



**THIRD JUDICIAL
DISTRICT**

LANGUAGE ACCESS PLAN

&

**AMERICANS WITH
DISABILITIES ACT PLAN**

THIRD JUDICIAL DISTRICT LANGUAGE ACCESS PLAN

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I. DEFINITIONS

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

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

II. LEGAL BASIS AND PURPOSE

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

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

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

III. NEEDS ASSESSMENT

A. Statewide by Language

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

According to the New Mexico Administrative Office of the Courts (“AOC”), the most frequently encountered languages in New Mexico's courts in FY 2023-2024 were:

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

In Fiscal Year 2024, 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. Third Judicial District by Language

Demographic Data by County:

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

1) Modern Language Association Data:

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

1. Spanish 49.83%
2. German 0.46%
3. Chinese 0.20%
4. French 0.16%
5. “Other Indic languages” 0.13%

2) Migration Policy Institute Data:

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

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

MPI lists the following LEP data for Doña Ana County:

- 14.9% Spanish-speaking LEP persons

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

Courthouse Users:

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

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

1) Courtroom interpreter use:

The Third Judicial District tracks 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 Fiscal Year (July 1, 2023- June 30, 2024) is appended to this plan as *Attachment B*.

2) Out-of-courtroom encounters:

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

The Courts track out-of-courtroom encounters with LEP individuals on the telephone, at the clerk's window and in various divisions, using a form provided by AOC. The District Court Executive Officer (Bernice Ramos) and the Magistrate Court Manager (Jacqueline Douglas) are responsible for ensuring that data on out-of-courtroom encounters continues to be compiled on an ongoing basis. The LAP team is responsible for updating the data in this plan annually. Data for the most recent fiscal year (July 1, 2023 through June 30, 2024), as well as prior years, is appended to this plan as *Attachments D* and *E* (District and Magistrate Court, respectively).

IV. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES INSIDE THE COURTROOM

A. Provision of Interpreters in the Courtroom

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

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

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

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

<https://languageaccess.nmcourts.gov/services-programs/for-staff-judges>.

B. Determining the Need for an Interpreter in the Courtroom

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

- Request for interpreter form for attorneys and pro se clients. District Court updates this form as needed and distributes it to the Doña Ana County Bar. The form is available at the clerk's offices and on the District Court website.
- Request for setting form inquires whether an interpreter is needed. This is distributed to the Doña Ana County Bar and is also available on the District Court website.
- Application for free process for civil cases includes an interpreter needed checkbox.
- Language on domestic violence petition inquires whether any party needs an interpreter.
- Jury questionnaire inquires whether an interpreter is needed.
- The Courts have access to a multilingual interpreter needed check sheet/rights advisory for pro se clients, created by AOC. The sheet informs clients in 11 languages that they are entitled to an interpreter free of charge and asks them to check the box by the language they need.
- The District Court uses a cover sheet for every domestic and civil filing that includes language inquiring whether an interpreter is needed. The cover sheet is included in pro se packets and is also available on the website.
- The LAP team is concerned about the frequency with which attorneys fail to give the court advance notice of interpreter need. To address this problem, the Chief Judge emailed Bar Association members in 2018. In 2023, the Chief Judge sent a letter to local justice system partners.
- In the District Court's Drug Courts, interpreter need is identified at orientation and coordinators alert the Interpreter Coordinator.
- In the Magistrate Court's DWI Drug Court, coordinators identify interpreter need at screening and alert the Interpreter Coordinator.
- Interpreters are automatically assigned to the following District Court events: judges' dockets; hearing officer dockets; special commissioner dockets; grand jury orientation; jury trials; adult and juvenile drug courts; CYFD mediations; legal advice clinics; legal aid clinics.
- Interpreters are automatically assigned to the following Magistrate Court events: arraignment courtrooms; in-jail arraignments by video conference with judges; jury selections.

- Recurring interpreter needs should be flagged in the Courts' case management systems.
- When a case is transferred from Magistrate to District Court, Magistrate Court staff flag the file by adding interpreter need to the title page.

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

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

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

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

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

C. Remote Interpreting

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 Scheduling

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

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

V. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES OUTSIDE THE COURTROOM

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

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

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

As of the latest revision of this plan, the Third Judicial District employed 18 LASs. All were Spanish-speaking, with the exception of one Thai-speaking LAS. The Third Judicial District also has 4-5 additional LAS candidates at the District Court. For a list of LAS names and divisions, *see Attachment F*.

The Courts will continue to work on identifying gaps in LAS coverage and candidates interested in pursuing LAS training. The Courts' ability to put staff through the LAS training program is contingent on AOC scholarships/court budget. The LAP team discusses LAS needs at each annual meeting. As of the most recent revision of this plan, the Third Judicial District was actively recruiting additional candidates to undergo training in the immediate future.

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

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

- Interpreters, Language Access Specialists and other bilingual employees, as detailed above.
- “I Speak” cards in over 60 languages, to identify the individual's primary language.
- Multilingual signage, as detailed in Section IV.
- Telephonic interpreting services, which are available to provide assistance at the clerk's windows and at the Self-Help Center. The telephonic interpreting services are provided in over 175 languages, through Certified Languages International (CLI).
- When callers telephone either District or Magistrate Court, they hear a recorded message

in Spanish with a number to press for service in Spanish. When the caller presses for Spanish, they hear a Spanish recorded message with numbers to press to be connected to various divisions. In Magistrate Court, the phone system then alerts division staff that a Spanish speaker is on the line. In both courts, Spanish speakers are served by an LAS, bilingual staffer, or via CLI; speakers of other languages are served via CLI.

- In District Court, if callers reach voicemail, the main line has a voicemail message in both English and Spanish. The clerk's office and the various court divisions and programs have their own English and Spanish voicemail messages.
- In Magistrate Court has both English and Spanish voicemail in place. After hours, callers hear a message with court opening hours, in English and Spanish.
- Legal advice clinics, at which an interpreter is present, are held multiple times per month in District Court. Spanish fliers advertising the clinics are posted on the Court's website.
- Self Help Center services at District Court include bilingual staff and telephonic language assistance.
- The District and Magistrate Courts display posters entitled "Welcome to our court- What staff can and cannot do" in Spanish. The Magistrate Court additionally displays this sign in Navajo.
- All signs displayed throughout the District courthouse are translated into Spanish.
- The District Court has created a bilingual jury orientation video, which is posted online.
- In the Courts' mediation programs, certified court interpreters are available.
- The AOC Memorandum, "Providing Interpreters for Court-Ordered Programs, Services or Events," explains when the obligation to provide language access for programs, services or events falls on the court and when it falls on outside agencies. *See:* <https://languageaccess.nmcourts.gov/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, 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 Third Judicial District Court page, has been professionally translated into Spanish. The Court's webmaster is responsible for notifying the AOC Language Access Planning Consultant whenever updates are made in English so that AOC can make the corresponding updates on the Spanish mirror page.
- Resources posted on the AOC Language Access Services website at:

<https://languageaccess.nmcourts.gov>. To help users who are LEP, blind/low-vision; low literacy/computer literacy or deaf/hard-of-hearing to navigate the site, an avatar is included. This virtual assistant speaks English, Spanish and Navajo and can respond to either written or verbal commands.

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

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

- In the following District Court divisions or programs, either all materials or key materials have been translated into Spanish by certified translators: Jury Division, Adult Drug Court, Juvenile Drug Court, Family Reunification Court, Mediation Division, Lower Rio Grande Water Adjudication Section.
- The Magistrate Court Emergency Action Plan and DWI Drug Court Intake Packet, Supervision Plan and Release of Information have been translated into Spanish by certified translators.
- The Magistrate Court has a “Clara” kiosk. Clara is AOC Language Access Services’ interactive virtual assistant, designed to help LEP, disabled and low literacy customers navigate the court building and systems.

VII. LANGUAGE ACCESS STAFFING

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

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

individuals as needed.

VIII. JUDICIAL AND STAFF TRAINING

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

Statewide Opportunities:

- Mandatory language access training for all new and continuing employees, 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 which is to be signed by each employee and added to his or her personnel file after training has been completed. In the Third Judicial District, this procedure was completed in September 2012 for District Court and in October 2011 for Magistrate Court. AOC plans to update the mandatory video in Fiscal Year 2023, to include both language access and ADA training.
- Scholarships and wage incentives, which may be available on a case-by-case basis, 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 the schedule, *see*: <https://nmcenterforlanguageaccess.org/cms/en/>.
- 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.

Third Judicial District Opportunities:

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

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

IX. FUNDING AND PROCUREMENT ISSUES

The New Mexico Supreme Court and Administrative Office of the Courts commit significant resources to the following language access efforts to benefit all state courts on a regular basis: signage; assistive listening/interpreting equipment; certified interpreter services for court proceedings for spoken and signed languages; training and certification of interpreters and Language Access Specialists; 24/7 telephonic interpreting available in 175 languages for out-of-courtroom communication with LEP individuals; and the development of related training materials for court personnel and language access service providers. The NM Judiciary will continue to support the Third Judicial District language access efforts through these services and will work to identify new funding opportunities to support language access efforts across the judiciary and specific to the needs of the Third Judicial District, as identified through the current or future language access planning efforts.

X. PUBLIC NOTIFICATION OF LANGUAGE ACCESS PLAN AND SERVICES

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

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

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

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

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

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

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

XI. COMPLAINT PROCEDURE

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

XII. APPROVAL AND EVALUATION OF LAP

A. LAP Approval

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

B. Annual Evaluation of LAP

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

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

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

C. Third Judicial District LAP Coordinator:

Bernice Ramos, District Court Executive Officer
Third Judicial District Court
201 W Picacho Ave, Las Cruces, NM 88005
lcrdbar@nmcourts.gov
575-621-5214

D. AOC LAP Coordinator:

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(505) 231-9229

E. Effective Date and Approval

See: Americans with Disabilities Act Plan signature page.

**THIRD JUDICIAL DISTRICT COURT
ADA PLAN**

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I. DEFINITIONS

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

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

II. LEGAL BASIS AND PURPOSE

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

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

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

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

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

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

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

The ADA also includes removing communication barriers by providing auxiliary aids and

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

III. NEEDS ASSESSMENT

A. New Mexico Data

The Centers for Disease Control and Prevention (CDC) published the latest Disability and Health Data System (DHDS) 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 499,492 adults have a disability. This is equal to nearly 30% or roughly 1 in 3 adults.

According to DHDS, New Mexico the percentages of disabled individuals 18 years or older were reported in 2022 as follows:

- Cognitive Disability 15.4%
- Mobility Disability 12.8%
- Independent Living Disability 7.5%
- Hearing Disability 6.6%
- Vision Disability 5.8%
- Self-Care Disability 3.7%

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. Third Judicial District Data

The Third 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 and outside of the courtroom.

2) Tracking Scribing requests from court users and jurors who need assistance with filling out court forms and juror questionnaires due to disability, limited English proficiency, illiteracy, or limited internet or computer access, or other qualifying reasons.

1) ADA Accommodations in and out of the Courtroom:

The Courts track ADA accommodation requests inside and outside of the courtroom. These accommodation requests are tracked in Odyssey (the statewide case management system), Interpreter Intelligence (the statewide interpreter scheduling system), the Clearview Jury Portal (the statewide jury management system), and the Third Judicial District's ADA Accommodations Request Google Form

The District's ADA Title II Coordinators, Jodie Delgado and Marisela Duran, and Court Executive Officer (CEO) Bernice Ramos enters requests for ADA Accommodations onto the Google Form, and the entries are instantly emailed to the Statewide ADA Title II Coordinator's office. The Statewide ADA Title II Coordinator's Office is responsible for ensuring data received from the Third Judicial District is updated in this plan annually.

During the most recent calendar year (January 1, 2023 through December 31, 2023), the following ADA accommodations were requested and provided in and out of the courtroom:

1. American Sign Language (ASL) = (18)
2. Spanish Sign Language = (1)
3. Communication Access Real-Time Captioning (CART) = (5)
4. ADA Accommodations Requests Received from Jurors via Clearview Jury Portal Upon Receipt of Jury Summons= (108)
5. ADA Accommodations Requested/Provided to Jurors During Jury Selection/Service Upon Arrival to Courthouse= (308)
6. ADA Accommodations for other parties (Defendants, Plaintiffs, Attorneys, etc.) = (2)

In 2023, the ADA Title II Coordinators and CEO for the Third Judicial District managed 2 different ADA Accommodation Requests upon direct receipt to their office. Upon receiving each request, the ADA Title II Coordinator, through extensive research, communication with court staff and the Statewide ADA Title II Coordinator, and by engaging in the interactive process with each requestor, was able to provide the accommodation requested, offer alternative options, or referred the requestor to a secondary resource.

Among the ADA accommodation requests received from jurors and other parties provided by the Third Judicial District include ASL interpreters, Spanish Sign Language interpreters, speech to text technology, assistance with obtaining court forms, ability to lip read, Assistive Listening Devices, CART captioning, access to personal cell phones and smartwatches to monitor health, use of personal service animal, additional time to read documents due to dyslexia, accommodation due to epilepsy, request to sit close or have access to larger screen, request to wear mask due to COVID, room temperature

accommodation, readers and notetakers, physical access to move throughout the courthouse and courtroom, use of mobility device, access to personal medical devices and medication, elevator access, access to food and water, accessible parking, frequent restroom and mobility breaks, access to recordings or transcripts of hearings due to ADHD, limit of overlapping conversations, juror seating accommodations due to PTSD, request to elevate leg/lower extremities, accommodations for blind juror, request to wear tinted sunglasses in the courtroom, and supportive/ergonomic seating while in the courtroom.

2) Scribing Requests

The Courts track scribing requests from self-represented litigants and jurors. The District's ADA Title II Coordinators, Judicial Specialist Supervisors, Paralegals, and Judicial Specialists maintain a Scribing Request Intake Google Form for all scribing requests. The entries from the Google Form are instantly emailed to the Statewide ADA Title II Coordinator upon submission. The Statewide ADA Title II Coordinator's Office is responsible for ensuring data received from the Third Judicial District is updated in this plan annually.

During the most recent calendar year (January 1, 2023 through December 31, 2023), scribing requests for self-represented litigants were as follows:

Scribing Request for Self-Represented Litigants = (7)

In 2023, the Third Judicial District conducted seven (7) scribing sessions for the following case types: custody/visitation, domestic violence, guardianship of a minor, civil lawsuit, contract, and traffic/parking.

In 2024, the Third Judicial District continued providing scribing services for self-represented litigants in the following case types: traffic/parking, landlord/tenant, divorce, civil complaint, domestic restraining order, child support, domestic violence, answer to a complaint, and civil lawsuits. Additionally, scribing services were provided for jurors on their jury questionnaires.

IV. ADA COORDINATOR DUTIES

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

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

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

- Plan and coordinate compliance efforts.
- Develop and distribute notice about ADA Title II compliance.
- Respond to general inquiries from the public.

- Coordinate requests for auxiliary aids and services and reasonable modifications of policies, practices and procedures.
- Train staff, boards and commissions on ADA Title II requirements.
- Interact and consult with staff, boards and commission on ADA Title II.
- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.
- Ensure districts are complying with all ADA Title II mandates.

Statewide ADA Title II Coordinator:

Peggy Cadwell

ADA@nmcourts.gov

(505) 414-5313

B. Duties of the Local ADA Title II Coordinator

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

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

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

may request additional assistance from the ADA Statewide ADA Title II Coordinator.

Third Judicial District Court ADA Title II Coordinator:

Jodie Delgado, Deputy Court Executive Officer 2

lrdjmc@nmcourts.gov

(575) 528-8382

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

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

Marisela Duran, Human Resources Administrator

lrdmhd@nmcourts.gov

(575) 528-8310

V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS

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

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

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

VI. TRANSLATED RESOURCES

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

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

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 at <https://nmcourts.gov/ada-accommodations/about-ada-accommodations/>.

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

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

and on the NM AOC Language Access webpage:

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

VIII. RESOURCES FOR JURORS

The NM 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 and accommodations available for jurors include juror questionnaires and documents in alternative formats, ASL and Certified Deaf interpreters, Assistive Listening Devices, CART captioning, access to personal cell phones and smartwatches, hand-written or typed communication, use of personal service animal, readers and notetakers, court documents delivered electronically, documents in Braille, physical access to move throughout the courthouse and courtroom, access to personal medical devices and medication, elevator access, access to food and water, accessible parking, frequent restroom and mobility breaks, juror accommodations due to PTSD, and supportive/ergonomic seating while in the courtroom.

IX. OUT-OF-COURTROOM CONTACTS

Third Judicial District and Magistrate Court staff report that the majority of out-of-courtroom contacts occur at the clerk's windows, by telephone, and at security, plus in the District Court Self Help Center.

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 Third Judicial District and Magistrate Courts for posting at the public points of entry, indicating service animals are allowed. Additionally, the Statewide ADA 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 Third Judicial District in August and September 2023, and subsequently in February and July 2024. Additionally, ADA signage and stickers advising court patrons to ask court staff if they need assistance were also provided to the District in February and July 2024.

In July 2023, the NM AOC added ASL on-demand services 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 were provided to the Third Judicial District in February and July 2024.

X. ASSISTIVE LISTENING AND SPEECH DEVICES

The Third Judicial District currently has twenty-four (24) ALDs available for use in the Third Judicial District Court and Magistrate Courts.

In addition to the ALD equipment at the Third Judicial District, a PocketTalker and speech amplifier 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. During the pilot phase, the scribing program assisted court users who signed a Statement of Need testifying that they needed scribing help due to illiteracy, Limited English Proficiency or a disability. Court staff read court forms or jury questionnaires aloud and filled in the blanks on their behalf, using the exact words spoken by the self-represented litigant or juror.

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 Scribing program was further expanded on February 27, 2024 in NM Supreme Court Order No. S-1-AO-2024-00009 by providing scribing services to any self-represented litigant requesting the services.

The Third Judicial District has advertised scribing services in their Courts by posting the public outreach materials provided by the Statewide ADA Title II Coordinator's Office in their customer service areas, public hallways, and by informing staff who to contact in the court should a court user or juror request scribing services. All staff in the District have been trained in scribing, and staff have developed an internal workflow that allows for one or two staff members to conduct a scribing session in accordance to complexity of the session.

To keep track of scribing numbers in each District, the Statewide ADA Title II Coordinator's Office created a Scribing Request Intake Google Form for each district. Once a scribing session is completed, court staff enter demographic information from the scribing session onto the Form, and the results are instantly emailed to the Statewide ADA Title II Coordinator's Office.

Scribing Statement of Need forms have also been provided to District ADA Title II Coordinators, Court Managers, Project/Program Managers, Self-Help Office staff, Jury staff, and CEOs by the Statewide ADA Title II Coordinator's Office.

Scribing PSAs in English, Spanish, and Navajo, and scribing explainer videos in English, Spanish and Navajo are available at the following link:

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

Scribing training modules, quizzes and certificates of completion for Judiciary staff are available on the Court Education Institute's Learning Management System:

<https://nmcourts.geniussis.com/>.

In June 2024, the Statewide ADA Title II Coordinator's Office began holding monthly check-ins with each judicial district to discuss the progress of scribing services provided in courts, answer questions, discuss training ideas, share statistics, and acquire staff feedback. Staff from the Third Judicial District regularly attends these check-ins and provide positive and meaningful feedback.

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

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

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

As of the effective date of this plan, the Magistrate Court has three (3) UbiDuo devices: two (2)

in Las Cruces and one (1) in the Anthony location. The District Court has one (1) device and has requested one (1) additional device from the Statewide ADA Title II Coordinator's Office, which will be used in the Self Help Center. During the COVID-19 pandemic response, the Third Judicial District used UbiDuos in the courtroom to help maintain distance between parties.

XIII. JUDICIAL AND STAFF TRAINING

The Statewide ADA Title II Coordinator's Office offers regular training in partnership with the Southwest ADA Center, New Mexico Governor's Commission on Disability, Professor Bruce Adelson, Esq. and other disability organizations. The Statewide ADA Title II Coordinator notifies all judiciary employees of upcoming trainings via email. Training is offered to all judiciary employees free of charge and is recorded and broadcast on the Language Access YouTube channel at: <https://www.youtube.com/@nmaoclanguagesservice8616/videos>

The Statewide ADA Title II Coordinator's Office also holds regular in-person and virtual trainings and meetings with Judges, District ADA Title II Coordinators and Judiciary staff, and offers the opportunity for District ADA Title II Coordinators to enroll in the ADA Coordinator Training Certification Program (ACTCP) and attend the annual ADA National Symposium. Third Judicial District Title II Coordinator Jodie Delgado is currently enrolled in the Program, and is expected to complete the required coursework in the current fiscal year. It is the intention of the ADA/ language access planning team to hold court-wide, hybrid ADA/ language access training annually.

The Statewide ADA Title II Coordinator's Office holds monthly District ADA Title II Coordinator Meetings to discuss ADA topics, trends, upcoming trainings, and important updates from the NM AOC. Third Judicial District ADA Title II Coordinators Jodie Delgado and Marisela Duran are in regular attendance at these meetings.

Effective 2023, NM 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.

Additional training assistance is available to the Third 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.

XV. ADA SELF-EVALUATION AND TRANSITION PLAN

The ADA requires all public entities with over 50 employees must complete an ADA Self-Evaluation and Transition Plan, to find barriers that may prevent individuals with disabilities from participating in court activities, programs, or services, or prevent them from entering or

moving throughout the building. In 2024, the Statewide ADA Title II Coordinator's Office, through a Request for Proposal (RFP) process, selected a vendor to perform a Self-Evaluation and Transition Plan of 80 courthouse facilities in the New Mexico Judiciary.

In July 2024, the Third Judicial District was selected as the first to undergo the ADA Self-Evaluation and Transition Plan in the Judiciary. During their kick-off meeting, Third Judicial District CEO Bernice Ramos and District ADA Title II Coordinator Jodie Delgado met with Statewide ADA Title II Coordinator Peggy Cadwell and the selected vendor, Altura Solutions to develop a timeline of each phase of their Plan. A public participation component was also developed, including public surveys, a project website, and public engagement meetings and reports to incorporate input from the public and disability communities.

In August 2024, during the first phase of their Plan, Altura Solutions conducted a physical evaluation of each courthouse in the Third Judicial District. During this evaluation, each courthouse facility was surveyed to determine if any architectural or rights-of-way barriers may exist within each facility. In the upcoming phases of the Plan, the programs, services, activities, and Third Judicial District website will be evaluated to further locate and remedy barriers.

XVI. 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.

An Americans with Disabilities Act webpage 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 fillable PDF format (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>.

If these forms are needed in an alternative format, they can be requested by contacting the Statewide ADA Title II Coordinator's office at ada@nmcourts.gov.

The Third Judicial District displays ADA information prominently on its homepage at <https://thirddistrict.nmcourts.gov/ada-accommodations/>. Included are the Request for Accommodations; Grievance Procedure; Notice of Non-Discrimination, and contact information for the District ADA Title II Coordinator.

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

The Third Judicial District has created an ADA email address, 3rdada@nmcourts.gov in order to

keep track of any incoming email requests from the public.

In 2023, the Statewide ADA Title II Coordinator's Office worked with the NM 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 regards to ADA accommodation requests.

XVII. GRIEVANCE PROCEDURE

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

XVIII. APPROVAL AND EVALUATION OF ADA PLAN

A. ADA Plan Approval

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

B. Annual Evaluation

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

C. Third Judicial District Court ADA Title II Coordinators

Jodie Delgado, Deputy Court Executive Officer 2
Third Judicial District Court
201 W Picacho Ave, Las Cruces, New Mexico 88005
lcrdjmc@nmcourts.gov
(575) 528-8382

Marisela Duran, Human Resources Administrator
Third Judicial District Court
201 W Picacho Ave, Las Cruces, New Mexico 88005
lcrdmhd@nmcourts.gov
(575) 528-8310

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
(505) 414-5313

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

A. Effective Date:

LAP original effective date: December 31, 2012

ADA plan original effective date: August 31, 2022

Latest revision: October 28, 2024

B. Approved By:

Hon. Conrad F. Perea, District Court Chief Judge: _____ 

Date: 12/11/2024

Bernice Ramos, District Court Executive Officer: _____ 

Date: 12/11/2024

ATTACHMENTS

LANGUAGE ACCESS PLAN:

- A) Members of the Third Judicial District Court LAP/ADA Planning Team**
- B) Interpreter Statistics Fiscal Year 2024: District Court**
- C) Interpreter Statistics Fiscal Year 2024: Magistrate Court**
- D) Out-of-Courtroom Encounters: District Court**
- E) Out-of-Courtroom Encounters: Magistrate Court**
- F) Third Judicial District Language Access Specialists**
- G) Language Access Complaint Procedure and Form**

ADA PLAN:

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

Third Judicial District LAP
Revised 2024
Attachment A

Members of the Third Judicial District
Language Access Planning Team

District Court:

Bernice A. Ramos, Court Executive Officer
Jodie Delgado, Deputy Court Executive Officer (**ADA Coordinator**)
Robert Segura, Judicial Specialist Supervisor & Language Access Specialist (**LAS Coordinator**)
Roxy Britton, Court Manager III
Jovonnie Aragon, Judicial Specialist Lead Worker - Jury Division
Lily Atencio, Mediation Program Manager & Language Access Specialist
Josie Gomez, Judicial Specialist Lead Worker & Language Access Specialist
Javier Cuevas, Paralegal & Language Access Specialist
Carmen Florez-Lucero, Drug Court Program Manager
Anabel Vela, AOC Language Access/Interpreter Coordinator
Marisela Duran, HR Generalist (ADA Coordinator)
Alonzo Martinez Calderon, Paralegal – Pro Se Division & Language Access Specialist
Micah Standridge, Associate Attorney, Court Law Office

Magistrate Court:

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

Third Judicial District LAP

Courtroom Interpreter Data- District Court

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

In the District Court, courtroom interpreter use in fiscal year 2024 was as follows:

FY2024 Month	Language	# of Interpreter Assignments (Not # of individual clients)
July 2023	Spanish Telegu Tagalog	165 2 1
August 2023	Spanish ASL CART Hindi Sango	267 1 1 1 1
September 2023	Spanish ASL Korean Chinese	197 3 1 1
October 2023	Spanish ASL Telugu	208 3 1
November 2023	Spanish ASL Hindi Dari	209 2 1 1
December 2023	Spanish ASL	155 2

January 2024	Spanish ASL Korean Deaf	229 3 1 1
February 2024	Spanish ASL Korean	220 16 2
March 2024	Spanish ASL Deaf	274 3 2
April 2024	Spanish ASL CART	222 2 2
May 2024	Spanish CART Arabic	183 1 2
June 2024	Spanish ASL Japanese	206 2 1

Las Cruces Magistrate Court LAP

Courtroom Interpreter Data- Las Cruces Magistrate Court

FY2024 Month	Language	# of Interpreter Assignments (Not # of individual clients)
July 2023	Spanish	170
	Arabic	1
	Sign Language	2
	Punjabi	2
	Cart Interpreter	1
	Cantonese	1
August 2023	Spanish	174
	Chinese Mandarin	3
	Sign Language	1
September 2023	Spanish	183
	Punjabi	2
	Russian	2
	Hindi	1
October 2023	Spanish	192
	Mandarin Chinese	2
	Hindi	3
	SL	1
November 2023	Spanish	162
	Mandarin	2
	French	1
	ASL	1
December 2023	Spanish	178
	ASL	1
	Hindi	1
	Russian	1
	AL/Deaf	1
	Mandarin	2
January 2024	Spanish	225
	Mandarin	1
	French	1
February 2024	Spanish	221
	French	1
	Mandarin	2
	ASL	1
	Cantonese	1
	Cart Interpreter	1
March 2024	Spanish	215
	Mandarin	1
	Bengali	1
	Ukrainian	1

	Cantonese	2
April 2024	Spanish	247
	ASL	2
	Panjabi	1
May 2024	Spanish	245
	Bengali	1
	Panjabi	1
	Mandarin	1
June 2024	Spanish	232
	Mandarin	2
	Panjabi	1
	ASL	1
	Hindi	1

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	3rd JDC	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Total
	Clerk's Office	280	356	323	318	392	336	463	398	325	203	227	184	3805
	Pro Se	22	25	17	36	18	15	46	47	37	39	35	46	383
	Drug Court	0	0	0	0	0	0	0	0	0	0	0	0	0
	Mediation	15	34	25	25	19	36	49	33	20	30	15	26	327
	Total	317	415	365	379	429	387	558	478	382	272	277	256	4515

Month	Total Amount
July 2023	271
August 2023	292
September 2023	367
October 2023	312
November 2023	279
December 2023	303
January 2024	166
February 2024	305
March 2024	321
April 2024	318
May 2024	296
June 2024	282

**Third Judicial District LAP
Revised 2024
Attachment F**

**Third Judicial District
Certified Language Access Specialists**

Alejandra Varela, Court Monitor, 3rd JDC
Alonzo Martinez Calderon, Paralegal, 3rd JDC
Diana Palmer, Court Monitor, 3rd JDC
Javier Cuevas, Paralegal, 3rd JDC
Josephina Gomez, Judicial Specialist Lead Worker, 3rd JDC
Lilyana Atencio, Mediation Program Manager, 3rd JDC
Minerva Villa, Administrative Assistant, Child Support Division, 3rd JDC
Suteera Baker, Financial Specialist, 3rd JDC
Robert Segura, Judicial Specialist Supervisor, 3rd JDC
Alexandra Arroyo, Judicial Specialist 2, Dona Ana Magistrate Court
Dina Calderon, Judicial Specialist 2, Dona Ana Magistrate Court
Leticia Padilla, Judicial Specialist Supervisor, Dona Ana Magistrate Court
Magdeli Dominguez, Judicial Specialist Supervisor, Dona Ana Magistrate Court
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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
Phone Mail Email Other: _____

What is the best time to contact you? _____

Check: Yes ____ No____: I require an accommodation for filing and resolving my complaint. Please contact me at the phone numbers and email addresses I listed to make accommodation arrangements.

DETAILS OF COMPLAINT

Date of Incident: ____/____/____

Court
Location _____

Identify the person and/or division in the Court

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

DESIRED RESOLUTION

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

HOW YOUR COMPLAINT IS HANDLED

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

FOR STAFF COMPLETION ONLY:

Investigation Date: ____/____/____

Resolution Date: ____/____/____

Complainant contacted and informed of resolution Yes/ No

Date Contacted: _____

Reason complainant not contacted:
