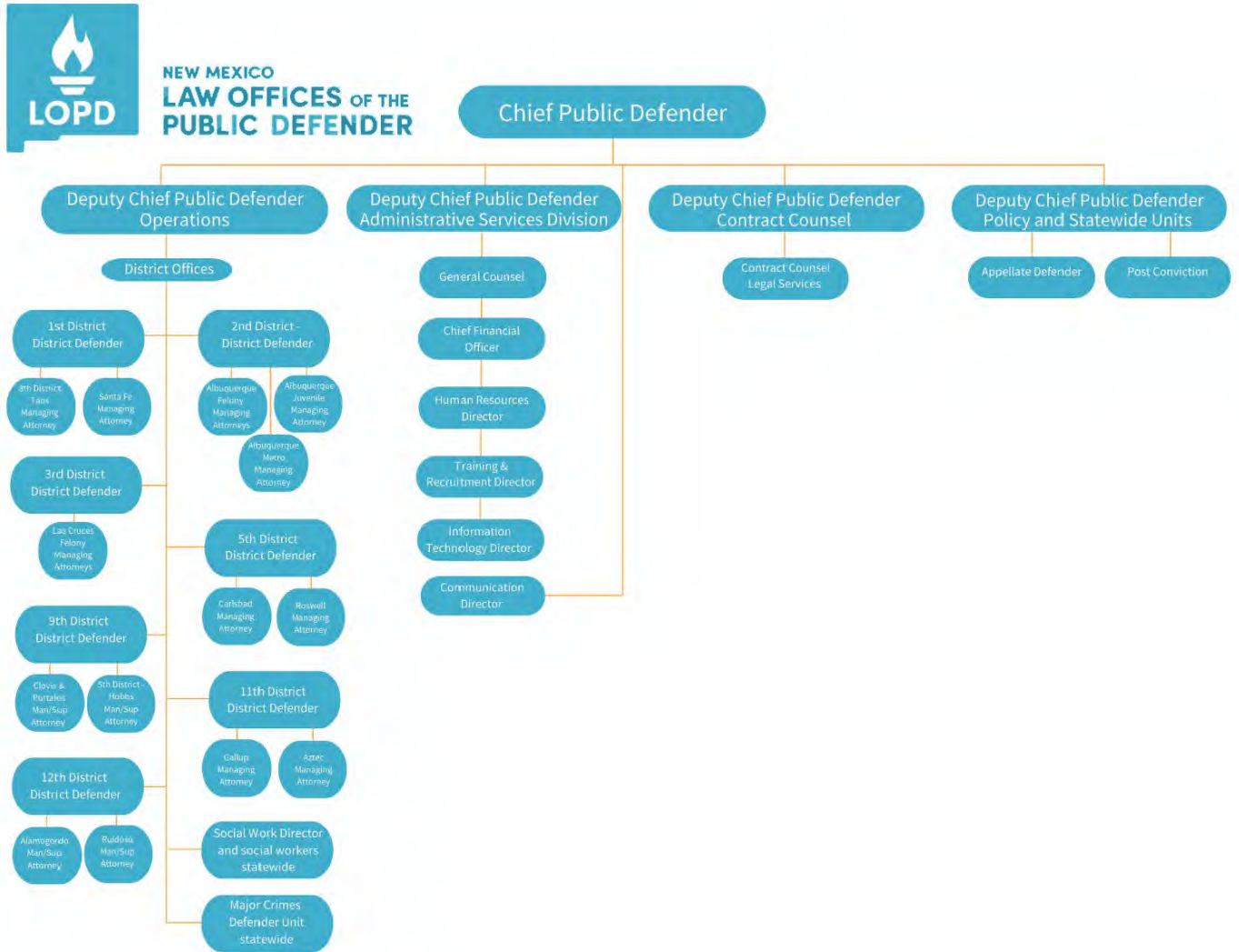
The agency does not have any requests.

REQUEST FOR REAUTHORIZATION OF C2 APPROPRIATIONS

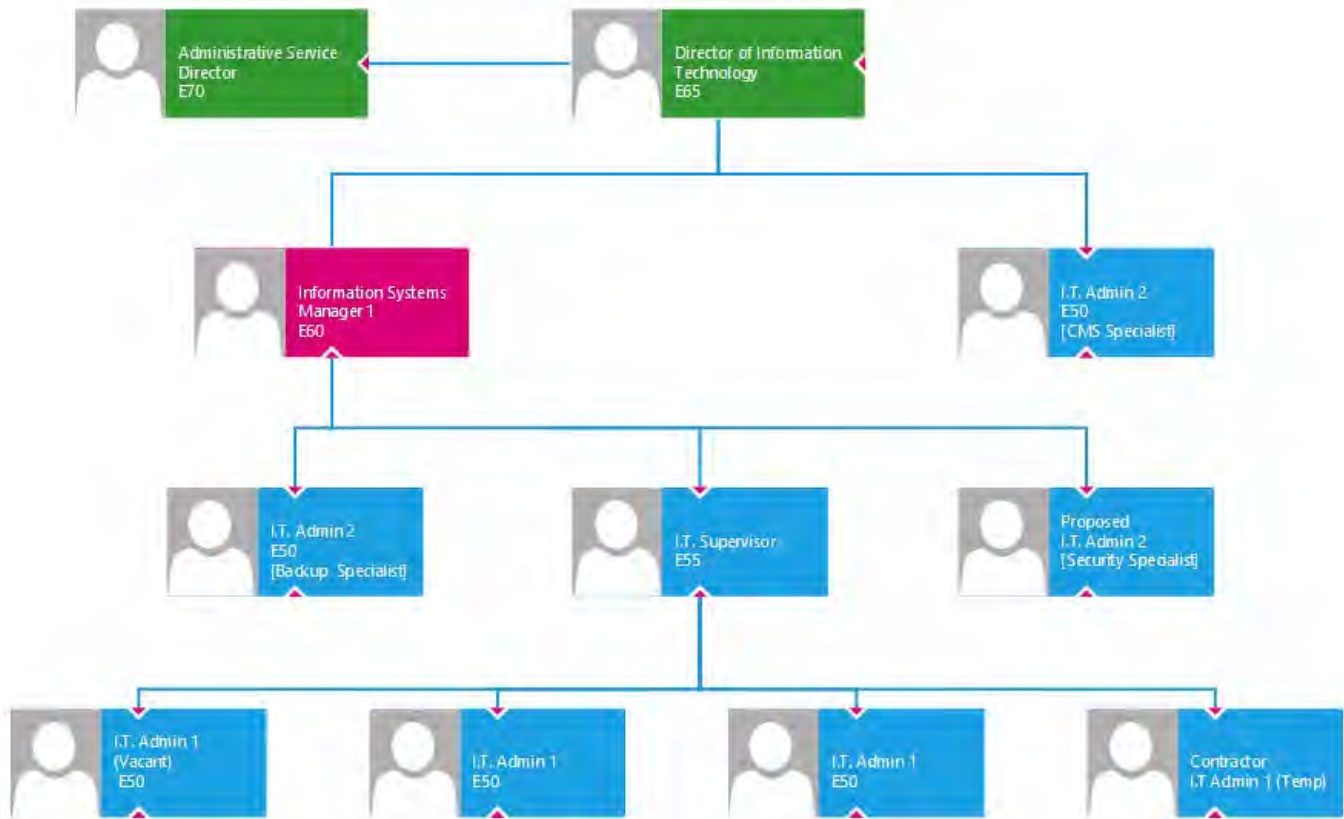
Information Technology Request for Reauthorization of C2 Appropriations			
Agency Name		Agency Code	
Lead Agency Name Listed on Appropriation		Project Name	
Source of Authorization (e.g. Laws 2022, Chapter 54, Section 7 (12) or Grant/Federal Fund #)		Appropriation Amount (in thousands)	Remaining Balance (in thousands)
		0.0	0.0
		0.0	0.0
		0.0	0.0
		0.0	0.0
		0.0	0.0
		0.0	0.0
Total amount appropriated for project life (in thousands)		Will the project be completed within the next fiscal year?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reason for Requesting Reauthorization			

TABLE VI.1: Request for Reauthorization of C2 Appropriations

APPENDIX A-I: AGENCY ORGANIZATION CHART



APPENDIX A-II: IT ORGANIZATION CHART



APPENDIX A-III: C2 IT DATA PROCESSING CSEF


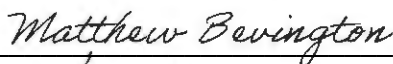
APPENDIX A-III: C2 IT Data Processing CSEF

Agency Name	Agency Code	Project Name		
NM Law Offices of the Public Defender	280			
Multi-Agency Project	Participating Agencies	Priority	Projected Start Date	Projected End Date
No				

Revenue Project Cost (dollars in thousands)					
Category or Account Description	FY24 & Prev Actual	FY25 Budget	FY26 Request	FY27 Request Estimate (If any)	Total
General Fund (CSEF)	4,840.0	0.0	0.0	0.0	4,840.0
Other State Funds (*specify funds below)	0.0	0.0	0.0	0.0	0.0
Federal Funds	0.0	0.0	0.0	0.0	0.0
Internal Svc Funds/Interagency Transfer	0.0	0.0	0.0	0.0	0.0
Total	4,840.0	0.0	0.0	0.0	4,840.0
*If Other State Funds, Specify Funding Source/Fund Name					

Expenditure Categories (dollars in thousands)					
Category	FY24 & Prev Actual	FY25 Budget	FY26 Request	FY27 Estimate	Total
Personal Services & Employee Benefits	0.0	0.0	0.0	0.0	0.0
Professional Services	1,611.0	974.3	0.0	0.0	2,585.3
Travel/Lodging	0.0	0.0	0.0	0.0	0.0
IT Hardware	937.6	500.0	0.0	0.0	1,437.6
IT Software	0.0	817.1	0.0	0.0	817.1
Other	0.0	0.0	0.0	0.0	0.0
Total	2,548.6	2,291.4	0.0	0.0	4,840.0

	Print Name	Phone	Email Address	Date
Agency Cabinet Secretary/ Director (Mandatory)	Bennett J. Baur	505-395-2881	bennettj.baur@lopnm.us	8/27/2024
Chief information Officer or IT Lead(Mandatory)	Matthew Bevington	505-715-5801	matthew.bevington@lopnm.us	8/27/2024
Chief Finance Officer / Budget Director (Mandatory)	Debbie O'Dell	505-395-2865	debbie.odell@lopnm.us	8/27/2024

Budget Director Signature 
Chief Information Officer/IT Lead Signature 
Agency Cabinet Secretary/Director Signature 