



# **SIXTH JUDICIAL DISTRICT**

# **LANGUAGE ACCESS PLAN**

**&**

# **AMERICANS WITH DISABILITIES ACT PLAN**

# **SIXTH JUDICIAL DISTRICT LANGUAGE ACCESS PLAN**

## **TABLE OF CONTENTS**

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

# SIXTH JUDICIAL DISTRICT LANGUAGE ACCESS PLAN

## I. DEFINITIONS

Definition of “Sixth Judicial District,” “Sixth Judicial Courts” and “the Courts”:

“Sixth Judicial District,” “Sixth Judicial Courts” and “the Courts,” as used throughout this plan, means the Sixth Judicial District and Magistrate Courts located in Deming, Lordsburg, Bayard, and Silver City, New Mexico, specifically:

**Luna County Magistrate Court, Deming, New Mexico;  
Hidalgo County Magistrate Court, Lordsburg, New Mexico;  
Grant County Magistrate Courts, Bayard and Silver City, New Mexico;  
Luna County District Court, Deming, New Mexico;  
Hidalgo County District Court, Lordsburg, New Mexico; and  
Grant County District Court, Silver City, New Mexico;**

which are covered under this Plan.

## II. LEGAL BASIS AND PURPOSE

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

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

## 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. Sixth Judicial Courts by Language**

**Demographic Data by County:**

The Sixth Judicial Courts will make every effort to provide services to all LEP persons. For purposes of anticipating need, the following list shows the top five spoken (i.e., not signed) languages other than English that are most frequently used in the Courts’ 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:

**Luna County:**

1. Spanish	47.92%
2. “Other Indo-European languages”	0.17%
3. French	0.08%
4. German	0.08%
5. Navajo	0.08%

All languages other than English combined 48.61%

**Hidalgo County:**

1. Spanish	39.11%
2. German	0.44%
3. “Other specified North American Indian languages”	0.31%
4. Italian	0.15%
5. Hebrew	0.13%

All languages other than English combined 40.22%

**Grant County:**

1. Spanish	31.97%
2. German	0.39%
3. Portuguese	0.27%
4. Chinese	0.21%

5. Navajo 0.21%

All languages other than English combined 33.49%

## 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 Sixth Judicial District:

- **Luna County:** 17.6% Spanish-speaking LEP persons
- **Hidalgo County:** No data (i.e. fewer than 5% or 500 persons)
- **Grant County:** 5.7% Spanish-speaking LEP persons

The language access planning team member, *Angelic Muñoz, Court Executive Officer 2* or her designee, *Susan C. Kirker, Human Resources Generalist* will be responsible for updating MLA and MPI data in this plan as it becomes available.

### Courthouse Users:

The Sixth Judicial Courts 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:

Data on courtroom interpreter use for the most recent Fiscal Year (July 1, 2022 – June 30, 2023) is appended to this plan as *Attachment 1*.

Data on courtroom interpreter use was obtained from the Courts' Odyssey case management system. The LAP team is responsible for updating the data in this plan at its annual meeting.

#### 2) Out-of-courtroom encounters:

The Courts track out-of-courtroom encounters with LEP individuals, at the Clerk's Offices and on the telephone, using a form provided by AOC. Data on out-of-courtroom encounters for the most recent Fiscal Year (July 1, 2022 – June 30, 2023) is appended to this plan as *Attachment 2*.

The following Sixth Judicial Courts employees are responsible for ensuring that data on out-of-courtroom encounters continues to be compiled on an ongoing basis:

**Luna County Magistrate Court:**  
**Hidalgo County Magistrate Court:**

**Isabel Orona**  
**Connie S. Newell**

**Grant County Magistrate Courts:**

**Eladio Rojo (Silver City)  
Angelique Padilla (Bayard)**

**Luna County District Court:**

**Margarita Gomez**

**Hidalgo County District Court:**

**Kerri Clark**

**Grant County District Court:**

**Michael M. Medina**

#### **IV. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES INSIDE THE COURTROOM**

##### **A. Provision of Interpreters in the Courtroom**

The provision of spoken-language and signed-language interpreters in court proceedings is based in New Mexico State statute and the Constitution. The Constitution references language access in multiple sections, including Article II, Section 14 and Article VII, Section 3. In the Sixth Judicial Courts, 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, and/or Children's Court case, including court-ordered domestic relations mediation.
- For a non-English speaking person who is a principal party in interest in a civil case or that party's witness.
- For victims who are active case participants, i.e., testifying as a witness or when making a statement at sentencing.
- For any non-English speaking juror. A certified court interpreter shall be provided to petit and grand jurors, including jury orientation, voir dire, deliberations, and all portions of the trial.

It is the responsibility of the private attorney, Public Defender or District Attorney to provide qualified interpretation and translation services for pre-trial witness interviews, transcriptions and translations and for attorney/client communications during proceedings. This paragraph refers to circumstances when it is NOT the court's obligation to provide the interpreter.

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.aspx>.

##### **B. Determining the Need for an Interpreter in the Courtroom**

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

- Request for interpreter form for attorneys/ Public Defender/ District Attorney. In August 2017,

*Angelic Muñoz* sent a reminder to attorneys regarding submitting advance requests.

- Request for interpreter form for pro se clients.
- Request for hearing form.
- Language on domestic violence petition inquiring whether any party needs an interpreter.
- Jury forms.
- 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.
- Recurring interpreter needs are flagged in the court's case management system.

The need for a court interpreter may be identified prior to a court proceeding by the LEP or deaf/hard-of-hearing person or on the person's behalf by:

Counter staff;

Bailiff/Security Bailiff;

Court Security;

Trial Court Administrative Assistants;

Client/Customer's Advocate;

Family members;

Attorneys;

Probation/Parole Officers; or

Social Workers.

The need for an interpreter may be made known outside the courtroom; entering the courthouse, or at the time of the proceeding. The Courts display signs in English, Spanish, Navajo and Vietnamese that state: "You have the right to an interpreter at no cost to you. If you cannot speak or understand English, or if you need an American sign language interpreter, please contact the clerk for assistance". The Sixth Judicial Courts display these signs at the following locations: **All Sixth Judicial District and Magistrate Court Clerk's Offices; courtroom entrances, and building entrances.** Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.

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 Qualifications and Availability**

The Sixth Judicial Courts schedule 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 Sixth Judicial Courts are 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 Sixth Judicial Courts, the most common points of service outside the courtroom are at the Court's public counters.

Language Access Specialists 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.

The Sixth Judicial Courts have twelve Certified LASs, located in the following areas:

**Luna County District Court:**                      **Amy Cardenas, Judicial Specialist 2**  
   **Rubén Chavira, Court Probation Officer 1**  
   **Miriam Davila, Judicial Specialist 2**  
   **Margarita Gómez, Judicial Specialist Supervisor**  
   **Angela Rodriguez, Judicial Specialist Senior**

**Grant County District Court:**                      **Alejandra Cruz, Judicial Specialist Leadworker**

**Luna County Magistrate Court:**                      **Isabel Orona, Court Manager**  
   **Priscilla Peña, Judicial Specialist Leadworker**  
   **Ruth Andujo, Judicial Specialist 2**  
   **Jessica Caro, Judicial Specialist 2**

**Grant County Magistrate Court:**                      **Elida Garcia, Judicial Specialist Leadworker**  
**(Bayard)**

**Hidalgo County Magistrate Court:**                      **Maria Alvarez, Judicial Specialist 2**

The Sixth Judicial Courts LAP team has a long-term goal of having a minimum of one LAS in every court in the Sixth Judicial District. The team discusses LAS needs and potential candidates at each annual meeting. The team's next priority is to secure an LAS for the Grant County Magistrate Court in Silver City.

To facilitate communication between LEP individuals and court staff, the Sixth Judicial Courts use the following resources:



- Language Access Specialists (and other bilingual employees), as detailed above.
- “I Speak” cards in over 60 languages, to identify the individual’s primary language. “I Speak” cards are located in all Sixth Judicial District and Magistrate Court Clerk’s Offices.
- Multilingual signage throughout courthouse locations in English, Spanish, Navajo and Vietnamese, and that also highlights signed language services.
- Telephonic interpreting services, which are available to provide assistance in the clerk’s office. The telephonic interpreting services are provided in over 175 languages, through Certified Languages International (CLI).
- Bilingual family court services mediators for custody and visitation matters.
- A Spanish language voice message for incoming callers in every courthouse.
- 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.aspx>.

The following staff members are responsible for ensuring multilingual signage remains posted in their court:

<b>Luna County Magistrate Court:</b>	<b>Isabel Orona</b>
<b>Hidalgo County Magistrate Court:</b>	<b>Connie S. Newell</b>
<b>Grant County Magistrate Courts:</b>	<b>Eladio Rojo and Angelique Padilla</b>
<b>Luna County District Court:</b>	<b>Margarita Gomez</b>
<b>Hidalgo County District Court:</b>	<b>Kerri L. Clark</b>
<b>Grant County District Court:</b>	<b>Michael M. Medina</b>

## **VI. TRANSLATED RESOURCES (WRITTEN AND AUDIOVISUAL)**

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

Currently, the following translated resources are available statewide:

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

This virtual assistant speaks English, Spanish and Navajo and can respond to either written or verbal commands.

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

All of the above translated resources are available to staff and the public either in the courthouses, on the Sixth Judicial District Court website at <https://sixthdistrictcourt.nmcourts.gov>, or at the URLs above.

## **VII. LANGUAGE ACCESS STAFFING**

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

- Court interpreters coordinated and funded by AOC, as detailed in Section IV.
- Language Access Specialists, as detailed in Section V. The Courts provide compensation and incentives in the form of a \$1 per hour increase to employees who become certified as LASs, depending on budget availability.
- Other bilingual staff who are on call to assist with out-of-courtroom contacts from LEP individuals as needed.

## **VIII. JUDICIAL AND STAFF TRAINING**

The New Mexico State Courts and the Sixth Judicial Courts 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 Sixth Judicial Courts will be expanded or continued as needed. These opportunities include:

- Mandatory language access training for all new and continuing employees, using a language access training DVD developed by the New Mexico Judiciary and made available to all courts in October 2011. The DVD includes information on the legal basis for language access and goes into detail on procedures for providing services. A policy directive mandating the training was

issued by the Supreme Court in the form of an Order in April 2011. A subsequent policy directive was issued by AOC in October 2011 in the form of a Language Access Training Policy. AOC distributed an accompanying training acknowledgment form which is to be signed by each employee and added to his or her personnel file after training has been completed. The Sixth Judicial Courts completed the process on the following timeline:

- District Court employees: May & June 2012
  - Silver City Magistrate Court employees: April 2014
  - Deming Magistrate Court employees: July 2014
  - Lordsburg Magistrate Court employees: November 2013 & April 2014
  - Bayard Magistrate Court employees: April 2013 & June 2014.
- Instruction for all employees on the Courts' language access policies and procedures, as described in this plan.
  - 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.
  - A 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-interpreter-training>.
  - 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 and videos that include sessions dedicated to language access topics, delivered 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; Cultural Competency. *Angelic Muñoz* distributed the link to all District Court employees in 2018.

#### **Future Goals of the Sixth Judicial Courts:**

- Diversity training.
- Cultural competency training.
- Judicial officer orientation on the use of court interpreters and language competency.

Trainings in the Sixth Judicial District and Magistrate Courts will be held on an as-needed basis. New employees will receive language access orientation shortly after assuming their responsibilities. The following employees are responsible for implementing trainings:

For the Sixth Judicial District and Magistrate Courts: As directed by the AOC and disseminated to new employees by the:

Administration Department  
Sixth Judicial District Court  
P. O. Box 2339  
Silver City, NM 88062  
(575) 574-4006 or 4007 (phone)  
(575) 574-4019 (fax)

## **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 Sixth Judicial Courts' 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 Sixth Judicial Courts, as identified through the current or future language access planning efforts.

## **X. PUBLIC NOTIFICATION OF LANGUAGE ACCESS PLAN AND SERVICES**

The Sixth Judicial Courts understand the importance of communicating to the LEP and deaf/hard-of-hearing public that courthouses are accessible. In addition to using signage; "I Speak" cards; voicemail; DVDs; online materials and written materials as detailed above, the Courts undertake the outreach measures detailed below.

The Courts possess an extensive database of community stakeholder organizations, whom it surveyed at the time this LAP was first being compiled to solicit community input. *Angelie Muñoz, Court Executive Officer 2* or her designee, *Susan C. Kirker, Human Resources Generalist*, maintains and updates this database on an ongoing basis.

Upon signature of each annual update of the LAP, the District Court Chief Judge, District Court CEO, Magistrate Court Judges and Magistrate Court Managers send 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 Courts are accessible and to familiarize them with the specific provisions of the Courts' LAP.

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

## **XI. COMPLAINT PROCEDURE**

The Sixth Judicial Courts 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 (*see Attachment 3*). 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 Sixth Judicial Courts' LAP is subject to approval by the District Court Chief Judge, District Court CEO, Magistrate Court Judges and Magistrate Court Managers. Any revisions to the plan will be submitted to the above parties for approval, and then forwarded to the AOC.

### **B. Annual Evaluation of LAP**

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

LAP and ADA Team members for the Sixth Judicial Courts are: (*see Attachment 4*).

### **C. Sixth Judicial Courts LAP Coordinators:**

Angelic Muñoz, Court Executive Officer 2, or her designee,  
Susan C. Kirker, Human Resources Generalist  
Sixth Judicial District Court  
P. O. Box 2339  
Silver City, NM 88062  
(575) 574-4006 or 4007  
[sildaxm@nmcourts.gov](mailto:sildaxm@nmcourts.gov)  
[sildsck@nmcourts.gov](mailto:sildsck@nmcourts.gov)

### **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](mailto:aocfev@nmcourts.gov)  
(505) 231-9229

**E. Effective Date and Approval**

*See: Americans with Disabilities Act Plan signature page.*

**SIXTH JUDICIAL DISTRICT  
AMERICANS WITH DISABILITIES ACT PLAN**

**TABLE OF CONTENTS**

- I. DEFINITIONS (page 17)**
- II. LEGAL BASIS AND PURPOSE (page 17)**
- III. NEEDS ASSESSMENT (page 18)**
  - A. New Mexico Data**
  - B. Sixth Judicial District Data**
- IV. ADA COORDINATOR DUTIES (page 19)**
  - A. Duties of the AOC Office of the Statewide ADA Title II Coordinator**
  - B. Duties of the Local ADA Title II Coordinator**
- V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS (page 21)**
- VI. TRANSLATED RESOURCES (page 21)**
- VII. RESOURCES IN ALTERNATIVE FORMATS (page 21)**
- VIII. RESOURCES FOR JURORS (page 22)**
- IX. OUT-OF-COURTROOM CONTACTS (page 22)**
- X. ASSISTIVE LISTENING DEVICES (page 23)**
- XI. SCRIBING SERVICES (page 23)**
- XII. LIVE CHAT DEVICES (page 23)**
- XIII. JUDICIAL AND STAFF TRAINING (page 24)**
- XIV. EMERGENCY PLAN AND EVACUATION (page 24)**
- XV. PUBLIC NOTICE (page 24)**
- XVI. GRIEVANCE PROCEDURE (page 25)**
- XVII. APPROVAL AND EVALUATION OF ADA PLAN (page 25)**

- A. ADA Plan Approval**
- B. Annual Evaluation**
- C. Sixth Judicial District ADA Title II Coordinator**
- D. Statewide ADA Title II Coordinator**
- E. Effective Date and Approval**



## **I. DEFINITIONS**

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

“Sixth Judicial District” and “the Courts,” as used throughout this plan, means every District and Magistrate court in New Mexico's Sixth Judicial District, namely: Luna County District Court (located in Deming), Grant County District Court (located in Silver City), Hidalgo County District Court (located in Lordsburg), Grant County Magistrate Courts (located in Bayard and Silver City), Luna County Magistrate Court (located in Deming), and Hidalgo County Magistrate Court (located in Lordsburg) .

## **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) 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. Sixth Judicial District Data**

The Sixth 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) = (0)
- 2. Communication Access Real-Time Captioning (CART) = (0)
- 3. ADA Accommodations for Jurors (such as Assistive Listening Devices) = (3)
- 4. Scribing Services= (1)

**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

Susan C. Kirker keeps a spreadsheet of all accommodations granted by the Sixth 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 Sixth 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 commissions 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](mailto: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 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.

Sixth Judicial District Court ADA Coordinator:  
Susan C. Kirker, Human Resources Generalist  
[ada.6thdistrictcourt@nmcourts.gov](mailto:ada.6thdistrictcourt@nmcourts.gov)  
(575) 574-4007

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

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

Angelic Muñoz, Court Executive Officer 2  
[ada.6thdistrictcourt@nmcourts.gov](mailto:ada.6thdistrictcourt@nmcourts.gov)  
(575) 574-4006

## **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 and 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](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/@nmaoclanguagesservice8616/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 Sixth Judicial District include ASL Interpreters, CART services, and Assistive Listening Devices (ALD) in each courthouse.

## **IX. OUT-OF-COURTROOM CONTACTS**

Sixth Judicial District and Magistrate Court staff report that the first and most common point of contact for members of the public 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 Sixth 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 Sixth 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 Sixth Judicial District.

## **X. ASSISTIVE LISTENING DEVICES**

The Sixth Judicial District currently has ALD equipment available for use in each of the Courthouses located in the Sixth Judicial District.

In addition to the ALD equipment at the Sixth 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.

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. The Sixth Judicial District currently has all managers, supervisors and their staff trained in scribing, and began conducting scribing services in September 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 Sixth 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 devices. 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](https://www.youtube.com/watch?v=3OxaGxgKP_o)

As of the latest revision of this plan, the Statewide ADA Title II Coordinator's Office has provided the Sixth Judicial District with two (2) UbiDuo devices, located in the Deming and Silver City District Courts. Additional UbiDuo devices will be provided to the District as funding permits.

### **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 training via email. Training is offered to 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 Sixth Judicial District's ADA Title II Coordinator, Susan C. Kirker attended the Virtual ADA National Symposium, and in July 2023 passed the ACTCP examination and is currently a certified ADA Coordinator.

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.

Additional training assistance is available to the Sixth 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 latest revision of this Plan, the Sixth Judicial District is currently updating their Emergency and Evacuation Plan, and will include information on evacuating individuals with disabilities from all floors of the Courthouse.

### **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 Sixth Judicial District displays ADA information prominently on its English and Spanish homepages at <https://sixthdistrictcourt.nmcourts.gov> and <https://sixthdistrictcourt.nmcourts.gov/inicio>. Included are the Notice of Rights; Request for Accommodations; Grievance Procedure and Complaint forms, as well as contact information for the local ADA Title II Coordinator. The Sixth Judicial District has created an ADA email address, [ada.6thdistrictcourt@nmcourts.gov](mailto:ada.6thdistrictcourt@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 Sixth Judicial District's LAP and ADA Plan shall be kept in an area accessible to the public in each courthouse as follows: at all District and Magistrate Court Clerk's Offices. 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 Sixth Judicial District posts the plan at <https://sixthdistrictcourt.nmcourts.gov/language-access-plan> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>. The plan is also accessible to Court staff and judges on the Court's internal intranet.

## **XVI. GRIEVANCE PROCEDURE**

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

## **XVII. APPROVAL AND EVALUATION OF ADA PLAN**

### **A. ADA Plan Approval**

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

### **B. Annual Evaluation**

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

**C. Sixth Judicial District Court ADA Title II Coordinator**

Susan C. Kirker, Human Resources Generalist  
Sixth Judicial District Court  
P. O. Box 2339  
Silver City, NM 88062  
[ada.6thdistrictcourt@nmcourts.gov](mailto:ada.6thdistrictcourt@nmcourts.gov)  
(575) 574-4007

**D. Statewide ADA Title II Coordinator**

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

**LANGUAGE ACCESS PLAN &  
AMERICANS WITH DISABILITIES ACT PLAN  
SIGNATURE PAGE**

**A. Effective Date:**

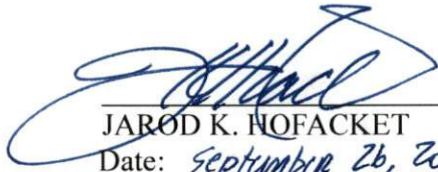
LAP original effective date: July 1, 2012

ADA plan original effective date: September 15, 2022

Latest revision of LAP and ADA plan: October 1, 2023

**B. Approved By:**

Chief Judge,  
Sixth Judicial District:

  
\_\_\_\_\_  
JAROD K. HOFACKET  
Date: September 26, 2023

Court Executive Officer,  
Sixth Judicial District:

  
\_\_\_\_\_  
ANGELIC MUÑOZ  
Date: 9-26-2023

## ATTACHMENTS

### LANGUAGE ACCESS PLAN:

1. **Interpreter Statistics Fiscal Year 2023**
2. **Out-of-Courtroom Data Fiscal Year 2023**
3. **Language Access Complaint Procedure and Form**
4. **Members of the Sixth Judicial District LAP/ADA Planning Team**

### ADA PLAN:

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

<b>Grant County District Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	1	1	0	1	1	0	0	0	1	0	0	1	
<b>TOTAL</b>													<b>6</b>
<b>Hidalgo County District Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	1	1	2	0	1	2	2	0	1	1	0	2	
<b>TOTAL</b>													<b>13</b>
<b>Luna County District Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	21	26	15	19	28	10	30	29	16	17	18	27	
Arabic	2	2	0	0	0	0	1	0	0	2	0	1	
Romanian											1		
<b>TOTAL</b>													<b>265</b>
<b>Silver City Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	1	1	0	1	1	0	0	0	1	0	0	1	
<b>TOTAL</b>													<b>6</b>
<b>Bayard Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	0	1	1	1	1	1	1	0	0	0	0	0	
<b>TOTAL</b>													<b>6</b>
<b>Lordsburg Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	4	5	9	7	1	3	7	2	8	2	5	1	
Vietnamese	1	0	0	0	0	0	0	0	0	0	0	0	
Hindi	0	0	0	0	0	0	1	0	0	0	0	0	
Chinese	0	0	0	0	0	0	1	0	0	0	0	1	
Punjabi	0	0	0	0	0	0	0	0	1	0	0	2	
<b>TOTAL</b>													<b>61</b>

<b>Deming Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	14	12	17	19	16	15	15	17	17	19	22	14	
Chinese	1	0	0	0	0	0	1	0	0	0	0	0	
Punjabi	1	1	1	0	0	0	1	0	0	1	0	0	
Arabic	2	1	0	0	0	0	1	0	0	1	0	0	
Uzbek	0	0	1	0	0	0	0	0	0	0	0	0	
Vietnamese	0	1	0	0	0	0	0	0	0	0	0	0	
Korean	0	0	0	0	0	0	0	0	0	0	0	1	
<b>TOTAL</b>													<b>212</b>
<b>TOTAL</b>													<b>569</b>
FY 22 TOTAL	467												
FY 23 TOTAL	569												
<b>DIFFERENCE</b>	<b>102</b>												

<b>Grant County District Court &amp; Judge's Staff</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	0	4	1	0	10	3	3	2	4	5	5	3	
<b>TOTAL</b>													<b>40</b>
<b>Hidalgo County District Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	0	0	0	0	0	0	1	0	0	1	0	0	
<b>TOTAL</b>													<b>2</b>
<b>Luna County District Court &amp; Judge's Staff</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	50	101	86	79	63	88	45	41	83	88	66	32	
<b>TOTAL</b>													<b>822</b>
<b>Silver City Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	8	4	0	0	0	13	13	0	0	0	0	0	
<b>TOTAL</b>													<b>38</b>
<b>Bayard Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	0	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTAL</b>													<b>0</b>
<b>Lordsburg Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	19	28	21	20	14	28	25	20	24	18	23	16	
<b>TOTAL</b>													<b>256</b>
<b>Deming Magistrate Court</b>													
	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	
Spanish	80	111	95	88	95	74	79	64	83	65	91	77	
Panjabi	1	3	0	1	0	0	1	0	0	1	0	0	
Mandarin Chinese	1	0	1	0	0	0	2	1	0	0	1	0	
Vietnamese	0	1	0	0	0	0	0	0	0	0	0	0	
Arabic	0	2	2	0	1	0	1	0	1	0	1	1	
Hindi	0	1	0	0	0	0	0	0	0	0	0	0	

Parsi	0	0	0	0	0	0	0	0	0	0	1	0	
Russian	0	0	0	0	0	0	0	0	0	0	0	1	
Korean	0	0	0	0	0	0	0	0	0	0	0	1	
<b>TOTAL</b>													<b>1029</b>
<b>GRAND TOTAL -</b>													<b>2187</b>
FY 22 TOTAL	1561												
FY 23 TOTAL	2187												
<b>DIFFERENCE</b>	<b>626</b>												



**Sixth Judicial District  
Language Access Plan  
Attachment – Complaint Procedure and Form**

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

1. The person with the complaint (the complainant) should contact the Sixth Judicial District and Magistrate Courts Language Access Plan (LAP) Coordinator to report the complaint by completing and submitting the attached Title VI Complaint Form.

Contact Information:

Angelic Muñoz, Court Executive Officer 2 or her designee, Susan C. Kirker, Human Resources Generalist, P. O. Box 2339, Silver City, NM 88062, (575) 574-4006 or 4007, [sildaxm@nmcourts.gov](mailto:sildaxm@nmcourts.gov) – [sildsck@nmcourts.gov](mailto:sildsck@nmcourts.gov).

2. If the complainant does not believe that their concerns have been adequately addressed or resolved with the Sixth Judicial District and Magistrate Courts LAP Coordinator, the complainant should contact the NM Administrative Office of the Courts (AOC) Senior 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](mailto:aocfev@nmcourts.gov); (505) 231-9229.

2. 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).

## SIXTH JUDICIAL DISTRICT AND MAGISTRATE COURTS

### LANGUAGE ACCESS PLAN

#### Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 requires that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of program or activity receiving federal financial assistance." The United States Supreme Court has determined that excluding participants because of an inability to speak English may constitute discrimination on the basis of national origin in violation of Title VI (*Lau v. Nichols*(1974) 414 U.S. 563).

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please contact us at:

Court's telephone phone number/e-mail address: Please see below.

Please complete and return this form to:

Court – LAP Coordinator: Angelic Muñoz, Court Executive Officer 2  
or her designee, Susan C. Kirker, Human  
Resources Generalist

Address: 6<sup>th</sup> Judicial District Court – Administration  
Department, P. O. Box 2339, Silver  
City, NM 88062

Fax #: (575) 574-4019

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. 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:**

Angelic Muñoz, Court Executive Officer 2 or her designee,  
Susan C. Kirker, Human Resources Generalist

6<sup>th</sup> Judicial District Court – Administration Department

P. O. Box 2339

Silver City, NM 88062

(575) 574-4006 or 4007 (telephone)

(575) 574-4019 (fax)

Email: [sildaxm@nmcourts.gov](mailto:sildaxm@nmcourts.gov) or [sildsck@nmcourts.gov](mailto:sildsck@nmcourts.gov)



**Sixth Judicial Courts Language Access & ADA Plan**  
**Roster of Team Members**

**Sixth Judicial District Court Team Members:**

Silver City:

Angelic Muñoz, Court Executive Officer 2 or her designee: Susan C. Kirker,  
Human Resources Generalist  
Michael M. Medina, Judicial Specialist Supervisor  
Alejandra Cruz, Judicial Specialist 1/Language Access Specialist

Deming:

The Honorable Jennifer DeLaney, Division II District Court Judge  
Angelic C. Gutierrez, Business Specialist 2  
Margaret Gomez, Judicial Specialist Supervisor  
Angela M. Rodriguez, Judicial Specialist Senior/Language Access Specialist

Lordsburg:

Kerri L. Clark, Judicial Specialist Leadworker/District Court Clerk

**Sixth Judicial Magistrate Court Team Members:**

Silver City:

Janelle Muñoz, Judicial Specialist Leadworker

Bayard:

The Honorable Hector C. Grijalva, Magistrate Judge, Division II  
Elida Garcia, Judicial Specialist Leadworker/Language Access Specialist

Lordsburg:

The Honorable Mark Thomas, Magistrate Judge  
Connie S. Newell, Court Manager 2

Deming:

Priscilla Peña, Judicial Specialist Leadworker/Language Access Specialist  
Isabel Gonzales, Court Manager 2/Language Access Specialist

## **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](mailto:ADA@nmcourts.gov)  
**(505) 414-5313**

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

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

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

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

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

**Americans with Disabilities Act Complaint Form**

For Staff Completion Only

Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Received by: \_\_\_\_\_

Date of Resolution: \_\_\_\_\_

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

**PERSON MAKING THE COMPLAINT:**

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_

M.I: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Your Home/Cell phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_

Your Work number: (\_\_\_\_) \_\_\_\_-\_\_\_\_

Email Address:  
\_\_\_\_\_

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

What is the best time to contact you? \_\_\_\_\_

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

**DETAILS OF COMPLAINT**

Date of Incident: \_\_\_\_/\_\_\_\_/\_\_\_\_

Court

Location \_\_\_\_\_

Identify the person and/or division in the Court  
\_\_\_\_\_

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

---

---

---

---

---

DESIRED RESOLUTION

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

---

---

---

---

---

HOW YOUR COMPLAINT IS HANDLED

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

FOR STAFF COMPLETION ONLY:

Investigation Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

---

---

---

---

---

Resolution Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

---

---

---

---

---

Complainant contacted and informed of resolution Yes/ No

Date Contacted: \_\_\_\_\_

Reason complainant not contacted:

---