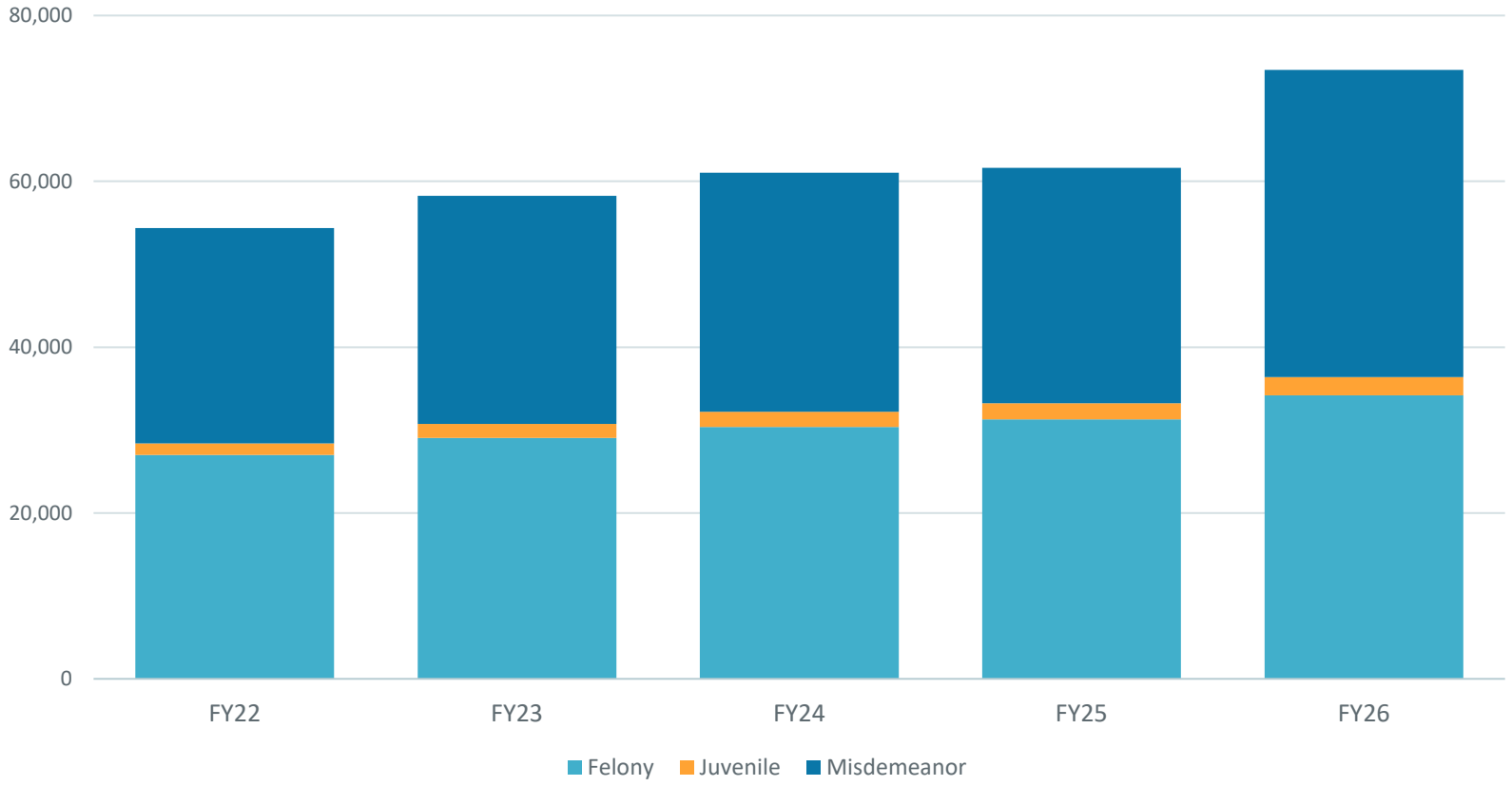
Cases are up 35% since FY22.



73,452

cases in FY26

Every case represents a person who needs time, investigation, communication and advocacy.

The FY28 request directs every dollar toward services.

FY28 base request: $13.2 million increase (15.5%)	Amount
29 FTE - 14 attorney, 6 social workers, 4 investigators, 5 paralegals	$4.4M
Contract attorney case cost increases	$3.0M
Attorney pay & incentives - 3% salary increases and rural incentives	$2.6M
Insurance / civil rights	$1.5M
Expert witnesses, including new costs from competency law changes	$880K
Operating costs, including per diem increases, training and lease costs	$562K
Recruitment pipeline program	$240K

Special, C2, and GRO Requests	
Special appropriations	$1.1M
IT / C2 tools	$4.8M
Addition to current Contract Attorney GRO	$10M
Bern. Co. Probation Violation Program GRO	$3.6M
Systemic Reform GRO	$70M

VACANCY RATE (FY27 Q1)

12.3%	7%	18%
Overall	Core staff	Attorneys

Investing in LOPD protects New Mexicans' constitutional rights and improves efficiency.

Base rate pay asks contractors to absorb additional hours worked and costs.

NEW MEXICO LAW OFFICES OF THE PUBLIC DEFENDER

LOPD | BASE RATE PAY PER CASE	
Misdemeanor — other	$220
DWI / domestic violence	$360
4th-degree felony ($780 per case in the 5th, 9th, and 10th districts)	$650
3rd-degree felony ($900 per case in the 5th, 9th, and 10th districts)	$775
2nd-degree felony ($930 per case in the 5th, 9th, and 10th districts)	$850
1st-degree felony ($950 per case in the 5th, 9th, and 10th districts)	$900
Murder / life imprisonment	$6,500

RMD | FY27 HOURLY RATE	
0–2 years	$170 / hour
2–5 years	$195 / hour
5–10 years	$225 / hour
10+ years	$245 / hour

Current GRO appropriation pilot rate: **$150/hour**
(9 contract attorneys total working in 11th/McKinley, 5th/Chaves, 8th/Colfax)

A court-appointed attorney in 1968 could receive up to $400 per district court case, including trial (31-16-8 NMSA 1978). In 2026 dollars, $400 from 1968 is approximately $4,000 today based on CPI inflation.

Critical funding, staffing deficiencies persist

$70M GRO Request

NEW MEXICO LAW OFFICES OF THE PUBLIC DEFENDER

DEMAND OUTPACES CAPACITY

3×

faster caseload growth than staff growth

+35%
CASES
FY22–FY26

+12%
FTE
FY22–FY26

GENERAL FUND DEFICIENCY

$39.9M

less annual base funding than DAs and ADOA

$84.7M
LOPD
FY27

$124.6M
DAs + AODA
FY27

WORKFORCE DEFICIENCY

462

fewer full-time equivalents than DAs and ADOA

616
LOPD FTE
FY26

1,078
DAs + AODA
FY26

LOPD is requesting access to $70M in GRO funds over the next three years to address these systemic deficiencies. Those funds would become part of LOPD's base budget in FY30.

Other Recommendations

NEW MEXICO LAW OFFICES OF THE PUBLIC DEFENDER

OPERATIONAL FLEXIBILITY

1 One line-item budget

Beginning FY28, mirror the courts' nearly decade-long model so LOPD can shift resources to address changes in demand, including complex multi-codefendant felonies, without budget adjustment delays.

2 Public Defender Reserve Fund

Beginning FY28, retain reversions in a nonreverting reserve capped at 2% of base budget to absorb year-to-year changes in case volume and complexity.

REDUCE AVOIDABLE CASE GROWTH

3 Habitual-offender reform

Remove simple drug possession from the habitual offender statute. SB 187 making these changes was passed by the Legislature in 2023 but was not signed by the governor.

4 Graduated probation response

Implement a stepped program with sanctions that graduate from light to heavy only if violations continue. SB 84 making these changes was passed by the Legislature in 2023 but was not signed by the governor.

5 Earlier diversion

Prioritize pre-arrest and law-enforcement diversion that occurs before a case is opened by the Public Defender.

SYSTEM ACCOUNTABILITY

6 Prevent or Reduce "Direct-Files" by Law Enforcement without DA approval

Reduce law enforcement's filing of charges without district attorney approval and recommend DAs address the practice.

7 Supreme Court of New Mexico's Indigent Defense Commission

The Supreme Court has created an Indigent Defense Commission to address systemic challenges after litigation led to case refusals and dismissals in other states. The first meeting of the Commission is December 2026.