



ELEVENTH JUDICIAL DISTRICT

LANGUAGE ACCESS PLAN

&

AMERICANS WITH DISABILITIES ACT PLAN

**ELEVENTH JUDICIAL DISTRICT
LANGUAGE ACCESS PLAN
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ELEVENTH JUDICIAL DISTRICT LANGUAGE ACCESS PLAN

I. DEFINITIONS

“Eleventh Judicial District” and “the Court,” as used throughout this plan, means all the courts in New Mexico's Eleventh Judicial District, namely: San Juan County District Court (courthouse locations in Aztec and Farmington), McKinley County District Court (located in Gallup), Aztec Magistrate Court, Farmington Magistrate Court and Gallup Magistrate Court.

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

II. LEGAL BASIS AND PURPOSE

This document serves as the plan for the Eleventh 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 language access plan (“LAP”) is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come into contact with the Eleventh Judicial District.

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. Navajo
3. American Sign Language (“ASL”)
4. Arabic
5. Vietnamese

In Fiscal Year 2023, interpretation was provided in New Mexico’s courts in a total of 67 different languages.

The Migration Policy Institute reports that 33% of New Mexicans speak a language other than English in the home. The number one language statewide is Spanish, with 25% of New Mexicans speaking Spanish in the home. Among those speaking Spanish in the home, 27% are Limited English Proficient.

B. Eleventh Judicial District by Language

Demographic Data by County:

The Eleventh Judicial District will make every effort to provide services to all LEP persons. For purposes of anticipating need, the following data shows the top spoken (ie., not signed) languages other than English that are most frequently used in the Court's geographic area.

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.

The top five spoken languages other than English in each county are as follows:

San Juan County:

- Navajo 23.45%
- Spanish 9.74%
- “Other specified North American Indian languages” 0.41%
- German 0.17%
- Tagalog 0.10%

McKinley County:

- Navajo 36.12%
- “Other specified North American Indian languages” 14.19%
- Spanish 5.53%
- Arabic 0.15%
- Thai 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 the Eleventh Judicial District:

- ✓ San Juan County: 3,300 (2.8%) Spanish-speaking LEP persons; 3,100 (2.6%) Navajo-speaking LEP persons
- ✓ McKinley County: 5,300 (8%) Navajo-speaking LEP persons; 1,600 (2.4%) Spanish-speaking LEP persons; 1,200 (1.8%) LEP speakers of “Other Native American languages.”

The LAP team is responsible for updating demographic data as it becomes available and adding any updates to this plan at its annual meeting.

Courthouse Users:

The Eleventh 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 LEP persons in out-of-courtroom settings.

1) Courtroom interpreter use:

The Court tracks courtroom interpreter requests through the Odyssey case management system. Twila Gibson (Aztec District Court) is responsible for compiling data and presenting it to the LAP team annually to update in this plan. Courtroom interpreter data for the most recent fiscal year (July 1, 2022 to June 30, 2023) accompanies the plan as *Attachment B*.

2) Out-of-courtroom encounters:

In addition to tracking the use of interpreters in the courtroom by language, the Court tracks requests for out-of-courtroom services (in the clerks' offices and over the telephone), using a form provided by AOC. Out-of-courtroom data for the most recent fiscal year (July 1, 2022 to June 30, 2023) accompanies the plan as *Attachment C*.

Court Managers Betsy Mejía (Gallup District Court), Tamara Reichel (Aztec District Court), Ashley Lucero (Farmington District Court), Michelle Sanchez (Gallup Magistrate Court), Amy Verhulst (Aztec Magistrate Court) and Cruz Garcia (Farmington Magistrate Court) are responsible for collecting out-of-courtroom data on an ongoing basis and submitting it monthly to Twila Gibson (Aztec District Court). Twila Gibson is responsible for presenting the compiled data at the LAP team's annual meetings, at which time the team will update the data in this plan.

IV. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES INSIDE THE COURTROOM

A. Provision of Interpreters in the Courtroom

The provision of 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. New Mexico Statutes 38-9-1 to -10 and 38-10-1 to -8 NMSA 1978 also cover the provision of court interpreters. In the Eleventh 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 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 referred by the Child Support Enforcement Division, and/or Children's Court case.
- 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 AOC Memorandum dated July 22, 2016, see: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

C. Determining the Need for an Interpreter in the Courtroom

The Eleventh Judicial District may determine whether an LEP court customer needs an interpreter for a court hearing or for jury duty in the following ways:

- Request for interpreter forms for attorneys and pro se clients – The Eleventh Judicial District Court utilizes a consolidated version of the Supreme Court-approved Request for Interpreter form. These forms are available in the clerk's office, on the court website, and in the resource room in Aztec and Farmington District Court.
- To improve communication with attorneys regarding the need for advance notice for scheduling and cancelling an interpreter, the Chief Judge sent a letter to the Bar in the Eleventh Judicial District at the time this LAP first came into effect. The Chief Judge may continue to do this in future as needed.
- Request for hearing form – Available in the clerk's office, on the court website, and in the resource room in the Aztec District Court. The Eleventh Judicial District Court requests that notification of interpreter be submitted at least ten days prior to the hearing date.
- Domestic violence petition includes language inquiring whether any party needs an interpreter. Available in the clerk's office, on the court website, and in the resource room in the Aztec District Court. Also available at local domestic violence offices and in the units of local law enforcement officers.
- Jury forms – Spanish and Navajo jury forms are available at <https://jury.nmcourts.gov>. When staff receives a jury form in Spanish or Navajo, they flag the form for interpreter need.
- The Court has 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 Magistrate Courts are frequently alerted of interpreter need by the jail in advance of arraignments.
- Within the Odyssey case management system, cases can be easily flagged for interpreter need. This flagging system ensures that once the need for an interpreter has been identified, court staff will be alerted for every hearing. The flag will also transfer when cases are transferred from Magistrate to District Court.

The need for a court interpreter may additionally be identified prior to a court proceeding by the LEP or deaf person or on the person's behalf by: the Court's counter staff, Trial Court Administrative Assistants, adult and juvenile court programs staff, jury division staff; or by the client/customer's advocate, family member or attorney; or by outside justice partners such as probation/parole officers, attorneys, social workers, compliance officers, San Juan and McKinley County Detention facilities or any other correctional facilities. Additionally, the judge may determine that it is appropriate to provide an interpreter for a court matter.

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. The Eleventh Judicial District displays 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 District Courts in Gallup, Farmington and Aztec display these signs at the following locations: near the clerk's offices in the lobby area, in court program offices and near the doors of every courtroom.
- The Farmington Magistrate Court displays the signs in the main lobby in the seating area, in the main lobby near the clerk's window, and in the hallway adjacent to the civil clerk's window.
- The Gallup Magistrate Court displays the signs in the lobby near the clerk's office.
- The Aztec Magistrate Court displays the signs in the main lobby, on the wall near the conference room, and in the civil filing room.

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

With the exception of jury trials and in compliance with Supreme Court rules and AOC policies, a remote interpreter may be used. 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 Eleventh Judicial District schedules spoken and signed language interpreters for courtroom hearings in compliance with Supreme Court rules and AOC policies.

Interpreters for all New Mexico state courts are scheduled using a centralized interpreter scheduling management system managed by AOC. Court staff enter requests for interpreters in all languages into the scheduling system. Requests are screened by an AOC coordinator, who broadcasts the interpreter assignments to interpreters located as close to the court as possible. Once the assignment has been filled, courts receive email notification of the interpreter assigned.

V. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES OUTSIDE THE COURTROOM

The Eleventh 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 Eleventh Judicial District, the most common points of service outside the courtroom are: the court clerk's counter, self-represented litigant clinics, and legal fairs. 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 most recent revision of this plan, the Eleventh Judicial District employed the following LASs:

- Gallup District Court: Betsy Mejía (Spanish), Court Manager II
- Farmington District Court: Charlene Henry (Navajo), Judicial Specialist Senior
- Aztec District Court: Nancy Acosta (Spanish), Judicial Specialist II
- Gallup District Court: Monica Sánchez (Spanish), Judicial Specialist II
- Gallup Magistrate Court: Lydia Vidales (Spanish), Judicial Specialist Senior
- Farmington Magistrate Court: Julia Paredes López (Spanish), Judicial Specialist II
- Aztec Magistrate Court: Alexa Velasquez (Spanish), Judicial Specialist II

It is a long-term goal of the Court to have one Navajo and one Spanish LAS in each county, but this was not feasible as of the latest revision of this plan due to the limited number of bilingual employees. The Court will prioritize bilingual hires and encourage them to become LAS-certified and will revisit its long-term LAS goal at each annual LAP team meeting.

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

- Language Access Specialists and other designated bilingual employees, as detailed above.
- "I Speak" cards in over 60 languages, to identify the individual's primary language.
- Telephonic interpreting services, which are available to provide assistance in the clerk's office and at the Court's self-help center. The telephonic interpreting services are provided in over 175 languages, through Certified Languages International (CLI).
- The District Courts have a recorded greeting and instructions in Spanish and Navajo on court phone lines.
- Water Hearings: held 6-8 times a year, for which interpreters are available in Spanish, Navajo and ASL, and at which assistive listening devices are available.
- Workshops on Domestic Relations & Employment Law, held annually, at which an LAS or a community staff interpreter is present.
- Legal Fairs organized by the Court, with Court staff and community service providers who serve LEP and indigent populations, for which interpreters are available in Spanish, Navajo and ASL, and at which assistive listening devices are available.
- Self-Represented Clinics, held monthly at the Court, with language assistance provided by an

- LAS or by the CLI phone service if needed.
- For mediations, the Court provides interpreters.
- 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 Court understands 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, Vietnamese, Chinese and Arabic: Landlord Tenant.
- The website of the NM Judiciary at <https://nmcourts.gov>, including the Eleventh 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.
- Navajo resource pages are published on the Eleventh Judicial District Court site at <https://eleventhdistrictcourt.nmcourts.gov/dine-home> and on the AOC Language Access Services site at <https://languageaccess.nmcourts.gov/dine-home>.
- 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 personal data intake form in bilingual English/Spanish format.
- Eight Spanish pamphlets for self represented litigants, explaining civil procedures and terminology in the magistrate courts, provided by AOC.
- 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.

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

- An “Information from the Clerk's Office” sign in Spanish and Navajo, in the District courthouses.
- District Court Fee schedule in Navajo and Spanish.
- Legal Fair fliers, Assistance Statement and intake form in Navajo and Spanish.
- Gallup District Court Jury Panel Calendars in Navajo and Spanish.
- Gallup Public Defender Department Eligibility Notice in Spanish.
- The Gallup District Court has informational brochures from the State Bar of NM; the NM Crime Victims' Reparation Commission; Pegasus, Inc; AODA; the NM Attorney General, and United South Broadway Corp. These are available in English and Spanish in the clerk’s lobby.
- The Aztec and Farmington District Court have informational brochures from the State Bar of NM; NM Legal Aid, and various state and community non-profit organizations. These are available in English, Navajo and Spanish in the lobby of the clerks' offices and/or in resource rooms.

VII. LANGUAGE ACCESS STAFFING

A. Recruitment of Bilingual Staff for Language Access

The Eleventh Judicial District is an equal opportunity employer and recruits and hires bilingual staff to serve its LEP constituents. Primary examples include:

- Court interpreters who serve the Court on an on-call basis (coordinated and funded by AOC).
- Language Access Specialists, as detailed in Section V. As funding permits, the Court provides compensation and incentives in the form of a \$1 per hour increase to employees who become certified as LASs.

B. Recruitment of Volunteers for Language Access

The Court also recruits and uses volunteers to assist with language access in the following areas:

- At Legal Fairs, New Mexico Legal Aid and DNA People’s Legal Services, Inc. bring employees who are fluent in Navajo to assist the LEP public. Court LAS employees are also utilized at Legal Fairs to assist the LEP public.

VIII. JUDICIAL AND STAFF TRAINING

The New Mexico State Courts and the Eleventh 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 Eleventh Judicial District will be expanded or continued as needed.

Statewide training 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 to be signed by each employee and added to his or her personnel file after training has been completed.
- 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 twice-yearly 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. For schedule, see: <https://languageaccess.nmcourts.gov/language-access-specialist-interpret-trainig>.
- A Judges' Portal containing video content, guidelines and other resources on the following topics: Fundamentals; Tips for Interpreted Proceedings; Deaf and Hard of Hearing and LEP Jurors; Native Americans in our Courts. See: <https://nmcenterforlanguageaccess.org/cms/en/for-judges/welcome-to-the-judges-portal>
- Video Remote Interpreting training, available at: <https://languageaccess.nmcourts.gov/training-resources>
- 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.

Training in the Eleventh Judicial District:

- The Eleventh Judicial District conducted language access training for staff and judges in April and May 2012. At the trainings, the mandatory DVD was screened and a PowerPoint presentation, designed by and tailored to the Eleventh Judicial District, was used. The PowerPoint explained assistive listening devices; CLI; "I Speak;" right to interpreter signs; the role of LAS employees and their locations within the Court; and the Court's Language Access Plan. Trainers also gave demonstrations of how to use assistive listening devices and CLI.
- Judicial officer orientation on the use of court interpreters and language competency was done on an individual basis and completed prior to June 30, 2012.
- An optional training on working with deaf and hard-of-hearing individuals, led by the AOC signed language interpreter coordinator, was held in March 2014 at Farmington Magistrate Court and was open to all Eleventh Judicial District employees.
- A section in the Gallup District Court's employee quarterly newsletter regarding language access was presented in segments throughout 2014.
- A district-wide mandatory training was held in Fall 2016 and was attended by all staff. The

training included reviewing this LAP, watching the mandatory DVD, and discussing language access resources and procedures.

- It is the goal of the LAP team to conduct language access training sessions annually. The Court Executive Officer (Jodie Schwebel) and Administrative Assistant (Twila Gibson) are responsible for coordinating the trainings, in collaboration with AOC Language Access Services staff.
- New employees will receive language access orientation shortly after assuming their responsibilities. The AOC Human Resources Division screens the mandatory DVD for new employees, while each Court Manager is responsible for court-specific orientation.

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 Eleventh Judicial District's 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 Eleventh Judicial District, as identified through current or future language access planning efforts.

X. PUBLIC NOTIFICATION OF LAP AND SERVICES

The Eleventh 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; phone messages; workshops; online materials, and written materials as detailed above, the Court undertakes 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. Twila Gibson (Aztec District Court) updates the community stakeholder database annually.

Eleventh Judicial District legal fairs are advertised in Spanish, Navajo and English.

Future goals include: brochures informing the public about language access services; appearances on local radio or TV; press releases to local media; visits to community organizations. The LAP team will revisit these goals at its annual meetings.

Annually, once the latest revision of this LAP has been signed and translated, the Chief District Judge (with the assistance of the Court Executive Officer) sends a notice to known local legal and community stakeholders, enclosing a link to the LAP. The notice 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.

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

XI. COMPLAINT PROCEDURE

The Eleventh 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 (*see Attachment D*). The procedure and form are available in English and Spanish and can be translated into additional languages as needed.

XII. APPROVAL AND EVALUATION OF LAP

A. LAP Approval

The Eleventh Judicial District's LAP is subject to approval by the Chief District Judge and Court Executive Officer. Any revisions to the plan will be submitted to the above parties for approval.

B. Annual Evaluation of LAP

The Eleventh 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.

Every year, the Court's LAP team will review the effectiveness of the Court's 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.
- Identifying gaps in LAS coverage and suitable candidates to undergo LAS training.
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out.
- 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 useful.
- Ensuring that any outstanding tasks detailed in this plan are completed.
- 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. Eleventh Judicial District LAP Coordinator:

Jodie Schwebel, Court Executive Officer
Eleventh Judicial District Court
103 S. Oliver Drive, Aztec, NM 87410
aztdjos@nmcourts.gov
(505) 334-7808

D. AOC LAP Coordinator:

Freda Valdez, Statewide Language Access Program Manager
New Mexico Administrative Office of the Courts
111 Lomas Blvd. NW, Albuquerque NM 87102
aocfev@nmcourts.gov
(505) 231-9229

E. Effective Date and Approval

See: Americans with Disabilities Act Plan signature page.

**ELEVENTH JUDICIAL DISTRICT
ADA PLAN**

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I. DEFINITIONS

Definition of “Eleventh Judicial District” and “the Court”:

“Eleventh Judicial District” and “the Court,” as used throughout this plan, means all the courts in New Mexico's Eleventh Judicial District, namely: San Juan County District Court (courthouse locations in Aztec and Farmington), McKinley County District Court (located in Gallup), Aztec Magistrate Court, Farmington Magistrate Court and Gallup Magistrate Court.

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

A. New Mexico Data

The Centers for Disease Control and Prevention (CDC) published the latest [Disability and Health Data System \(DHDS\)](https://www.cdc.gov/ncbddd/disabilityandhealth/dhds/data-guide/status-and-types.html#status) on their website at:

<https://www.cdc.gov/ncbddd/disabilityandhealth/dhds/data-guide/status-and-types.html#status>.

DHDS is an online source of state level data on adults with disabilities. In the state of New Mexico 513,695 adults have a disability. This is equal to 30% or roughly 1 in 3 adults.

According to DHDS, in New Mexico the percentages of disabled individuals 18 years or older were reported in 2021 as follows:

- Cognitive Disability 14.6%
- Mobility Disability 13.6%
- Independent Living Disability 8.2%
- Hearing Disability 7.5%
- Vision Disability 5.8%
- Self-Care Disability 4.3%

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.

B. Eleventh Judicial District Data

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

- 1) Tracking ADA Accommodations inside the courtroom.
- 2) Tracking encounters between staff and courthouse users needing an ADA accommodation outside of the courtroom.

1) ADA Accommodations in the Courtroom:

During the most recent Fiscal Year (July 1, 2022 through June 30, 2023), the following ADA accommodations were provided in the courtroom:

- 1. American Sign Language (ASL) = (6)
- 2. Communication Access Real-Time Captioning (CART) = (0)
- 3. Scribing Services= (6)

2) ADA Accommodations for Out-of-Courtroom Contacts:

The Courts also track out-of-courtroom encounters in every division that has contact with the public. The District’s ADA Title II Coordinator maintains a log of contacts with court users needing ADA Title II accommodations outside of the courtroom.

During the most recent fiscal year (July 1, 2022 through June 30, 2023), out-of-courtroom requests for an ADA accommodation were as follows:

Month	Number of Accommodation Requests
July 2022	0
August 2022	0
September 2022	0
October 2022	0
November 2022	0
December 2022	0
January 2023	0
February 2023	0
March 2023	0
April 2023	0
May 2023	0
June 2023	0

Linda Padilla keeps a spreadsheet of all accommodations granted by the Eleventh Judicial District ADA Title II Coordinator. The Clerk’s Office keeps track of ADA Title II accommodation requests received in their office. The Statewide ADA Title II Coordinator’s Office is responsible for ensuring data received from the Eleventh Judicial District is updated in this plan annually.

IV. ADA COORDINATOR DUTIES

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

The Office of the Statewide ADA Title II 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 Title II 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 Title II requirements.
- Interact and consult with staff, boards and commission on ADA Title II.
- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.
- Ensure districts are complying with all ADA Title II mandates.

Statewide ADA Title II Coordinator:

Peggy Cadwell

ADA@nmcourts.gov

(505) 414-5313

B. Duties of the Local ADA Title II Coordinator

Among the duties of the local ADA Title II Coordinator are to:

- Manage 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 Title II-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.
- Ensure their courts are complying with all ADA Title II mandates.
- Conduct investigations of all grievances, complaints, and provide all requested information to the Statewide ADA Title II Coordinator's Office.
- Cooperate with the Statewide ADA Title II Coordinator's Office by providing all requested information during an investigation.
- Maintain a record of filed grievances and results and share them with the Statewide ADA Title II Coordinator's Office.
- 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 Title II Coordinator.
- Maintain a record of all accommodations granted and denials.
- Maintain a record of grievances filed and results.

Court personnel who become aware of a need for an accommodation may consult with the ADA Title II Coordinator for their district for assistance. In turn, the local ADA Title II Coordinator may request additional assistance from the Statewide ADA Title II Coordinator.

Eleventh Judicial District Court ADA Title II Coordinator:
Linda Padilla, Attorney Senior
galdlgp@nmcourts.gov
(505) 836-6816 ext. 2104

ADA Coordinator information has been provided via email to all employees and is posted on the Eleventh Judicial District website.

If the Eleventh Judicial District ADA Title II Coordinator is not available, employees and the public can contact:

Ruth Baldwin, Attorney Senior
aztdreb@nmcourts.gov
(505) 334-6151

The designated public point of contact for any ADA grievances is:
John Guaderrama, Deputy Court CEO
aztdjlg@nmcourts.gov
(505) 334-7807

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. Among other accommodations provided to ensure effective communication are: TTY, CART, or other appropriate auxiliary aids or services free of charge.

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. TRANSLATED RESOURCES

The ADA Accommodation Request Form, ADA Complaint Form, ADA Grievance Procedure and ADA Notice of Rights are available in Spanish. Additionally, the ADA Accommodation Request Form and ADA Complaint Form are provided in a fillable PDF format in Spanish. Informational brochures in printed and electronic formats and public service announcements regarding scribing services have been translated into Spanish/Navajo. These resources can be found on the Judiciary's ADA webpage at: <https://www.nmcourts.gov/americans-with-disabilities-ada>

VII. RESOURCES IN ALTERNATIVE FORMATS

The New Mexico AOC provides an open-captioned orientation video for Deaf and hard-of-hearing jurors:

https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation_capt_eng.webm

Additional resources in alternative formats available from the Statewide ADA Title II Coordinator's Office include providing court forms and requested court information in Braille or large print, and fillable PDF forms.

The ADA Notice of Rights is available in ASL: a video is posted on the Statewide ADA Title II Coordinator's webpage.

Additionally, several videos and webinars regarding general information for court users, jurors, self-represented litigants, witnesses, scribing, Judicial employee training, and other informational videos are available in ASL on the NM AOC Language Access YouTube page:

<https://www.youtube.com/@nmaoclanguageaccessservice8616/videos>

and on the NM AOC Language Access webpage:

<https://languageaccess.nmcourts.gov/district-court-videos/>

VIII. RESOURCES FOR JURORS

The AOC Jury Division provides captioning on its orientation video as an accommodation for Deaf and hard of hearing jurors:

<https://www.youtube.com/watch?v=enNQ0PSDWd0>

ADA resources available for jurors in the Eleventh Judicial District include ASL Interpreters, CART services, and Assistive Listening Devices (ALD).

IX. OUT-OF-COURTROOM CONTACTS

The first and most common point of contact for members of the public in the Eleventh Judicial District is with court security. The security team is familiar with the questions that are permissible to ask regarding service animals:

- 1) Is the animal required because of a disability?
- 2) What task has the animal been trained to perform?

Service animal signage has been provided to the Eleventh Judicial District and Magistrate Courts for posting at the public points of entry, indicating service animals are allowed. Additionally, the Statewide Title II Coordinator's Office has provided ADA Title II Bench Cards to be distributed to staff and the Sheriff's Department containing basic information about accommodation requests, regulations around service animals, and ADA Title II Coordinator contact details. More detailed specifications regarding service animals, including FAQ cards, were provided to the Eleventh Judicial District in September 2023.

In July 2023, the NM AOC added Video Remote Interpreting (VRI) through Certified Languages International (CLI), for interactions with court users requesting ASL interpretation outside of the

courtroom. Information cards with detailed instructions for accessing the VRI service will be provided to the Eleventh Judicial District.

X. ASSISTIVE LISTENING DEVICES

The Eleventh Judicial District currently has ALDs available for use in each of the District and Magistrate Courts.

In addition to the ALD equipment at the Eleventh Judicial District, a PocketTalker device is available for loan from the Office of the Statewide Title II Coordinator's Office as needed.

XI. SCRIBING SERVICES

In 2018 the NM AOC, in collaboration with the National Center for State Courts and the State Justice Institute, launched a scribing pilot program in the Ninth and Second Judicial Districts. The scribing program assists court users who have signed a Statement of Need testifying that they need scribing help due to illiteracy, Limited English Proficiency or a disability. Court staff may read forms aloud and fill in the blanks on the litigant's behalf, using the exact words spoken by the litigant. Prior to the implementation of the pilot program, the Eleventh Judicial District had a long-standing scribing policy in which court staff would read a court form aloud to a self-represented litigant needing assistance on their form due to low-literacy. The scribing session was audiotaped in the event there were any questions regarding what was written on the document.

During the pilot phase, a Facilitation Guide, training videos, flyers, and brochures were developed to train all court staff and volunteers on the scribing process. Public outreach materials such as brochures, flyers, and public service announcements (PSAs) were produced in English, Spanish and Navajo.

The success of the pilot program resulted in New Mexico Supreme Court Order No. 22-8500-036 dated November 9, 2022, implementing the scribing program throughout the Judiciary. After implementation of the statewide scribing program, the Eleventh Judicial District collaborated with the Statewide ADA Title II Coordinator's Office in creating a docketing code for the Statement of Need (code 1649). The docketing code is available for use for all Courts in the Judiciary so that the Statement of Need can be entered into the Odyssey case management system. The Eleventh Judicial District currently has all District court judicial specialists trained in scribing, and began conducting scribing services in July, 2023.

Scrubing training modules for judiciary employees, PSAs in English, Spanish, and Navajo, and scrubing explainer videos in English, Spanish and Navajo are available at the following link:

<https://www.youtube.com/@nmaoclanguagesservice8616/videos>

Scrubing Statement of Need and Scrubing Intake Forms have also been provided to all District ADA Coordinators and CEOs by the Statewide ADA Title II Coordinator's Office.

Additional training assistance with scrubing is available to the Eleventh Judicial District on request by contacting the Office of the Statewide ADA Title II Coordinator.

XII. 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.

The following link provides training for staff on how to use the devices:

https://www.youtube.com/watch?v=3OxaGxgKP_o

In the Eleventh Judicial District, one (1) UbiDuo device is available and regularly used in the Farmington and Gallup District Courts. In October 2023, the Statewide ADA Title II Coordinator's Office will provide one (1) additional UbiDuo device for use in the Gallup District and Magistrate courts.

XIII. JUDICIAL AND STAFF TRAINING

The Statewide ADA Title II Coordinator's Office offers regular training in partnership with the Southwest ADA Center, New Mexico Governor's Commission on Disability, Professor Bruce Adelson, Esq. and other disability organizations. The Statewide ADA Title II Coordinator notifies all judiciary employees of upcoming trainings via email. Training is offered to all judiciary employees free of charge and is recorded and broadcast on the Language Access YouTube channel at:

<https://www.youtube.com/channel/UCAyCQWhtNiJFAGPrXnB-wQQ>

The Statewide ADA Title II Coordinator's Office also holds regular in-person and virtual trainings and meetings with Judges, District ADA Coordinators and Judiciary staff, and offers the opportunity for District ADA Coordinators to enroll in the ADA Coordinator Training Certification Program (ACTCP) and attend the annual ADA National Symposium. In June 2023, the Eleventh Judicial District's ADA Title II Coordinator Linda Padilla, along with Attorney Senior Ruth Baldwin, attended the Virtual ADA National Symposium.

Effective 2023, AOC Human Resources Department's new employee orientation training includes ADA Title I and ADA Title II compliance information, and the Statewide ADA Title II Coordinator's contact information.

It is the intention of the ADA/ language access planning team to hold court-wide, hybrid ADA/ language access training annually.

The Eleventh Judicial District ADA Title II Coordinators are currently creating a district-wide staff training on ADA Title II. Additional training assistance is available to the Eleventh Judicial District on request by contacting the Statewide ADA Title II Coordinator's Office.

XIV. EMERGENCY PLAN AND EVACUATION

Under Title II of the ADA, public entities must ensure that emergency and evacuation plans for their

facilities, activities and programs include emergency preparedness plans for people with disabilities.

As of the current revision of this plan, the Eleventh Judicial District is in the process of updating their emergency and evacuation plan. The updated plan will include staff training on evacuation procedures for individuals with disabilities, and providing wheelchairs and an evacuation sled which can be used during an evacuation.

XV. 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. The page includes the Notice of Rights (in English, Spanish and ASL); the Request for Accommodations, Grievance Procedure and Complaint forms (in English and Spanish), and contact information for the Statewide ADA Title II Coordinator.

<https://www.nmcourts.gov/americans-with-disabilities-ada>.

<https://www.nmcourts.gov/estadounidenses-con-discapacidades>.

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 Eleventh Judicial District website maintains an ADA informational page at

<https://eleventhdistrictcourt.nmcourts.gov/americans-with-disabilities-act-ada>, and includes the Notice of Rights; Request for Accommodations; Grievance Procedure and Complaint forms, as well as their ADA email address, 11thADA@nmcourts.gov, in order to keep track of any incoming email requests from the public.

In 2023, the AOC Title II Statewide Coordinator's Office began working with the AOC Judicial Information Division (JID) to incorporate detailed language on all Notice of Hearing documents for the District, Magistrate and Metropolitan Courts regarding ADA Title II and contact information for the courts in regard to ADA accommodation requests.

A hard copy of the Eleventh Judicial District Court's LAP and ADA Plan shall be kept at the public information desk. 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 Eleventh Judicial District Court posts the plan on its website at

<https://eleventhdistrictcourt.nmcourts.gov> and AOC posts the plan at

<https://languageaccess.nmcourts.gov/language-access-plans>.

XVI. 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>

Any ADA grievances in the Eleventh Judicial District should be directed to: John Guaderrama, Deputy

Court CEO, aztdjlg@nmcourts.gov, (505) 334-7807.

XVII. APPROVAL AND EVALUATION OF ADA PLAN

A. ADA Plan Approval

The Eleventh Judicial District Court's ADA plan is subject to approval by the Chief District Judge and Court Executive Officer. Any future revisions to the plan will be submitted to the Chief District 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. Eleventh Judicial District Court ADA Coordinator

Linda Padilla
Eleventh Judicial District Court
207 W. Hill Ave. 2nd Floor, Room 200, Gallup, NM 87301
galdlgp@nmcourts.gov
(505) 836-6816 ext. 2104

D. Statewide ADA Coordinator

Peggy Cadwell
New Mexico Administrative Office of the Courts
111 Lomas Blvd. NW Suite 300, Albuquerque NM 87102
ADA@nmcourts.gov
(505) 414-5313

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

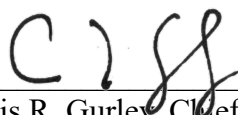
A. Effective Date:

LAP original effective date: August 15, 2012

ADA plan original effective date: September 30, 2022

Latest revision of LAP and ADA plan: October 15, 2023

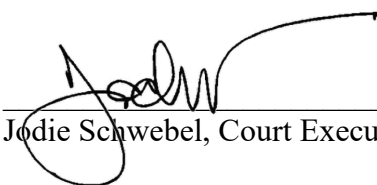
B. Approved By:



Hon. Curtis R. Gurley, Chief District Judge

October 23, 2023

Date



Jodie Schwebel, Court Executive Officer

October 23, 2023

Date

ATTACHMENTS

LANGUAGE ACCESS PLAN:

- A) Members of the Eleventh Judicial District Court LAP/ADA Planning Team**
- B) Interpreter Statistics Fiscal Year 2023**
- C) Out-of-Courtroom Encounters Fiscal Year 2023**
- D) Language Access Complaint Procedure and Form**

ADA PLAN:

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

**Eleventh Judicial District LAP
Revised 2023
Attachment A**

**Members of the Eleventh Judicial District
Language Access/ADA Planning Team**

Jodie Schwebel, Court Executive Officer (**LAP Coordinator**)
Linda Padilla, Senior Staff Attorney (**ADA Coordinator**)
John Guaderrama, Deputy Court Executive Officer
Ashley Lucero, Court Manager - Farmington District Court
Betsy Mejia, Court Manager - Gallup District Court
Tamara Reichel, Court Manager - Aztec District Court
Amy Verhulst, Court Manager - San Juan County Magistrate Courts (Aztec)
Cruzita Garcia, Court Manager - San Juan County Magistrate Courts (Farmington)
Michelle Sanchez, Court Manager - McKinley County Magistrate Court (Gallup)
Roberta Werito-Jones, CFO – Aztec District Court
Lydia Vidales, Jury Coordinator – McKinley County
Monica Pablo, Jury Coordinator – McKinley County
Sheralee Savage, Jury Coordinator – San Juan County
Darcy Jones, Jury Coordinator – San Juan County
Ruth Baldwin, Senior Staff Attorney – San Juan County
Rebecca Eldridge, Judicial Specialist Supervisor – San Juan County Magistrate Courts (Aztec)
Sierra Atencio, Judicial Specialist Supervisor – San Juan County Magistrate Courts (Farmington)

**ELEVENTH JUDICIAL DISTRICT - LANGUAGE ACCESS STATISTICS
IN COURT INTERPRETERS - FY23**

Courthouse	Language of Interpreter Assignment	Number of Assignments July 2022 to June 2023
San Juan County (Aztec, Farmington Dist)	Chinese	3
	Navajo	24
	Russian	1
	Spanish	121
San Juan County, Aztec Magistrate	Navajo	12
	Sign	2
	Spanish	39
	Vietnamese	5
San Juan County, Farmington Magistrate	Chinese	1
	Navajo	6
	Sign	1
	Spanish	19
McKinley County, Gallup District	Amharic	6
	Navajo	25
	Spanish	14
McKinley County, Gallup Magistrate	Chinese	8
	Farsi	1
	Navajo	37
	Punjabi	5
	Russian	1
	Sign	3
	Spanish	27
	Tigringa	3
	Zuni	1
TOTAL OF ALL COURTS:	AMHARIC	6
	CHINESE	12
	FARSI	1
	NAVAJO	104
	PUNJABI	5
	RUSSIAN	2
	SIGN	6
	SPANISH	220
	TIGRINGA	3
	VIETNAMESE	5
	ZUNI	1
	TOTAL:	365

ELEVENTH JUDICIAL DISTRICT - LANGUAGE ACCESS STATISTICS
LEP - Out of Courtroom Requests - FY23

Courthouse	Language of Interpreter Assignment	LEP Interpreter Requests Out of Courtroom July 1, 2022 to June 30, 2023
San Juan County (Aztec, Farmington Dist)	Chinese	2
	Navajo	9
	Spanish	76
San Juan County, Aztec Magistrate	Navajo	0
	Spanish	0
San Juan County, Farmington Magistrate	Chinese	0
	Navajo	0
McKinley County, Gallup District	Spanish	45
	Navajo	1
McKinley County, Gallup Magistrate	Spanish	49
	Navajo	0
TOTAL OF ALL COURTS:	CHINESE	2
	NAVAJO	10
	SPANISH	170
	TOTAL:	182

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

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

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

Contact information:

Jodie Schwebel, Court Executive Officer, Eleventh Judicial District Court, 103 S. Oliver Dr., Aztec, New Mexico 87410; aztdjos@nmcourts.gov; (505) 344-7808.

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

Contact information:

Freda Valdez, Statewide Language Access Program Manager, New Mexico Administrative Office of the Courts; 111 Lomas Blvd. NW, Albuquerque NM 87102; aocfev@nmcourts.gov; (505) 231-9229.

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; 1-888-TITLE-06 (1-888-848-5306) (Voice / TTY).

Eleventh Judicial District 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:
Eleventh Judicial District Court: aztdjos@nmcourts.gov, (505) 344-7808

Please complete and return this form to:
Eleventh Judicial District Court - Jodie Schwebel, LAP Coordinator
103 S. Oliver Dr, Aztec, New Mexico 87410
aztdjos@nmcourts.gov
Fax: (505) 334-7760

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

**Eleventh Judicial District
Language Access Plan
Attachment D - 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:

Jodie Schwebel, Eleventh Judicial District Court LAP Coordinator
103 S. Oliver Dr., Aztec, New Mexico 87410
aztdjos@nmcourts.gov
Fax: (505) 334-7760

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 do 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 as 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”), as amended, 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

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:

Investigation Date: ____/____/____

Resolution Date: ____/____/____

Complainant contacted and informed of resolution Yes/ No

Date Contacted: _____

Reason complainant not contacted:
