



**THIRTEENTH JUDICIAL  
DISTRICT**

**LANGUAGE ACCESS PLAN**

**&**

**AMERICANS WITH  
DISABILITIES ACT PLAN**

**THIRTEENTH JUDICIAL DISTRICT  
LANGUAGE ACCESS PLAN  
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## **I. DEFINITIONS**

“13<sup>th</sup> Judicial District” and “the Courts,” as used throughout this plan, means every District and Magistrate court located in New Mexico's 13<sup>th</sup> Judicial District, namely: the District Courts located in Cibola, Sandoval and Valencia counties; Belen Magistrate Court in Valencia county; Bernalillo Magistrate Court in Sandoval county; Cuba Magistrate Court in Sandoval county; Grants Magistrate Court in Cibola county, and Los Lunas Magistrate Court in Valencia county.

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

## **II. LEGAL BASIS AND PURPOSE**

This document serves as the plan for the 13<sup>th</sup> 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 13<sup>th</sup> 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. American Sign Language (ASL)
3. Navajo, Vietnamese, Chinese and Arabic

In Fiscal Year 2022, interpretation was provided in New Mexico's courts in a total of 58 different languages.

### **B. 13th Judicial District by Language**

#### **Demographic Data by County:**

The 13th Judicial District will make every effort to provide services to all LEP persons. For purposes of anticipating need, the following data indicates 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:

**Cibola County:**

1. Spanish 21.96%
2. “Other specified North American Indian languages” 15.6%
3. Navajo 6.8%
4. “Other West Germanic languages” 0.11%
5. German 0.08%

**Sandoval County:**

1. Spanish 17.03%
2. “Other specified North American Indian languages” 7.56%
3. Navajo 2.09%
4. German 0.32%
5. French 0.3%

**Valencia County:**

1. Spanish 29.8%
2. “Other specified North American Indian languages” 0.88%
3. Navajo 0.73%
4. German 0.44%
5. “African languages” 0.22%

**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 13<sup>th</sup> Judicial District:

- Cibola County: 1,200 Spanish-speaking LEP persons.
- Sandoval County: 4,300 Spanish-speaking LEP persons; 1,500 LEP persons speaking “other Native American languages.”
- Valencia County: 8.6% (6,000) Spanish-speaking LEP persons.

The 13<sup>th</sup> Judicial District Language Access Planning team is responsible for updating demographic data as it becomes available from MLA and MPI and adding it to this plan.

**Courthouse Users:**

The 13<sup>th</sup> 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 LAP at its annual meetings.

Interpreter usage data for the most recent calendar year (2022), broken down by language and by courthouse, is appended to this plan as *Attachment B*. Prior year data is also included in *Attachment B*, for comparison purposes.

### **2) Out-of-courtroom tracking:**

In addition to tracking the use of interpreters in the courtroom, the Courts track requests for out-of-courtroom services, both in person and over the telephone, by language and courthouse. The District Court Administrative Assistant and the Magistrate Court Managers are responsible for ensuring this data is compiled on an ongoing basis and presented at the annual LAP team meeting.

Data on out-of-courtroom encounters for the most recent Fiscal Year, broken down by language and by courthouse, is appended to 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 13<sup>th</sup> Judicial District, interpreters will be provided, consistent with the Courts 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 Courts 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 referred by the Child Support Enforcement Division, and/or Children's Court case.
- For a non-English speaking person who is a principal party in interest in a civil case or that party's witness.
- For victims who are active case participants, i.e., testifying as a witness or when making a statement at sentencing.
- For any non-English speaking juror. A certified court interpreter shall be provided to petit and

grand jurors, including jury orientation, voir dire, deliberations, and all portions of the trial.

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

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

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

The 13th Judicial District may determine whether an LEP court customer needs an interpreter for a court hearing or for jury duty in the following ways:

- Request for interpreter form (Form 4-115 NMRA) in bilingual format. This form is available to pro se parties and attorneys at the clerk's office, as well as in every pro se forms packet (District Courts).
- Language on domestic violence petition inquires whether any party needs an interpreter (District Courts).
- The Application for Free Process (Form 4-222 NMRA) has an interpreter needed checkbox (District Courts).
- 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.
- In magistrate courts, arraignment is sometimes the first opportunity to catch interpreter need. When this occurs, the judge flags the file.
- Recurring interpreter needs are flagged in the Courts' Odyssey case management system by Trial Court Administrative Assistants (TCAAs). When a case transfers from Magistrate to District court, the flag on the case file also transfers.

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 court staff, the client/customer's advocate, or attorneys.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. The 13th Judicial District displays signs in English, Spanish, Navajo and Vietnamese that state: "You have the right to an interpreter at no cost to you. If you cannot speak or understand English, or if you need an American sign language interpreter, please contact the clerk for assistance." The 13<sup>th</sup> Judicial District displays these signs at the following locations, and the LAP Coordinator and Magistrate Court Managers are responsible for ensuring signage remains posted:

- District Courts: clerks' offices, building entrances, public areas throughout courthouses.
- Belen Magistrate Court: lobby, inside courtroom.
- Bernalillo Magistrate Court: lobby, civil division office, inside and outside each courtroom, clerk's window.

- Cuba Magistrate Court: lobby, front entrance, inside each courtroom.
- Grants Magistrate Court: front doors, lobby by clerk's window, inside and outside each courtroom.
- Los Lunas Magistrate Court: front counter, inside and outside each courtroom.

Additionally, the judge may determine that it is appropriate to provide an interpreter for a court matter.

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

### **C. Remote Interpreting**

During the COVID-19 public health emergency, AOC Language Access Services prioritized remote interpreting over in-person interpreting for all proceedings with the exception of jury trials. Details to assist courts with telephone and video interpreting are posted at: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

### **D. Court Interpreter Qualifications and Availability**

The 13th 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 13th 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 13<sup>th</sup> Judicial District, the most common points of service outside the courtroom are at the Courts' public counters, the telephone or the court clinics.

Language Access Specialists (LASs) are bilingual employees of the courts 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 13th Judicial District employed the following LASs:

- Alexia Burkhard, Judicial Specialist, Valencia County District Court (Navajo)

- Rosalinda Swint, Judicial Specialist, Valencia County District Court (Spanish)
- Nancy Moctezuma, Judicial Specialist, Valencia County District Court (Spanish)
- Maricela Salcido, Administrative Assistant, Valencia County District Court (Spanish)
- Flo Abad, PreTrial Services, Cibola County District Court (Navajo)
- Toinette García, Court Manager, Cibola County District Court (Spanish)
- Patricia Trujillo, Judicial Specialist, Sandoval County District Court (Spanish)
- Jacqueline Gallegos, Judicial Specialist, Sandoval County District Court (Spanish)
- Michelle Garcia, Judicial Specialist, Sandoval County District Court (Spanish)
- Brenda Perales, Valencia County District Court (Spanish)
- Mariana Torres, Sandoval County District Court (Spanish)
- Marlene Beltran, Valencia County District Court (Spanish)
- Cecilia Rojas, Court Manager, Bernalillo County Magistrate Court (Spanish)
- Kimberly Gachupin, Bernalillo County Magistrate Court (Spanish)
- Paloma Wheeler-Flores, PreTrial Service Officer 1, Sandoval District, Spanish

The LAP team discusses current LAS needs and potential candidates at each annual meeting.

To facilitate communication between LEP individuals and court staff, the 13th 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, as detailed in Section IV C.
- Telephonic interpreting services, which are available to provide assistance in the clerk’s office and at court clinics. The telephonic interpreting services are provided in over 175 languages, through Certified Languages International (CLI).
- Every courthouse will have a recorded phone message in Spanish (as well as Navajo for Cibola county) by no later than December 31, 2023.
- Bilingual (Spanish) family court services mediators for custody and visitation matters (District Courts).
- The AOC Memorandum, “Providing Interpreters for Court-Ordered Programs, Services or Events,” explains when the obligation to provide language access for programs, services or events falls on the court and when it falls on outside agencies. *See:* <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1.aspx>.

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

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

Currently, the following translated resources are available statewide:

- Supreme Court forms in bilingual format, available at <https://languageaccess.nmcourts.gov>:
  - *Spanish:* Domestic Violence, Domestic Relations, Interpreter request, Adult Guardianship
  - *Spanish, Vietnamese, Chinese and Arabic:* Landlord Tenant



- The website of the NM Judiciary at <https://nmcourts.gov>, including the 13<sup>th</sup> Judicial District Court page, has been professionally translated into Spanish. The Court’s webmaster is responsible for notifying the AOC Language Access Planning Consultant whenever updates are made in English so that AOC can make the corresponding updates on the Spanish mirror page.
- Resources posted on the AOC Language Access Services website at: <https://languageaccess.nmcourts.gov>. To help users who are LEP, blind/low-vision; low literacy/computer literacy or deaf/hard-of-hearing to navigate the site, an avatar is included. This virtual assistant speaks English, Spanish and Navajo and can respond to either written or verbal commands.
- Informational videos for Self-Represented Litigants in ASL, Spanish and Navajo (with closed captioning) are posted throughout the Language Access Services website.
- Guardian and Conservator orientation program videos in Spanish are posted at: <https://adultguardianship.nmcourts.gov/videos-informativos-de-entrenamiento>
- A District Court Self Help Guide (Spanish and Navajo) is available on the Language Access Services website.
- 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 13<sup>th</sup> Judicial District:

- Juror orientation PowerPoint and juror handbooks by county (Spanish).
- Finishing Your Parentage Petition (Spanish).
- Court Clinic Disclosure Statement (Spanish).
- “What clerks can do” and “We appreciate our jurors” signs in Spanish and Navajo.
- Several non-profit legal entities provide Spanish informational brochures on their services that are available to the public in the District Court clerks’ offices.

## **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 Courts in the following capacities:

- Court interpreters who serve the Courts 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 LASs.
- Other bilingual staff who are on call to assist with out-of-courtroom or court clinic contacts from LEP individuals as needed. The Courts encourage all bilingual employees who provide

language access services to become LAS certified.

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

The New Mexico State Courts and the 13<sup>th</sup> 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 13<sup>th</sup> Judicial District will be expanded or continued as needed. These opportunities include:

- Mandatory language access training for all new and continuing employees, using a language access training DVD developed by the New Mexico Judiciary and made available to all courts in October 2011. The DVD includes information on the legal basis for language access and goes into detail on procedures for providing services. A policy directive mandating the training was issued by the Supreme Court in the form of an Order in April 2011. A subsequent policy directive was issued by AOC in October 2011 in the form of a Language Access Training Policy. AOC distributed an accompanying training acknowledgment form which is to be signed by each employee and added to his or her personnel file after training has been completed.
- 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/language-access-specialist-interpreter-training>.
- 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.

Trainings in the 13<sup>th</sup> Judicial District will be held on an as-needed basis. In the District Courts, Human Resources will be responsible for implementing trainings. In the Magistrate Courts, the Court Managers will be responsible for implementing trainings. New employees and judges will receive language access orientation, administered by the AOC Human Resources Division, shortly after assuming their responsibilities.

## **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 13<sup>th</sup> 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 13<sup>th</sup> Judicial District, as identified through current or future language access planning efforts.

## **X. PUBLIC NOTIFICATION OF LAP AND SERVICES**

The 13th Judicial District understands the importance of communicating to the LEP public that courthouses are accessible. In addition to using signage, “I Speak” cards, phone services, online materials and written materials as detailed above, the Courts undertake the outreach measures detailed below.

The Courts benefited from a statewide Public Service Announcement regarding the accessibility of New Mexico's courts which AOC distributed to radio stations in English, Spanish, Navajo and Vietnamese.

Upon initial signature of the LAP, the 13<sup>th</sup> Judicial District Court issued a press release about the LAP.

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

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

## **XI. COMPLAINT PROCEDURE**

The 13<sup>th</sup> 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 LAP Coordinator will provide the person with the complaint procedure and form (*see Attachment D*). The procedure and form are available in English and Spanish and can be translated into additional languages as needed.

## **XII. APPROVAL AND EVALUATION OF LAP**

### **A. LAP Approval**

The 13<sup>th</sup> Judicial District's LAP is subject to approval by the 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 13th Judicial District will routinely assess whether changes to the LAP are needed. The plan may

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

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

- Number of LEP persons 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.
- Ensuring that any outstanding tasks noted 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. 13th Judicial District LAP Coordinator:**

Phillip Romero, Court Executive Officer  
13<sup>th</sup> Judicial District Court  
1835 Hwy 314 SW, Los Lunas, NM 87031  
[lludpar@nmcourts.gov](mailto:lludpar@nmcourts.gov)  
505-865-2400 Ext. 2130

**D. AOC LAP Coordinator:**

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(505) 231-9229

**E. LAP Effective date:**

*See: LAP & ADA Plan signature page*

**THIRTEENTH JUDICIAL DISTRICT  
ADA PLAN  
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## **I. 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.

## **II. NEEDS ASSESSMENT**

The Centers for Disease Control and Prevention publish 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 460,355 adults have a disability. This is equal to 28% or roughly 1 in 4 adults.

According to DHDS, in New Mexico the percentages of disabled individuals 18 years or older were reported in 2020 as follows:

- Cognitive Disability 13.4%
- Mobility Disability 12.2%
- Independent Living Disability 8.8%
- Hearing Disability 6.9%
- Vision Disability 4.7%
- Self-Care Disability 4.5%

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.

## **III. ADA COORDINATOR DUTIES**

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

The Office of the Statewide ADA 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 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 requirements.
- Interact and consult with staff, boards and commissions on the ADA.
- 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 Coordinator:

Peggy Cadwell

[ADA@nmcourts.gov](mailto:ADA@nmcourts.gov)

(505) 414-5313

## **B. Duties of the Local ADA Coordinator**

Among the duties of the local ADA Coordinator are to:

- Handle 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-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.
- Investigate grievance complaints.
- Ensure the District is complying with all ADA Title II mandates.
- Conduct investigations of all complaints.
- Cooperate with the Statewide ADA office by providing all requested information during an investigation.
- 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 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 Coordinator for their district for assistance. In turn, the local ADA Coordinator may request additional assistance from the Statewide ADA Title II Coordinator.

13<sup>th</sup> Judicial District ADA Coordinator:

Brittany Lucero

Human Resources Administrator Senior

[lludbll@nmcourts.gov](mailto:lludbll@nmcourts.gov)

(505) 865-2410



Should Brittany Lucero be unavailable, employees and the public may contact:  
Phillip Romero, Court Executive Officer 3, at [lludpar@nmcourts.gov](mailto:lludpar@nmcourts.gov) or (505) 865-2400 ext. 2130.

#### **IV. 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.

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.

#### **V. ASL RESOURCES FOR JURORS**

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

[https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation\\_capt\\_eng.webm](https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation_capt_eng.webm)

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

The Magistrate Courts report that the majority of out-of-courtroom contacts occur at the clerk's window, and the District Courts report that the first points of contact for the public are the Sheriffs' Departments who provide security.

At its 2023 meeting, the LAP/ADA planning team reported that there has been one informal request for an ADA accommodation and no requests for scribing services. The ADA Coordinator will keep track of accommodation requests, along with documenting any denials and the reason for the denial.

AOC will mail service animal signage to the Court, to be displayed in every courthouse in the district.

The LAP/ADA planning team will collaborate with the Statewide ADA Coordinator to create a handout for staff and the Sheriff's Department containing basic information about accommodating requests, regulations around service animals, and ADA Coordinator contact details.

#### **VII. 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 Court will provide the following link to staff for training in how to use the devices:

<https://www.youtube.com/watch?v=o2ceYxbGvAQ>

As of the latest revision of this plan, the Thirteenth Judicial District did not yet have UbiDuo devices in any of its courthouses. The Office of the Statewide ADA Coordinator supplies these devices to the courts as funding permits.

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

The Statewide ADA Office offers regular training in partnership with the Southwest ADA Center and other disability organizations. The Statewide Coordinator notifies all judiciary employees of upcoming trainings via email. Webinars are offered to all judiciary employees free of charge and are recorded and available on the Language Access YouTube channel at the following link:

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

AOC new employee orientation training includes information regarding ADA Title II compliance and the Statewide ADA Title II Coordinator's contact information.

Additional training assistance is available to the 13<sup>th</sup> Judicial District on request by contacting the Office of the Statewide ADA Coordinator.

## **IX. 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 Coordinator.

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

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

Similarly, the 13<sup>th</sup> Judicial District publishes the Notice, Request and forms on its homepage, alongside district-specific contact information.

The Court has created a group ADA email address, [ada.13thdistrictcourt-grp@nmcourts.gov](mailto:ada.13thdistrictcourt-grp@nmcourts.gov), in order to keep track of any incoming email requests from the public.

A hard copy of the 13<sup>th</sup> 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 13<sup>th</sup> Judicial District posts the plan at <https://thirteenthdistrictcourt.nmcourts.gov/home/language-access-plan> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>.

## **X. GRIEVANCE PROCEDURE**

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

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

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

The 13<sup>th</sup> 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. Thirteenth Judicial District ADA Coordinator**

Brittany Lucero  
Thirteenth Judicial District Court  
1835 NM-314, Los Lunas NM 87031  
[lludbll@nmcourts.gov](mailto:lludbll@nmcourts.gov)  
(505) 865-2410

### **D. Statewide ADA Coordinator**

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

### **E. ADA Plan Effective date:**

*See: LAP & ADA Plan signature page*

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

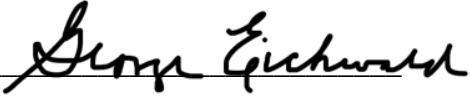
**A. Effective Date:**

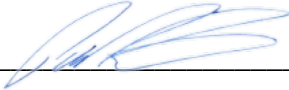
LAP original effective date: December 31, 2012

ADA plan original effective date: April 15, 2023

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

**B. Approved By:**

Hon. George Eichwald, District Court Chief Judge:   
Date: 04/05/23

Phillip Romero, District Court Executive Officer:   
Date: April 5, 2023

## **ATTACHMENTS**

### **LANGUAGE ACCESS PLAN:**

- A) Members of the 13<sup>th</sup> 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**

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

**Thirteenth Judicial District  
Language Access Planning Team Members**

Phillip Romero, Court Executive Officer, 13<sup>th</sup> JDC – **LAP Coordinator**

Bernice Ramos, Deputy Court Executive Officer, 13<sup>th</sup> JDC

Brittany Lucero, Human Resource Administrator Senior, 13<sup>th</sup> JDC – **ADA Coordinator**

Miriam Rabieh, Court Programs and Operations Manager 13<sup>th</sup> JDC

Albert Kwan, Pre-Trial Supervisor, 13<sup>th</sup> JDC

Teri Marquez, Business Specialist II, 13<sup>th</sup> JDC

Kevin Jaramillo, Court Clerk Supervisor, Valencia County District Court

Audrey Garcia, Court Manager, Sandoval County District Court

Toinette Garcia, Court Manager, Cibola County District Court

Paulette Jaramillo, Court Manager, Los Lunas Magistrate Court

Stephanie Trujeque, Court Manager, Belen Magistrate Court

Jessica Aragon, Court Manager, Grants Magistrate Court

Cecilia Rojas, Court Manager, Bernalillo Magistrate Court

Diana Velarde, Court Manger, Cuba Magistrate Court

**13<sup>th</sup> Judicial District LAP  
Attachment C  
Revised 2023**

**Courtroom Interpreter Data**

In Calendar Year 2022, courtroom interpreter use was as follows:

<b>Courthouse</b>	<b>Language of interpreter assignment</b>	<b>Number of assignments Jan 1 to Dec 31, 2022</b>
Cibola District	Spanish	29
	Navajo	2
	Vietnamese	1
Sandoval District	Spanish	27
	American Sign Language	1
Valencia District	Spanish	288
	American Sign Language	6
	Arabic	1
Belen Magistrate	Spanish	191
Bernalillo Magistrate	Spanish	141
	Russian	6
	Arabic	3
	Polish	2
	Chinese Mandarin	1
	Vietnamese	1
	Laotian	1
Cuba Magistrate	N/A	0
Grants Magistrate	Spanish	14
	Somali	5
	Swahili	1
	Arabic	1
	Punjabi	1
	Navajo	1
Los Lunas Magistrate	Spanish	163
	Arabic	1
	American Sign Language	1
<b>Totals</b>	<b>Spanish</b>	<b>853</b>
	<b>American Sign Language</b>	<b>8</b>
	<b>Russian</b>	<b>6</b>
	<b>Arabic</b>	<b>6</b>
	<b>Somali</b>	<b>5</b>
	<b>Navajo</b>	<b>3</b>
	<b>Polish</b>	<b>2</b>
	<b>Vietnamese</b>	<b>2</b>
<b>Chinese Mandarin</b>	<b>1</b>	

	<b>Laotian</b>	<b>1</b>
	<b>Punjabi</b>	<b>1</b>
	<b>Swahili</b>	<b>1</b>
		<b>889 total assignments in all languages across all courthouses</b>

In Fiscal Year 2019, courtroom interpreter use was as follows:

<b>Courthouse</b>	<b>Language of interpreter assignment</b>	<b>Number of assignments July 1, 2018 – June 30, 2019</b>
Cibola District	Spanish	20
	Navajo	2
Sandoval District	Spanish	50
	American Sign Language	1
Valencia District	Spanish	96
	American Sign Language	9
	Portuguese	1
Belen Magistrate	Spanish	81
	American Sign Language	2
Bernalillo Magistrate	Spanish	91
	Chinese	1
Cuba Magistrate	Spanish	17
	Navajo	19
Grants Magistrate	Spanish	28
	Navajo	2
Los Lunas Magistrate	Spanish	131
	American Sign Language	1
<b>Total for all courts</b>	<b>Spanish</b>	<b>514</b>
	<b>Navajo</b>	<b>23</b>
	<b>American Sign Language</b>	<b>13</b>
	<b>Chinese</b>	<b>1</b>
	<b>Portuguese</b>	<b>1</b>
	<b>All Languages Combined</b>	<b>552</b>



In Fiscal Year 2018, courtroom interpreter use was as follows:

<b>Courthouse</b>	<b>Language of interpreter assignment</b>	<b>Number of assignments July 1, 2017 – June 30, 2018</b>
Cibola District	Spanish	25
Sandoval District	Spanish	72
	Arabic	1
	Vietnamese	1
	American Sign Language	5
Valencia District	Spanish	81
	American Sign Language	3
	Vietnamese	1
	C.A.R.T.	2
Belen Magistrate	Spanish	1
Bernalillo Magistrate	Spanish	83
	Mandarin	1
	Navajo	1
	Japanese	1
	American Sign Language	6
Cuba Magistrate	Spanish	1
Grants Magistrate	Spanish	9
	Navajo	1
	Mandarin	2
Los Lunas Magistrate	Spanish	37
<b>Total for all courts</b>	<b>Spanish</b>	<b>309</b>
	<b>American Sign Language</b>	<b>14</b>
	<b>Navajo</b>	<b>2</b>
	<b>Vietnamese</b>	<b>2</b>
	<b>Mandarin</b>	<b>3</b>
	<b>Arabic</b>	<b>1</b>
	<b>Japanese</b>	<b>1</b>
	<b>C.A.R.T.</b>	<b>2</b>

	<b>All Languages Combined</b>	<b>334</b>
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In Fiscal Year 2014, courtroom interpreter use was as follows:

<b>Courthouse</b>	<b>Language of interpreter assignment</b>	<b>Number of assignments July 1, 2013 – June 30, 2014</b>
Cibola District	Spanish	22
	Navajo	7
Sandoval District	Spanish	91
	Navajo	9
	Vietnamese	2
	Thai	1
	American Sign Language (ASL)	1
Valencia District	Spanish	152
	ASL	13
	Navajo	1
Belen Magistrate	Spanish	90
	ASL	4
	Vietnamese	1
Bernalillo Magistrate	Spanish	95
	ASL	7
Cuba Magistrate	ASL	2
Grants Magistrate	Spanish	16
	Navajo	9
Los Lunas Magistrate	Spanish	112
	ASL	1
<b>Total for all courts</b>	<b>Spanish</b>	<b>578</b>
	<b>ASL</b>	<b>28</b>
	<b>Navajo</b>	<b>26</b>
	<b>Vietnamese</b>	<b>3</b>
	<b>Thai</b>	<b>1</b>
	<b>All languages combined</b>	<b>63</b>

**Thirteenth Judicial District Court LAP  
Attachment C  
Revised 2023**

**Out-of-Courtroom Data**

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

<b>Courthouse</b>	<b>Language</b>	<b>Number of assignments Jan 1 to Dec 31, 2022</b>
Cibola District	Spanish	57
	Navajo	42
Sandoval District	Spanish	73
Valencia District	Spanish	371
Belen Magistrate	Spanish	313
	Other	1
Bernalillo Magistrate	Spanish	266
Cuba Magistrate	Spanish	40
	Navajo	46
Grants Magistrate	Spanish	19
	Navajo	1
	Other	6
Los Lunas Magistrate	Spanish	141
<b>Totals</b>	<b>Spanish</b>	<b>1,280</b>
	<b>Navajo</b>	<b>89</b>
	<b>Other</b>	<b>7</b>

In **Fiscal Year 2019** (July 1, 2018 – June 30, 2019), out-of-courtroom encounters in the Thirteenth Judicial District Courts were as follows:

**Cibola County District Court, Grants:**

<b>Month</b>	<b>Language</b>	<b>Number of Encounters</b>
July 2018	Navajo	2
August 2018	Spanish	2
	Navajo	2
September 2018	Spanish	1
	Navajo	1
October 2018	Spanish	3
	Navajo	2

November 2018	Navajo	2
December 2018	Spanish	2
	Navajo	1
January 2019	Spanish	6
	Navajo	3
February 2019	Spanish	1
	Navajo	1
March 2019	Spanish	1
	Navajo	1
April 2019	Spanish	1
	Navajo	1
May 2019	Spanish	3
	Navajo	2
June 2019	Spanish	1
	Navajo	1
<b>Annual Totals</b>	<b>Spanish</b>	<b>21</b>
	<b>Navajo</b>	<b>19</b>

**Sandoval County District Court, Bernalillo:**

<b>Month</b>	<b>Language</b>	<b>Number of Encounters</b>
July 2018	Spanish	15
August 2018	Spanish	9
September 2018	Spanish	26
October 2018	Spanish	12
November 2018	Spanish	16
December 2018	Spanish	9
January 2019	Spanish	24
February 2019	Spanish	24
March 2019	Spanish	25
April 2019	Spanish	14
May 2019	Spanish	25
June 2019	Spanish	14

<b>Annual Totals</b>	<b>Spanish</b>	<b>213</b>
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**Valencia County District Court, Los Lunas:**

<b>Month</b>	<b>Language</b>	<b>Number of Encounters</b>
July 2018	Spanish	37
August 2018	Spanish	33
September 2018	Spanish	12
October 2018	Spanish	40
November 2018	Spanish	20
December 2018	Spanish	12
January 2019	Spanish	28
February 2019	Spanish	43
March 2019	Spanish	42
April 2019	Spanish	40
May 2019	Spanish	33
June 2019	Spanish	26
<b>Annual Totals</b>	<b>Spanish</b>	<b>366</b>

**FY19 Annual Totals for All District Courts Combined:**

<b>July 1, 2018 – June 30, 2019</b>	<b>Spanish</b>	<b>600</b>
	<b>Navajo</b>	<b>19</b>
	<b>All Languages Combined</b>	<b>619</b>

In **Fiscal Year 2018** (July 1, 2017 – June 30, 2018), out-of-courtroom encounters in the Thirteenth Judicial District Courts were as follows:

**Cibola County District Court, Grants:**

<b>Month</b>	<b>Language</b>	<b>Number of Encounters</b>
July 2017	Spanish	2
	Navajo	3
August 2017	Spanish	2
	Navajo	3

September 2017	Spanish	1
	Navajo	2
October 2017	Spanish	1
	Navajo	3
November 2017	Navajo	2
December 2017	Spanish	2
	Navajo	2
January 2018	Spanish	1
	Navajo	2
February 2018	Spanish	2
	Navajo	2
March 2018	Spanish	1
	Navajo	1
April 2018	Spanish	2
	Navajo	3
May 2018	Spanish	1
	Navajo	1
June 2018	N/A	0
<b>Annual Totals</b>	<b>Spanish</b>	<b>17</b>
	<b>Navajo</b>	<b>24</b>

**Sandoval County District Court, Bernalillo:**

<b>Month</b>	<b>Language</b>	<b>Number of Encounters</b>
July 2017	Spanish	7
August 2017	Spanish	11
September 2017	Spanish	11
October 2017	N/A	0
November 2017	Spanish	4
December 2017	Spanish	6
	Korean	1
January 2018	Spanish	10
	American Sign Language	1

February 2018	Spanish	17
	American Sign Language	1
March 2018	Spanish	33
April 2018	Spanish	15
May 2018	Spanish	20
	American Sign Language	1
June 2018	Spanish	13
	American Sign Language	1
	Mandarin	1
<b>Annual Totals</b>	<b>Spanish</b>	<b>147</b>
	<b>Korean</b>	<b>1</b>
	<b>American Sign Language</b>	<b>4</b>
	<b>Mandarin</b>	<b>1</b>

**Valencia County District Court, Los Lunas:**

<b>Month</b>	<b>Language</b>	<b>Number of Encounters</b>
July 2017	Spanish	21
August 2017	Spanish	25
	Vietnamese	1
September 2017	Spanish	24
October 2017	Spanish	21
November 2017	Spanish	8
December 2017	Spanish	23
January 2018	Spanish	23
February 2018	Spanish	14
March 2018	Spanish	18
	American Sign Language	1
April 2018	Spanish	31
May 2018	Spanish	43
June 2018	Spanish	31
<b>Annual Totals</b>	<b>Spanish</b>	<b>282</b>

	<b>Vietnamese</b>	<b>1</b>
	<b>American Sign Language</b>	<b>1</b>

**FY18 Annual Totals for All District Courts Combined:**

<b>July 1, 2017 – June 30, 2018</b>	<b>Spanish</b>	<b>446</b>
	<b>Navajo</b>	<b>24</b>
	<b>American Sign Language</b>	<b>5</b>
	<b>Korean</b>	<b>1</b>
	<b>Mandarin</b>	<b>1</b>
	<b>Vietnamese</b>	<b>1</b>
	<b>All Languages Combined</b>	<b>478</b>



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

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

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

Contact information: Phillip Romero, CEO, Thirteenth Judicial District Court, 1835 Hwy 314 SW, Los Lunas, NM 87031; [lludpar@nmcourts.gov](mailto:lludpar@nmcourts.gov); (505) 865-2400 ext. 2130.

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

Contact information: Freda Valdez, Statewide Language Access Coordinator, Language Access Services, NM Administrative Office of the Courts, 111 Lomas Blvd NW, Albuquerque, NM 87102; [aocfev@nmcourts.gov](mailto: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).

## Thirteenth Judicial District 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: Thirteenth Judicial District Court: [lludpar@nmcourts.gov](mailto:lludpar@nmcourts.gov), (505) 865-2400 ext. 2130.

Please complete and return this form to:  
Phillip Romero, CEO, Thirteenth Judicial District Court  
1835 Hwy 314 SW, Los Lunas, NM 87031  
[lludpar@nmcourts.gov](mailto:lludpar@nmcourts.gov)  
Fax: (505) 865-0969

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.

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

5. Cont.

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

7. Please sign below:

Signature\_\_\_\_\_

Date Signed\_\_\_\_\_

Return this form to:

Phillip Romero, CEO, Thirteenth Judicial District Court  
1835 Hwy 314 SW, Los Lunas, NM 87031

[lludpar@nmcourts.gov](mailto:lludpar@nmcourts.gov)

Fax: (505) 865-0969

## **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?

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

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## **ADA Grievance Procedure**

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

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

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

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

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

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

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



**Americans with Disabilities Act Complaint Form**

For Staff Completion Only

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

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

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

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

**PERSON MAKING THE COMPLAINT:**

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

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

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

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

\_\_\_\_\_

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

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

Email Address:

\_\_\_\_\_

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

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

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

**DETAILS OF COMPLAINT**

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

Court

Location \_\_\_\_\_

Identify the person and/or division in the Court

\_\_\_\_\_

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

\_\_\_\_\_

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DESIRED RESOLUTION

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

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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: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

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Complainant contacted and informed of resolution Yes/ No

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

Reason complainant not contacted:

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