

Language Access Plan

2017-2019



Sec. 3. The right of any citizen of the State, or sit upon juries, shall never be restricted, on account of religion, race, language or color, or in writing the English or Spanish languages as provided in this Constitution; and the provisions of section one of this article shall never be construed to deprive the vote of the people of this State in an election of the electors voting in the whole or parts of those voting in each county of the State.

New Mexico Judiciary

Administrative Office
of the Courts



TABLE OF CONTENTS

- Program Highlights
- Legal Basis and Purpose
- Scope
- Needs Assessment
- Management Structure
- Language Access Planning
- Services Inside the Courtroom
- Services Outside the Courtroom
- Court-Ordered Services
- Staff Training
- Court Interpreter Credentialing
- NM Center for Language Access
- Collaborations
- Public Outreach
- Funding
- Priorities Moving Forward
- Plan Management

"Celebrating diversity, advancing equality."

New Mexico Language Access Report and Plan

Table of Contents

Topic	Page
Program Highlights	4
I. Legal Basis and Purpose	5
II. Scope	6
III. Needs Assessment Ethnic and Linguistic Composition Challenges Demographic Data Surveys	6-7
IV. Management Structure AOC, Language Access Services Language Access Advisory Committee	7-9
V. Language Access Planning Monitoring and Tracking Progress	9
VI. Services Inside the Courtroom Provision of Interpreters and Other Accommodations Limited English Proficient Jurors Equipment Remote Interpreting	9-11
VII. Services Outside the Courtroom Signage Language Identification Telephonic Interpreting Service Language Access Specialists Tracking Services Outside the Courtroom Translation of Forms and Documents – Pleadings in Other Languages – Resources in Other Languages	11-13
VIII. Court-Ordered Services	13
IX. Staff Training and Professional Development Mandatory Language Access Training Language Access Specialist Certification Other Training for Judges and Judicial Employees Training for Justice System Partners Language Access Basic Training	13-15
X. Court Interpreter Credentialing and Maintenance Recruitment and Training of Spoken Language Interpreter Candidates Recruitment and Credentialing of Sign Language Interpreter Candidates Background Checks Post-Credentialing Training	15-17

Professional Development Continuing Education Requirements	
XI. New Mexico Center for Language Access Municipal Courts Language Access Specialist Continuing Education Improving Access to Justice for Native Peoples in State Courts Project Downloadable Court Interpreter Orientation Suite Workforce Connections	17-19
XII. Collaborations Collaborations Within the NM Judiciary Collaborations with Community Organizations National Collaborations	19-20
XIII. Public Outreach Annual Report NM Judiciary Website – Language Access Services Page – Translation of NM Judiciary Website Public Service Announcements Spanish Phone Services	20-21
XIV. Funding	21
XV. Priorities Moving Forward	21-22
XVI. Plan Management Plan Notification and Access Maintaining the Plan Complaint Procedure AOC Language Access Plan Coordinator Language Access Plan Effective Date Approved By	22-23
Attachment A: Migration Policy Institute Data	24
Attachment B: Certified Languages International Report July 2017	25
Attachment C: Supreme Court Training Order and Policy	26-30
Attachment D: Sign Language Interpreter Qualification Requirements	31-35
Attachment E: Court Interpreter Background Check Policy	36-38
Attachment F: Complaint Procedure and Form	39-41

PROGRAM HIGHLIGHTS

- In 2016, the Language Access program of the NM Administrative Office of the Courts was ranked #2 in the nation in the *Justice Index* published by the National Center for Access to Justice and the *Language Access in State Courts* report published by the United States Department of Justice.
- New Mexico is the only state that seats Limited-English-Proficient jurors, by constitutional mandate.
- New Mexico created a Language Access Specialists program, in which bilingual court employees are trained to ensure the delivery of meaningful language access services in out-of-courtroom settings.
- New Mexico developed software that can be used to provide flexible training and maximize resources.
- The website of the New Mexico Judiciary contains hundreds of pages of content that has been professionally translated to Spanish.
- The *Improving Access to Justice for Native Peoples in State Courts* project developed a training and qualification process for court interpreters of Pueblo languages and Navajo, which protects the rights of tribal members as they function within the state court system.
- Beginning on January 1st, 2018, the NM state courts will accept and translate pleadings submitted by Self Represented Litigants in languages other than English.

I. LEGAL BASIS AND PURPOSE

This document serves as the New Mexico Judiciary's plan for the provision of services to persons with Limited-English-Proficiency (LEP) that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112) and Title II of the Americans with Disabilities Act of 1990 ("ADA:" 42 U.S.C. § 12132).

The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance, ensuring meaningful access to court services for LEP, Deaf and Hard-of-Hearing persons who come in contact with the New Mexico Judiciary.

Under Department of Justice (DOJ) regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by LEP persons. See 28 CFR 42.104(b)(2). Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall:

“on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

DOJ regulations forbid recipients from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin...” (28 CFR 42.104(b)(2)). Law requires all recipients of Federal financial assistance from DOJ to provide meaningful access to LEP persons.

Executive Order 13166 signed August 11, 2000 extended Title VI requirements to federal agencies and those agencies which they fund.

New Mexico Statutes 38-9-1 to 38-9-10 and 38-10-1 to 38-10-8 NMSA 1978, respectively the Deaf Interpreter Act and the Court Interpreter Act, clearly delineate the responsibilities of the Court to provide credentialed Court Interpreters.

The New Mexico State Constitution, Article II, Section 14, provides that: “In all criminal prosecutions, the accused shall have the right [. . .] to have the charge and testimony interpreted to him in a language that he understands.”

The New Mexico State Constitution, Article VII, Section 3, provides that: “The right of any citizen of the state [. . .] to sit upon juries, shall never be restricted, abridged or impaired on account of [. . .] inability to speak, read or write the English or Spanish languages.”

NOTE:

This plan represents a work in progress as it documents the NM Administrative Office of the Courts' ongoing efforts to provide quality language access.

II. SCOPE

This plan identifies the efforts of the New Mexico Administrative Office of the Courts (AOC) and the New Mexico Supreme Court to ensure Title VI compliance across New Mexico State Courts through an ongoing, collaborative planning and assessment process. In addition to this Statewide Report and Plan, every metropolitan, magistrate and district court in New Mexico has a locally-tailored Language Access Plan (LAP) in place. These plans (which are regularly updated) may be viewed at: <https://languageaccess.nmcourts.gov/language-access-plans.aspx>

III. NEEDS ASSESSMENT

Ethnic and Linguistic Composition of NM Residents

- 47% Hispanic or Latino origin
- 22 federally recognized tribes
- 36% of population speak a language other than English at home
- 10% of population report speaking English "less than very well"
- Top languages other than English: Spanish, ASL, Navajo, Vietnamese, Mandarin, Arabic
- 92 languages or language groups spoken in the home throughout the state

Challenges

- 19.5% of individuals living below poverty line
- 60% of prison population of Hispanic or Latino origin
- Scarcely populated: 17 persons per square mile
- Border state
- Increasing demand for language access services

Demographic Data

To build the most accurate picture possible of LEP needs in New Mexico, AOC mines and cross-references data from the sources below. New Mexico's courts are committed to serving LEP speakers of all languages, but this data on the most frequently used languages is used to anticipate need:

- Modern Language Association (MLA) map: Information by state and county on language spoken at home. MLA further breaks down data into those who speak English well or not well. Data for NM can be viewed at: http://www.mla.org/map_data&dcwindow=same
- Migration Policy Institute (MPI): MPI provides true LEP data, by state and county, when the number of LEP speakers of a language is above 5% of the population or 500 persons. MPI data for New Mexico is *Attachment A*

to this plan

- “On the ground” information: During initial language access planning, community organizations shared their expertise about recent refugee populations and about census completion rates. Surveys were conducted with community organizations in each judicial district regarding the languages their clients speak. Similar surveys will again be conducted in 2017-2019. “Through the doors” information: Court staff track numbers of encounters with LEP individuals in out-of-courtroom settings, such as the clerk’s window and the telephone. Staff were surveyed during initial language access planning regarding languages encountered in the courthouse and will be surveyed again in 2017-2019. This data forms part of each judicial district’s LAP, accessible at: <https://languageaccess.nmcourts.gov/language-access-plans.aspx>
- Interpreter scheduling management system reports: The AOC’s web-based interpreter scheduling system allows AOC to pull reports on the number of courtroom interpreters used by New Mexico courts in any given period.
- On-demand telephonic interpreting services: For out-of-courtroom needs, as well as occasional in-courtroom needs for languages of lesser diffusion, courts rely on an-demand telephonic interpreting service provider, a service connecting to interpreters in 175 languages. Monthly reports on use are provided to AOC. As a sample, a statewide report on use during the month of July, 2017 comprises *Attachment B* of this plan.

Surveys

AOC has conducted surveys throughout the various stages of its ongoing needs assessment, and is committed to continuing to do so.

- Surveys of New Mexico Justice System Partners and of staff at every district, magistrate and metropolitan court (2009 Surveys of court staff, judges and community stakeholders within each court and judicial district (2011 and 2012) as part of each court’s language access planning process. These surveys form part of each judicial district’s LAP, accessible at: <https://languageaccess.nmcourts.gov/language-access-plans.aspx>
- Moving forward, additional surveys will be conducted as deemed necessary. The AOC Language Access Planning Consultant is assisting districts to conduct new surveys of their staff, judges and community stakeholders in 2017-2019.

The findings of the various surveys have helped AOC and the judicial district LAP teams identify areas for improvement in language access services throughout NM. They have helped determine the initiatives and training discussed in this plan, and continue to identify the priorities moving forward.

IV. MANAGEMENT STRUCTURE

Administrative Office of the Courts, Language Access Services

The Language Access Services Unit of the Court Services Division of the New

Mexico Administrative Office of the Courts develops and delivers guidance, policies, procedures and training for employees working in the courts to ensure comprehensive language access inside and outside the courtroom for Limited English Proficient, deaf and hard-of-hearing individuals under Title VI of the Civil Rights Act of 1964, Title II of the ADA and Executive Order 13166.

Language Access Services funds and schedules interpreting and other communication access services for:

- Courts' operations, services and programs
- Deaf or hard-of-hearing litigants, jurors, observers or witnesses in any type of court proceeding
- Non-English-speaking persons who are a principal party in interest, witness or juror in a criminal or civil case, including for court-ordered services

The program supports the NM State Courts through: language access planning, training, signage, assistive listening devices, on-demand remote interpreting services and translation of documents.

The Language Access Services Senior Statewide Program Manager oversees overall program operations and budget; assists all state courts in the development and implementation of their language access plans; oversees the testing, credentialing, and credential maintenance of court interpreters, and administers the New Mexico Center for Language Access (NMCLA) (see Section XI).

A full-time Management Analyst provides support to the Senior Statewide Program Manager; processes interpreter invoices and expenses; compiles and analyzes data, and coordinates spoken language interpreters for selected courts in the Fifth Judicial District.

Five full-time Language Access Coordinators, assigned to respective regions of the state, provide Spanish interpretation, oversee and coordinate spoken language interpreters, and assist courts with the implementation of their language access plans and services.

AOC Language Access Services contracts with a part-time American Sign Language Coordinator and with a part-time Language Access Planning Consultant. Other contractual support includes faculty, technical support, instructional design, curriculum development and more.

Additionally, the following state courts employ Spanish staff interpreters: First Judicial District Court, 1 FTE Certified Court Interpreter; Second Judicial District Court, 1 FTE Certified Court Interpreter/Interpreter Supervisor; Bernalillo Metropolitan Court, 3 FTE Certified Court Interpreters.

Language Access Advisory Committee (LAAC)

The Supreme Court-appointed Language Access Advisory Committee provides support to AOC's Language Access Services through the identification of language access needs and the recommendation of policies.

The following subcommittees support the work of the LAAC. The composition of

the LAAC and its subcommittees demonstrate AOC's commitment to inclusivity and to seeking multiagency and community input in its work (see also Section XII):

- New Mexico Judicial Translation Project Team (see Section VII)
- Remote Interpreting Subcommittee: this subcommittee created Remote Interpreting Guidelines for spoken languages (see Section VI) and continues to work on guidelines for sign language
- Literacy Challenges Working Group: addresses challenges related to serving individuals who cannot read or write the English language due to disability, limited English proficiency or illiteracy

V. LANGUAGE ACCESS PLANNING

With the support of the State Justice Institute (SJI), the AOC developed a planning model and contracted with a Language Access Planning Consultant to assist all New Mexico's judicial districts in developing comprehensive, district-specific Language Access Plans (LAPs) in 2012.

As a result of this effort, the first districts began implementing LAPs in 2012, and every district, magistrate and metropolitan court in New Mexico has had an LAP in place since 2013. The locally-tailored nature of New Mexico's LAPs reflects the cultural and linguistic diversity that exists in different regions of the state and provides for the differing needs.

New Mexico has a total of 18 Language Access Plans in place, including this Statewide Report and Plan. These Language Access Plans – in English and Spanish, as well as Navajo for certain judicial districts – can be viewed at: <https://languageaccess.nmcourts.gov/language-access-plans.aspx>

Monitoring and Tracking Progress

In order to ensure continued compliance with and relevance of local LAPs, the AOC Language Access Planning Consultant holds meetings with each of the judicial districts on a yearly basis. The purposes of the meetings include:

- To thoroughly review the district's written LAP, updating any outdated information and ensuring that court staff is familiar with the content,
- To collect and review the courts' statistics for the year
- For court staff to update AOC Language Access Services staff about new developments in the district,
- To identify any problems in language access service delivery and develop solutions,
- For AOC to update court staff about developments at the statewide level,
- For AOC, district court and magistrate court staff to have the opportunity to meet in person and foster working relationships and open communication channels.

VI. SERVICES INSIDE THE COURTROOM

Provision of Interpreters and Other Accommodations

The provision of spoken-language and sign 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. 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 Americans with Disabilities Act requires local and state courts to provide qualified sign 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 interpretation and translation services for pre-trial witness interviews, transcriptions and translations and for attorney/client communications during proceedings.

Limited English Proficient Jurors

New Mexico is the only state in the U.S. that seats LEP jurors. As such, the courts provide interpreters so that the rights and duties of LEP citizens to complete jury service may be upheld.

The Judges' Portal at www.nmcenterforlanguageaccess.org features videos with tips for judges for working with LEP jurors.

For a list of resources available to Spanish-speaking, Navajo-speaking, Deaf or hard-of-hearing jurors, see Section VII.

Equipment

AOC places assistive listening (ALD) and interpreting equipment throughout the state courts. Availability of the equipment is advertised to the public by means of signs throughout the courthouses. A training DVD is available online to orient both court employees and interpreters on the equipment's use (<http://www.teltex.com/landing-pages-custom/nm-courts>). The Language Access Services staff work with courts on a regular basis to maintain the integrity of the equipment.

Remote Interpreting

New Mexico courts frequently schedule credentialed interpreters to appear by telephone or video for short proceedings, most often for languages other than Spanish. Many New Mexico courts regularly conduct video arraignments, with the interpreter providing services either from the court or at the jail.

The Supreme Court has approved a set of Remote Interpreting Guidelines which give protocols for effective remote interpreting and clarifies the types of proceedings for which it can be used. The Guidelines can be viewed at: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1.aspx>

Tips for judges for facilitating effective remote interpreting are provided on the Judges' Portal at: <https://www.nmcenterforlanguageaccess.org/cms/en/courts-agencies/judges-portal>.

Since early 2012, the AOC Language Access Services program and the Judicial Information Division have been working to test various options for remote interpreting for both sign and spoken languages.

VII. SERVICES OUTSIDE THE COURTROOM

The New Mexico Administrative Office of the Courts has implemented the following out-of-courtroom language access services in New Mexico courts:

Signage

- Signage in English, Navajo, Vietnamese, and Spanish that states: "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"
- Signage regarding the availability of assistive listening devices
- Language Access Specialists (see below) have requested to be made identifiable to the public by means of a badge in their language

Language Identification

AOC provides language identification resources to all state courts, who are instructed to train their employees on the use of these resources.

Remote Interpreting Services

AOC relies on an on-demand telephonic interpreting service, through which court employees can communicate with court users within minutes in 175

languages.

During the most recent fiscal year (July 2016 to June 2017), the service was used by New Mexico courts to facilitate communication in 40 languages.

An on-demand video remote interpreting service for sign language has also been added at various court locations to serve the needs of walk-in customers.

Language Access Specialists

Language Access Specialists (LASs) are a category of employee unique to the New Mexico Judiciary, created to ensure the delivery of meaningful language access services in out-of-courtroom settings. Bilingual employees of the Judiciary are trained and certified through the New Mexico Center for Language Access.

A certified LAS may be awarded a \$1.00 per hour wage incentive per New Mexico Judiciary Personnel Policies. Once certified, an LAS must comply with the continuing education requirements established by the AOC, currently four continuing education units per year.

As of the latest revision of this plan, New Mexico has:

- 110 LASs
- Spanish, Navajo, Mandarin, Polish and Keres-speaking LASs
- LASs working throughout the district, magistrate, metropolitan and municipal courts, as well as at the Supreme Court, Supreme Court Law Library, and Court of Appeals

Written LAS Protocols and a Code of Ethics are in development, with an anticipated completion date of Fiscal Year 2018.

Tracking Services Outside the Courtroom

Data on out-of-courtroom LEP encounters must be tracked manually by court employees. A tally sheet has been developed and is provided to each court.

Data on numbers of out-of-courtroom encounters is included in each court's individual language access plan and may be viewed at:

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

Translation of Forms and Documents

The New Mexico Judiciary recognizes the importance of translating forms and documents so that LEP individuals have access to needed information and services.

Pleadings in Other Languages

The New Mexico Judicial Translation Project Team (NMJTPT) was convened in 2013 to translate and discuss the handling of bilingual forms. After conducting extensive research and pilots, NMJTPT recommended to the New Mexico Supreme Court that Domestic Violence and Domestic Relations forms be made available exclusively in bilingual (English/Spanish) format and that should a Self-Represented Litigant (SRL) complete these forms in Spanish, the courts should treat them the same as English submissions and AOC should process the translation. The same applies should an SRL submit any type of pleading in any language. The Supreme Court approved NMJTPT's proposal in 2017 and bilingual

forms are due to launch January 1, 2018.

Resources in Other Languages

The following professionally translated resources are available in New Mexico's courts:

- Website mirror pages (Spanish)
- District Court Self Help Guide covering the following topics: Representing Yourself; Domestic Violence; Divorce; Kinship Guardianship; Name Change; Probate; Appeals; Resource Directory (Spanish)
- 8 pamphlets for self-represented litigants, explaining civil procedures and terminology in the magistrate courts, provided by AOC (Spanish)
- Magistrate Court bilingual (Spanish) intake form
- Interpreter needed check sheet/rights advisory (Spanish, Navajo, Vietnamese, Chinese, Arabic, French, German, Korean, Thai, Tagalog)
- 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, affidavit of age request for permanent exemption, affidavit of non-resident; orientation video open-captioned in Spanish,
 - **Navajo:** juror questionnaire and qualification form,
 - **Deaf and Hard-of-Hearing:** orientation video open-captioned in English.
- Language Access Plans (Spanish; some Navajo)
- The majority of informational handouts used in New Mexico's courts are not standardized statewide, but are instead created by each local court. AOC has extensively translated courts' materials, continues to process their requests and maintains a Document Bank of all translated materials available throughout the state.

VIII. COURT-ORDERED SERVICES

Court-ordered services and programs include treatment, supervised visits, dispute resolution services, diversion programs, educational schools and many more.

When court-ordered services and programs are operated and managed by the courts, AOC is responsible for providing language access services. When court-ordered services and programs are operated and managed by contracted service providers, those contractors are responsible for providing language access services.

The AOC Memorandum dated August 3, 2016, "Providing Interpreters for Court-Ordered Programs, Services or Events," explains when the obligation to provide language access services falls on the court and when it falls on the service provider. See: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1.aspx>

IX. STAFF TRAINING AND PROFESSIONAL DEVELOPMENT

Mandatory Language Access Training

The New Mexico Supreme Court and AOC produced a language access training video which, since October 2011, is required viewing for all current and incoming employees of the New Mexico Judiciary. The 30-minute video reviews the courts' obligations to ensure language access under Title VI of the Civil Rights Act of 1964 and Executive Order 13166 and identifies the responsibilities and specific resources available to each employee in fulfilling this obligation. This training was required of all current employees at the time of the Supreme Court Order and is incorporated into new employee orientation. Each employee is required to have a signed form acknowledging that they have participated in this training in their personnel file. The Supreme Court Order (#11-8500) and Training Policy can be found in *Attachment C*.

Language Access Specialist Certification

The AOC continues to provide scholarships and wage incentives to bilingual court employees to pursue certification as Language Access Specialists (see Section VII). In addition to the 12-week online certification course, the AOC offers continuing education webinars throughout the year and an annual face-to-face full-day LAS Symposium.

A Language Access Specialist symposium is held annually. LASs from all over the state are encouraged to travel to Albuquerque to receive training and continuing education units and to collaborate with their peers.

Other Training for Judges and Judicial Employees

In addition to the mandatory language access training, AOC continues to include language access information in various trainings offered for court staff and judges. Settings have included:

- Judicial Conclave
- New Judges Training
- Magistrate Court Judges Conference
- Municipal Court Staff and Judges Conference
- Judges' Portal
- Video trainings
- Webinars
- Language Access Planning team meetings

Individual courts are encouraged to provide training to their staff and judges and are assisted with planning this during their regular LAP update meetings. AOC is available to assist in this training as requested. The Senior Statewide Program Manager, Language Access Planning Consultant, Sign Language Interpreter Coordinator and Language Access Coordinators regularly do so.

Additionally, Language Access Coordinators and LASs are tasked with educating judges and staff in their courts around language access issues.

Training for Justice System Partners

AOC has provided language access training for Public Defenders, including District Defenders and support personnel at the statewide Department of Public Defenders conference. Similar training has been provided for domestic violence advocates and Hearing Officers. AOC aims to expand its training offerings to additional justice system partners.

Language Access Basic Training

The Language Access Basic Training (LABT) Suite is an interactive training that is downloaded by trainees and provides an introduction to language access for all court employees. It is a collaborative project funded by the State Justice Institute and supported by the National Center for State Courts (NCSC) and the Language Access Advisory Committee of the Council of State Court Administrators (COSCA). The purpose of the training is to ensure that all court employees have a basic understanding of their ethical and legal obligations, as well as current best practices in serving LEP individuals. Available in Spanish and Language Neutral (all spoken languages) versions, the LABT also provides a training module and an optional skills assessment for bilingual court employees.

The New Mexico AOC uses the LABT in webinars and in-person staff and judges' trainings throughout the year.

More detail on the LABT is available on the NMCLA website at:

<https://www.nmcenterforlanguageaccess.org/cms/en/courts-agencies/about-language-access-basic-training>

X. COURT INTERPRETER CREDENTIALING AND MAINTENANCE

The credentialing of court interpreters, and the maintenance of those credentials, is managed by the AOC. Training of court interpreters and court interpreter candidates is done through the NM Center for Language Access (NMCLA). For more on NMCLA, see Section XI.

Recruitment and Training of Spoken Language Interpreter Candidates

The AOC is actively involved with local organizations throughout New Mexico in an effort to publicize the availability of Court Interpreting as a professional career option. Information is available via the NMCLA website and regular distribution to individuals and community groups serving New Mexico's immigrant and multilingual communities.

The Improving Access to Justice for Native Peoples in State Courts project (see Section XI) has had a significant impact on building relationships with local Native American communities to recruit and train interpreter candidates for Navajo and Pueblo languages.

Efforts to recruit candidates for all languages through laboratories, military bases, and universities are ongoing.

Additionally, AOC encourages credentialed interpreters in languages other than Spanish who are frequently assigned to New Mexico court proceedings to complete New Mexico's requirements for reciprocal credentialing.

In accordance with AOC Policy, court interpreter certification candidates have two paths to becoming certified in the state of New Mexico. Candidates can either take the Introduction to Court Interpreter (mandatory) course and prepare on their own for the certification exams, or they can take the Justice System Interpreter Certificate Program (JSI). Candidates with little or no experience as court interpreters are encouraged to take the full JSI program.

Introduction to Court Interpreting: The two-week mandatory pre-testing course is offered online through NMCLA four times per year. Soon, NMCLA will be moving to a downloadable orientation: a collaborative effort being developed in tandem with seven other states and designed for potential national application. This self-paced court interpreter orientation and skills building program will reduce instructor and therefore candidate costs, provide self-assessment and feedback tools, and be available on a flexible schedule.

Justice System Interpreting Program: The 26-week instructor-led online program is designed to train candidates interested in pursuing court interpreting certification. Attorneys and experienced certified court interpreters and translators with a variety of backgrounds have designed this interdisciplinary curriculum. The program also includes a flexible internship and complementary in-person training sessions. The program is available in Spanish and Language Neutral.

The AOC continues to credential spoken language court interpreters through the National Center for State Courts (NCSC) standardized written and oral examinations. The AOC tests and credentials court interpreters in all languages for which the NCSC provides oral examinations. For languages not available through NCSC, the Oral Proficiency Interviews of Language Testing International are used.

Recruitment and Credentialing of Sign Language Interpreters

Three tiers of sign language interpreters work in the New Mexico courts: 1) Certified: Legal Apprentice; 2) Certified: Legal Qualified; 3) Certified: Legal Specialist. The qualification requirements for each are set out in *Attachment D*.

As of the latest revision of this plan, Registry of Interpreters for the Deaf had established a moratorium on awarding its Specialist Certificate: Legal (SC:L). New Mexico continues to recognize the SC:L for those who obtained it prior to the moratorium.

In order to be able to qualify sign language interpreters moving forward and increase the pool of interpreters available to the courts, the New Mexico Supreme Court approved the AOC's proposal to offer an alternative path to certification through the Texas Board of Evaluation of Interpreters. See *Attachment D*.

American Sign Language (ASL) webinars and in-person trainings with national experts are offered regularly throughout the year.

Background Checks

Upon successful completion of the Court Interpreter examinations, qualification

as a Justice System Interpreter, or classification as a court qualified sign language interpreter, the interpreter is required to undergo a National Crime Information Center (NCIC) background check (see *Attachment E*). Upon successful completion of the process, the interpreter is added to the New Mexico Directory of Certified Court Interpreters and Registry of Justice System Interpreters. Photo identification badges are also provided at this time at a small cost to the interpreter.

Post-Credentialing Training

Requirements are in place for all interpreters becoming court certified or qualified as justice system interpreters to attend mandatory post-credentialing training. The objectives of training are to ensure that newly certified interpreters at the conclusion of the training:

- Are aware of courtroom protocol and positioning
- Are well-versed in the New Mexico Court Interpreter Code of Professional Responsibility
- Understand the cases and hearings handled at the Magistrate Courts and at the District Courts
- Understand how they are going to be queried for jobs and how to enter their availability in the web based scheduling system

The AOC offered training on interpreting for jurors at its 2017 court interpreter symposium. It is the goal of the AOC to make this training mandatory.

Professional Development

Online and in-person continuing education opportunities are offered throughout the year. See: <https://www.nmcenterforlanguageaccess.org/cms/en/training/other-classes>

Continuing Education Requirements

AOC credentialed spoken language interpreters must comply with the continuing education policy, which requires membership in a state or national interpreters' association and participation in a minimum of 20 hours of professional development conferences or courses over a two-year period. Spoken language interpreters can monitor their Continuing Education compliance at: <https://languageaccess.nmcourts.gov/continuing-education.aspx>

Sign Language interpreters must comply with 2.0 Legal CEUs in each 4-year Registry of Interpreters for the Deaf CMP cycle.

Interpreters who meet AOC requirements at the end of each cycle, are provided with photo identification badges. They remain in the Directory/Registry with current contact information and are included in the interpreter scheduling management system.

XI. NEW MEXICO CENTER FOR LANGUAGE ACCESS

Since 2009, the New Mexico Center for Language Access (NMCLA) fills a significant role in the New Mexico Judiciary's language access services. The Center also receives out-of-state students and is financially self-sustaining

through student tuition. See: <http://www.nmcenterforlanguageaccess.org>

In addition to the training of court interpreters and Language Access Specialists, NMCLA is engaged in the ongoing projects detailed below.

Municipal Courts: Language Access Specialist and Justice System Certificate Programs

In 2013, AOC/NMCLA began providing training to Municipal Court Clerks regarding language access and, in collaboration with the Judicial Education center (JEC), began providing training and certification for bilingual Municipal Court clerks as Language Access Specialists.

As of the latest revision of this plan, 27 municipal court employees were working as Language Access Specialists. In addition, several municipal court employees have registered for the Justice System Interpreting Program, which allows graduates to interpret in the courtroom.

Language Access Specialist Continuing Education

NMCLA provides ongoing continuing education for both State and Municipal Court Language Access specialists. Webinars are offered at no charge throughout the year to help LASs maintain their certification, which requires four hours of continuing education each calendar year. Additionally, NMCLA holds an annual face-to-face symposium for Language Access Specialists. Participants receive a total of four continuing education credits for attending the full day session, which includes workshops on sight translation, consecutive interpreting, legal terminology, cultural competency and assisting self-represented litigants.

Improving Access to Justice for Native Peoples in State Courts Project

The Improving Access to Justice for Native Peoples in State Courts project was funded by SJI – with additional funding from AOC, the Judicial Education Center and the University of NM – and was completed in 2016. The primary objective of the project was to develop a training and qualification process for court interpreters of the Navajo language and the languages of New Mexico's Pueblos, which is culturally appropriate and protects the rights of tribal members as they function within the state court system.

Underlying this work is the common thread of culture within each language group. Cultural mores have an impact on defining the abstract legal concepts, understanding modes of interpreting, and framing ethical parameters that respect the relationship of interpreter and “client” within the specific cultural context.

The project was driven by Core Design Teams comprised of tribal members with expertise in native languages, law, and education, including:

- Prof. Barbara Creel, Director of the UNM School of Law Southwest Indian Law Clinic, Jemez Pueblo
- Sarah Pino, Former Education Director for the Pueblo of Zia
- Hon. William Johnson, Tribal Court Judge, Isleta Pueblo
- Diane Williams, Keres Language Teacher, Cochiti Pueblo

- Dr. Christine Sims, UNM College of Education Associate Professor, Acoma Pueblo
- Frank Morgan, Navajo interpreter and translator
- Blanche Raymond, Navajo interpreter and Language Access Specialist

Downloadable Court Interpreter Orientation Suite

This project is ongoing and a collaborative effort between the New Mexico, Kentucky, Minnesota, Idaho, Alaska, Michigan, Virginia and Nevada State Courts. The objective is to develop, test, and implement a downloadable court interpreter orientation and skills building suite, built around identified core competencies, designed for potential national application. This collaborative, jointly-funded effort will streamline and strengthen the way state court programs recruit and provide orientation to prospective interpreters. The online training module will be designed to introduce prospective interpreters to the basics of court interpreting. It will also include immediate feedback and an option for self-assessment of the skills required in order to proceed with registering for credential testing.

Workforce Connections

NMCLA has been receiving students through Workforce Connections since 2009. Under the Workforce Investment Act, Workforce Connections funds qualifying candidates to undertake NMCLA's professional development and credentialing programs. NMCLA continues to strengthen its relationship with Workforce Connections to be able to reach more potential students and increase the pool of qualified interpreters available to the New Mexico courts while offering well-paid work opportunities for bilinguals.

XII. COLLABORATIONS

Collaborations Within the NM Judiciary

AOC Language Access Services staff lends expertise to the following initiatives led by other divisions within the New Mexico Judiciary:

- Jury Improvement Committee. The Senior Statewide Program Manager for Language Access Services sits on the Jury Improvement Committee, advising on issues surrounding the constitutional rights and obligations of LEP individuals to serve on juries in NM
- Domestic Violence (DV) kiosks. The Senior Statewide Program Manager currently participates in a grant project coordinated by the AOC Domestic Violence Staff Attorney to pilot DV kiosks in courts located in underserved areas. The kiosks will assist DV victims to complete forms by means of an automated interview format and will be available in English, Spanish and Navajo
- Judicial Information Division's (JID) website project. The Language Access Planning Consultant collaborates with JID and individual courts to ensure that all relevant English website pages have professionally-translated and up-to-date Spanish mirror pages

Collaborations with Community Organizations

The NM AOC is committed to inclusivity and to seeking multiagency and community input in its work. The following organizations, among others, are invited to give input, serve on working groups, or partner in delivering training:

- Judicial Education Center
- Legal Aid
- Law Access NM
- University of NM School of Law
- NM Human Services Department
- NM Asian Family Center
- NM Commission for the Deaf and Hard-of-Hearing
- NM Commission for the Blind
- ReadWest Adult Literacy Program
- NM Pueblos and the Navajo Nation
- Local community partners at the judicial district level

National Collaborations

The NM AOC regularly participates in language access committees and conferences at the national level and in addition, is currently collaborating on projects with the following entities:

- National Center for State Courts
- Kentucky, Minnesota, Idaho, Alaska, Michigan, Virginia and Nevada State Courts (see Section XI)

XIII. PUBLIC OUTREACH

AOC recognizes the importance of informing the public and key community stakeholder organizations about the accessibility of New Mexico's courts. In addition to the diverse community partnerships detailed elsewhere in this report, AOC conducts and assists local courts to conduct outreach/informational initiatives to members of the public.

Annual Report

AOC Language Access Services releases an annual report in December each year. The reports detail language access initiatives and statistics and serve as an outreach tool to educate court staff, judges, community partners and the public about language access services in the New Mexico courts.

Annual reports can be viewed at: <https://languageaccess.nmcourts.gov/annual-report.aspx>

NM Judiciary Website

Language Access Services Page

AOC has maintained a Language Access Services webpage on the NM Judiciary website since 2013, which can be viewed at:
<https://languageaccess.nmcourts.gov>

The page is available in English and Spanish, and also offers some resources in additional languages. Content includes:

- Resources for the general public, jurors, community organizations, attorneys, interpreters, court employees and judges
- Language Access Plan repository
- Interpreter Portal
- Video and audio materials
- Americans with Disabilities Act information
- Language data for New Mexico

Translation of NM Judiciary Website

In June 2016, the Judicial Information Division launched a completely revamped website for the entire Judiciary. AOC Language Access Services committed significant resources to ensuring the new sites would be fully accessible to the Spanish-speaking public. Certified translators translated hundreds of pages of content for all 13 district courts, the Bernalillo County Metropolitan Court, the Supreme Court, the Court of Appeals and AOC's programs and divisions. Navajo pages are also included for certain districts and programs.

An *Español* button appears clearly at the top of every page, as well as a Navajo/ *Diné* button where applicable. Navigational tabs to the ADA page and to Language Access Services' own webpage are likewise clearly visible from every area of the Judiciary's website.

The AOC Language Access Planning Consultant works on an ongoing basis to ensure that Spanish content continues to mirror English content for all sites.

Public Service Announcements

In 2013 and 2014, AOC placed Public Service Announcements (PSAs) on radio stations across the state. The PSAs informed the public that the state's courts are accessible to all residents, including those who speak limited English and those who are deaf or hard-of-hearing, and provided the address of the Language Access Services webpage. The PSAs were produced in English, Spanish, Navajo and Vietnamese.

Audio files of the PSAs are posted on the webpage at:

<https://languageaccess.nmcourts.gov/index.php/additional-links-and-resources.html>

AOC plans to continue issuing PSAs on an ongoing basis.

Spanish Phone Services The telephone is an important early point of contact conveying courthouse accessibility to the LEP public. The great majority of district, metropolitan and magistrate courts have Spanish phone messages or phone trees in place. Ensuring that the few remaining magistrate courts put Spanish phone services in place is a priority for AOC.

XIV. FUNDING

The New Mexico Administrative Office of the Courts commits significant resources to fund all projects and services described in this plan and will

continue to work to identify new funding opportunities to support language access efforts across the Judiciary.

XV. PRIORITIES MOVING FORWARD

- Develop and implement quantifiable performance measures,
- Continue to improve the efficacy and efficiency of services,
- Expand remote interpreting,
- Refine and implement a process for handling pleadings submitted by Self-Represented Litigants in languages other than English.

XVI. PLAN MANAGEMENT

Plan Notification and Access

The AOC will notify state and local courts, executive branch agencies, and advocacy groups with direct or indirect interest in language access issues of the plan's availability and post the plan at:

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

Maintaining the Plan

To keep this plan current and to ensure that the NM Judiciary addresses the needs of an increasingly diverse population, the AOC and the LAAC will review and update this plan at minimum every two years. Reviews will include an update of population data, consideration of new technologies and best practices, and an analysis of available service data.

Complaint Procedure

The AOC and every district, magistrate and metropolitan court have 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 of the relevant district or by the AOC. The complaint procedure and form are available in English, Spanish and Navajo and can be translated into additional languages on request. The statewide procedure and form can be found in *Attachment F* and are also available to the public at:

<https://languageaccess.nmcourts.gov/complaints.aspx>

AOC Language Access Plan Coordinator

Paula Couselo, Senior Statewide Program Manager, Language Access Services

New Mexico Administrative Office of the Courts

237 Don Gaspar, Santa Fe, New Mexico 87501

aocpvc@nmcourts.gov

505-827-4853

Language Access Plan Effective Date: July 1, 2011

Review and Update: September, 2012

Review and Update: November, 2013

Review and Update: July, 2015

Review and Update: September, 2017

Approved By:

_____ DATED: _____

HON. JUDITH NAKAMURA

CHIEF JUSTICE

NM SUPREME COURT

_____ DATED: _____

ARTHUR PEPIN

DIRECTOR

NM ADMINISTRATIVE OFFICE OF THE COURTS



New Mexico: Languages Spoken by Limited English Proficient (LEP) Individuals Statewide and by County: Number and Share of Total State/County Population*

*LEP number estimates by language are displayed only if 500 persons or more; LEP percentage estimates by language are displayed only if 5 percent or more.

State	County	Total Population	Total LEP Population	Language 1 (name)	Language 1 (LEP number)	Language 1 (LEP % of total pop)	Language 2 (name)	Language 2 (LEP number)	Language 2 (LEP % of total pop)	Language 3 (name)	Language 3 (LEP number)	Language 3 (LEP % of total pop)	Language 4 (name)	Language 4 (LEP number)	Language 4 (LEP % of total pop)	Language 5 (name)	Language 5 (LEP number)	Language 5 (LEP % of total pop)	Language 6 (name)	Language 6 (LEP number)	Language 6 (LEP % of total pop)	Language 7 (name)	Language 7 (LEP % of total pop)	Language 8 (name)	
United States		289,077,900	25,227,200	Spanish	16,055,900	5.7	Chinese	1,656,500		Vietnamese	829,300		Korean	633,900		Tagalog	562,400		Russian	425,100		Arabic	323,800		French Creole
New Mexico		1,817,300	183,300	Spanish	155,300	8.1	Navajo	12,900		Other Native American	3,700		Chinese	2,300		Vietnamese	2,100		German	1,500		Japanese	700		Korean
New Mexico	Bernalillo County	610,200	54,000	Spanish	46,600	7.6	Vietnamese	1,700		Chinese	1,300		Navajo	700											
New Mexico	Calton County	3,600	100																						
New Mexico	Chaves County	59,700	7,200	Spanish	6,900	11.6																			
New Mexico	Chubb County	25,400	1,900	Spanish	1,200																				
New Mexico	Colfax County	13,100	600	Spanish	500																				
New Mexico	Curry County	43,200	3,600	Spanish	3,300	7.5																			
New Mexico	De Baca County	1,900	100	Spanish		5.5																			
New Mexico	Dofra Ana County	190,000	31,300	Spanish	30,500	16.1																			
New Mexico	Edra County	49,400	3,300	Spanish	3,200	6.5																			
New Mexico	Grant County	27,300	1,800	Spanish	1,600	5.8																			
New Mexico	Guadalupe County	4,500	200	Spanish		6.0																			
New Mexico	Harting County	500		Spanish		6.4																			
New Mexico	Hidalgo County	4,600	300	Spanish		7.2																			
New Mexico	Lea County	58,000	7,200	Spanish	7,100	12.2																			
New Mexico	Lincoln County	19,500	1,400	Spanish	1,200	6.3																			
New Mexico	Los Alamos County	17,100	400																						
New Mexico	Luna County	23,400	3,900	Spanish	3,800	16.3																			
New Mexico	McKinley County	65,300	10,400	Navajo	7,800	11.9	Spanish	1,400		Other Native American	1,000														
New Mexico	Mora County	4,600	500	Spanish		10.3																			
New Mexico	Otero County	58,800	6,200	Spanish	5,200	8.8	German	600																	
New Mexico	Quay County	8,500	300																						
New Mexico	Rio Arriba County	97,400	2,600	Spanish	2,500	6.6																			
New Mexico	Roosevelt County	18,100	1,300	Spanish	1,200	6.6																			
New Mexico	Sandoval County	119,300	6,900	Spanish	4,300		Other Native American	1,500																	
New Mexico	San Juan County	117,400	6,600	Spanish	3,300		Navajo	3,100																	
New Mexico	San Miguel County	27,700	2,600	Spanish	2,200	8.1																			
New Mexico	Santa Fe County	134,800	15,800	Spanish	15,000	11.1																			
New Mexico	Serra County	11,500	400																						
New Mexico	Socorro County	16,600	2,300	Spanish	1,400	8.6	Navajo	700																	
New Mexico	Texas County	30,900	1,700	Spanish	1,500																				
New Mexico	Torrance County	15,500	1,200	Spanish	1,100	7.3																			
New Mexico	Union County	4,200	200																						
New Mexico	Valencia County	70,400	6,300	Spanish	6,000	8.6																			

Notes: *LEP number estimates by language are displayed only if 500 persons or more; LEP percentage estimates by language are displayed only if 5 percent or more. Consistent with US Census Bureau reporting, estimates for the United States overall do not include data from Puerto Rico.
Population estimates are for individuals age 5 and older.
The term LEP refers to any person age 5 and older who reported speaking English "less than very well," as classified by the US Census Bureau.
"Spanish" includes Spanish and Spanish Creole; "Portuguese" includes Portuguese and Portuguese Creole; "French" includes Patois and Cajun; "French Creole" includes Haitian Creole; "Chinese" includes Mandarin, Cantonese, and Chinese.
"Other Pacific Island languages" excludes Tagalog, which is shown separately.
"Other West Germanic languages" excludes German and Yiddish, which are shown separately.
"Other Native North American languages" excludes Navajo, which is shown separately.
No further detail exists for the "African languages" category in the original source data.
Source: Migration Policy Institute tabulations from the US Census Bureau's pooled 2006-2011 American Community Survey (for the United States and states, except Wyoming and Puerto Rico) and 2007-2011 ACS (for counties, plus Wyoming and Puerto Rico), Table B16001 "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over," available through the American Factfinder at <http://factfinder2.census.gov/faces/hnav/js/pages/index.xhtml>. Data were compiled by

Language Summary Report

Customer: 9524

Start Date:

07/01/2017

Minutes	Language	Number of Orders	Avg Call
10	Amharic	1	10.00
29	Arabic	3	9.67
11	Armenian	2	5.50
20	Chinese Cantonese	1	20.00
11	Farsi	1	11.00
40	Indonesian	3	13.33
39	Kinyarwanda	1	39.00
50	Kirundi	3	16.67
60	Navajo	2	30.00
30	Punjabi	1	30.00
801	Spanish	105	7.63
4	Swahili	1	4.00
1,105		124	8.91

FILED IN TRUE COPY
Catherine J. Velazquez
Clerk of the Supreme Court
of the State of New Mexico

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 6, 2011

NO. 11-8500

IN THE MATTER OF THE APPROVAL
OF THE MANDATORY LANGUAGE ACCESS TRAINING
FOR THE JUDICIAL BRANCH OF GOVERNMENT

ORDER

WHEREAS, this matter came on for consideration by the Court upon recommendation of the Administrative Office of the Courts to approve the language access training DVD, *Language Access is Equal Access*, and to ensure that all present and future judicial employees view the training DVD; and

WHEREAS, the language access training DVD is part of the New Mexico Judiciary's effort to ensure that all New Mexico residents, regardless of their ability to speak or understand the English language, receive qualified language assistance when involved with the New Mexico state courts, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Charles W. Daniels, Justice Patricio M. Serna, Justice Petra Jimenez Maes, Justice Richard C. Bosson, and Justice Edward L. Chávez concurring;

NOW, THEREFORE, IT IS ORDERED that the recommendation is ADOPTED and the language access training DVD, *Language Access is Equal*

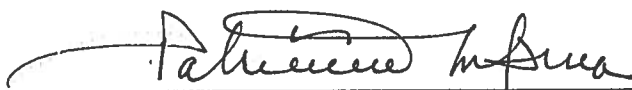
1
2 *Access*, is APPROVED; and

3 IT IS FURTHER ORDERED that all New Mexico judicial entities shall
4 ensure that present and future judicial employees view the language access
5 training DVD as soon as practicable.
6

7 Done in Santa Fe, New Mexico, this 6th day of April 2011.
8

9
10 

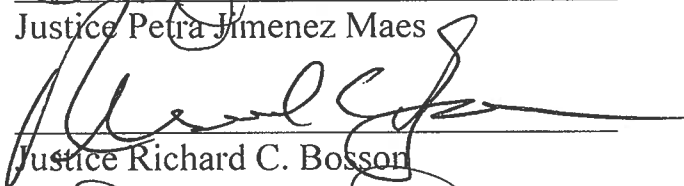
11 Chief Justice Charles W. Daniels

12 

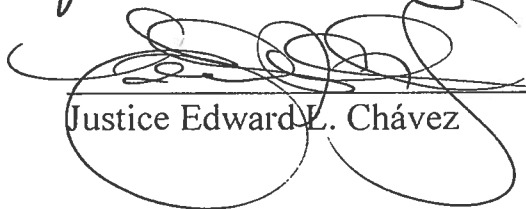
13 Justice Patricio M. Serna

14 

15 Justice Petra Jimenez Maes

16 

17 Justice Richard C. Bosson

18 

19 Justice Edward L. Chávez
20
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28

NEW MEXICO JUDICIAL BRANCH

GENERAL POLICY AND PROCEDURE

LANGUAGE ACCESS TRAINING POLICY

1. PURPOSE

The purpose of this policy is to ensure that all employees of the New Mexico Judiciary understand the importance of, the basis for, and their role in providing qualified language assistance to all individuals who use or may use the services of the New Mexico state courts.

The New Mexico Judicial Branch is committed to ensuring access to justice for all New Mexico residents and recognizes that language access is a significant aspect of equal access to justice at all points of public contact with the judiciary, within and outside the courtroom and courthouse. This commitment is consistent with both state and federal law.

Title VI of the Civil Rights Act of 1964 provides that “No person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. §2000d (2010). The U.S. Supreme Court has determined that discrimination based on language (whether intended or not) is a form of national discrimination prohibited by Title VI.

The Constitution of the State of New Mexico references language access in multiple sections including the following.

Article II, Section 14 *“In all criminal prosecutions, the accused shall have the right to appear and defend himself in person, and by counsel; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have the charge and testimony interpreted to him in a language that he understands; ...”*

and

Article VII, Section 3 provides that “[t]he right of any citizen of the state to...sit upon juries, shall never be restricted, abridged or impaired on account of...inability to speak, read or write the English or Spanish languages.” To comply with this constitutional mandate, the Supreme Court has charged that “all courts should strive to incorporate all New Mexico citizens into our jury system regardless of the language spoken by a prospective NES (non-English speaking) juror.” (Non-English Speaking Juror Guidelines, p. 2)

NEW MEXICO JUDICIAL BRANCH

GENERAL POLICY AND PROCEDURE

This policy has a broad application and applies to justices, judges, and all employees (probationary, term, classified, at-will and temporary employees).

2. EDUCATIONAL PROGRAMS

- A. Each judicial entity shall ensure every employee completes the AOC-approved language access training within six (6) months of hire.
- B. The Administrative Authority or designee shall certify to the Director by the first of January each year that all current employees of that judicial entity have previously received training or will receive the above training within the next six (6) months.
- C. Follow-up language access training and training on the court's language access plan may be provided, as appropriate.
- D. Each employee who attends language access training shall sign an acknowledgement that the employee has attended the training.
- E. Viewing of the Language Access Video is required by all New Mexico Judicial Branch employees (at-will employees, term, temp) and provides information that includes:
 - (1) an overview of pertinent state and federal law;
 - (2) what constitutes meaningful language access;
 - (3) a review of the role of the certified court interpreter;
 - (4) the employee's role in ensuring meaningful language access;
 - (5) a review of the language access resources provided by the Administrative Office of the Courts.

Effective Date:


Arthur W. Pepin, Director
Administrative Office of the Courts


Date

Dev: 5/2011

NEW MEXICO JUDICIAL BRANCH
LANGUAGE ACCESS TRAINING
ACKNOWLEDGMENT FORM

My signature below acknowledges:

- (1) That I viewed the AOC approved Language Access Training Video.
- (2) Receipt of the New Mexico Judicial Branch Language Access Training Policy and Supreme Court Order #11-8500 approving the policy on April 6, 2011.
- (3) My commitment to read and understand the Policy.
- (4) That should I have any questions or concerns regarding the training or policy I will contact the AOC Court Services Division, at 827-4822.

Court (Please Print)

Employee Name (Please Print)

Employee Signature

Date

Original: Employee Personnel File
Copy: Employee & Court Services Division
Copy: AOC HR

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **May 5, 2017**

3 **NO. 17-8500-006**

4 **IN THE MATTER OF THE**
5 **APPROVAL OF QUALIFICATIONS**
6 **FOR SIGN LANGUAGE INTERPRETERS**

7 **ORDER**

8 WHEREAS, this matter came on for consideration upon recommendation
9 of the New Mexico Language Access Advisory Committee to adopt revised
10 qualification requirements for sign language interpreters, and the Court having
11 considered the recommendation and being otherwise sufficiently advised, Chief
12 Justice Charles W. Daniels, Justice Petra Jimenez Maes, Justice Edward L.
13 Chávez, Justice Barbara J. Vigil, and Justice Judith K. Nakamura concurring;

14 NOW, THEREFORE, IT IS ORDERED that the recommendation of the
15 New Mexico Language Access Advisory Committee to adopt revised
16 qualification requirements for sign language interpreters is APPROVED,
17 effective March 1, 2017.

18 IT IS SO ORDERED.

19 WITNESS, Honorable Charles W. Daniels, Chief Justice
20 of the Supreme Court of the State of New Mexico, and
21 the seal of said Court this 5th day of May, 2017.

22 (S E A L)

23 Joey D. Moya, Chief Clerk of the Supreme Court
24 of the State of New Mexico

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director
Paula Counselo-Findikoglu, Program Manager



237 Don Gaspar, Room 25
Santa Fe, NM 87501
(505) 827-4800
(505) 827-4824 (fax)
www.nmcourts.gov

April 10, 2017

Chief Justice Charles Daniels
New Mexico Supreme Court
237 Don Gaspar
Santa Fe, NM 87501

Language Access Services - Language Access Advisory Committee
Qualification of Sign Language Interpreters

Dear Justice Daniels and Supreme Court Justices,

I am enclosing a proposal regarding revised qualification requirements for sign language interpreters (hearing). The NM Language Access Advisory Committee recommends this proposal.

The revisions are necessary because Registry of Interpreters for the Deaf, Inc. (RID) has established a moratorium on awarding its Specialist Certificate: Legal (SC:L). We have corresponded with RID and they have confirmed that they have no plans to alter or address this shortfall that now confronts us.

Three tiers of sign language interpreters work in the New Mexico courts:

- 1) Certified: Legal Apprentice. This category is unaffected.
- 2) Certified: Legal Qualified. Previously required to pass the SC:L written test. Would now be required to pass the National Center for State Courts written test for court interpreters that is regularly administered by the NM AOC.
- 3) Certified: Legal Specialist. Previously required to hold the SC:L. Would now have the option of holding the Texas Board of Evaluation of Interpreters (BEI) Court Interpreter Certification.

RID continues to recognize, and the NM AOC will continue to recognize, the SC:L for those who obtained it prior to the moratorium.

Proposal objectives:

- Continue to qualify ASL (hearing) interpreters to work in the NM State Courts

- Continue to recognize the SC:L for those who obtained it prior to the moratorium
- Qualify ASL interpreters through the BEI Court Interpreter Certification as an alternative to the SC:L
- Open the NM AOC written test (also used by BEI as their written test) to ASL interpreters. Upon passing, furnish documentation that ASL interpreters can provide to BEI as proof of eligibility to take the BEI performance exam
- Increase the pool of certified ASL court interpreters in the state of NM to keep pace with current and future needs

The NM AOC is currently unable to qualify sign language interpreters and has a pressing need to do so. Due to the urgency of resolving this matter, we are asking for your approval of this proposal.

Sincerely,



Paula Couselo-Findikoglu
 Senior Statewide Program Manager
 Language Access Services
 NM Center for Language Access
 New Mexico Administrative Office of the Courts

Attachments:

1. Proposed revised qualifications for Sign Language Interpreters.

Proposed Requirements for Hearing Interpreters

These requirements were revised in March 2017 in light of the Registry of Interpreters for the Deaf (RID) establishing a moratorium on awarding its Specialist Certificate: Legal (SC:L). New qualification options as of March 2017 have been added to the existing requirements in bold/italics.

Certified: Legal Specialist:

RID Generalist Certification • Specialist Certificate: Legal (SC:L) ***or Board of Evaluation of Interpreters (BEI) Court Interpreter Certification*** • BA degree or RID's Alternative Pathway • NM Community License • Introduction to NM Courts Seminar & AOC Orientation • 2.0 Legal CEUs in each 4-year RID CMP cycle • Background Check • ***Maintain and comply with (BEI) Court Interpreter Certification and CEU requirements (if holding BEI Court Interpreter Certification)*** • 3 professional references

Certified: Legally Qualified:

RID Generalist Certification • Pass SC:L Written Test ***or Texas Department of Assistive and Rehabilitative Services (DARS) Office for Deaf and Hard of Hearing Services (DHHS)-approved court interpreter written test**** • BA degree or RID's Alternative Pathway • NM Community License • Introduction to NM Courts Seminar & AOC Orientation • ***20-hour in-court observation, supervised work and/or mentoring*** • 2.0 Legal CEUs in each 4-year RID CMP cycle • Background Check • 3 professional references

Certified: Legal Apprentice

RID Generalist Certification • NM Community License • BA degree or RID's Alternative Pathway • Introduction to NM Courts Seminar & AOC Orientation • 2.0 Legal CEUs in each 4-year RID CMP cycle • Background Check • 3 professional references

* The court interpreter written examination that New Mexico currently administers is approved by the Texas Department of Assistive and Rehabilitative Services (DARS) Office for Deaf and Hard of Hearing Services (DHHS). Texas requires a minimum passing grade of 80% on the written examination before a candidate can be considered for the Court Performance Test.

A description of the written examination is available here:

http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Area%20of%20expertise/Language%20Access/Written%20and%20Oral/2014%20January_Written%20Exam%20Overview%201%2029%2014.ashx

Examination dates are available here:

<http://www.nmcenterforlanguageaccess.org/cms/en/calendar/class-schedule>

Passing this exam at 80% or above does not automatically make a candidate eligible to take the BEI Court Performance Test. Candidates interested in pursuing BEI's Court Interpreter Certification must additionally comply with BEI's requirements for testing/certification. (See relevant extracts from the Texas Rule at the end of this document).

Candidates must show proof of having passed the court interpreter written examination in NM when applying for BEI's Court Interpreter Certification. Once eligibility is established, DHHS is able to coordinate a testing date in Austin, TX for the Court Performance Test.

See: <https://hhs.texas.gov/laws-regulations/handbooks/board-evaluation-interpreters/chapter-4-court-interpreter-certification/4-4-applying-court-interpreter-certification/4-4-2-applying-a-court-interpreter-performance-test>

BEI Court Interpreter Certification Eligibility Requirements

RULE §109.315

Qualifications and Requirements for Court Certificate

(a) An applicant who is hearing must meet the following qualifications to become a Board for Evaluation of Interpreters (BEI)-certified court interpreter:

- (1) hold at least one BEI certificate at Level III, IV, V, IIIi, IVi, Vi, Advanced, Master, or Oral: Comprehensive; or hold certification from Registry of Interpreters for the Deaf (RID) with a Comprehensive Skills Certificate, Certificate of Interpretation/Certificate of Transliteration, Reverse Skills Certificate, Certified Deaf Interpreter, or Master Comprehensive Skills Certificate, or National Interpreter Certification Advanced or National Interpreter Certification Master;
- (2) pass the DARS DHHS-approved court interpreter written test, which may only be taken by applicants who hold one of the certificates listed in paragraph (1) of this subsection; and
- (3) pass the court performance test, which may only be taken by applicants who have passed the court interpreter written test.

(c) An applicant must provide DARS DHHS with documentary proof that the applicant meets the requirements for testing and for certification.

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director



237 Don Gaspar, Room 25
Santa Fe, NM 87501
(505) 827-4800
(505) 827-4824 (fax)
www.nmcourts.gov

NEW MEXICO COURT INTERPRETER BACKGROUND CHECK POLICY

Candidates for court interpreter certification who have passed the written and oral examinations required for certification as a New Mexico Court Interpreter and New Mexico Center for Language Access qualified Justice System Interpreters must submit an application and complete an NCIC (National Crime Information Center) background check. After submitting an Application and Background Check Waiver Authorization form to the Administrative Office of the Courts (AOC), the AOC will conduct the background check.

1. Any candidate who refuses to comply with this Policy shall not be certified as a New Mexico court interpreter.
2. Any background information obtained shall be marked "CONFIDENTIAL" and shall not be used for any purpose other than the application for court interpreter certification or any process related to the certification.
3. No information obtained from the background check shall be given to any person, firm or corporation.
4. . If information obtained does not indicate a need for further action, pending the results of the candidate's reference checks, the candidate will be notified of certification, and included in the New Mexico Directory of Certified Court Interpreters and Justice System Interpreters.
5. If relevant adverse information, which is determined to directly impact the candidate's appropriateness for providing court interpreting, is confirmed, AOC will notify the candidate and allow forty-five (45) days from notification to clarify the information.

6. The AOC is prohibited from sharing with the candidate any information obtained from the background checks. The candidate may obtain a copy of the criminal history reports directly from the Department of Public Safety at the candidate's expense.
7. The candidate's criminal history and any clarifying information will be reviewed by the Court Services Division Director. The Court Services Division Director, in consultation with the Language Access Services Manager, will consider the relevance of the criminal history to the profession of court interpreting, the period of time since the conviction date(s) and any evidence of rehabilitation submitted by the candidate.
8. Based upon this review, the Court Services Division Director will decide whether to grant or deny the New Mexico Court Interpreter Certification. If the Court Services Division Director denies certification based on a candidate's criminal history, the candidate may appeal the Court Services Division Director's decision to the Director of the AOC by filing a written appeal with the AOC within 30 calendar days of the date of the Court Services Division Director's decision.
9. Upon receiving a written appeal by a candidate, the Director of the AOC shall consider only the written information in the candidate's application file, including information submitted by the candidate. The Director may permit the candidate to file additional written information. The Director of the AOC shall issue a written decision on the candidate's appeal within 45 days of submission of the appeal.
10. Each candidate will be required to sign a Waiver Authorization form.



Arthur W. Pepin
Director of the Administrative Office of the Courts

Effective: November 1, 2009
Revised: April 21, 2017

Having passed the required written and oral examinations, having successfully completed the New Mexico Center for Language Access Justice System Interpreter Training, or having been qualified by the New Mexico Commission for the Deaf, I am applying for New Mexico Court Interpreter Certification and/or inclusion in the New Mexico Directory of Certified Court Interpreters and Justice System Interpreters.

Date _____

New Mexico Administrative Office of the Courts Language Access Complaint Procedure

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 New Mexico Administrative Office of the Courts' (AOC) Language Access Services Director to report the complaint by completing and submitting the attached Complaint Form, or by telephone.

Contact information: Paula Couselo, New Mexico Administrative Office of the Courts, 237 Don Gaspar, Santa Fe, New Mexico 87501; aocpvc@nmcourts.gov; (505) 827-4853.

2. If the complainant does not believe that his/her concerns have been adequately addressed or resolved with the AOC Language Access Services Director, the complainant should contact the Court Services Division Acting Director:

Contact information: Peter Bochert, New Mexico Administrative Office of the Courts, 237 Don Gaspar, Santa Fe, New Mexico 87501; aocpwb@nmcourts.gov; (505) 827-4834.

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).

**New Mexico Administrative Office of the Courts
Language Access Complaint Procedure**

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: New Mexico Administrative Office of the Courts, 237 Don Gaspar, Room 25, Santa Fe, New Mexico 87501; aocpvc@nmcourts.gov; (505) 827-4853.

Please complete and return this form to:
Paula Couselo, Language Access Services Director
New Mexico Administrative Office of the Courts
237 Don Gaspar, Santa Fe, New Mexico 87501
aocpvc@nmcourts.gov
Phone: (505) 827-4853
Fax: (505) 827-4627

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 responsible.

**New Mexico Administrative Office of the Courts
Language Access Complaint Procedure**

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:

Paula Couselo, Language Access Services Director
New Mexico Administrative Office of the Courts
237 Don Gaspar, Santa Fe, New Mexico 87501

aocpvc@nmcourts.gov

Phone: (505) 827-4853

Fax: (505) 827-4627