

2009 Annual Report

Division/Section/Committee Title: CRIMINAL LAW SECTION_____

Date: _____12/15/09_____

Chair/Co-chairs: _MATTHEW COYTE_____

Activities Undertaken Since Last Report:

- The criminal Law section has continued to develop ties between the two distinct groups of our membership; prosecution and defense. With this in mind we have helped fund a project put together by the immigration law section in which a list of crimes and their immigration consequences are available in an easy to use format. This is intended to aid criminal defense lawyers as they advise their clients and also to help prosecutors who may not know of the unintended consequences of their plea offers.
- We have continued to offer scholarships to members who practice as a governmental defense attorney or prosecutor to attend criminal law seminars and CLEs. This was recently expanded to include any member who needed assistance attending a year end criminal law CLE.
- Once again board member Peter Ossorio presented a break out session at the annual conference. This year the subject was the recent Ochoa case involving pretextual traffic stops. News of his presentation spread and the New Mexico Criminal Defense Lawyers Association requested to use his materials in a CLE they were presenting in Las Cruces. The work he did benefited many criminal lawyers and initiated an interesting discussion regarding the likely affect of this recent case law.
- The board approved the sponsorship of both a prosecution or defense seminar. Only the NMCDLA took advantage of the offer and so the criminal section was able to provide refreshments for a breakout seminar on eyewitness identification. Ironically, the majority of attendees were from law enforcement and district attorney offices.

Ongoing Activities:

- The section continues to deal with the ongoing problem of obtaining sufficient attendance at board meetings to meet the required quorum. This has improved with the recent addition of new board members and the formation of an internet based meeting site. The board anticipates

the use of this web forum will allow business to be conducted more efficiently in the new year.

- The board is establishing criteria for an award to recognize outstanding criminal law practitioners. This project is in its infancy.
- Continued support of the immigration law project.
- We continue to strive to reach a point where we can host a joint CLE with the prosecutor and defense bars on ethics and professionalism.
-

Issues Requiring Board of Bar Commissioner Action: (Provide supplemental materials when applicable.)

- The criminal section has met the requirements to move forward next year with the exception of failing to keep the minutes of one of the meetings. Four meetings have been held with a quorum.