



THIRD JUDICIAL DISTRICT

LANGUAGE ACCESS PLAN

&

AMERICANS WITH

DISABILITIES ACT PLAN

THIRD JUDICIAL DISTRICT LANGUAGE ACCESS PLAN

TABLE OF CONTENTS

- I. DEFINITIONS (page 3)**
- II. LEGAL BASIS AND PURPOSE (page 3)**
- III. NEEDS ASSESSMENT (pages 3-5)**
 - A. Statewide by Language (page 3)**
 - B. Third Judicial District by Language (pages 3-5)**
- IV. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES INSIDE THE COURTROOM (pages 5-7)**
 - A. Provision of Interpreters in the Courtroom (page 5)**
 - B. Determining the Need for an Interpreter in the Courtroom (pages 5-6)**
 - C. Remote Interpreting (page 6)**
 - D. Court Interpreter Scheduling (page 7)**
- V. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES OUTSIDE THE COURTROOM (pages 7-8)**
- VI. TRANSLATED RESOURCES (WRITTEN AND AUDIOVISUAL) (pages 8-9)**
- VII. LANGUAGE ACCESS STAFFING (page 9)**
- VIII. JUDICIAL AND STAFF TRAINING (pages 9-10)**
- IX. FUNDING AND PROCUREMENT ISSUES (pages 10-11)**
- X. PUBLIC NOTIFICATION OF LANGUAGE ACCESS PLAN AND SERVICES (page 11)**
- XI. COMPLAINT PROCEDURE (page 12)**
- XII. APPROVAL AND EVALUATION OF LAP (pages 12-13)**
 - A. LAP Approval (page 12)**
 - B. Annual Evaluation of LAP (page 12)**
 - C. Third Judicial District LAP Coordinator: (page 12)**
 - D. AOC LAP Coordinator: (page 13)**
 - E. Effective Date and Approval (page 13)**

I. DEFINITIONS

Definition of “Third Judicial District” and “the Courts”:

“Third Judicial District” and “the Courts,” as used throughout this plan, means every District and Magistrate court in New Mexico’s Third Judicial District, namely: Doña Ana County District Court (located in Las Cruces) and Doña Ana Magistrate Court (located in Las Cruces, Anthony and Hatch).

II. LEGAL BASIS AND PURPOSE

This document serves as the plan for the Third Judicial District to provide to persons with Limited English Proficiency (“LEP”) services that are in compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166. Language access services are further provided for in the New Mexico Constitution and in State Statute (*see* Section IV A).

The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come into contact with the Third Judicial District.

For a list of language access and ADA planning team members, *see Attachment A*.

III. NEEDS ASSESSMENT

A. Statewide by Language

The State of New Mexico provides court services to a wide range of people, including those who speak limited or no English and those who are deaf or hard-of-hearing.

According to the New Mexico Administrative Office of the Courts (“AOC”), the most frequently encountered languages in New Mexico’s courts are:

1. Spanish
2. American Sign Language (“ASL”)
3. Navajo, Vietnamese, Chinese and Arabic

In Fiscal Year 2021, interpretation was provided in New Mexico’s courts in a total of 59 different languages.

B. Third Judicial District by Language

Demographic Data by County:

The Third Judicial District makes every effort to provide services to all LEP persons. For purposes of anticipating need, the following data shows the top five spoken (i.e. not signed) languages other than English that are most frequently used in Doña Ana County.

1) Modern Language Association Data:

The following information comes from the Modern Language Association (“MLA”). The MLA data indicates the percentage of county residents above the age of five who speak the language at home; it does not indicate proficiency or lack of proficiency in English.

1. Spanish 49.83%
2. German 0.46%
3. Chinese 0.20%

4. French 0.16%
5. “Other Indic languages” 0.13%

2) Migration Policy Institute Data:

The following data comes from the Migration Policy Institute (MPI).

The MPI data indicates the percentage of county residents above the age of five who are classified as Limited English Proficient. MPI only lists a language if it is spoken by 5% or more of a county’s total population or by 500 or more persons within a county, and if those speakers are also Limited English Proficient.

MPI lists the following LEP data for Doña Ana County:

- 16.1% Spanish-speaking LEP persons

The LAP team will update demographic data in this plan as it becomes available.

Courthouse Users:

The Third Judicial District also assesses its language needs on an ongoing basis based on what it identifies about courthouse users. This is achieved through two methods:

1. Tracking the use of interpreters in the courtroom.
2. Tracking encounters between staff and LEPs in out-of-courtroom settings.

1) Courtroom interpreter use:

During the most recent Fiscal Year (July 1, 2021 through June 30, 2022), there were a total of 1,096 courtroom interpreter assignments in the District Court and 1,763 assignments in the Magistrate Court. The top five languages requested were:

1. Spanish
2. American Sign Language
3. Korean
4. Vietnamese
5. Burmese

For a detailed breakdown of numbers and languages of assignments, *see Attachments B and C* (District and Magistrate Court, respectively).

2) Out-of-courtroom encounters:

In addition to tracking the use of interpreters in the courtroom by language, the Courts track requests for out-of-courtroom services, both in person and over the telephone, by language.

The Courts track out-of-courtroom encounters with LEP individuals on the telephone, at the clerk’s window and in various divisions, using a form provided by AOC. The District Court Executive Officer (David Borunda) and the Magistrate Court Manager (Jacqueline Douglas) are responsible for ensuring that data on out-of-courtroom encounters continues to be compiled on an ongoing basis. The LAP team is responsible for updating the data in this plan annually. Data for the most recent fiscal year (July 1, 2021 through June 30, 2022), as well as prior years, is appended to this plan as *Attachments D and E* (District and Magistrate Court, respectively).

IV. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES INSIDE THE COURTROOM

A. Provision of Interpreters in the Courtroom

The provision of spoken-language and signed-language interpreters in court proceedings is based in New Mexico State statute and the Constitution. The Constitution references language access in multiple sections, including Article II, Section 14 and Article VII, Section 3. In the Third Judicial District, interpreters will be provided, consistent with the Court Interpreter Standards of Practice and Payment Policies, at no cost to court customers, witnesses, jurors and other parties who need such assistance under the following circumstances:

- For a deaf or hard-of-hearing litigant, juror, observer (when an observer has submitted a request to the court prior to the proceeding), or witness in any type of court proceeding. Title II of the ADA requires local and state courts to provide qualified signed language interpreters or other accommodation to ensure effective communication with deaf and hard-of-hearing individuals.
- For a non-English speaking person who is a principal party in interest or a witness in a criminal case.
- For a non-English speaking person who is a principal party in interest or a witness in a domestic violence case, domestic relations case, and/or Children's Court case, including court-ordered domestic relations mediation.
- For a non-English speaking person who is a principal party in interest in a civil case or that party's witness.
- For victims who are active case participants, i.e., testifying as a witness or when making a statement at sentencing.
- For any non-English speaking juror. A certified court interpreter shall be provided to petit and grand jurors, including jury orientation, voir dire, deliberations, and all portions of the trial.

It is the responsibility of the private attorney, Public Defender or District Attorney to provide qualified interpretation and translation services for pre-trial witness interviews, transcriptions and translations and for attorney/client communications during proceedings.

The AOC has issued Guidelines for audio recorded, video recorded or written materials in languages other than English pursuant to Rule 1-103(E)(8) NMRA. These Guidelines address circumstances in which interpreters may and may not be used to perform sight translation in the courtroom. For the Memorandum dated July 22, 2016, see: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

B. Determining the Need for an Interpreter in the Courtroom

The Third Judicial District may determine whether an LEP or deaf/ hard-of-hearing court user needs an interpreter for a court hearing or for jury duty in the following ways:

- Request for interpreter form for attorneys and pro se clients. District Court updates this form as needed and distributes it to the Doña Ana County Bar. The form is available at the clerk's offices and on the District Court website.
- Request for setting form inquires whether an interpreter is needed. This is distributed to the Doña Ana County Bar and is also available on the District Court website.
- Application for free process for civil cases includes an interpreter needed checkbox.
- Language on domestic violence petition inquires whether any party needs an interpreter.
- Jury questionnaire inquires whether an interpreter is needed.

- The Courts have access to a multilingual interpreter needed check sheet/rights advisory for pro se clients, created by AOC. The sheet informs clients in 11 languages that they are entitled to an interpreter free of charge and asks them to check the box by the language they need.
- The District Court uses a cover sheet for every domestic and civil filing that includes language inquiring whether an interpreter is needed. The cover sheet is included in pro se packets and is also available on the website.
- The LAP team is concerned about the frequency with which attorneys fail to give the court advance notice of interpreter need. To address this problem, the Chief Judge emailed Bar Association members in 2018. In 2022, the Courts will make announcements at the Criminal Justice Coordinating Council and the Legal Department will email Bar Association members.
- In the District Court's Drug Courts, interpreter need is identified at orientation and coordinators alert the Interpreter Coordinator.
- In the Magistrate Court's DWI Drug Court, coordinators identify interpreter need at screening and alert the Interpreter Coordinator.
- Interpreters are automatically assigned to the following District Court events: judges' dockets; hearing officer dockets; special commissioner dockets; grand jury orientation; jury trials; adult and juvenile drug courts; CYFD mediations; legal advice clinics; legal aid clinics.
- Interpreters are automatically assigned to the following Magistrate Court events: arraignment courtrooms; in-jail arraignments by video conference with judges; jury selections.
- Recurring interpreter needs should be flagged in the Courts' case management systems.
- When a case is transferred from Magistrate to District Court, Magistrate Court staff flag the file by adding interpreter need to the title page.

The need for a court interpreter may also be identified prior to a court proceeding by the LEP or deaf person or on the person's behalf by: the Courts' counter staff, Self Help Center staff, Trial Court Administrative Assistants or jury division staff; or by the client/customer's advocate, family member or attorney. Additionally, the judge may determine that it is appropriate to provide an interpreter for a court matter. When this occurs, the judge flags the file to alert staff.

The Courts display signs in English, Spanish, Navajo and Vietnamese that state: "You have the right to an interpreter at no cost to you. If you cannot speak or understand English, or if you need an American Sign Language interpreter, please contact the clerk for assistance." The Courts display these signs at the following locations:

- ➔ District Court: building entrance, clerk's windows, every court division, public display boards.
- ➔ Magistrate Court: building entrance, clerk's windows, and each courtroom.

The District Court Executive Officer and Magistrate Court Manager are responsible for ensuring signage remains posted.

In a case where the court is mandated to provide an interpreter, but one is not available at the time of the proceeding even after the court has made all reasonable efforts to locate one, the case will be postponed and continued on a date when an interpreter can be provided.

C. Remote Interpreting

During the COVID-19 public health emergency, AOC Language Access Services prioritized remote interpreting over in-person interpreting for all proceedings with the exception of jury trials. Details to assist courts with telephone and video interpreting are posted at:

<https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

D. Court Interpreter Scheduling

The Third Judicial District schedules spoken and signed language interpreters for courtroom hearings in compliance with Supreme Court rules and AOC policies. These rules and policies may be found at: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

Interpreters for all New Mexico state courts are scheduled using a centralized interpreter scheduling management system managed by AOC. Court staff submit requests to the local AOC Language Access Coordinator, who broadcasts the interpreter assignments to interpreters located as close to the court as possible. In the Third Judicial District, there is one AOC Coordinator/Interpreter based at the District Court and one based at the Magistrate Court.

V. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES OUTSIDE THE COURTROOM

The Third Judicial District is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. Language services outside the courtroom include routing, daily communications and interactions between court staff and LEP individuals as they request information, file documents, schedule appointments, and so on.

In the Third Judicial District, the most common points of service outside the courtroom are at the clerk's windows, Self Help Center, and on the telephone. Bilingual assistance is provided in these areas by the placement of bilingual staff as is practical in these positions.

Language Access Specialists ("LASs") are bilingual employees of the court who have successfully completed justice system language access training through the New Mexico Center for Language Access. They are a category of employee specifically created by the NM Judiciary to ensure the delivery of meaningful language access services in out-of-courtroom settings. LASs are the primary staff members who are equipped and should be called on to handle out-of-courtroom needs.

As of the latest revision of this plan, the Third Judicial District employed 25 LASs. All were Spanish-speaking, with the exception of one Thai-speaking LAS. For a list of LAS names and divisions, *see Attachment F*.

The Courts will continue to work on identifying gaps in LAS coverage and candidates interested in pursuing LAS training. The Courts' ability to put staff through the LAS training program is contingent on AOC scholarships/court budget. The LAP team discusses LAS needs at each annual meeting.

In addition, in the District Court, interpreters are periodically called on to assist at the clerk's windows, if available. In the Magistrate Court, interpreters are called on to assist at the clerk's windows on a routine basis.

To facilitate communication between LEP individuals and court staff outside the courtroom, the Third Judicial District uses the following resources:

- Interpreters, Language Access Specialists and other bilingual employees, as detailed above.
- "I Speak" cards in over 60 languages, to identify the individual's primary language.
- Multilingual signage, as detailed in Section IV C.
- Telephonic interpreting services, which are available to provide assistance at the clerk's windows and at the Self Help Center. The telephonic interpreting services are provided in over 175 languages, through Certified Languages International (CLI).

- When callers telephone either District or Magistrate Court, they hear a recorded message in Spanish with a number to press for service in Spanish. When the caller presses for Spanish, they hear a Spanish recorded message with numbers to press to be connected to various divisions. In Magistrate Court, the phone system then alerts division staff that a Spanish speaker is on the line. In both courts, Spanish speakers are served by an LAS, bilingual staffer, or via CLI; speakers of other languages are served via CLI.
- In District Court, if callers reach voicemail, the main line has a voicemail message in both English and Spanish. The clerk's office and the various court divisions and programs have their own English and Spanish voicemail messages.
- In Magistrate Court has both English and Spanish voicemail in place. After hours, callers hear a message with court opening hours, in English and Spanish.
- The District Court jury line has a bilingual recording about reporting.
- The Magistrate Court Jury Division sends Spanish notifications to jurors by text message, using the Clear View system.
- Legal advice clinics, at which an interpreter is present, are held monthly in District Court. Spanish fliers advertising the clinics are posted on the Court's website.
- Self Help Center services at District Court include bilingual staff and telephonic language assistance.
- The District and Magistrate Courts display posters entitled "Welcome to our court- What staff can and cannot do" in Spanish. The Magistrate Court additionally displays this sign in Navajo.
- All signs displayed throughout the District courthouse are translated into Spanish.
- The District Court has created a bilingual jury orientation video, which is posted online.
- In the Courts' mediation programs, certified court interpreters are available.
- The AOC Memorandum, "Providing Interpreters for Court-Ordered Programs, Services or Events," explains when the obligation to provide language access for programs, services or events falls on the court and when it falls on outside agencies. *See:* <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

VI. TRANSLATED RESOURCES (WRITTEN AND AUDIOVISUAL)

The Courts understand the importance of having forms and documents professionally translated so that LEP individuals have greater access to needed information and services. Translation requests should be submitted to the AOC's vendor via an online portal. For further details, *see* "New Translation Portal Instructions" at <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

Currently, the following translated resources are available statewide:

- Supreme Court forms in bilingual format, available at <https://languageaccess.nmcourts.gov>: Spanish: Domestic Violence, Domestic Relations, Interpreter request, Adult Guardianship, Civil summons, Indigent defense eligibility determination. Spanish, Navajo and Vietnamese: Eviction Prevention & Diversion. Spanish, Vietnamese, Chinese and Arabic: Landlord Tenant.
- The website of the NM Judiciary at <https://nmcourts.gov>, including the Third Judicial District Court page, has been professionally translated into Spanish. The Court's webmaster is responsible for notifying the AOC Language Access Planning Consultant whenever updates are made in English so that AOC can make the corresponding updates on the Spanish mirror page.
- Resources posted on the AOC Language Access Services website at: <https://languageaccess.nmcourts.gov>. To help users who are LEP, blind/low-vision; low literacy/computer literacy or deaf/hard-of-hearing to navigate the site, an avatar is included. This virtual assistant speaks English, Spanish and Navajo and can respond to either written or verbal commands.

- Informational videos for Self Represented Litigants in ASL, Spanish and Navajo (with closed captioning) are posted throughout the Language Access Services website.
- A District Court Self Help Guide (Spanish and Navajo) is available on the Language Access Services website.
- Guardian and Conservator orientation program videos in Spanish are posted at: <https://adultguardianship.nmcourts.gov/videos-informativos-de-entrenamiento>
- A Magistrate Court video arraignment DVD in English, Spanish and Navajo.
- A Magistrate court personal data intake form in bilingual English/Spanish format.
- Bilingual (English and Spanish) handouts are provided by community partners.
- As the only state in the United States that seats LEP jurors, the New Mexico AOC provides the following materials (available at <https://jury.nmcourts.gov>):
 - ✓ Spanish: juror questionnaire, qualification form, handbook, FAQs, creed, tips for after jury service, medical excuse form; orientation video open-captioned in Spanish.
 - ✓ Navajo: juror questionnaire and qualification form.
 - ✓ For deaf and hard-of-hearing jurors: orientation video open-captioned in English.

The following additional translated resources are available in the Third Judicial District:

- In the following District Court divisions or programs, either all materials or key materials have been translated into Spanish by certified translators: Jury Division, Adult Drug Court, Juvenile Drug Court, Family Reunification Court, Mediation Division, Lower Rio Grande Water Adjudication Section.
- The Magistrate Court Emergency Action Plan and DWI Drug Court Intake Packet, Supervision Plan and Release of Information have been translated into Spanish by certified translators.

VII. LANGUAGE ACCESS STAFFING

The Courts are equal opportunity employers and recruit and hire/contract with bilingual staff/contractors to serve their LEP constituents. Bilingual staff/contractors serve the Third Judicial District in the following capacities:

- Language Access Coordinators employed by AOC and housed at the District and Magistrate Courts.
- Court interpreters who serve the court on an on-call basis (coordinated and funded by AOC).
- Language Access Specialists, as detailed in Section V. Depending on funding, the Courts provide compensation and incentives in the form of a \$1 per hour increase to employees who become certified as LASs.
- Bilingual Drug Court Surveillance Officers.
- Other bilingual staff who are on call to assist with out-of-courtroom contacts from LEP individuals as needed.

VIII. JUDICIAL AND STAFF TRAINING

The New Mexico State Courts and the Third Judicial District are committed to providing language access training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered by the New Mexico Supreme Court and the Third Judicial District will be expanded or continued as needed. These opportunities include:

Statewide Opportunities:

- Mandatory language access training for all new and continuing employees, using a language

access training DVD developed by the New Mexico Judiciary and made available to all courts in October 2011. The DVD includes information on the legal basis for language access and goes into detail on procedures for providing services. A policy directive mandating the training was issued by the Supreme Court in the form of an Order in April 2011. A subsequent policy directive was issued by AOC in October 2011 in the form of a Language Access Training Policy. AOC distributed an accompanying training acknowledgment form which is to be signed by each employee and added to his or her personnel file after training has been completed. In the Third Judicial District, this procedure was completed in September 2012 for District Court and in October 2011 for Magistrate Court. AOC plans to update the mandatory video in Fiscal Year 2023, to include both language access and ADA training.

- Scholarships and wage incentives (as available) to encourage the enrollment of current bilingual employees in the Language Access Specialist certificate program offered through the New Mexico Center for Language Access.
- An annual Language Access Specialist symposium, the benefits of which include a full year's worth of Continuing Education Units, as well as LAS webinars throughout the year.
- Conferences, judicial conclaves, webinars, etc. that include sessions dedicated to language access topics, organized by AOC Language Access Services and its partner, the NM Center for Language Access.
- The AOC and national colleagues have developed the Language Access Basic Training (LABT), an interactive training program available online at: <http://www.nmcenterforlanguageaccess.org/lafund>. The training is geared toward all judicial employees, and also contains more intense modules of practice and skills assessment for bilingual employees. Training topics include Legal Basis; Ethics; Roles of Court Staff and Cultural Competency.

Third Judicial District Opportunities:

- In September 2012, the AOC Statewide Program Manager for Language Access Services and the AOC Signed Language Interpreter Coordinator led five language access training sessions for District Court staff and judges.
- After this LAP first became effective, the Court Clerk Supervisor of District Court and the Court Manager of Magistrate Court attended judges' meetings to inform judges about the content of the plan.
- Ongoing instruction is provided to all employees on the Courts' LAP policies and procedures, as described in this plan.
- Ongoing hands-on practice is provided to staff in using language access resources (CLI, I Speak, assistive listening devices).
- New employees receive language access orientation shortly after assuming their responsibilities, implemented by Human Resources.

In the District Court, periodic trainings are held at which the Human Resources Administrator Senior (Bridget Becerra) shows the mandatory DVD and trains staff on language access resources and the content of this LAP. In the Magistrate Court, language access training comprises part of annual employee evaluations.

IX. FUNDING AND PROCUREMENT ISSUES

The New Mexico Supreme Court and Administrative Office of the Courts commit significant resources to the following language access efforts to benefit all state courts on a regular basis: signage; assistive listening/interpreting equipment; certified interpreter services for court proceedings for spoken and signed languages; training and certification of interpreters and Language Access Specialists; 24/7

telephonic interpreting available in 175 languages for out-of-courtroom communication with LEP individuals; and the development of related training materials for court personnel and language access service providers. The NM Judiciary will continue to support the Third Judicial District language access efforts through these services and will work to identify new funding opportunities to support language access efforts across the judiciary and specific to the needs of the Third Judicial District, as identified through the current or future language access planning efforts.

X. PUBLIC NOTIFICATION OF LANGUAGE ACCESS PLAN AND SERVICES

The Third Judicial District understands the importance of communicating to the LEP and deaf/hard-of-hearing public that courthouses are accessible. In addition to using signage, “I Speak” cards, voicemail, workshops, DVDs, online materials and written materials as detailed above, the Courts undertake the following outreach measures.

The Court possesses an extensive database of community stakeholder organizations, whom it surveyed at the time this LAP was first being compiled, to solicit community input.

The Courts benefited from a statewide Public Service Announcement highlighting the accessibility of New Mexico’s courts which AOC distributed to radio stations in English, Spanish, Navajo and Vietnamese.

The Courts undertake the following public outreach activities on a regular basis:

- The District Court periodically sends out press releases about pro se workshops, in both Spanish and English.
- The District Court translates and distributes fliers for legal fairs on an as-needed basis. The fliers are distributed throughout the Court, as well as in libraries and churches.
- District Court Drug Courts send out press releases during Drug Court month, in both Spanish and English.
- Court closure notices are distributed to the media, including Spanish language stations.

A hard copy of the Third Judicial District LAP is kept in an area accessible to the public in the clerk’s office in each courthouse. The plan is available in Spanish as well as English, translated by certified translators contracted by AOC. Copies of the plan will be provided to the public on request. In addition, the Third Judicial District posts the plan on its website at <https://thirddistrictcourt.nmcourts.gov> and the AOC posts the plan on the Language Access Services page of the New Mexico Judiciary website at <https://languageaccess.nmcourts.gov>.

Upon signature of each annual update of the LAP, the District Court CEO will send a notice to the Doña Ana County Bar, including a link to the LAP and the various forms for requesting an interpreter.

Upon signature of each annual update of the LAP, the Chief Judge of the District Court sends an advisory to known local community stakeholders, including a link to the LAP. The advisory is intended to advise the LEP and deaf/hard-of-hearing community that the Court is accessible and to familiarize them with the specific provisions of the Court’s LAP. The District Court CEO is responsible for ensuring this is completed.

For distribution of this plan to the public and court employees, *see* ADA Plan, Section X.

XI. COMPLAINT PROCEDURE

The Third Judicial District has a complaint procedure for persons who feel their rights to language access have been violated. Should any individual wish to make a complaint, the attached complaint procedure and form will be provided to them by the LAP Coordinator (*see Attachment G*). The procedure and form are available in English and Spanish and can be translated into additional languages on request.

XII. APPROVAL AND EVALUATION OF LAP

A. LAP Approval

The Third Judicial District LAP is subject to approval by the District Court Chief Judge, Magistrate Court Presiding Judge, District Court Executive Officer and Magistrate Court Manager. Any revisions to the plan will be submitted to the above parties for approval and then forwarded to the AOC.

B. Annual Evaluation of LAP

The Third Judicial District will routinely assess whether changes to the LAP are needed. The plan may be changed or updated at any time but reviewed not less frequently than annually. The LAP Coordinator is responsible for convening annual meetings.

Every year, the Courts' LAP team will review the effectiveness of the LAP and update it as necessary. The evaluation will include identification of any problem areas and development of corrective action strategies. Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters and out-of-courtroom language assistance.
- Assessment of current language needs to determine if additional services or materials should be provided.
- Assessment of whether language access procedures are operating smoothly.
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out.
- Identifying gaps in LAS coverage and suitable candidates to undergo LAS training.
- Review of any feedback from court employee training sessions.
- Surveys to judges, employees, and community stakeholders and/or revisiting information obtained in earlier surveys, if deemed necessary.
- Ensuring that all time-sensitive references, rules or policies that are subject to change, and individuals mentioned in this plan are up-to-date.

C. Third Judicial District LAP Coordinator:

David Borunda, District Court Executive Officer
Third Judicial District Court
201 W Picacho Ave, Las Cruces, NM 88005
lcrdxb@nmcourts.gov
575-523-8283

D. AOC LAP Coordinator:

Bernice Ramos, Senior Statewide Program Manager, Language Access Services
New Mexico Administrative Office of the Courts
110 Calle de Alegra, Las Cruces, NM 88001
aocbar@nmcourts.gov
505-231-1681

E. Effective Date and Approval

See: Americans with Disabilities Act Plan signature page.

THIRD JUDICIAL DISTRICT COURT

ADA PLAN

TABLE OF CONTENTS

- I. DEFINITIONS (page 15)**
- II. LEGAL BASIS AND PURPOSE (page 15)**
- III. NEEDS ASSESSMENT (page 16)**
- IV. ADA COORDINATOR DUTIES (pages 16-17)**
 - A. Duties of the AOC Office of the Statewide ADA Title II Coordinator (page 16)**
 - B. Duties of the Local ADA Coordinator (page 17)**
- V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS (page 17)**
- VI. ASL RESOURCES FOR JURORS (page 18)**
- VII. OUT-OF-COURTROOM CONTACTS (page 18)**
- VIII. LIVE CHAT DEVICES (page 18)**
- IX. JUDICIAL AND STAFF TRAINING (page 18)**
- X. PUBLIC NOTICE (page 19)**
- XI. GRIEVANCE PROCEDURE (page 19)**
- XII. APPROVAL AND EVALUATION OF ADA PLAN (pages 19-20)**
 - A. ADA Plan Approval (page 19)**
 - B. Annual Evaluation (page 19)**
 - C. Third Judicial District Court ADA Coordinators (pages 19-20)**
 - D. Statewide ADA Coordinator (page 20)**

I. DEFINITIONS

Definition of “Third Judicial District” and “the Courts”:

“Third Judicial District” and “the Courts,” as used throughout this plan, means every District and Magistrate court in New Mexico’s Third Judicial District, namely: Doña Ana County District Court (located in Las Cruces) and Doña Ana Magistrate Court (located in Las Cruces, Anthony and Hatch).

II. LEGAL BASIS AND PURPOSE

The New Mexico Administrative Office of the Courts is committed to ensuring equal access to and full participation in court programs, court services, and court activities for qualified individuals with disabilities, including attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, and public observers of court proceedings.

The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of programs, services, or activities of a public entity. This prohibition applies to the New Mexico state courts as providers of public programs, services, and activities. Pursuant to the ADA, people with disabilities have an equal opportunity to access, use, and fully participate in court programs, services, and activities and not be discriminated against because of their disability.

A person is considered disabled for purposes of the ADA if he or she has a mental or physical impairment that substantially limits a major life activity. “Major life activities” include, but are not limited to: reading, communicating, performing manual tasks, seeing, hearing, standing, walking, breathing, and the operation of a major bodily function.

The ADA also protects people who have a record of such an impairment or who are regarded as having such an impairment, if being perceived as having a disability results in discrimination.

It is important to remember that not all disabilities are obvious. “Invisible disabilities,” such as psychological or cognitive conditions, can substantially limit a person’s ability to engage in major life activities.

Any individual with an interest in participating in or attending any proceeding before any court may make a request for an accommodation. This includes jurors, parties, attorneys, witnesses, and spectators.

Whenever reasonable, New Mexico Court policies, practices, or procedures must be modified to make court programs, court services, and court activities readily accessible to and usable by people with disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an ADA-accessible site.

The ADA also includes removing communication barriers by providing auxiliary aids and services that would allow a person with a disability to effectively represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, observe a hearing or trial, or otherwise participate in all programs, services and activities. In providing reasonable accommodations, the New Mexico Courts give ADA Title II primary consideration to the accommodations requested by the person with a disability when reasonable and practicable. To ensure ADA effective communications with people who are deaf or hard of hearing, the New Mexico Courts provide sign language and oral interpreters, TTYs, or other appropriate auxiliary aids and services free of charge. The New Mexico Courts may also provide information in Braille and Large Print for people with visual disabilities as a reasonable accommodation request.

III. NEEDS ASSESSMENT

The Centers for Disease Control and Prevention (CDC) published the latest [Disability and Health Data System \(DHDS\)](#) on their site. DHDS is an online source of state level data on adults with disabilities. In the state of New Mexico 460,355 adults have a disability. This is equal to 28% or roughly 1 in 4 adults.

According to DHDS, New Mexico the percentages of disabled individuals in 2020 among 18 year old adults and older reported:

- Cognitive Disability 13.4%
- Mobility Disability 12.2%
- Independent Living Disability 8.8%
- Hearing Disability 6.9%
- Vision Disability 4.7%
- Self-Care Disability 4.5%

Definitions:

- Cognitive: serious difficulty concentrating, remembering or making decisions.
- Hearing: serious difficulty hearing or deafness.
- Mobility: serious difficulty walking or climbing stairs.
- Vision: serious difficulty seeing or blindness.
- Self-care: difficulty dressing or bathing.
- Independent living: difficulty doing errands alone.

IV. ADA COORDINATOR DUTIES

A. Duties of the AOC Office of the Statewide ADA Title II Coordinator

The Office of the Statewide ADA Coordinator within the Administrative Office of the Courts provides resources, guidance and training to all judiciary employees. It also oversees the enforcement of the Act in each district and their programs and activities.

Among the duties of the Statewide ADA Coordinator are to:

- Plan and coordinate compliance efforts.
- Develop and distribute notice about ADA Title II compliance.
- Respond to general inquiries from the public.
- Coordinate requests for auxiliary aids and services and reasonable modifications of policies, practices and procedures.
- Train staff, boards and commissions on ADA requirements.
- Interact and consult with staff, boards and commission on the ADA.
- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.

Statewide ADA Coordinator:

Peggy Cadwell

ADA@nmcourts.gov

(505) 414-5313

B. Duties of the Local ADA Coordinator

Among the duties of the local ADA Coordinator are to:

- Handle all ADA Title II requests from the public. Receive requests for accommodations, communicate with the person making the request to clarify the nature of the accommodation needed, and facilitate implementation. Engage in the Interactive Process as needed and follow up on effectiveness of the accommodations.
- Provide information about and arrange for the use of the appropriate auxiliary aids and devices.
- Ensure ADA-related signage and other information is in place and accurate.
- Suggest or assist in making modifications to court operations and practices to ensure that court programs and services are fully accessible.
- Investigate grievance complaints and issue decisions.
- Ensure their courts are complying with all ADA Title II mandates.
- Conduct investigations of all complaints.
- Cooperate with the Statewide ADA office by providing all requested information during an investigation.
- Maintain contact with staff and judges to ensure that services provided are effective.
- Conduct and participate in all activities related to the self-evaluation process and provide the results to the office of the Statewide ADA Coordinator.
- Maintains a record of all accommodations granted and denials.
- Maintains a record of grievances filed and results.

The Third Judicial District ADA Coordinators will distribute an email to all court personnel containing their contact information. Court personnel who become aware of a need for an accommodation may consult with the ADA Coordinator for their district for assistance. In turn, the local ADA Coordinator may request additional assistance from the ADA Statewide ADA Title II Coordinator.

Third Judicial District Court ADA Coordinators:

Jodie Delgado
ljrdjmc@nmcourts.gov
(575) 528-8382

Marisela Duran
ljrdmhd@nmcourts.gov
(575) 528-0098

V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS

The provision of spoken language and signed language interpreters, and other communication access accommodations, in court proceedings is based in New Mexico State statute and the Constitution. The Constitution references language access in multiple sections, including Article II, Section 14 and Article VII, Section 3.

Title II of the ADA requires courts to provide qualified sign language interpreters or other accommodations to ensure effective communication with deaf and hard-of-hearing individuals.

Interpreters will be provided at no cost to deaf or hard-of-hearing litigants, witnesses, jurors and observers (when an observer has submitted a request to the court prior to the proceeding) in any type of proceeding in the New Mexico courts.

VI. ASL RESOURCES FOR JURORS

The New Mexico AOC provides the following materials for Deaf and hard-of-hearing jurors: orientation video open-captioned in English https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation_capt_eng.webm

VII. OUT-OF-COURTROOM CONTACTS

Third Judicial District and Magistrate Court staff report that the majority of out-of-courtroom contacts occur at the clerk's windows, by telephone, and at security, plus in the District Court Self Help Center. Accommodations requested are primarily for ASL interpreters and scribing services. The ADA Coordinators will keep track of accommodation requests, along with documenting any denials and the reason for the denial.

The LAP/ADA planning team will collaborate with the Statewide ADA Coordinator to create a handout for staff and security containing basic information about accommodating requests, regulations around service animals, and ADA Coordinator contact details.

VIII. LIVE CHAT DEVICES

In an effort to lead the way in augmenting accessibility for Deaf and hard of hearing court users, AOC has begun piloting the use of live-chat UbiDuo. This technology enables live chat to take place between the court customer and staff, with each party typing into their respective station. Walk-in Deaf and hard of hearing court users who have not submitted advance notice of interpreter need can now converse immediately at the counter, eliminating the need to pass paper notes back and forth or to wait for an interpreter. Live-chat devices have also been helpful in the provision of services to individuals with speech difficulties.

As of the effective date of this plan, the Magistrate Court has three UbiDuo devices: two in Las Cruces and one that will be sent to the Anthony location. The District Court has one device and has requested two additional devices from the Office of the Statewide ADA Coordinator, one of which will be used in the Self Help Center. During the COVID-19 pandemic response, the Third Judicial District used UbiDuos in the courtroom to help maintain distance between parties.

IX. JUDICIAL AND STAFF TRAINING

The Statewide ADA Office offers regular training in partnership with the Southwest ADA Center and other disability organizations. The Statewide Coordinator notifies all judiciary employees of upcoming trainings via email. Training is offered to all judiciary employees free of charge and is recorded and available on the Language Access YouTube channel at: <https://www.youtube.com/channel/UCAyCQWhNiJFAgPrXnB-wQQ>

The Statewide ADA Coordinator's Office will be creating a basic ADA training video for new employees in Fiscal Year 2023 which will be distributed to all judicial districts.

Training assistance is available to the Third Judicial District on request by contacting the Office of the Statewide ADA Coordinator.

X. PUBLIC NOTICE

All public entities must provide information to the public, program participants, program beneficiaries, applicants and employees about the ADA and how it applies to the public entity.

A new Americans with Disabilities Act page was created and added to the New Mexico Courts website in October, 2021. <https://www.nmcourts.gov/americans-with-disabilities-ada/>

The Notice of Rights is provided in English, Spanish and ASL and posted on the ADA page: <https://www.nmcourts.gov/americans-with-disabilities-ada/>

The Third Judicial District Court will add an ADA page to its website, to include the Notice of Rights, Request for Accommodation Form, Grievance Procedure and Complaint Form. The page will also include contact information for the ADA Coordinators for the district, to include an email address similar to those in use in other districts, i.e, ada.3rddistrict@nmcourts.gov.

A hard copy of the Third Judicial District Court's LAP and ADA Plan shall be kept at the public information desk. Copies are also viewable at the public access computer kiosks, via a short cut link. Copies of the plan will be provided to the public on request. The plan is available in Spanish as well as English, translated by certified translators contracted by AOC. In addition, the Third Judicial District Court posts the plan on its website at <https://thirddistrictcourt.nmcourts.gov> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>. The plan is also accessible to Court staff and judges on the Court's internal intranet.

XI. GRIEVANCE PROCEDURE

The statewide Grievance Procedure is attached to this plan and also posted on the ADA website in English and Spanish at: <https://www.nmcourts.gov/wp-content/uploads/2021/09/FINAL-DRAFT-ADA-Grievance-Procedure.pdf>

XII. APPROVAL AND EVALUATION OF ADA PLAN

A. ADA Plan Approval

The Third Judicial District Court's ADA plan is subject to approval by the Chief Judge and Court Executive Officer. Any future revisions to the plan will be submitted to the Chief Judge and Court Executive Officer for approval, and then forwarded to the AOC.

B. Annual Evaluation

Annually, or more frequently if needed, the Court will review the effectiveness of its ADA plan and update it as necessary.

C. Third Judicial District Court ADA Coordinators

Jodie Delgado
Third Judicial District Court
201 W Picacho Ave, Las Cruces, New Mexico 88005
lcrdjmc@nmcourts.gov
(575) 528-8382

Marisela Duran
Third Judicial District Court
201 W Picacho Ave, Las Cruces, New Mexico 88005
lcrdmhd@nmcourts.gov
(575) 528-0098

D. Statewide ADA Coordinator

Peggy Cadwell
New Mexico Administrative Office of the Courts
PO Box 25264, Albuquerque, New Mexico 87125
ADA@nmcourts.gov
(505) 414-5313

**LANGUAGE ACCESS PLAN
& ADA PLAN SIGNATURE PAGE**

A. Effective Date:

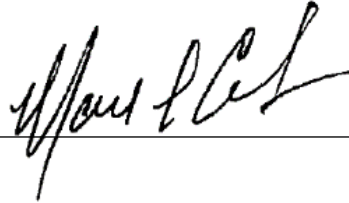
LAP original effective date: December 31, 2012

ADA plan original effective date: August 31, 2022

Latest revision: August 31, 2022

B. Approved By:

Hon. Manuel Arrieta, District Court Chief Judge:



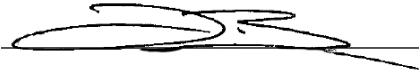
Date: 9/7/2022

Hon. Rebecca Duffin, Magistrate Court Presiding Judge:



Date: 9/7/2022

David Borunda, District Court Executive Officer:



Date: 9-7-2022

Jacqueline Douglas, Magistrate Court Manager:



Date: 9-7-2022

ATTACHMENTS

LANGUAGE ACCESS PLAN:

- A) Members of the Third Judicial District Court LAP/ADA Planning Team**
- B) Interpreter Statistics Fiscal Year 2022: District Court**
- C) Interpreter Statistics Fiscal Year 2022: Magistrate Court**
- D) Out-of-Courtroom Encounters: District Court**
- E) Out-of-Courtroom Encounters: Magistrate Court**
- F) Language Access Complaint Procedure and Form**

ADA PLAN:

- 1) Notice of Rights**
- 2) Request for Accommodations**
- 3) Grievance Procedure**
- 4) Complaint Form**

Third Judicial District LAP
Revised 2022
Attachment A

Members of the Third Judicial District
Language Access Planning Team

District Court:

David S. Borunda, Court Executive Officer
Jodie Delgado, Deputy Court Executive Officer (ADA Coordinator)
Robert Segura, Judicial Specialist Supervisor & Language Access Specialist* (LAS Coordinator)
Lisa Telles, Judicial Specialist Lead Worker - Jury Division
Lily Atencio, Mediation Program Manager & Language Access Specialist*
Sylvia Herrera, Drug Court Program Manager & Language Access Specialist*
Josie Gomez, Judicial Specialist Lead Worker & Language Access Specialist*
Tiffany McMinn, Court Manager III
Javier Cuevas, Paralegal & Language Access Specialist*
Marisela Duran, HR Generalist (ADA Coordinator)
Alonzo Martinez Calderon, Paralegal – Pro Se Division
Micah Standridge, Associate Attorney, Court Law Office
Anabel Vela, AOC Language Access/Interpreter Coordinator

Magistrate Court:

Jacqueline Douglas, Court Manager III
Leticia Padilla, Judicial Specialist Supervisor & Language Access Specialist*
Maria Perez, Judicial Specialist Supervisor & Language Access Specialist*
Nohemi Ronquillo, Judicial Specialist Supervisor & Language Access Specialist*
Alex Araiza, AOC Language Access/Interpreter Coordinator

*LAS Certified

Third Judicial District LAP
Revised 2022
Attachment B

Courtroom Interpreter Data- District Court

The data in the District Court tables does not reflect every individual LEP client served. The data reflects number of interpreter assignments (ie. judges' dockets; hearing officer dockets; special commissioner dockets; juvenile and adult drug court dockets; grand jury orientation; jury trials; adult and juvenile drug courts; CYFD mediations; legal advice clinics; legal aid clinics). Interpreters serve multiple Spanish-speaking clients during each of those court assignments.

In the District Court, courtroom interpreter use in fiscal year 2022 was as follows:

FY2019 Month	Language	# of Interpreter Assignments (Not # of individual clients)
July 2021	Spanish	83
August 2021	Spanish	101
September 2021	Spanish	95
	ASL	1
October 2021	Spanish	96
November 2021	Spanish	82
December 2021	Spanish	79
January 2022	Spanish	77
	Korean	1
	ASL	2
February 2022	Spanish	84
	CART	1
March 2022	Spanish	115
	ASL	1
April 2022	Spanish	84
	ASL	3
	Filipino	1
	Vietnamese	1
May 2022	Spanish	113
	Korean	1
	ASL	2
June 2022	Spanish	72
	Korean	2
	ASL	1
FY2022 Totals	Spanish	1,079
	ASL	10
	Korean	4
	Vietnamese	1
	Filipino	1
	CART	1
	COMBINED TOTAL	1,096

In the District Court, courtroom interpreter use in fiscal year 2019 was as follows:

FY2019 Month	Language	# of Interpreter Assignments (Not # of individual clients)
July 2018	Spanish	109
	Gujarati	1
August 2018	Spanish	133
	ASL	3
September 2018	Spanish	130
	Gujarati	1
October 2018	Spanish	125
November 2018	Spanish	117
	ASL	1
December 2018	Spanish	98
	ASL	2
	CART	1
January 2019	Spanish	124
February 2019	Spanish	112
March 2019	Spanish	124
	ASL	1
April 2019	Spanish	122
May 2019	Spanish	140
	ASL	2
June 2019	Spanish	112
FY2019 Totals	Spanish	1,446
	ASL	9
	Gujarati	2
	CART	1
	COMBINED TOTAL	1,458

In the District Court, courtroom interpreter use in fiscal year 2018 was as follows:

FY2018 Month	Language	# of Interpreter Assignments (Not # of individual clients)
July 2017	Spanish	110
	ASL	2
	Russian	1
August 2017	Spanish	126
September 2017	Spanish	132
	ASL	1
October 2017	Spanish	123
November 2017	Spanish	116
	ASL	3
	Filipino	1

FY2018 Month	Language	# of Interpreter Assignments (Not # of individual clients)
December 2017	Spanish	115
	ASL	1
January 2018	Spanish	114
	ASL	3
February 2018	Spanish	118
	ASL	1
March 2018	Spanish	120
	ASL	1
April 2018	Spanish	118
	ASL	1
May 2018	Spanish	130
	ASL	1
June 2018	Spanish	109
	ASL	3
FY2018 Totals	Spanish	1,431
	ASL	17
	Russian	1
	Filipino	1
	COMBINED TOTAL	1,450

In the District Court, courtroom interpreter use in fiscal year 2017 was as follows:

FY 2017 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
July 2016	Spanish	105
	CART	1
August 2016	Spanish	143
September 2016	Spanish	111
October 2016	Spanish	103
November 2016	Spanish	126
December 2016	Spanish	108
	ASL	3
January 2017	Spanish	128
February 2017	Spanish	112
	ASL	1
	Reader for Blind Litigant	1
March 2017	Spanish	136
	Reader for Blind Litigant	1
April 2017	Spanish	118
	ASL	2
May 2017	Spanish	134
	ASL	1

FY 2017 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
June 2017	Spanish	109
FY 2017 Total # of interpreter assignments (Not # of individual clients)	Spanish	1,443
	ASL	7
	Reader for Blind Litigant	2
	CART	1

In the District Court, courtroom interpreter use in fiscal year 2016 was as follows:

Language	Number of Interpreter Assignments (Not number of individual clients)	Number of Individual Clients (data available for languages other than Spanish only)
Spanish	1,568	
German		7
American Sign Language		6
Vietnamese		2
C.A.R.T.		2

In the District Court, courtroom interpreter use in fiscal year 2015 was as follows:

FY 2015 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
July 2014	Spanish	106
August 2014	Spanish	150
	ASL	2
September 2014	Spanish	138
October 2014	Spanish	123
November 2014	Spanish	98
December 2014	Spanish	126
	ASL	1
January 2015	Spanish	142
February 2015	Spanish	141
March 2015	Spanish	150
April 2015	Spanish	139
May 2015	Spanish	129
	Mandarin	1
	Korean	1
June 2015	Spanish	149
	Vietnamese	1
	ASL	1
FY 2015 Total # of interpreter assignments	Spanish	1,591
	ASL	4

FY 2015 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
(Not # of individual clients)	Mandarin	1
	Korean	1
	Vietnamese	1

In the District Court, courtroom interpreter use in calendar year 2013 was as follows:

2013 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
January	Spanish	163
	ASL	1
February	Spanish	139
	ASL	1
March	Spanish	161
	Chinese	1
April	Spanish	180
May	Spanish	162
June	Spanish	128
	Chinese	1
July	Spanish	178
	Chinese	1
August	Spanish	164
September	Spanish	165
October	Spanish	210
	Chinese	2
November	Spanish	154
December	Spanish	152
2013 Total # of interpreter assignments (Not # of individual clients)	Spanish	1,956
	Chinese	5
	ASL	2

In the District Court, courtroom interpreter use in calendar year 2012 was as follows:

2012 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
January	Spanish	143
	Chinese	1
February	Spanish	153
March	Spanish	141
April	Spanish	125
	Chinese	1
May	Spanish	150
	Chinese	1

2012 Month	Language of Courtroom Interpreter Assignment	# of Interpreter Assignments (Not # of individual clients)
	ASL	1
June	Spanish	122
	ASL	1
July	Spanish	144
	Chinese	1
August	Spanish	153
	ASL	1
September	Spanish	179
	ASL	2
	Arabic	1
October	Spanish	149
November	Spanish	121
	ASL	2
December	Spanish	109
	ASL	1
2012 Total # of interpreter assignments (Not # of individual clients)	Spanish	1,689
	Chinese	4
	ASL	8
	Arabic	1

Third Judicial District LAP
Revised 2022
Attachment C

Courtroom Interpreter Data- Magistrate Court

Important note: The data in the tables below does not reflect every individual LEP client served. The data reflects number of court assignments per day; interpreters serve multiple Spanish-speaking clients during each of those assignments.

In the Magistrate Court, courtroom interpreter use in fiscal year 2022 was as follows:

	Language of Interpreter Assignment	Number of Assignments
FY 2022 Total # of interpreter assignments (Not # of individual clients)	Spanish	1,710
	ASL	33
	Korean	8
	Burmese	4
	Chinese	3
	Vietnamese	3
	Spanish Sign Language	1
	Punjabi	1
COMBINED TOTAL		1,763

In the Magistrate Court (Las Cruces, Anthony and jail assignments), courtroom interpreter use in fiscal year 2019 was as follows:

FY 2019 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
July 2018	Spanish	69	11	21
	ASL	2		
August 2018	Spanish	76	12	23
	ASL	2		
	Russian	1		
September 2018	Spanish	86	12	19
	ASL	4		
October 2018	Spanish	81	12	23
	ASL	1		
November 2018	Spanish	79	11	21
	ASL	2		

FY 2019 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
December 2018	Spanish	78	7	21
	Arabic	1		
	CART	1		
January 2019	Spanish	80	14	20
	Arabic	1		
	Vietnamese	1		
	Chinese	1		
February 2019	Spanish	82	9	20
	CART	2		
	French	1		
	ASL	1		
March 2019	Spanish	81	12	21
	ASL	1		
	Korean	1		
	French	1		
	Arabic	2		
April 2019	Spanish	81	11	22
	ASL	1		
	Chinese	1		
	CART	1		
	Vietnamese	1		
May 2019	Spanish	83	12	23
	ASL	1		
	Armenian	1		
	Vietnamese	1		
June 2019	Spanish	80	7	20
	ASL	1		
	Arabic	1		
FY 2019 Total # of interpreter assignments (Not # of individual clients)	Spanish	956	130	254
	ASL	16		
	Arabic	5		
	Vietnamese	3		

FY 2019 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
	CART	3		
	Chinese	2		
	Russian	1		
	French	1		
	Korean	1		
	Armenian	1		
Total for all languages and locations:			1,373	

In the Magistrate Court (Las Cruces, Anthony and jail assignments), courtroom interpreter use in fiscal year 2018 was as follows:

FY 2018 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
July 2017	Spanish	81	12	20
	Mandarin	1		
August 2017	Spanish	72	15	23
	ASL	1		
September 2017	Spanish	55	13	21
	ASL	2		
October 2017	Spanish	80	13	21
	ASL	1		
November 2017	Spanish	71	12	18
	ASL	1		
December 2017	Spanish	82	10	20
	ASL	2		
	Vietnamese	1		
	Punjabi	1		
	CART	1		
January 2018	Spanish	89	13	20
	ASL	3		
February 2018	Spanish	88	13	20
	ASL	1		

FY 2018 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
March 2018	Spanish	60	13	22
	ASL	1		
April 2018	Spanish	77	13	21
	ASL	1		
May 2018	Spanish	82	16	22
	Arabic	1		
June 2018	Spanish	82	12	21
	Portuguese	3		
	Russian	1		
FY 2018 Total # of interpreter assignments (Not # of individual clients)	Spanish	919	155	249
	ASL	13		
	Mandarin	1		
	Vietnamese	1		
	Punjabi	1		
	CART	1		
	Portuguese	3		
	Arabic	1		
	Russian	1		
Total for all languages and locations: 1,345				

In the Magistrate Court (Las Cruces, Anthony and jail assignments), courtroom interpreter use in fiscal year 2017 was as follows:

FY 2017 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
July 2016	Spanish	46	6	20
	ASL	2		
	Mandarin	1		
	Japanese	1		

FY 2017 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
August 2016	Spanish	55	11	24
	ASL	1		
	Portuguese	1		
	Vietnamese	1		
	CART	1		
	Farsi	1		
September 2016	Spanish	35	10	21
	ASL	2		
	Vietnamese	2		
October 2016	Spanish	41	13	19
	ASL	1		
	Vietnamese	1		
November 2016	Spanish	40	11	19
	ASL	2		
	Japanese	1		
	Punjabi	1		
December 2016	Spanish	45	12	20
	ASL	1		
	Vietnamese	1		
January 2017	Spanish	54	10	20
February 2017	Spanish	51	13	20
	ASL	1		
	Mandarin	1		
March 2017	Spanish	41	14	12
	ASL	1		
April 2017	Spanish	39	10	12
	ASL	1		
May 2017	Spanish	32	11	13
	Korean	1		
	German	1		

FY 2017 Month	Language of Interpreter Assignment	Las Cruces	Anthony	Jail Arraignment
June 2017	Spanish	48	11	18
	ASL	1		
FY 2017 Total # of interpreter assignments (Not # of individual clients)	Spanish	527	132	208
	ASL	13		
	Vietnamese	5		
	Japanese	2		
	Mandarin	2		
	Punjabi	1		
	Portuguese	1		
	CART	1		
	Farsi	1		
	Korean	1		
	German	1		
Total for all languages and locations: 895				

In the Magistrate Court (Las Cruces, Anthony and Hatch), courtroom interpreter use in fiscal year 2016 was as follows:

Language	Number of Interpreter Assignments (Not number of individual clients)	Number of Individual Clients (data available for languages other than Spanish only)
Spanish	1,227	
American Sign Language		6
Russian		2
Korean		2
Polish		2
German		1
French		1
Japanese		1
Vietnamese		1
C.A.R.T.		1

In the Magistrate Court (Las Cruces, Anthony and Hatch), courtroom interpreter use in fiscal year 2015 was as follows:

FY 2015 Month	# of Spanish Interpreter Assignments (Not # of individual clients)
July 2014	83
August 2014	77
September 2014	79
October 2014	103
November 2014	68
December 2014	65
January 2015	73
February 2015	76
March 2015	79
April 2015	81
May 2015	79
June 2015	80
FY 2015 Total # of Spanish Interpreter Assignments # of interpreter assignments (Not # of individual clients)	943

For **languages other than Spanish**, the Doña Ana Magistrate Court used the following interpreters in fiscal year 2015, who served one client per assignment:

Mandarin: 2 assignments in FY15

Korean: 2 assignments in FY15

Punjabi: 1 assignment in FY15

Romanian: 1 assignment in FY15

Russian: 1 assignment in FY15

French: 1 assignment in FY15

German: 1 assignment in FY15

Bosnian: 1 assignment in FY15

ASL: 1 assignment in FY15

In the Magistrate Court, courtroom interpreter use in calendar year 2013 was as follows:

2013 Doña Ana Magistrate Court Spanish Interpreter Assignments (Not # of individual clients)	Las Cruces Spanish Assignments	Anthony Spanish Assignments Tues & Thurs only	Hatch Spanish Assignments	Jail Spanish Arraignments
January	86	9	1	21
February	80	8	1	20
March	84	8	1	22
April	86	9	1	23
May	92	9	1	22
June	80	8	1	22

2013 Doña Ana Magistrate Court Spanish Interpreter Assignments (Not # of individual clients)	Las Cruces Spanish Assignments	Anthony Spanish Assignments Tues & Thurs only	Hatch Spanish Assignments	Jail Spanish Arraignments
July	90	9	1	23
August	81	9	1	21
September	74	8	1	22
October	81	9	1	23
November	76	8	1	21
December	67	8	1	20
2013 Spanish Totals	977	102	12	260

It is important to note that the data in the above table does not reflect every individual LEP client served. The above data reflects number of court assignments per day; interpreters serve multiple Spanish-speaking clients during each of those assignments.

Las Cruces – average number of clients per interpreter – 3

Anthony – average number of clients per interpreter- 6

Hatch – average number of clients per interpreter – 2

Jail – average number of clients per interpreter – 2

For **languages other than Spanish**, the Doña Ana Magistrate Court used the following interpreters in 2013, who served one client per assignment:

Arabic: 5 assignments in 2013

Mandarin: 2 assignments in 2013

Cantonese: 1 assignment in 2013

Hindi: 1 assignment in 2013

Vietnamese: 1 assignment in 2013

Korean: 1 assignment in 2013.

In the Magistrate Court, courtroom interpreter use in calendar year 2012 was as follows:

2012 Las Cruces Magistrate Court	# of Spanish Interpreter Assignments per Month	Approximate Number of Individual Clients per Interpreter (Averages about 3 clients per assignment)	Jail Assignment	Approximate Number of Individual Clients per Interpreter (Averages about 2 clients per assignment)
January	72	216	20	40
February	72	216	21	42
March	75	225	22	44
April	72	216	25	50
May	75	225	23	46
June	72	216	21	42
July	72	216	22	44
August	78	234	23	46
September	69	207	20	40
October	78	234	23	46
November	69	207	22	44
December	63	189	19	38
2012 Spanish Totals	867	2,601	261	522

For **languages other than Spanish**, the Las Cruces Magistrate Court used the following interpreters in 2012, who served one client per assignment:

Chinese: 2 assignments in 2012

Arabic: 4 assignments in 2012.

2012 Anthony Magistrate Court	# of Spanish Interpreter Assignments per Month (Meets only on Tue., Wed., Thur.)	Approximate Number of Individual Clients per Interpreter (Averages about 6 clients per assignment)
January	12	72
February	13	78
March	13	78
April	12	72
May	15	90
June	12	72
July	13	78
August	14	84
September	12	72
October	14	84
November	13	78
December	10	60
2012 Spanish Totals	153	918

2012 Hatch Magistrate Court: Meets once a month- 12 Spanish interpreter assignments in 2012-
Approximately 2 clients per assignment = 24 clients in 2012.

3RD Judicial District Court Out of Courtroom Data FY22

3rd JDC	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Total
Clerk's Office	135	177	82	127	133	61	132	239	491	372	222	336	2507
Pro Se	*	*	*	*	*	*	30	39	46	27	27	31	200
Drug Court	*	*	*	*	*	*	2	5	3	0	5	6	21
Mediation	*	*	*	*	*	*	4	4	1	4	0	0	13
Total	135	177	82	127	133	61	168	287	541	403	254	373	2741

**No data available for divisions other than Clerk's Office in 2021.*

Third Judicial District LAP
Revised 2022
Attachment E

Third Judicial District Language Access Specialists

Lilyana Atencio, Mediation Program Manager, District Court

- Veronica Uribe, Court Manager III, District Court
- Javier Cuevas, Paralegal, District Court
- Sylvia Herrera, Drug Court Program Manager, District Court
- Robert Segura, Judicial Specialist Supervisor, District Court
- Annabelle Esparza, Drug Court Program, District Court
- Alonzo Calderón, Paralegal, District Court
- Diana Palmer, Court Monitor, District Court
- Alejandra Varela, Court Monitor, District Court
- Josephina Gómez, Judicial Specialist Lead Worker, District Court
- Luís López, Administrative Assistant, Adult Drug Court, District Court
- Minerva Villa, Administrative Assistant, Child Support Division, District Court
- Amy Moncayo, Judicial Specialist 2, District Court
- Cristina Valles, Judicial Specialist 2, District Court
- Suteera Baker (*Thai speaking*), Financial Specialist, District Court
- Leticia Padilla, Judicial Specialist Supervisor, Magistrate Court (Las Cruces)
- Norma Aniles, Bench Warrants, Magistrate Court (Anthony)
- Ronald Limón, Judicial Specialist Lead Worker, Magistrate Court (Las Cruces)
- Vanessa Gómez, Magistrate Court (Las Cruces)
- Alexandra Arroyo, Judicial Specialist 2, Magistrate Court (Anthony)
- Nohemí Ronquillo, Judicial Specialist Supervisor, Magistrate Court (Las Cruces)
- Dina Calderón, Judicial Specialist 2, Magistrate Court (Anthony)
- Magdelí Domínguez, Judicial Specialist Lead Worker, Magistrate Court (Las Cruces)
- María Pérez, Judicial Specialist Supervisor, Magistrate Court (Las Cruces)
- Marcella Hernández, Judicial Specialist 2, Magistrate Court (Las Cruces)

**Third Judicial District
Language Access Plan
Attachment - Complaint Procedure and Form**

Should a court client/customer feel that his/her rights to meaningful language access have not been met by the Courts, the following procedure may be followed to register a complaint:

1. The person with the complaint (the complainant) should contact the Third Judicial District Language Access Plan (LAP) Coordinator to report the complaint by completing and submitting the attached Complaint Form, or by telephone.

Contact information: David Borunda, Court Executive Officer, Third Judicial District Court, 201 W Picacho Ave, Las Cruces, NM 88005; lcrddsb@nmcourts.gov; (575) 528-8395.

2. If the complainant does not believe that their concerns have been adequately addressed or resolved with the Third Judicial District LAP Coordinator, the complainant should contact the NM Administrative Office of the Courts (AOC) Senior Statewide Program Manager, Language Access Services.

Contact information: Bernice, Senior Statewide Program Manager, Language Access Services, NM Administrative Office of the Courts, 110 Calle de Alegra, Las Cruces, NM 88001; aocbar@nmcourts.gov; (505) 231-1681.

3. The complainant may also, at any time in this process, contact the United States Department of Justice.

Contact information: Federal Coordination and Compliance Section, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530; (202) 514-4609 or (202) 514-0716 (TTY).

**Third Judicial District
Language Access Complaint Form**

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please contact us at:
Third Judicial District Court: lcrddsb@nmcourts.gov, (575) 528-8395.

Please complete and return this form to:
David Borunda, Court Executive Officer
Third Judicial District Court
201 W Picacho Ave, Las Cruces, NM 88005
lcrddsb@nmcourts.gov
Fax: (575) 528-8343

1. Name of person filing complaint (the complainant):
2. Complainant's Address:
3. Complainant's Contact Information: Home Phone: Work Phone: Mobile Phone: E-mail:
4. If you are filing on behalf of another person, please include your name, address, phone number, and relation to the complainant: Name: Address: Phone: E-mail: Relationship to Complainant:
5. Please describe, in your own words, in what way you believe that your rights to language access were not met and whom you believe was

**Third Judicial District
Language Access Plan
Attachment - Complaint Procedure and Form**

responsible. Please use the back of this form or additional pages as needed:

6. Please indicate the date/s when the above occurred:

7. Please sign below:

Signature_____

Date Signed_____

Return this form to:

David Borunda, Court Executive Officer
Third Judicial District Court
201 W Picacho Ave, Las Cruces, NM 88005
lcrddsb@nmcourts.gov
Fax: (575) 523-8290

Americans with Disabilities Act Notice of Rights

The New Mexico Administrative Office of the Courts is committed to ensuring equal access to and full participation in court programs, court services, and court activities for qualified individuals with disabilities, including attorneys, litigants, defendants, probationers, witnesses, victims, potential jurors, and public observers of court proceedings.

What is the American with Disabilities Act?

The Americans with Disabilities Act of 1990 (ADA) was enacted to prohibit discrimination against people with disabilities. Under Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of programs, services, or activities of a public entity. This prohibition applies to the New Mexico state courts as providers of public programs, services, and activities. Pursuant to the ADA, people with disabilities have an equal opportunity to access, use, and fully participate in court programs, services, and activities and not be discriminated against because of their disability.

Who is considered a person with a disability under the ADA?

According to the ADA, a person with a disability has a physical, mental, or communication disability that substantially limits one or more major life activities such as:

caring for oneself,

performing manual tasks,

walking,

seeing,

hearing,

speaking,

breathing,

learning,

and working.

An ADA-disability may also restrict the person's way of doing things and/or where and for how long the person can perform a certain activity or function.

If I have a disability, what do the courts have to do to help me access the courts?

Whenever reasonable, New Mexico court policies, practices, or procedures must be modified to make court programs, court services, and court activities readily accessible to and useable by people with disabilities. This includes removing architectural barriers by altering existing facilities where feasible or relocating services to an ADA-accessible site.

The ADA also includes removing communication barriers by providing auxiliary aids and services that would allow a person with a disability to effectively represent a client, be a party in a lawsuit, testify as a witness, serve on a jury, observe a hearing or trial, or otherwise participate in all programs, services and activities. In providing reasonable accommodations, the New Mexico courts give ADA Title II primary consideration to the accommodations requested by the person with a disability when reasonable and practicable. To ensure ADA effective communications with people who are deaf or hard of hearing, the New Mexico Courts provide sign language and oral interpreters, TTYs, or other appropriate auxiliary aids and services free of charge. The New Mexico courts may also provide information in Braille and Large Print for people with visual disabilities in response to a reasonable accommodation request.

How do I request an accommodation?

ADA accommodation requests should be submitted to the local Chief Executive Officer, ADA Coordinator for the District or their designees as soon as possible.

Reasonable notice must be given for the New Mexico courts to consider an accommodation request without causing undue disruption to court proceedings. If the request concerns a particular court proceeding, the request should be made as soon as possible, preferably as soon as the person needing accommodation receives notice of the proceeding to allow consideration of the request and to arrange for a potential reasonable accommodation.

How do decisions about accommodations get made?

Once the request for accommodation has been received, the district's Chief Executive Officer, the District's ADA Coordinator or their designees will review the request and engage in an interactive process with the requestor to evaluate and provide a reasonable accommodation. The Statewide ADA Coordinator will be available for consultation as requested.

Every effort shall be made to meet the specific needs of the individual, and Primary Consideration will be given to the aid or service requested. However, if that aid or service results in an undue burden for the court or fundamental alteration of the court proceeding, program, service, or activity, the New Mexico courts may suggest an equally effective accommodation. In providing reasonable accommodations, New Mexico courts are not required by the ADA to make modifications that would fundamentally alter the affected service or program or cause undue financial or administrative burden.

The Chief Executive Officer, ADA Coordinator for the district or their designees, will notify the requestor whether the request has been approved or denied. If the request has been approved, the accommodation will be provided at no charge to the requestor. If the party requesting accommodation disagrees with the decision, a grievance may be filed.

ADA ACCOMMODATION REQUEST FORM

The _____ Court is committed to its policy of providing equal access to the Court consistent with the Americans with Disabilities Act of 1990 (“ADA”), and all other applicable state and federal laws. If you have a disability that may restrict your ability to meaningfully participate in Court proceedings, programs, activities, or services, we will provide you with reasonable and appropriate accommodations at no cost to you. If you need assistance with or an accommodation for completing this form because of disability or limited English proficiency, please contact us at:

Please provide us with the following information:

Today’s date: _____

Your First Name: _____

Your Middle Initial: _____

Your Last Name: _____

Your Home Address: _____

City, State and Zip Code: _____

Your Phone Number: _____ Home ____ Cell Phone _____

Your Email Address: _____

Your Court Case Number: _____

ADA ACCOMMODATION REQUEST FORM

Date and Time: _____

What specific accommodation are you requesting?

Please provide any additional information that might be useful in the ADA Coordinator's review of your accommodation request:

ADA Grievance Procedure

The ADA grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in court proceedings, the provision of services, or programs and activities of the New Mexico Courts. To file a grievance, complete the Grievance Form below. Alternative means of filing a grievance will be made available upon request for an ADA accommodation or an accommodation for limited English proficiency pursuant to Title VI of the Civil Rights Act of 1964. The grievance should be submitted by the requestor and/or his/her designee as soon as possible but not later than thirty (30) calendar days after the alleged discrimination occurred to:

Peggy Cadwell
Statewide ADA Title II Coordinator
New Mexico Administrative Office of the Courts
ADA@nmcourts.gov
(505) 414-5313

Within fifteen (15) calendar days after the receipt of the grievance, the Statewide ADA Coordinator will meet with the requestor to discuss the alleged discrimination and possible resolution.

Within thirty (30) calendar days after this meeting, the Statewide ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the requester, such as large print, Braille, audio or accessible video tape. The response will explain the position of the New Mexico Courts and offer options for substantive resolution of the grievance.

In the event the grievance cannot be resolved by the Statewide ADA Coordinator, further appeal may be made to the Administrative Director of the Courts. The requestor shall submit their appeal to the Administrative Director of the Courts within fifteen (15) calendar days of receiving the written decision by the Statewide ADA Coordinator.

Upon receipt of the appeal, the Administrative Director of the Courts will review the alleged discrimination as well as the proposed resolution and within thirty (30) calendar days, provide the requestor with a written decision. All grievances received by the Statewide ADA Coordinator and the corresponding responses to the grievances shall be maintained by the Administrative Office of the Courts for a minimum period of three years.

Applicable federal statutes and regulations: Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination by federally funded organizations on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794) and 28 C.F.R. Part 42, Subpart G; Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132) and 28 C.F.R. Part 35

Americans with Disabilities Act Complaint Form

Please complete all boxes and sections on the information form. Print or type all entries.

PERSON MAKING THE COMPLAINT:

Last Name: _____

First Name: _____

M.I: _____

Address: _____

Your Home/Cell phone: (____) _____ - _____

Your Work number: (____) _____ - _____

Email Address: _____

What is the best way to contact you? Home Cell Phone Work Phone
Mail Email Other: _____

What is the best time to contact you? _____

Check: Yes _____ No _____ : I require an accommodation for filing and resolving my complaint. Please contact me at the phone numbers and email addresses I listed to make accommodation arrangements.

DETAILS OF COMPLAINT

Date of Incident: ____/____/____

Court

Location _____

Identify the person and/or division in the Court

Please describe the concern in your own words. Use the back of the form if additional space is needed. Attach any letters or other documentation that detail the issues. Please be as specific as possible, including all names and dates.

DESIRED RESOLUTION

In your opinion, what action should be taken by the Court to resolve this matter?

HOW YOUR COMPLAINT IS HANDLED

The vision of the New Mexico Courts is to be an efficient and fair forum built on a foundation of integrity and administered by a team committed to efficient, timely, and innovative services. To this end, any complaint received by the Court will be processed in a timely manner. Complaints are processed in the order that they are received or by degree of severity. Each complaint is reviewed and investigated by a supervisor or designee. The outcome of the investigation or resolution will be disclosed to the person making the complaint.

FOR STAFF COMPLETION ONLY:

For Staff Completion Only

Date Received: ____/____/____

Received by: _____

Date of Resolution: _____

Investigation Date: ____/____/____

Resolution Date: ____/____/____

Complainant contacted and informed of resolution Yes/ No

Date Contacted: _____

Reason complainant not contacted:
