

DISTRICT OF NEW MEXICO AT A GLANCE

The last overall district evaluation was conducted during the week of November 14, 2005. The Honorable David C. Iglesias was serving as the United States Attorney (USA) at the time of the evaluation. USA Iglesias was experienced in legal, management, and community relations work and was respected by the judiciary, agencies, and staff.

Overall, the Criminal Division AUSAs were long-time prosecutors who had extensive federal and local prosecutive experience. They were competent, productive, and professional. The Criminal Division supervisors effectively and appropriately managed case intake, assignment, and review. The USAO had appropriate policies and procedures for the effective review of indictments, prosecution memoranda, and charging decisions. However, the written work product and oral advocacy skills of the new and less experienced criminal AUSAs needed to be improved. The USAO responded that it would seek opportunities to provide additional training in written advocacy to all AUSAs, especially the newer AUSAs on the staff. Additionally, supervisors would be encouraged to observe courtroom performance of the less experienced and newly hired AUSAs as frequently as possible.

The overall quality and quantity of the criminal workload was appropriate; however, the increase in immigration cases was straining the USAO's resources. Virtually all immigration cases in the District were filed by the Las Cruces branch office because the defendants were usually arrested in close proximity to the border. The vast majority of immigration cases were disposed of through the USAO's Fast-Track Plea program. Were it not for this program, the USAO would have been overwhelmed by the sheer number of immigration cases.

The USAO had established an active and effective Anti-Terrorism Advisory Council. The USAO had a nationally recognized and highly effective firearms violence initiative and an active and effective program to address drug trafficking crimes in the District. The USAO was effectively prosecuting immigration and border crimes within the constraints of the available resources.

The Civil Division line AUSAs, as a group, was experienced and competent civil litigators. The Civil Division cases and the quality of the Civil Division's attorney work product were effectively managed. While the quality and quantity of the affirmative civil enforcement (ACE) and civil health care fraud (HCF) cases was appropriate; there appeared to be a lack of coordination within the Civil Division and between the Civil and Criminal Divisions on ACE and HCF matters.

The Appellate Division was well organized and staffed by experienced AUSAs who were well regarded by the court. The USAO's Asset Forfeiture Program was effectively managed. The USAO was effectively addressing criminal and civil cases arising from its interaction with Native American tribes in the District. Overall, the USAO's physical security was good.

The Administrative Officer was highly respected by the staff throughout the USAO. The Administrative Division totally supported the mission of the USAO.

STAFFING

FY 2006

In FY 2006, the USAO in the District of New Mexico received an allocation of \$11,070,640 (which included one-time increases totaling \$525,500) to fund and support 132 positions. In addition, the district received the following new position:

- One (1) Attorney position to support the efforts to combat Gang violence and reduce crime by providing additional prosecutorial resources to address the growing gang problem.

Below is a summary by position type before and after the new position was received:

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	66	67
Paralegal	10	10
Support (including analysts)	55	55
Total	131	132

FY 2005

In FY 2005, the USAO in the District of New Mexico received an allocation of \$11,574,894 (which included one-time increases totaling \$359,000) to fund and support 131 positions.

FY 2004

In FY 2004, the USAO in the District of New Mexico received an allocation of \$11,145,022 (which included one-time increases totaling \$84,000) to fund and support 131 positions. The district received the following new position:

- ~~One (1) OCDETF Attorney position to enhance the district's ability to identify, investigate, and prosecute drug trafficking and money laundering organizations.~~

Below is a summary by position type before and after the new position was received:

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	65	66
Paralegal	10	10
Support (including analysts)	55	55
Total	130	131

SPECIAL ISSUES/CONSIDERATIONS

As of July 21, 2006, the General Counsel's Office, EOUSA, is aware of the following employment/litigation matters/cases.

- Assistant United States Attorney (AUSA), has a litigation matter pending. The Executive Office for United States Attorneys (EOUSA) Former Deputy Director issued a 14-day suspension (based in large part on a report by the Office of Professional Responsibility (OPR)). As a result of this suspension, AUSA [redacted] filed an Equal Employment Opportunity (EEO) complaint against EOUSA and OPR alleging that [redacted] intentionally discriminated against AUSA [redacted] AUSA is alleging sex, age, and national origin discrimination and is reprisal for her previous EEO activity. The EEO investigation is completed. This matter pending the Report of Investigation.
- Assistant United States Attorney (AUSA), has a management employee relations matter pending. On two separate occasions AUSA [redacted] has been charged with conduct unbecoming a federal employee for [redacted]