



FIFTH JUDICIAL DISTRICT

LANGUAGE ACCESS PLAN

&

AMERICANS WITH DISABILITIES ACT PLAN

**FIFTH 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. Fifth Judicial District by Language**
- IV. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES INSIDE THE COURTROOM (page 5)**
 - 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 7)**
- VI. TRANSLATED RESOURCES (WRITTEN AND AUDIOVISUAL) (page 8)**
- VII. LANGUAGE ACCESS STAFFING (page 9)**
- VIII. JUDICIAL AND STAFF TRAINING (page 9)**
- IX. FUNDING AND PROCUREMENT ISSUES (page 10)**
- X. PUBLIC NOTIFICATION OF LAP AND SERVICES (page 11)**
- XI. COMPLAINT PROCEDURE (page 11)**
- XII. APPROVAL AND EVALUATION OF LAP (page 11)**
 - A. LAP Approval**
 - B. Annual Evaluation of LAP**
 - C. Fifth Judicial District LAP Coordinator**
 - D. AOC LAP Coordinator**
 - E. Effective Date and Approval**

I. DEFINITIONS

Definition of “Fifth Judicial District” and “the Courts”: “Fifth Judicial District” and “the Courts,” as used throughout this plan, means the District and Magistrate Courts in New Mexico's Fifth Judicial District, namely: Chaves County District Court in Roswell; Eddy County District Court in Carlsbad; Lea County District Court in Lovington; Artesia Magistrate Court (Eddy County); Carlsbad Magistrate Court (Eddy County); Eunice Magistrate Court (Lea County); Hobbs Magistrate Court (Lea County); Jal Magistrate Court (Lea County); Lovington Magistrate Court (Lea County) and Roswell Magistrate Court (Chaves County).

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

II. LEGAL BASIS AND PURPOSE

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

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

III. NEEDS ASSESSMENT

A. Statewide by Language

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

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

1. Spanish
2. Navajo
3. American Sign Language (ASL)
4. Arabic
5. Vietnamese

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

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

B. Fifth Judicial District by Language

Demographic Data by County:

The Fifth Judicial District will make every effort to provide services to all LEP persons. For purposes of anticipating need, the following data shows the 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:

Chaves County:

1. Spanish - 35.06%
2. Polish - 0.25%
3. Vietnamese - 0.19%
4. Navajo - 0.18%
5. German - 0.15%

Eddy County:

1. Spanish - 30.25%
2. Chinese - 0.25%
3. German - 0.08%
4. French - 0.07%
5. Japanese - 0.07%

Lea County:

1. Spanish - 34.14%
2. German - 0.21%
3. Chinese - 0.10%
4. Scandinavian Languages - 0.05%
5. Japanese - 0.05%

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 Fifth Judicial District:

Chaves County: 11.9% Spanish-speaking LEP persons

Eddy County: 6.4% Spanish-speaking LEP persons

Lea County: 13.1% Spanish-speaking LEP persons

The LAP team is responsible for updating demographic data as it becomes available and adding it to this plan.

Courthouse Users:

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

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

1) Courtroom interpreter use:

The Courts track courtroom interpreter usage using the Odyssey case management system. The LAP team is responsible for updating interpreter data in this plan at its annual meetings.

Interpreter usage data for the most recent year (calendar year 2023) is appended to this plan as **Attachment B**.

2) Out-of-courtroom tracking:

In addition to tracking the use of interpreters in the courtroom by language, the Courts track requests for out-of-courtroom services, both in person and over the telephone, by language. The LAP team is responsible for updating the data in this plan at its annual meetings.

Data on out-of-courtroom encounters for the most recent year (calendar year 2023) accompanies this plan as **Attachment C**.

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 Fifth Judicial District, interpreters will be provided, consistent with the Court Interpreter Standards of Practice and Payment Policies, at no cost to court customers, witnesses, jurors and other parties who need such assistance under the following circumstances:

- For a deaf or hard-of-hearing litigant, juror, observer (when an observer has submitted a request to the court at least five (5) days prior to the proceeding), or witness in any type of court proceeding. Title II of the ADA requires local and state courts to provide qualified signed language interpreters or other accommodation to ensure effective communication with deaf and hard-of-hearing individuals.
- For a non-English speaking person who is a principal party in interest or a witness in a criminal case.

- For a non-English speaking person who is a principal party in interest or a witness in a domestic violence case, domestic relations case, and/or Children's Court case, including court-ordered domestic relations mediation.
- For a non-English speaking person who is a principal party in interest in a civil case or that party's witness.
- For victims who are active case participants, i.e., testifying as a witness or when making a statement at sentencing.
- For any non-English speaking juror. A certified court interpreter shall be provided to petit and grand jurors, including jury orientation, voir dire, deliberations, and all portions of the trial.

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

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

B. Determining the Need for an Interpreter in the Courtroom

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

- Request for interpreter form.
- Request for hearing form for pro se clients.
- Check box on certain pro se forms.
- Jury forms inquire whether an interpreter is needed.
- Domestic violence petition inquires whether an interpreter is needed.
- The Courts have access to a multilingual interpreter needed check sheet/rights advisory for pro se clients, created by AOC. The sheet informs clients in 11 languages that they are entitled to an interpreter free of charge, and asks them to check the box by the language they need.
- Agencies with whom the Courts work are aware of the need to submit an interpreter request.
- Recurring interpreter needs are flagged in the Courts' case management system. Additionally, this flag transfers over when a case is transferred from magistrate to district court.

The need for a court interpreter may be identified prior to a court proceeding by the LEP or deaf person or on the person's behalf by: the Courts' counter/frontline staff, Trial Court Administrative Assistants or jury division staff; or by the person's advocate, family member or attorney; or by outside justice partners such as probation/parole officers, attorneys, social workers or correctional facilities. Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. The Courts display signs in English, Spanish, Navajo and Vietnamese that state: "You have the right to an interpreter at no cost to you. If you cannot speak or understand English, or if you need an American sign language interpreter, please contact the clerk for assistance." The Courts display these signs at the

following locations: entrances to court areas of the building, lobbies, clerks' offices, elevators, courtroom entrances. The Court Manager of each courthouse is responsible for ensuring signage remains posted.

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

C. Remote Interpreting

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/services-programs/for-staff-judges>.

D. Court Interpreter Qualifications and Availability

The Fifth Judicial District schedules spoken and signed language interpreters for courtroom hearings in compliance with Supreme Court rules and AOC policies.

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

V. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES OUTSIDE THE COURTROOM

The Fifth Judicial District is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. Language services outside the courtroom include routing, daily communications and interactions between court staff and LEP individuals as they request information, file documents, schedule appointments, and so on. The most common points of service outside the courtroom are at the Courts' public counters.

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

As of the latest revision of this plan, the Fifth Judicial District employs the following Spanish language-speaking LASs:

- Catalina Ybarra, Judicial Specialist Supervisor (Chaves County District Court)
- Edden Carroll, Trial Court Administrative Assistant (Chaves County District Court)
- Jasmin Yanez, Judicial Specialist 2 (Lea County District Court)

- Mayra Menchaca, Court Manager (Hobbs Magistrate Court)
- Maria Borunda, Judicial Supervisor (Roswell Magistrate Court)
- Araceli Hernandez, Trial Court Administrative Assistant (Chaves County District Court)
- Maria Olvera, Legal Office Specialist (Chaves County District Court)
- Nidia Santini, Judicial Specialist 2 (Lovington Magistrate Court)
- Rosalva Guillen, Judicial Specialist 2 (Lovington Magistrate Court)
- Veronica Aldavaz-Nairn, Judicial Leadworker (Roswell Magistrate Court)
- Sonia Sanchez Solano, Judicial Specialist (Chaves County District Court)
- Maritza Martinez, Court Monitor (Lea County District Court)
- Connie Aranda, Legal Office Specialist (Lea County District Court)
- Diana Martinez-Garcia, Judicial Specialist (Hobbs Magistrate Court)
- Michelle Modrano, Judicial Specialist (Chaves County District Court)

The LAP team discusses current LAS needs and potential candidates at each annual meeting. As of the most recent revision of this plan, the LAP team had identified two potential candidates: one Navajo speaker at the Chaves County Magistrate Court and one Spanish speaker at the Lea County District Court.

To facilitate communication between LEP individuals and staff outside the courtroom, the Fifth Judicial District uses 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.
- Multilingual signage throughout courthouse locations, as detailed in Section IV C.
- 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).
- A “press for Spanish” option for incoming callers which connects them with a Language Access Specialist during business hours.
- Spanish recorded messages after hours and on the jury line.
- The Courts' online jury orientation includes a video in Spanish and the nightly juror message for every court location is posted online.
- Bilingual (English/Spanish) DWI classes at the Artesia and Carlsbad Magistrate courts.
- For programs for which the Courts refer to outside agencies, such as mediation, the Courts have researched which agencies in their community provide language access services. The AOC Memorandum, “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 outside agencies. *See*: <https://languageaccess.nmcourts.gov/services-programs/for-staff-judges>.

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/services-programs/for-staff-judges>.

Currently, the following translated resources are available statewide:

- Supreme Court forms in bilingual format, available at <https://languageaccess.nmcourts.gov/forms-files>:
 - *Spanish*: Domestic Violence, Domestic Relations, Interpreter request, Adult Guardianship
 - *Spanish, Vietnamese, Chinese and Arabic*: Landlord Tenant
- The website of the NM Judiciary at <https://nmcourts.gov>, including the Fifth 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/acerca-de/programa-de-orientacion/?lang=es>.
- A District Court Self Help Guide (Spanish and Navajo) is available on the Language Access Services website.
- Civil Summons in bilingual (English/Spanish) format.
- Magistrate court personal data intake form in bilingual English/Spanish format.
- Eight Spanish pamphlets for Self-Represented Litigants, explaining civil procedures and terminology in the magistrate courts, provided by AOC.
- As the only state in the United States that seats LEP jurors, the New Mexico AOC provides the following materials (available at <https://jury.nmcourts.gov>):
 - ✓ Spanish: juror questionnaire, qualification form, handbook, FAQs, Creed, Tips for after jury service, medical excuse form; orientation video open-captioned in Spanish.
 - ✓ Navajo: juror questionnaire and qualification form.

In addition, the following translated resources are available for LEP court users in the Fifth Judicial District:

- Jury flyer in Spanish (all courts).
- DWI School form in Spanish (Artesia Magistrate Court)

VII. LANGUAGE ACCESS STAFFING

The Fifth Judicial District is an equal opportunity employer and recruits and hires/contracts with bilingual staff/contractors to serve its LEP constituents. Bilingual staff/contractors serve the Courts in the following capacities:

- Court interpreters who serve the court on an on-call basis, coordinated and funded by AOC.
- Language Access Specialists, as detailed in Section V. The Courts provide compensation and incentives (as available) in the form of a \$1 per hour increase to employees who become

certified as LAS.

- Other bilingual staff who are on call to assist with out-of-courtroom contacts from LEP individuals as needed. The Fifth Judicial District encourages all bilingual employees who provide language access services to become LAS-certified.

VIII. JUDICIAL AND STAFF TRAINING

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

- Mandatory language access training for all new and continuing employees, posted on the AOC Human Resources website. The training video includes information on the legal basis for language access and goes into detail on procedures for providing services. A policy directive mandating the training was issued by the Supreme Court in the form of an Order in April 2011. A subsequent policy directive was issued by AOC in October 2011 in the form of a Language Access Training Policy. AOC distributed an accompanying training acknowledgment form to be signed by each employee and added to his/her personnel file.
- Instruction for all employees on the Courts' LAP 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/services-programs/for-staff-judges>.
- 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/services-programs/for-staff-judges>.
- Conferences, judicial conclaves, webinars, etc. that include sessions dedicated to language access topics, organized by AOC Language Access Services and its partner, the NM Center for Language Access.
- The AOC and national colleagues have developed the Language Access Basic Training (LABT), an interactive training program available online at: <http://www.nmcenterforlanguageaccess.org/lafund>. The training is geared toward all judicial employees, and also contains more intense modules of practice and skills assessment for bilingual employees. Training topics include Legal Basis; Ethics; Roles of Court Staff and Cultural Competency.

Training in the Fifth Judicial District will be held on an as-needed basis. New employees in the Fifth Judicial District clerk's office receive training in procedures for delivering language access services. All new employees receive language access orientation from AOC Human Resources.

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 Fifth Judicial District's language access efforts through these services and will work to identify new funding opportunities to support language access efforts across the judiciary and specific to the needs of the Fifth Judicial District, as identified through language access planning efforts.

X. PUBLIC NOTIFICATION OF LAP AND SERVICES

The Fifth Judicial District understands the importance of communicating to the LEP and deaf/hard-of-hearing public that courthouses are accessible. In addition to using signage, "I Speak" cards, phone messages, workshops, online materials; audiovisual materials and written materials as detailed above, the Courts undertake the following outreach initiatives.

Upon signature of each annual update of the LAP, the Chief Judge of the Judicial District sends a notice to known local legal and community stakeholders, including a link to the LAP. The notice is intended to advise the LEP and deaf/hard-of-hearing public that the Court is accessible and to familiarize them with the specific provisions of the Court's LAP. The LAP Coordinator is responsible for working with the Chief Judge to ensure this is completed each year.

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

XI. COMPLAINT PROCEDURE

The Fifth Judicial District has a complaint procedure for persons who feel their rights to language access have been violated. Should any individual wish to make a complaint, a formal complaint procedure and form will be provided to them by the LAP Coordinator. The procedure and form are available in English and Spanish and can be translated into additional languages as needed. *See Attachment D.*

XII. APPROVAL AND EVALUATION OF LAP

A. LAP Approval

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

B. LAP Evaluation

The Fifth Judicial District will routinely assess whether changes to the LAP are needed. The plan may

be changed or updated at any time but reviewed not less frequently than annually.

Every year, a meeting of the LAP team will be held to 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 requesting court interpreters and out-of-courtroom language assistance.
- Assessment of current language needs to determine if additional services or materials should be provided.
- Assessment of whether language access procedures are operating smoothly.
- Identifying gaps in LAS coverage and suitable candidates to undergo LAS training.
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out.
- Review of any feedback from court employees.
- Ensuring that any outstanding tasks summarized in this plan have been completed by their target date.
- Ensuring that all time-sensitive references, rules or policies that are subject to change, and individuals mentioned in this plan are up-to-date.

C. Fifth Judicial District LAP Coordinator:

Catalina Ybarra, Court Manager
Chaves County Magistrate Court
P.O. Box 1776, Roswell, NM 88202
rosmedy@nmcourts.gov
(575) 624-6088 x 122

D. AOC LAP Coordinator:

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

E. LAP Effective Date and Approval:

See: LAP & ADA Plan signature page

**FIFTH JUDICIAL DISTRICT
ADA PLAN
TABLE OF CONTENTS**

- I. DEFINITIONS (page 14)**
- II. LEGAL BASIS AND PURPOSE (page 14)**
- III. NEEDS ASSESSMENT (page 15)**
 - A. New Mexico Data**
 - B. Fifth Judicial District Data**
- IV. ADA COORDINATOR DUTIES (page 16)**
 - 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 18)**
- VI. TRANSLATED RESOURCES (page 18)**
- VII. RESOURCES IN ALTERNATIVE FORMATS (page 18)**
- VIII. RESOURCES FOR JURORS (page 19)**
- IX. OUT-OF-COURTROOM CONTACTS (page 19)**
- X. ASSISTIVE LISTENING DEVICES (page 20)**
- XI. SCRIBING SERVICES (page 20)**
- XII. LIVE CHAT DEVICES (page 20)**
- XIII. JUDICIAL AND STAFF TRAINING (page 21)**
- XIV. EMERGENCY PLAN AND EVACUATION (page 21)**
- XV. PUBLIC NOTICE (page 21)**
- XVI. GRIEVANCE PROCEDURE (page 22)**
- XVII. APPROVAL AND EVALUATION OF ADA PLAN (page 22)**
 - A. ADA Plan Approval**
 - B. Annual Evaluation**
 - C. Fifth Judicial District ADA Title II Coordinator**
 - D. Statewide ADA Title II Coordinator**
 - E. Effective Date and Approval**

I. DEFINITIONS

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

“Fifth Judicial District” and “the Court,” as used throughout this plan, means all courts in New Mexico’s Fifth Judicial District, namely: Chaves County District Court (located in Roswell), Eddy County District Court (located in Carlsbad), and Lea County District Court (located in Lovington).

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 (CDC) and Prevention 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#statu>

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. Fifth Judicial District Data

The Fifth 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 calendar year (January 1, 2023 through December 31, 2023), the

following ADA accommodations were provided in the courtroom:

1. American Sign Language (ASL) = (12)
2. Communication Access Real-Time Captioning (CART) = (0)
3. ADA Accommodations for Jurors (such as Assistive Listening Devices) = (0)
4. Scribing Services = (19)
5. Support Person = (0)

The Fifth Judicial District will continue to provide and track ADA accommodations in the courtroom, including ADA accommodations for jurors.

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 calendar year (January 1, 2023 through December 31, 2023), out-of-courtroom requests for an ADA accommodation were as follows:

Month	Number of Accommodation Requests
January 2023	0
February 2023	0
March 2023	0
April 2023	0
May 2023	0
June 2023	0
July 2023	0
August 2023	0
September 2023	0
October 2023	0
November 2023	1
December 2023	0

Kennon Crowhurst keeps a spreadsheet of all accommodations granted by the Fifth 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 Fifth 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 the ADA Title II.
- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.
- Ensure districts are complying with all ADA Title II mandates.

Statewide ADA Title II Coordinator:

Peggy Cadwell

ADA@nmcourts.gov

(505) 414-5313

B. Duties of the Local ADA Title II Coordinator

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

- Manage all ADA Title II requests from the public. Receive requests for accommodations, communicate with the person making the request to clarify the nature of the accommodation needed, and facilitate implementation. Engage in the Interactive Process as needed and follow up on effectiveness of the accommodations. Collaborate with court staff and judicial officers to participate in the interactive process and assist with facilitating reasonable 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.

Fifth Judicial District ADA Title II Coordinator:

Kennon Crowhurst
rosdkmc@nmcourts.gov
(575) 622-2212

Should Kennon Crowhurst be unavailable, employees and the public may contact:

Katie Espinoza
Deputy Court Executive Officer 2
rosdjke@nmcourts.gov
(575) 622-2212

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 the right to an interpreter in multiple sections, including Article II, Section 14 and Article VII, Section 3.

Title II of the ADA requires courts to provide qualified sign language interpreters or other accommodations to ensure effective communication with deaf and hard-of-hearing individuals. Among other accommodations provided to ensure effective communication are: TTY, CART, or other appropriate auxiliary aids or services free of charge.

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

VI. TRANSLATED RESOURCES

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

Forms for the Fifth Judicial District can be found at: <https://fifthdistrict.nmcourts.gov/ada-accommodations/>

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/about-jury-duty/>

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

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

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

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

and on the NM AOC Language Access webpage: <https://languageaccess.nmcourts.gov/>

VIII. RESOURCES FOR JURORS

The AOC Jury Division provides an open-captioned orientation video for Deaf and hard-of-hearing jurors: <https://jury.nmcourts.gov/about-jury-duty>.

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

IX. OUT-OF-COURTROOM CONTACTS

The Fifth Judicial District and Magistrate Courts report that the majority of out-of-courtroom contacts occur with court staff at the clerk's window, and the District Courts report that the first points of contact are the Sheriff's Departments who provide security.

To date, the District Court in Roswell has provided ADA accommodations for jurors to monitor blood sugar levels through their personal cell phones, supportive seating for jurors with physical impairments, ASL interpreters for a juror, assisted listening devices for jurors, and assistance for a court user with a cognitive disability. The ADA Coordinator will keep track of accommodation requests, along with documenting any denials and the reason for the denial.

Staff is aware of rules regarding service animals. The questions that are permissible to ask regarding service animals are:

- 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 Fifth 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 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, have been provided to the Fifth Judicial District. Additionally, ADA signage and

stickers advising court patrons to ask court staff if they need assistance were also provided to the District in March 2024.

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 have been provided to the Fifth Judicial District.

The Statewide ADA Coordinator has provided ADA Title II bench cards to be distributed to staff and the Sheriff's Department containing basic information about accommodating requests, regulations around service animals, and ADA Coordinator contact details.

X. ASSISTIVE LISTENING DEVICES

The Fifth Judicial District currently has ALDs available for use in the District Court and Magistrate Courts.

In addition to the ALD equipment at the Fifth 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 two judicial districts in New Mexico. 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 services announcements (PSAs) were produced in English, Spanish and Navajo.

After successful implementation of the pilot program, NM Supreme Court Order No. 22-8500-036, dated November 9, 2022, implemented the scribing program throughout the Judiciary.

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 Fifth 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 Fifth Judicial District currently has two UbiDuo devices, located in the Roswell and Lovington District courthouses. The Court will provide the following link to staff for training in how to use the devices: https://www.youtube.com/watch?v=3OxaGxgKP_o

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 all judiciary employees free of charge and is recorded and broadcast on the Language Access YouTube channel at: <https://www.youtube.com/channel/UCAyCQWhtNiJFAGPrXnB-wQQ>

Effective 2023, AOC new employee orientation training includes information regarding ADA Title II compliance and the Statewide ADA Title II Coordinator contact information.

Additional training assistance is available to the Fifth Judicial District on request by contacting the Office of the Statewide ADA Coordinator.

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.

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://nmcourts.gov/ada-accommodations/>

<https://nmcourts.gov/ley-para-estadounidenses-con-discapacidades-ada-y-adaptaciones/?lang=es>

Additionally, the Fifth Judicial District has created an ADA Accommodation Request page on its website at <https://fifthdistrictcourt.nmcourts.gov/ada>.

The Court has published an ADA email address, ADA.5thdistrictcourt@nmcourts.gov, in order to keep track of any incoming email requests from the public.

A hard copy of the Fifth Judicial District LAP/ADA Plan (in English and Spanish) shall be kept in an area accessible to the public at every courthouse. Copies of the plan will be provided to the public on request, in English, Spanish or alternative formats. In addition, the Fifth Judicial District posts the plan at <https://fifthdistrictcourt.nmcourts.gov/language-access-plan> and AOC posts the plan at <https://languageaccess.nmcourts.gov>

XVI. GRIEVANCE PROCEDURE

The statewide Grievance Procedure is attached to this plan and also posted on the ADA website in English and Spanish at: <https://nmcourts.gov/ada-accommodations/>.

XVII. APPROVAL AND EVALUATION OF ADA PLAN

A. ADA Plan Approval

The Fifth 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. Fifth Judicial District ADA Title II Coordinator

Kennon Crowhurst
Fifth Judicial District Court
rosdkmc@nmcourts.gov
(575) 622-2212

D. Statewide ADA Title II Coordinator

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

E. ADA Plan Effective date:

See: LAP & ADA Plan signature page

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

A. Effective Date:

LAP original effective date: June 4, 2012

ADA plan original effective date: May 19, 2023

Latest revision of LAP and ADA plan: May 19, 2024

B. Approved By:

Mark Sánchez, Chief Judge, Fifth Judicial District



Date: May 10, 2024

Kennon Crowhurst, District Court Executive Officer:



Date: 5/10/2024

ATTACHMENTS

LANGUAGE ACCESS PLAN:

- A. Members of the Fifth Judicial District LAP/ADA Planning Team**
- B. Interpreter Statistics**
- C. Out-of-Courtroom Encounters Data**
- D. Language Access Complaint Procedure and Form**

ADA PLAN:

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

**Fifth Judicial District LAP
Attachment A
Revised 2024**

**Fifth Judicial District
Language Access/ADA Planning Team Members**

Kennon Crowhurst, CEO, Fifth Judicial District – **ADA Coordinator**

Catalina Ybarra, Court Manager, Roswell Magistrate Court - **LAP Coordinator**

Katie Espinoza, Deputy CEO, Fifth Judicial District

Stacy Mora, Court Manager, Chaves County District Court

Nelda Cuellar, Court Manager, Lea County District Court

Martha Huereque, Court Manager, Eddy County District Court

Ashley Perez, Court Manager, Carlsbad Magistrate Court

Rita Rubio, Court Manager, Artesia Magistrate Court

Sharon Payne, Court Manager, Lovington/Eunice/Jal Magistrate Court

Mayra Menchaca, Court Manager, Hobbs Magistrate Court

**Fifth Judicial District LAP
Attachment B
Revised 2024**

Courtroom Interpreter Data

Over a one-year period from January 1, 2023 to December 31, 2023, the courtroom interpreter assignments in the Fifth Judicial District were as follows:

Courthouse	Language	Number of Assignments
Chaves County District Court	Spanish	652
	Hindi	10
	Thai	10
	American Sign Language	9
	Arabic	8
Chaves County Magistrate Court	Spanish	420
	Arabic	8
	Hindi	3
	Gujarat	2
Eddy County District Court	Spanish	160
	Arabic	5
Eddy County Magistrate Court - Carlsbad	Spanish	464
	Pashtu	2
	Vietnamese	1
Eddy County Magistrate Court - Artesia	Spanish	303
	Kirundi	1
Lea County District Court	Spanish	714
	Swahili	6
	Korean	5
	American Sign Language	4
	German	1
	Vietnamese	1
Lea County Magistrate Court - Lovington	Spanish	428
Lea County Magistrate Court - Hobbs	Spanish	410
	Arabic	2
	Amharic	1
	Vietnamese	1
Lea County Magistrate Court - Jal	Spanish	6
Lea County Magistrate Court - Eunice	Spanish	53
Totals	Spanish	3,610
	Arabic	23
	American Sign Language	13

	Hindi	13
	Thai	10
	Swahili	6
	Korean	5
	Vietnamese	3
	Gujarat	2
	Pashtu	2
	Kirundi	1
	German	1
	Amharic	1
		3,690 total assignments in all languages across all courthouses

Over a one-year period from January 1, 2022 to December 31, 2022, the courtroom interpreter assignments in the Fifth Judicial District were as follows:

Courthouse	Language	Number of Assignments
Chaves County District Court	Spanish	660
	American Sign Language	8
	Tagalog	5
	Hindi	5
	Arabic	4
Chaves County Magistrate Court	Spanish	373
	Romanian	5
	American Sign Language	3
	Russian	1
	Arabic	1
	Vietnamese	1
Eddy County District Court	Spanish	138
	Arabic	1
Eddy County Magistrate Court - Carlsbad	Spanish	612
	Vietnamese	4
	Tigrinya	2
	Arabic	2
	Portuguese	1
	American Sign Language	1
Eddy County Magistrate Court - Artesia	Spanish	251
Lea County District Court	Spanish	542
	Swahili	5
	Vietnamese	1
	American Sign Language	1
Lea County Magistrate Court -	Spanish	222

Lovington	American Sign Language	2
	Portuguese	1
Lea County Magistrate Court - Hobbs	Spanish	358
	Navajo	2
	Vietnamese	2
Lea County Magistrate Court - Jal	Spanish	12
Lea County Magistrate Court - Eunice	Spanish	29
Totals	Spanish	3,197
	American Sign Language	15
	Arabic	8
	Vietnamese	8
	Hindi	5
	Tagalog	5
	Romanian	5
	Swahili	5
	Tigrinya	2
	Portuguese	2
	Navajo	2
	Russian	1
		3,255 total assignments in all languages across all courthouses

**Fifth Judicial District LAP
Attachment C
Revised 2024**

Out-of-Courtroom Data

In **Calendar Year 2023**, out-of-courtroom encounters in the Fifth Judicial District Court were as follows:

Courthouse	Language	Number of assignments Jan 1 to Dec 31, 2023
Chaves County District	Spanish	1,246
Eddy County District	Spanish	491
Lea County District	Spanish	3,619
Artesia Magistrate	Spanish	293
Carlsbad Magistrate	No data available	No data available
Eunice/Jal Magistrate	No data available	No data available
Hobbs Magistrate	No data available	No data available
Lovington Magistrate	No data available	No data available
Roswell Magistrate	No data available	No data available
District-wide total	Spanish	5,649

In **Calendar Year 2022**, out-of-courtroom encounters in the Fifth Judicial District Court were as follows:

Chaves County District Court:

2022 Month	Language	Number of Encounters
January 2022	Spanish	100
February 2022	Spanish	55
March 2022	Spanish	89
April 2022	Spanish	114
May 2022	Spanish	129
June 2022	Spanish	121
July 2022	Spanish	76
August 2022	Spanish	106
September 2022	Spanish	67
October 2022	Spanish	153
November 2022	Spanish	57

December 2022	Spanish	67
Annual Total	Spanish	1,134

Eddy County District Court:

2022 Month	Language	Number of Encounters
January 2022	Spanish	32
February 2022	Spanish	22
March 2022	Spanish	45
April 2022	Spanish	39
May 2022	Spanish	30
June 2022	Spanish	42
July 2022	Spanish	33
August 2022	Spanish	31
September 2022	Spanish	43
October 2022	Spanish	34
November 2022	Spanish	29
December 2022	Spanish	13
Annual Total	Spanish	393

Lea County District Court:

2022 Month	Language	Number of Encounters
January 2022	Spanish	0
February 2022	Spanish	140
March 2022	Spanish	188
April 2022	Spanish	196
May 2022	Spanish	263
June 2022	Spanish	277
July 2022	Spanish	262

August 2022	Spanish	286
September 2022	Spanish	274
October 2022	Spanish	257
November 2022	Spanish	233
December 2022	Spanish	248
Annual Total	Spanish	2,624

Fifth Judicial District Court Language Access Complaint Procedure

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 Fifth Judicial District Court Language Access Plan (LAP) Coordinator to report the complaint by completing and submitting the attached Complaint Form, or by telephone.

Contact information: Kennon Crowhurst, Court Executive Officer, Fifth Judicial District Court, P.O. Box 1776, Roswell, NM 88202; rosdkmc@nmcourts.gov; (575) 622-2565.

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

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

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

Contact information: Federal Coordination and Compliance Section, Civil Rights Division, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530, 1-888-TITLE-06 (1-888-848-5306) (Voice / TTY).

Fifth Judicial District Court Language Access Complaint Procedure

Fifth Judicial District Court Language Access Complaint Form

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please contact us at: rosdkmc@nmcourts.gov or (575) 622-2565.

Please complete and return this form to:
Fifth Judicial District Court – LAP Coordinator
P.O. Box 1776, Roswell, NM 88202
Fax: (575) 624-7501

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.

Fifth Judicial District Court Language Access Complaint Procedure

5, cont.

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

7. Please sign below:

Signature _____

Date Signed _____

Return this form to:

Kennon Crowhurst – Court Executive Officer
P.O. Box 1776, Roswell, NM 88202
rosdkmc@nmcourts.gov
Fax: (575) 624-7501

Americans with Disabilities Act Notice of Rights

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

What is the American with Disabilities Act?

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

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

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

caring for oneself,
performing manual tasks,
walking,
seeing,
hearing,
speaking,
breathing,
learning,
and working.

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

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

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

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

How do I request an accommodation?

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

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

How do decisions about accommodations get made?

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

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

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

ADA ACCOMMODATION REQUEST FORM

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

Please provide us with the following information:

Today’s date: _____

Your First Name: _____

Your Middle Initial: _____

Your Last Name: _____

Your Home Address: _____

City, State and Zip Code: _____

Your Phone Number: _____ Home ____ Cell Phone _____

Your Email Address: _____

Your Court Case Number: _____

ADA ACCOMMODATION REQUEST FORM

Date and Time: _____

What specific accommodation are you requesting?

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

ADA Grievance Procedure

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

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

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

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

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

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

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

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:
