

SANTA FE COUNTY PRIMARY ELECTION TUESDAY, JUNE 5, 2018

ABSENTEE VOTING: May 8 - June 2, 2018 EARLY VOTING: May 19 - June 2, 2018

CANDIDATES FOR JUDGE, FIRST JUDICIAL DISTRICT

Two judges were appointed to fill unexpired terms by the Governor following recommendations by the Judicial Nominating Commission. If elected in this election, they will serve for 6 years. They must be at least 35 years of age, have at least six years legal practice, be a state resident for at least three years, and be a district resident. Salary is \$126,186.37.

The League asked:

1. What specific education and experience qualify you for this position?

2. Is the District Court making sufficient use of specialty courts such as drug court and mental health court, and of alternative dispute resolution? If not, how would you increase use of these specialty courts and mediation/arbitration?

3. Does the Court have adequate support staff, and if not, what changes would you propose?

4. In general, what factors should be considered when the court is deciding whether or not to assign a defendant to pre-trial detention or supervision?

CANDIDATES FOR JUDGE, FIRST JUDICIAL DISTRICT - DIVISION II



Gregory S Shaffer (D)

I am the current Judge. Division II hears civil cases, and I have 20 years of civil experience, as a litigator at a national law firm and a public servant in N.M. I graduated from Penn State and NYU law school. The independent, bipartisan Judicial Nominating Commission evaluated all the candidates for Division II at various times on their ability, temperament, etc. I am the only candidate the Commission recommended for district court judge.

Yes, Division II makes sufficient use of mediation/settlement facilitation. The Court recently implemented a mandatory mediation program for new residential foreclosure cases. The goal is to explore settlement - including potential home-saving loan modification - before foreclosure litigation starts in earnest. As Judge, I also require early mediation in most of my other cases. As it hears only civil cases, Division II does not use the drug and mental health courts associated with the Court's criminal divisions.

High vacancy rates and employee turnover have challenged the judiciary for years. To consistently provide the highest level of service to the community, the courts need to focus on filling vacant positions and retaining current team members. Legislative funding for low-income legal services is also critically important. Low-income citizens often find themselves unrepresented in civil law-suits. Providing them with lawyers would both increase their access to justice and help the courts be more efficient.

People are rightly concerned about pretrial detention. Community safety affects us all. Division II does not hear criminal cases, however, so this question is not applicable to it. That said, judges must order pretrial detention when it is proven that no release conditions will reasonably protect another person or the community. Our Supreme Court has ruled that relevant factors to consider include the defendant's history of unlawful, dangerous conduct and previous compliance with release conditions.



Donna M Bevacqua-Young (D)

I have had the pleasure of serving as a Magistrate Court judge in Santa Fe since December 2013. During the course of my tenure as a judge, I have presided over thousands of civil and criminal cases. I have also had the unique opportunity to sit as a judge in both Rio Arriba and Los Alamos counties. Learning to recognize the needs of each county makes a successful judge.

The specialty courts are utilized. However, one or two judges supervise the specialty courts. As drug and mental health issues are pervasive in our society, all judges should rotate overseeing the specialty courts. As for alternative dispute resolution and mediation, those options are available. However, it is unclear if the greater community is aware of the programs. Better accessibility to these programs should be provided with links to community and civic organizations.

As with every Court, turnover is an issue as employees can earn more money in the private sector or at other governmental entities. Cross-training employees in all divisions should be utilized. College students should be recruited for internships during the summer or during the school year. New support staff could then be harvested from the pool of college students who were former interns.

There are significant factors to consider when evaluating pre-trial detention or supervision. Some of the factors are 1) past success or failure in previous supervisory programs; 2) type of family or societal support; 3) types of crimes, if any, committed in the past; 4) present charges; 5) attitude towards successful completion; 6) substance abuse issues and/or mental health considerations; 7) flight risk and 8) danger/threat to the community.



Marla E Sanchez-Gagne (D)

Born in Santa Fe, I have dedicated my 22-year legal career as a public servant in the District Attorney's and Attorney General's Office and currently as a Hearing Examiner/Alternative Dispute Resolution Officer with the State Engineer. Similar to a judge, I preside at hearings, make rulings and issue orders involving complex water rights issues. I have also served as Director of the Border Violence Division and helped write NM's Human Trafficking law.

Specialty Courts are critical to the District Court's success. While the Adult Drug Court and Mental Health Courts are serving clients at 85-90% capacity, more resources can always be dedicated to these resources. More in-patient treatment facilities would avoid the 2-3 month waiting list. As a certified ADR officer, I am aware of the benefits of alternative dispute resolution. New civil cases filed should be assessed for ADR referral to initiate the process earlier.

A high number of vacancies exist due to budget restrictions. 76% of new cases are civil cases, with an increasing number of self-represented litigants. Utilizing more resources to help self-represented clients will speed up the entire judicial process so that litigants don't have to wait so long for their cases to be decided. The courts would operate more efficiently by filling vacant positions and law school interns/externs should be utilized.

(1) the nature and circumstances of the offense, including whether it involves violence, alcohol or drugs; (2) weight of the evidence; (3) history and characteristics of the defendant, including the defendant's, physical and mental condition, family ties, employment, past and present residences, community ties, history relating to drug or alcohol abuse, criminal history, record concerning appearance at court proceedings; and whether the defendant was on probation, parole, pending trial, sentencing, or appeal.



Jerry A Archuleta (D)

Pertaining specifically to civil law education I obtained a Masters in Business Administration and I took courses in law school pertaining to civil law such as: contract drafting, entertainment law and land use. My experience with civil law includes entertainment law, real estate, probate, breach of contract, estate, and security exchange cases. I have also handled civil cases as an Alternative Dispute Resolution Mediator for First Judicial District Court for three years.

The Court makes sufficient use of the specialty courts. The Court uses four drug courts that curtail to the needs of the case and mental health court recognizes and makes adjustments to the needs of the individual in the case. ADR is used efficiently and is staffed with very well qualified and experienced attorneys. I would add a Veteran's Specialty Court added that is able to deal with the unique struggles of veterans.

The Court currently operates at a sufficient level but there is always a need for more clerks to process the paperwork so that judges and litigants are not waiting for paperwork. E-filing has helped the process but with an increasing case-load in the Court, there will be a need for more staff to meet this increase. I would get more training for current staff to improve the efficiency of production.

Rule 5-401 states: the type of offense charged (violent/alcohol/drug related/drug history), weight of evidence, criminal history and characteristics (character, physical, mental condition, family/community ties, employment, all residences, length of residency, past conduct), and previous failure to appear, will defendant appear for pending case and during current offense, was the defendant on any type of release pending trial, sentencing, or appeal for any crime, danger by the defendant's release and will defendant commit another crime.

CANDIDATES FOR JUDGE, FIRST JUDICIAL DISTRICT - DIVISION V



Jason C Lidyrd (D)

As a Deputy District Attorney in Rio Arriba, Los Alamos, and Santa Fe County for the last seven years, I not only possess the courtroom and litigation skills to sit as a trial judge presiding over the criminal cases of this District but also the experience working on societal issues, such as sexual assault, domestic violence, child abuse, alcohol and drug addiction, and mental health, to preside as a fair, considerate, and compassionate judge.

As the sitting District Judge for Division 5, I am responsible for the Espanola Adult and Juvenile Drug Court Programs. These programs are consistently operating at maximum participant capacity. As an effective alternative to incarceration for persons tangled in the criminal justice system due to substance use or misuse, these specialty court programs need greater funding to increase staff and resources and to expand participant capacity.

In light of the recent amendment to the bail provisions of the New Mexico Constitution, many criminal defendants are released prior to adjudication of their charges. To ensure the safety of our communities, the First Judicial District Court is in need of greater pretrial services staff and resources in order to conduct comprehensive risk assessments of defendants and to provide any supervision deemed necessary. At bottom, this is an issue of funding.

Our Supreme Court recently clarified that, when ruling on pretrial detention, judges shall consider whether a defendant poses a threat to the safety of others if released and whether any release conditions will protect against that threat. Some factors relevant to these considerations are the facts and circumstances of the charges; the defendant's prior conduct, including criminal history and history on release; and available conditions, including pretrial supervision, GPS monitoring, treatment and counseling services, etc.



Matthew E Jackson (D)

The breadth of my education and experience qualifies me for this position. Judges should be generalists, and since 2008, I have represented both plaintiffs and defendants in a wide variety of courts and administrative tribunals, with differing procedural rules and substantive law. I have represented individuals, small and large businesses, and government entities. Finally, I was born and raised in New Mexico and am familiar with the issues that face its people.

The specialty courts are generally well-used - and obtain positive outcomes - but they are not always at capacity. I would endeavor to keep the programs at full capacity and to advocate for additional funding to increase program capacity. I would encourage mediation, which is a valuable and widely-used tool. Arbitration is appropriate for some cases, but courts should not offload their duty to hear cases simply because of docket pressure.

Staffing and funding for the problem-solving courts should be increased so that they can serve more people. As to other staffing needs, there should be a court reporter at every hearing. Reviewing an audio recording is not as efficient as reviewing a transcript. Relying on recordings instead of transcripts is ultimately self-defeating as a cost-saving measure because of the additional time required to review audio recordings.

The factors to be considered in determining conditions of release or pretrial detention are those set forth in Rule 5-401, as recently construed by our Supreme Court. Every case is different, but in each case, the Court must determine the least restrictive conditions that reasonably ensure the defendant's appearance and the safety of others.

CANDIDATES FOR STATE REPRESENTATIVE

State Representatives serve a two-year term. Their compensation is \$183/day plus mileage per diem payment during the Legislative session.

The League asked:

1. What specific education and experience qualify you for this position?

2. What education policy changes will you promote to improve education/academic achievement/graduation rates?

3. What changes should be made to NM's tax system?

4. How will you work to reduce gun violence?

CANDIDATES FOR STATE REPRESENTATIVE, DISTRICT 22



Merritt Hamilton Allen (R)

I have a B.A. in Economics from the University of Notre Dame and served as a naval officer for eight years. I started the global PR firm, Vox Optima, in 2005. I served on the East Mountain High School governing council, and am currently a director for Adelante Development Center.

Manage school funding so teachers' raises don't hit individual schools' bottom line. Support K-3 investment, including longer K-3 school years for at-risk schools. For graduation rates, we have to respond to early indicators like Fs and truancy among freshmen, and map curricula to requirements for trade industry and higher education.

We have to stabilize our current tax base first: broaden the base, including internet sales, in order to lower GRT rates. We can't keep punishing our brick-and-mortar stores by giving Amazon a better tax rate. With that reform in place, we must develop a modern tax system and disestablish GRT.

New Mexico's gun laws are sensible and enforceable. We have to ensure our entire legal system - enforcement, prosecution, defense and judiciary - are properly staffed and resourced.



Gregg Wm Schmedes (R)

My experience as a physician and engineer has taught me how to listen to people and solve problems. As an academic researcher, I have learned to make decisions based on evidence, which I will do as a legislator.

We need to empower our teachers and unleash the creative potential in our students. Common core should be abolished in New Mexico. We must place more value in education. Teachers should be allowed to collaborate more, have more favorable student-to-teacher ratios, and have better pay.

Free market principles should lead our local economy, not government overregulation. New Mexico should welcome economic activity and treat businesses fairly. I would reduce tax rates and simplify the tax code, allowing businesses to create more jobs for New Mexicans.

As a physician, I will work hard to address mental health issues in our state and treat the root cause of gun violence. The root cause of violence in our society is our loss of value for human life, lack of respect for authority, and broken families.

CANDIDATES FOR STATE REPRESENTATIVE, DISTRICT 41



Susan K. Herrera (D)

Served as Director of the Congressional Hispanic Caucus, Founding Director of Northern New Mexico College Foundation and the Los Alamos National Laboratory Foundation. This work created endowments of over \$90 million while distributing \$50 million to schools, non-profits and student scholarships in Northern NM over a twenty-year period.

I support increased funding for cradle-to-college education in NM including the First Born home visiting program, high quality pre-K programs in all elementary schools, tutoring programs for all struggling students K-12, dual credit high school/college classes, the lottery scholarship and college programs that ready students for 21st century jobs.

30% of our annual budget is subject to gas and oil prices creating an unreliable revenue base. I would support revamping the personal income tax, the gross receipts tax, and the corporate income tax to create a stable funding stream to support needed services for all New Mexicans.

I would support common sense gun legislation including universal background checks, banning assault weapons, and temporarily banning weapons for individuals under restraining orders.

No response received.

No response received.

No response received.

No response received.

Debbie A Rodella (D)

CANDIDATES FOR STATE REPRESENTATIVE, DISTRICT 43



Christine Chandler (D)

Two-term Los Alamos County Councilor, past Chair and currently Vice Chair; Legislative analyst for the NM Senate Judiciary Committee (four sessions). Served on numerous civic boards, presently Vice Chair of the Los Alamos First Born Board. Former LANL attorney; Boston College and Georgetown Law Schools; Smith College, A.B. Economics.

I support implementation of early childhood programs including PreK, as these programs have been shown to improve student achievement/graduation rates. We should enhance support for struggling schools and fully fund our public schools. We should support teacher mentoring programs and eliminate punitive and ineffective measures like PED's school grading program.

We should implement an internet sales tax, add a new income tax bracket for high income earners, close loopholes that allow out-of-state companies avoid taxes and review the myriad of deductions and exemptions with the aim of establishing fair tax policy and stable revenue sources.

We should require universal background checks on all gun purchases as an important first step to strengthening our gun laws. We also need greater availability of and funding for behavioral and mental health resources in schools and in communities across the state.



Peter T Sheehy (D)

Los Alamos County Councilor, 2013-present (elected 2012, re-elected 2016); NCRTD, NCMEDD, NMAC Boards of Directors; Los Alamos Planning and Zoning Commission Vice Chairman, 2008-2012; "Certified County Commissioner" and "Certified Public Official" training, NM State University; 20 years advocacy for progressive policies; LANL Scientist, 1986-2012; PhD Physics, UCLA; USAF veteran.

I support: the amendment allowing 1% of the Permanent Fund to be spent each year for early childhood education, including pre-K educational and home visiting programs; increased funding for teacher and educational staff salaries; less required testing; innovations such as project-based learning; "community schools" including healthcare, counseling, and other services.

The exemption from GRT for internet sales should be eliminated, all exemptions and deductions re-evaluated, and GRT reformed to minimize "pyramiding" in business transactions. I do not favor increasing GRT on most non-profit organizations. GRT reform must not be used as an excuse to cut funding for needed programs.

I support: background checks on all sales of guns, with improved national instant criminal background check system; firearms restrictions on domestic violence offenders; expanded behavioral health programs (including in-school health care offices), focused on early treatment of mental health problems that lead to violence. Reduced poverty will reduce violence.

CANDIDATES FOR STATE REPRESENTATIVE, DISTRICT 46



Carl Trujillo (D)

I've served as a citizen legislator for three terms. My focus is on representing the people, not on personal ambition or partisan agenda. I'm a scientist - I believe that truth and facts matter. I'm also a sustainable home builder, a volunteer youth coach and an animal welfare advocate.

I've always supported the Constitutional Amendment to support more investment in early childhood education, which is key to giving our kids a strong start. And while money is only part of the answer, I have always advocated to get more money into the classroom to treat our teachers as professionals.

One is the "remote sellers" tax bill, which I've sponsored/passed twice (vetoed both times). It would keep an additional 50-60 million dollars in New Mexico, while helping to level the playing field for New Mexico businesses against the tax breaks given to humongous online retailers like Amazon.

We have common sense limits on every other amendment in the Bill of Rights - we need common sense limits on firearms. No one needs to own an assault weapon. Stronger background checks and better mental health services - most gun deaths are from suicide or drug-related crime.



Andrea D Romero (D)

I am a 17th generation New Mexican with deep roots throughout northern New Mexico. A graduate of Santa Fe High School and Stanford University, I studied economic and community development and have spent my career in public service, entrepreneurship, and advocacy, internationally and in New Mexico.

A strong education develops the necessary learning and skills our children need to lead productive lives. I supports increasing educators' pay, letting teachers teach rather than focus on testing, and increasing funding for 0-5 programs so children enter kindergarten ready to learn.

Our tax system is regressive, burdening those who can least afford it. We need to lower gross receipts taxes and exempt food and medicine; reform the personal and corporate income tax so the rich pay more of their fair share, and hold New Mexican families harmless from Trump's tax scheme.

We must keep guns out of the hands of felons, domestic abusers, and other dangerous people. I strongly support closing the background check loophole, passing a gun violence restraining order law to help reduce mass shootings and suicides; and prohibit gun possession by convicted domestic abusers.