



**FOURTH JUDICIAL DISTRICT COURT for the COUNTIES OF
SAN MIGUEL, MORA and GUADALUPE
SAN MIGUEL COUNTY MAGISTRATE COURT
MORA COUNTY MAGISTRATE COURT
GUADALUPE COUNTY MAGISTRATE COURT**

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

FOURTH JUDICIAL DISTRICT LANGUAGE ACCESS PLAN

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I. DEFINITIONS

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

“Fourth Judicial District” and “the Courts,” as used throughout this plan, means every district and magistrate court located in New Mexico's Fourth Judicial District, namely:

San Miguel County District Court in Las Vegas (also serving the residents of Mora County); Guadalupe County District Court in Santa Rosa; San Miguel County Magistrate Court in Las Vegas; Mora County Magistrate Court in Mora, and Guadalupe County Magistrate Court in Santa Rosa.

For a list of members of the Fourth Judicial District language access planning team, *see Attachment A*.

II. LEGAL BASIS AND PURPOSE

This document serves as the plan for the Fourth 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 Fourth Judicial District.

III. NEEDS ASSESSMENT

A. Statewide by Language

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

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

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

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

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

B. Fourth Judicial District by Language

Demographic Data by County:

The Fourth Judicial District will make every effort to provide services to all LEP persons. For purposes of anticipating need, the following data shows the top 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 spoken (i.e., not signed) languages other than English in each county are as follows:

San Miguel County:

- 1) Spanish 57.35%
- 2) Navajo 0.71%
- 3) "Other and unspecified languages" 0.67%
- 4) German 0.66%
- 5) "Other specified North American Indian languages" 0.27%

Mora County:

- 1) Spanish 61.06%

Guadalupe County:

- 1) Spanish 53.33%
- 2) Navajo 1.01%
- 3) Italian 0.44%
- 4) Russian 0.42%
- 5) Hebrew 0.35%

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 Fourth Judicial District:

- San Miguel County: 11.1% Spanish-speaking LEP persons
- Mora County: 14.5% Spanish-speaking LEP persons
- Guadalupe County: No data (i.e., fewer than 500 or 5% LEP persons in any one language).

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

Courthouse Users:

The Fourth 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.

For interpreter use in the Fourth Judicial District during the most recent calendar year (2023), *see Attachment B*. Prior year data is also included in *Attachment B*, for comparison purposes.

2) Out-of-courtroom tracking:

The Courts track out-of-courtroom encounters with LEP and deaf individuals, at the clerks' offices and over the telephone, using a form provided by AOC. The Courts' Language Access Specialists are required to maintain the Non-Courtroom Staff Interaction form for all out-of-courtroom encounters. For those courthouses that do not have an LAS, other clerks will maintain the form.

For out-of-courtroom encounters in the Fourth Judicial District during the most recent calendar year (2023), *see Attachment C*. Prior year data is also included in *Attachment C*, for comparison purposes.

The LAP team is responsible for ensuring that data on out-of-courtroom encounters continues to be compiled on an ongoing basis. The Language Access Specialists for each court will compile the data and will provide it for the annual meeting, at which time the team will add the data to this plan.

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

- District Court is typically advised by the attorney of record of such a need. Attorneys contact the judge's office or file a motion to request an interpreter. The Courts prepared a Memo to all local attorneys and agencies reminding them to advise the court in advance of interpreter needs by filing a motion or advising the court in writing.
- Jurors are asked at the time they complete their Jury Questionnaire whether they read, speak and understand English. The Summons form also asks whether the juror needs a spoken or signed language interpreter.
- A pro se litigant may notify the court at the time their pleadings are filed, by advising the clerk. Signs in multiple languages are posted throughout the courthouses that notify clients they are entitled to an interpreter free of charge and should contact the clerk.
- The Magistrate Courts' personal data intake form is in bilingual English/Spanish format. The form includes a question regarding whether an interpreter is needed.
- The Supreme Court's Request for Interpreter form and Cancellation of Request for Interpreter form are available in bilingual format to the Courts, who encourage attorneys to use them.
- Notice of hearing forms provided by the District Court include language inquiring 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.
- In the Magistrate Courts, arraignment is sometimes the first opportunity to catch interpreter needs.
- Recurring interpreter needs are flagged in the Courts' case management system.

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; the client/customer's advocate, family member or attorney; or outside justice partners such as correctional facilities. Also, the judge may determine that it is appropriate to provide an interpreter for a court matter.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. The Fourth 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 Fourth Judicial District displays these signs at the following locations, and the Court Managers are responsible for ensuring signage remains posted: near courthouse entrances, at each intake location, and at the entrance to each courtroom.

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

C. Remote Interpreting

With the exception of jury trials and in compliance with Supreme Court rules and AOC policies, a remote interpreter may be used. Details to assist courts with telephone and video interpreting are posted at: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

D. Court Interpreter Scheduling

The Fourth Judicial District submits interpreter requests to the AOC in compliance with Supreme Court rules and AOC policies.

Interpreters for all New Mexico state courts are scheduled using a centralized interpreter scheduling 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.

In the Magistrate Courts, it is permissible to use a Language Access Specialist (*see* Section V) to interpret for traffic cases carrying no jail time. This is the only circumstance in which it is ever permissible to use a Language Access Specialist in the courtroom in place of a certified interpreter.

V. LANGUAGE ASSISTANCE PROCEDURES AND RESOURCES OUTSIDE THE COURTROOM

The Fourth 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 Fourth Judicial District, the most common point of service outside the courtroom is at the clerk's intake counter. Bilingual assistance is provided in this location by the placement of bilingual staff as is practical.

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 (e.g., at the clerk's window). LASs are the primary staff members who are equipped and should be called on to handle out-of-courtroom needs.

The Fourth Judicial District's Spanish-speaking LAS employees, as of the latest revision of this plan, are listed in the appended Resources List (*Attachment D*). The LAP team discusses current LAS needs and potential candidates at each annual meeting.

To facilitate communication between LEP individuals and staff outside the courtroom, the Fourth 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.
- An “Information from the Clerk's Office” sign in English and Spanish, explaining the ways in which clerks are and are not permitted to assist clients.
- Telephonic interpreting services, which are available to provide assistance at the clerk’s counter. The telephonic interpreting services are provided in over 175 languages, through Certified Languages International (CLI).
- Every court in the Fourth Judicial District has Spanish recorded messages on its phone line, including Spanish phone tree options.
- The District Court holds periodic Legal Clinics which are open to the entire community: a Spanish interpreter or LAS is present. Individual pro se clinics on domestic and civil matters are held twice a month; interpretation will be provided if needed.
- District Court Drug Court participants are provided an interpreter by the Court if needed.
- Court-ordered programs or services: When court-mandated services and programs are operated and managed by the courts, the AOC is responsible for scheduling and paying interpreters. When contracted service providers operate the services or programs, the provider is responsible for ensuring the program is accessible to LEP and deaf participants. *See* AOC Memorandum dated August 3, 2016, at: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1>.

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 Fourth 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.
- 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.

See Attachment D, Resource List, for a summary of all translated materials available in the Fourth Judicial District.

VII. LANGUAGE ACCESS STAFFING

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

- Court interpreters who serve the court on an on-call basis (coordinated and funded by AOC).
- Language Access Specialists, as detailed in Section V. Based on budget availability, the Courts provide compensation and incentives in the form of a \$1 per hour increase to employees who become certified as LASs. Based on the LEP data compiled, each court will have the ability to determine the need for additional LAS employees. Employees will be advised that if they are interested in becoming an LAS, they must advise their direct supervisor(s) who will then obtain information on the process (supervisors can contact any member of the language access planning team). This process may include checking the availability of scholarships and of any applicable pay increase.
- 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 Fourth 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 Fourth Judicial District will be expanded or continued as needed.

Statewide training 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 to be signed by each employee and added to his or her personnel file after training has been completed. The mandatory training was completed in the Fourth Judicial District in 2012 and continues for new employees.
- 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.
- A Judges' Portal containing video content, guidelines and other resources on the following topics: Fundamentals; Tips for Interpreted Proceedings; Deaf and Hard of Hearing and LEP Jurors; Native Americans in our Courts. See: <https://nmcenterforlanguageaccess.org/cms/en/for-judges/welcome-to-the-judges-portal>
- Video Remote Interpreting training, available at: <https://languageaccess.nmcourts.gov/training-resources>
- Conferences, judicial conclaves, webinars and videos that include sessions dedicated to language access topics, 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.

Fourth Judicial District training opportunities:

- Memos were sent in October 2012, March 2015, September 2016 and January 2019 from the Chief Judge to all staff at the Fourth Judicial District Court regarding the Language Access Plan and service procedures.
- Group trainings for all courts in the Fourth Judicial District, focused on familiarizing employees with the content of this LAP and with language access resources and procedures, were held in

May 2013, May 2015, September 2019, September 2022 and June 2023.

- The Fourth Judicial District aims to deliver trainings every two years. Trainings are held at District Court in Las Vegas and the judges and employees from all courts covered under this plan are invited to attend. Trainings address the Court's language access policies and procedures, based on this LAP and including any updates made to this LAP.
- For those years in which no training is held, the District Court Manager may distribute an internal questionnaire to District Court staff to assess levels of knowledge and areas of interest around language access, and the subsequent year's training will be developed based on questionnaire responses.
- Annually, all Fourth Judicial District Court staff and judges are required to sign a Memo certifying that they are aware of the LAP, where it is kept, and the names of the Language Access Specialists.
- All new staff and judges receive language access orientation, including the mandatory training video and a Fourth Judicial District Language Access Memo, 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 Fourth 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 Fourth Judicial District, as identified through current or future language access planning efforts.

X. PUBLIC NOTIFICATION OF LAP AND SERVICES

The Fourth Judicial District understands the importance of communicating to the LEP and deaf/hard-of-hearing public that courthouses are accessible. In addition to using signage, “I Speak” cards, phone recordings, clinics, audiovisual and written materials as detailed above, the Courts undertake the outreach measures detailed below.

The Courts researched an extensive database of and reached out to community stakeholder organizations during initial LAP research, advising them that language access planning was underway and soliciting their input. The LAP team updates this database annually.

Fourth Judicial District-specific PSAs in Spanish are periodically provided through local radio. Examples of announcements include radio spots on pro se clinics and public workshops held within the community.

Pro se clinic fliers and website postings include notification that a Spanish interpreter is available.

A message including the link to the latest revision of this LAP will be distributed each year by the

Chief Judge of the District Court to known local legal and community stakeholders. The purpose of the message is to advise the LEP and deaf/hard-of hearing community that the Courts are accessible and to familiarize the community with the specific provisions of the Courts' LAP. 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 XV.

XI. COMPLAINT PROCEDURE

The Fourth 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. The procedure and form are available in English and Spanish and can be translated into additional languages as needed (*see Attachment E*).

XII. APPROVAL AND EVALUATION OF LAP

A. LAP Approval

The Fourth Judicial District LAP is subject to approval by the Chief Judge and CEO/CFO of the District Court and by the Presiding Judges and Court Managers of the Magistrate Courts. Any revisions to the plan will be submitted to the above parties for approval, and then forwarded to AOC.

B. LAP Evaluation

The Fourth 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.
- Identifying gaps in LAS coverage and suitable candidates to undergo LAS training.
- Assessment of whether court staff adequately understand language access policies and procedures and how to carry them out.
- 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.
- Updating the community stakeholder database.
- Ensuring that all tasks mentioned 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. Fourth Judicial District LAP Coordinator:

Brenda Campos, Judicial Specialist Senior
Fourth Judicial District Court
420 Parker Avenue, Suite 5, Santa Rosa NM 88435
srodblc@nmcourts.gov
(575) 472-3888

D. AOC LAP Coordinator:

Freda Valdez, Statewide Program Manager, Language Access Services
New Mexico Administrative Office of the Courts
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(505) 231-9229

E. LAP Effective Date:

See: LAP & ADA Plan signature page

FOURTH JUDICIAL DISTRICT ADA PLAN

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I. DEFINITIONS

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

“Fourth Judicial District” and “the Court,” as used throughout this plan, means all the courts in New Mexico's Fourth Judicial District, namely: Guadalupe County District Court (located in Santa Rosa), San Miguel County District Court (located in Las Vegas), Las Vegas Magistrate Court, Mora Magistrate Court, and Santa Rosa 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 513,695 adults have a disability. This is equal to 30% or roughly 1 in 3 adults.

According to DHDS, in New Mexico the percentages of disabled individuals 18 years or older were reported in 2021 as follows:

- Cognitive Disability 14.6%
- Mobility Disability 13.6%
- Independent Living Disability 8.2%
- Hearing Disability 7.5%
- Vision Disability 5.8%
- Self-Care Disability 4.3%

Definitions:

- Cognitive: serious difficulty concentrating, remembering or making decisions.
- Hearing: serious difficulty hearing or deafness.
- Mobility: serious difficulty walking or climbing stairs.
- Vision: serious difficulty seeing or blindness.
- Self-care: difficulty dressing or bathing.
- Independent living: difficulty doing errands alone.

B. Fourth Judicial District Data

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

- 1) Tracking ADA Accommodations inside the courtroom.
- 2) Tracking encounters between staff and courthouse users needing an ADA accommodation outside of the courtroom.

1) ADA Accommodations in the Courtroom:

During the most recent Fiscal Year (July 1, 2022 through June 30, 2023), the following ADA accommodations were provided in the courtroom:

1. American Sign Language (ASL) = (1)
2. Communication Access Real-Time Captioning (CART) = (1)
3. Assistive Listening Devices = (4)
4. Scribing Services= (9)

2) ADA Accommodations for Out-of-Courtroom Contacts:

The Courts also track out-of-courtroom encounters in every division that has contact with the public. The District’s ADA Title II Coordinator maintains a log of contacts with court users needing ADA Title II accommodations outside of the courtroom.

During the most recent fiscal year (July 1, 2022 through June 30, 2023), out-of-courtroom requests for an ADA accommodation were as follows:

Month	Number of Accommodation Requests
July 2022	0
August 2022	0
September 2022	0
October 2022	0
November 2022	0
December 2022	0
January 2023	0
February 2023	0
March 2023	0
April 2023	0
May 2023	0
June 2023	0

Karen Portillo keeps a spreadsheet of all accommodations granted by the Fourth Judicial District ADA Title II Coordinator. The Clerk’s Office keeps track of ADA Title II accommodation requests received in their office. The Statewide ADA Title II Coordinator’s Office is responsible for ensuring data received from the Fourth Judicial District is updated in this plan annually.

IV. ADA COORDINATOR DUTIES

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

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

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

- Plan and coordinate compliance efforts.
- Develop and distribute notice about ADA Title II compliance.
- Respond to general inquiries from the public.
- Coordinate requests for auxiliary aids and services and reasonable modifications of policies, practices and procedures.
- Train staff, boards and commissions on ADA Title II requirements.
- Interact and consult with staff, boards and commissions on ADA Title II.
- Develop a grievance procedure.
- Investigate complaints.
- Conduct a self-evaluation.
- Develop a transition plan.
- Ensure districts are complying with all ADA Title II mandates.

Statewide ADA Title II Coordinator:

Peggy Cadwell

ADA@nmcourts.gov

(505) 414-5313

B. Duties of the Local ADA Title II Coordinator

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

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

- Conduct and participate in all activities related to the self-evaluation process and provide the results to the Office of the Statewide ADA Title II Coordinator.
- Maintain a record of all accommodations granted and denials.
- Maintain a record of grievances filed and results.

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

Fourth Judicial District ADA Title II Coordinator:

Karen Portillo, Program/Project Coordinator

lvedkkp@nmcourts.gov

(505) 425-7281, Ext. 2250

Should Karen Portillo be unavailable, employees and the public may contact:

Vidal Martinez, Court Executive Officer

lvedvxn@nmcourts.gov

(505) 425-7281 Ext. 2110

V. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS

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

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

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

VI. TRANSLATED RESOURCES

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

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

VII. RESOURCES IN ALTERNATIVE FORMATS

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

https://jury.nmcourts.gov/wp-content/uploads/sites/38/2020/12/JuryOrientation_capt_eng.webm

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

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

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

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

and on the NM AOC Language Access webpage:

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

VIII. RESOURCES FOR JURORS

The AOC Jury Division provides captioning on its orientation video as an accommodation for Deaf and hard of hearing jurors:

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

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

IX. OUT-OF-COURTROOM CONTACTS

Fourth Judicial District and Magistrate Court staff report that the majority of out-of-courtroom contacts occur with security personnel (who are court employees), and in the District Court Self Help Center. Accommodations requested are primarily for assistive listening devices and visual aids, and scribing services for jurors. Staff is aware of rules regarding service animals. The questions that are permissible to ask regarding service animals are:

- 1) Is the animal required because of a disability?
- 2) What task has the animal been trained to perform?

Service animal signage has been provided to the Fourth Judicial District and Magistrate Courts for posting at the public points of entry, indicating service animals are allowed. Additionally, the Statewide Title II Coordinator's Office has provided ADA Title II Bench Cards to be distributed to staff containing basic information about accommodation requests, regulations around service animals, and ADA Title II Coordinator contact details. More detailed specifications regarding service animals, including FAQ cards, were provided to the Fourth Judicial District in February 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 2024.

In July 2023, the NM AOC added Video Remote Interpreting (VRI) through Certified Languages International (CLI), for interactions with court users requesting ASL interpretation outside of the courtroom. Information cards with detailed instructions for accessing the VRI service were provided to the Fourth Judicial District in February 2024.

X. ASSISTIVE LISTENING DEVICES

Each of the three (3) district court courtrooms in the Fourth Judicial District have six (6) assistive listening device headsets.

In addition to the ALD equipment at the Fourth Judicial District, a PocketTalker device is available for loan from the Office of the Statewide Title II Coordinator's Office as needed.

XI. SCRIBING SERVICES

In 2018 the NM AOC, in collaboration with the National Center for State Courts and the State Justice Institute, launched a scribing pilot program in the Ninth and Second Judicial Districts. The scribing program assists court users who have signed a Statement of Need testifying that they need scribing help due to illiteracy, Limited English Proficiency or a disability. Court staff may read forms aloud and fill in the blanks on the self-represented litigant or potential juror's behalf, using the exact words spoken by the self-represented litigant or potential 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.

After the scribing program was fully implemented, the Fourth Judicial District trained staff, and quickly began to help scribe forms for individuals who needed scribing assistance due to disability, limited English proficiency, illiteracy or limited internet/computer access.

Scribing training modules for judiciary employees, 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/@nmaoclanguageaccessservice8616/videos>

Scribing Statement of Need and Scribing Intake Forms have also been provided to all District ADA Coordinators and CEOs by the Statewide ADA Title II Coordinator's Office.

Additional training assistance with scribing is available to the Fourth Judicial District on request by contacting the Office of the Statewide ADA Title II Coordinator.

XII. LIVE CHAT DEVICES

In an effort to lead the way in augmenting accessibility for Deaf and hard-of-hearing court users, AOC

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

The Court will provide the following link to staff for training in how to use the devices:

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

As of the latest revision of this plan, the Statewide ADA Title II Coordinator's Office has provided the Fourth Judicial District with one (1) UbiDuo device to use within the district in June, 2023.

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/channel/UCAYCQWhfNiJFAGPrXnB-wQQ>

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

Effective 2023, AOC Human Resources Department's new employee orientation training includes ADA Title I and ADA Title II compliance information, and the Statewide ADA Title II Coordinator's contact information.

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. Las Vegas District Courthouse has a section in their evacuation plan with language regarding evacuating individuals with disabilities from the courthouse during an emergency.

XV. PUBLIC NOTICE

All public entities must provide information to the public, program participants, program beneficiaries, applicants and employees about the ADA and how it applies to the public entity.

A new Americans with Disabilities Act page was created and added to the New Mexico Courts website in October 2021. The page includes the Notice of Rights (in English, Spanish and ASL); the Request for Accommodations, Grievance Procedure and Complaint forms (in English and Spanish), and contact

information for the Statewide ADA Title II Coordinator.
<https://www.nmcourts.gov/americans-with-disabilities-ada>.
<https://www.nmcourts.gov/estadounidenses-con-discapacidades>.

The Fourth Judicial District displays ADA information prominently displayed on its English and Spanish homepages at <https://fourthdistrictcourt.nmcourts.gov/> and <https://fourthdistrictcourt.nmcourts.gov/inicio/>, as well as contact information for the local ADA Title II Coordinator. The District has also created and will publish on their webpage an ADA email address, ADA.4thdistrict@nmcourts.gov, in order to keep track of any incoming email requests from the public. Additionally, the Fourth Judicial District has prominently displayed on their webpage the availability of ASL interpreters and ADA Accommodations for their scheduled legal teleclinics.

A hard copy of the Fourth Judicial District LAP/ADA Plan (in English and Spanish) shall be kept at the public counter of the District courthouse and in the lobby of the Magistrate courthouses. Copies of the plan will be provided to the public on request, in English, Spanish or alternative formats. In addition, the Fourth Judicial District posts the plan at <https://fourthdistrictcourt.nmcourts.gov/language-access-plan> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>.

In 2023, the AOC Statewide Title II Coordinator's Office began working with the AOC Judicial Information Division (JID) to incorporate detailed language on all Notice of Hearing documents for the District, Magistrate and Metropolitan Courts regarding ADA Title II and contact information for the courts in regard to ADA accommodation requests.

XVI. GRIEVANCE PROCEDURE

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

XVII. APPROVAL AND EVALUATION OF ADA PLAN

A. ADA Plan Approval

The Fourth 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. Fourth Judicial District ADA Title II Coordinator

Karen Portillo
Program/Project Coordinator
Fourth Judicial District Court
lvedkkp@nmcourts.gov

(505) 425-7281, Ext. 2250

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

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: February 15, 2023

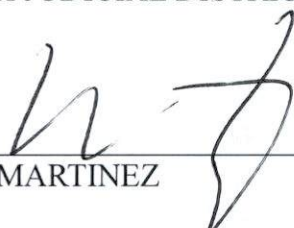
Latest revision of LAP and ADA plan: March 12, 2024

B. Approved By:



HON. FLORA GALLEGOS
CHIEF JUDGE
FOURTH JUDICIAL DISTRICT COURT

DATED: 29 february 2024



VIDAL MARTINEZ
CEO
FOURTH JUDICIAL DISTRICT COURT

DATED: 2/28/2024

ATTACHMENTS

LANGUAGE ACCESS PLAN:

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

ADA PLAN:

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

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

**Fourth Judicial District
Language Access Planning Team**

Fourth Judicial District Court – San Miguel, Mora & Guadalupe Counties:

Hon. Flora Gallegos, Chief Judge
Vidal Martinez, CEO/CFO
Angela Martinez, Court Manager
Brenda Campos, Judicial Specialist Senior, LAS (**LAP Coordinator**)
Mary Edna Martinez, Judicial Specialist 2 and LAS
Heather Aragon, Judicial Specialist 2 and LAS
Karen Portillo – **ADA Coordinator**/Fourth Judicial District Courts

Magistrate Court – County of San Miguel:

Hon. Christian Montano, Presiding Judge
Darlene Romo-Baca, Court Manager (lead team representative) and LAS

Magistrate Court – County of Guadalupe:

Hon. Christopher A. Baca, Presiding Judge
Carol Muniz, Court Manager (lead team representative)
Meagan Romero, Judicial Specialist 2 and LAS

Magistrate Court – County of Mora:

Hon. Cindy Garza, Presiding Judge
Francine Martinez, Court Manager (lead team representative)

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

Courtroom Interpreter Data

For calendar year 2023, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2023 – Dec 31, 2023
San Miguel County District	Spanish	25
	Portuguese	1
Mora County District	Spanish	11
Guadalupe County District	Spanish	5
	Portuguese	2
San Miguel County Magistrate	Spanish	3
Mora County Magistrate	Spanish	69
	Arabic	2
	Turkish	2
	Swahili	2
	ASL	1
Guadalupe County Magistrate	Spanish	126
	Punjabi	15
	Chinese Mandarin	9
	Russian	5
	Armenian	4
	Romanian	3
	Ukranian	3
	Arabic	3
	Swahili	3
	Hindi	2
	Vietnamese	2
	Chinese Cantonese	2
	Georgian	2
	Polish	2
	Lingala	2
	Romanian	1
	Uzbek	1
	Dari	1
	French	1
Total for all courthouses combined	Spanish	239
	Punjabi	15
	Chinese Mandarin	9
	Russian	5
	Swahili	5

	Arabic	5
	Armenian	4
	Portuguese	3
	Romanian	3
	Ukrainian	3
	Turkish	2
	Hindi	2
	Vietnamese	2
	Chinese Cantonese	2
	Georgian	2
	Polish	2
	Lingala	2
	ASL	1
	Romanian	1
	Uzbek	1
	Dari	1
	French	1
	All languages combined	310

For calendar year 2022, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2022 – Dec 31, 2022
San Miguel County District	Spanish	17
	Portuguese	3
Mora County District	Spanish	7
Guadalupe County District	Spanish	10
	Swahili	2
	Kinyarwanda	2
	Portuguese	1
San Miguel County Magistrate	Spanish	1
Mora County Magistrate	Spanish	11
Guadalupe County Magistrate	Spanish	125
	Punjabi	4
	Chinese	1
	Romanian	1
	Russian	1
	Korean	1
Total for all courthouses combined	Spanish	171
	Portuguese	4
	Punjabi	4
	Swahili	2
	Kinyarwanda	2
	Chinese	1
	Romanian	1

	Russian	1
	Korean	1
	All languages combined	187

For calendar year 2021, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2021 – Dec 31, 2021
San Miguel County District	Spanish	24
Mora County District	Spanish	5
Guadalupe County District	Spanish	11
	Kinyarwanda	1
San Miguel County Magistrate	Spanish	5
Mora County Magistrate	Spanish	9
	Uzbek	1
Guadalupe County Magistrate	Spanish	126
	Chinese Mandarin	6
	Punjabi	4
	Arabic	2
	Turkish	2
	Kinyarwanda	2
	Polish	1
	Swahili	1
	Hmong	1
	Korean	1
	Navajo	1
Total for all courthouses combined	Spanish	180
	Chinese Mandarin	6
	Punjabi	4
	Kinyarwanda	3
	Arabic	2
	Turkish	2
	Uzbek	1
	Polish	1
	Swahili	1
	Hmong	1
	Korean	1
	Navajo	1
	All languages combined	203

For calendar year 2020, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2020 – Dec 31, 2020
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San Miguel County District	Spanish	21
Mora County District	Spanish	8
Guadalupe County District	Spanish	8
San Miguel County Magistrate	Spanish	11
	Korean	1
Mora County Magistrate	Spanish	27
Guadalupe County Magistrate	Spanish	89
	Chinese Mandarin	6
	Tigrinya	2
	Kinyarwanda	2
	Punjabi	2
	Russian	2
	Vietnamese	2
	Arabic	1
	Burmese	1
	Spanish	164
Total for all courthouses combined	Chinese Mandarin	6
	Tigrinya	2
	Kinyarwanda	2
	Punjabi	2
	Russian	2
	Vietnamese	2
	Korean	1
	Arabic	1
	Burmese	1
	All languages combined	183

For calendar year 2019, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2019 – Dec 31, 2019
San Miguel County District	Spanish	40
	Portuguese	24
	Korean	1
Mora County District	Spanish	6
Guadalupe County District	Spanish	24
	Hmong	4
San Miguel County Magistrate	Spanish	24
	Hmong	4
Mora County Magistrate	Spanish	20

Guadalupe County Magistrate	Spanish	71
	Punjabi	3
	Chinese	2
	Hmong	1
	Burmese	1
Total for all courthouses combined	Spanish	185
	Portuguese	24
	Hmong	9
	Punjabi	3
	Chinese	2
	Korean	1
	Burmese	1
	All languages combined	225

For calendar year 2018, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2018 – Dec 31, 2018
San Miguel County District (also covers Mora County)	Spanish	52
	Portuguese	6
	Korean	2
Guadalupe County District	Spanish	12
San Miguel County Magistrate	Spanish	5
	Portuguese	1
Mora County Magistrate	Spanish	16
Guadalupe County Magistrate	Spanish	36
	Chinese	3
	Vietnamese	2
	Hmong	2
	Somali	1
Total for all courthouses	Spanish	121

combined	Portuguese	7
	Chinese	3
	Korean	2
	Vietnamese	2
	Hmong	2
	Somali	1
	All languages combined	138

For calendar year 2016, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2016 – Dec 31, 2016
San Miguel County District (also covers Mora County)	Spanish	51
	American Sign Language	7
Guadalupe County District	Spanish	13
San Miguel County Magistrate	Spanish	4
Mora County Magistrate	Spanish	45
Guadalupe County Magistrate	Spanish	50
	Punjabi	5
	Armenian	2
	Chinese	2
	Hausa	2
	Russian	1
	Croatian	1
Total for all courthouses combined	Spanish	163
	American Sign Language	7
	Punjabi	5
	Armenian	2
	Chinese	2
	Hausa	2
	Russian	1

	Croatian	1
	All languages combined	183

For calendar year 2015, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2015 – Dec 31, 2015
San Miguel County District (also covers Mora County)	Spanish	46
	French	1
	Russian	1
Guadalupe County District	Chinese	1
	Spanish	1
San Miguel County Magistrate	Spanish	43
Mora County Magistrate	Spanish	16
Guadalupe County Magistrate	Spanish	46
	Armenian	1
	Chinese	7
	Romanian	1
	Russian	1
	Punjabi	3
	Somali	1
	Vietnamese	2
Total for all courthouses combined	Spanish	152
	French	1
	Russian	2
	Chinese	8
	Romanian	1
	Punjabi	3
	Somali	1
	Vietnamese	2
	All languages combined	170

For calendar year 2014, interpreter use in the Fourth Judicial District was as follows:

Courthouse	Language of interpreter assignment	Number of assignments Jan 1, 2014 – Dec 31, 2014
San Miguel County District (also covers Mora County)	Spanish	29
Guadalupe County District	Korean	2
	Spanish	1
San Miguel County Magistrate	Spanish	50
	ASL	1
Mora County Magistrate	Spanish	1
Guadalupe County Magistrate	Spanish	53
	Korean	6
	Russian	2
Total for all courthouses combined	Spanish	134
	Korean	8
	Russian	2
	ASL	1
	All languages combined	145

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

Out-of-Courtroom Data

For calendar year 2023, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2022 to Dec 31, 2023
San Miguel County District (also covers Mora County)	Spanish	83
Guadalupe County District	Spanish	50
San Miguel County Magistrate	Spanish	159
Mora County Magistrate	No data available	No data available
Guadalupe County Magistrate	Spanish	580
Total for all courthouses combined	Spanish	872

For calendar year 2022, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2022 to Dec 31, 2022
San Miguel County District (also covers Mora County)	Spanish	28
Guadalupe County District	Spanish	17
San Miguel County Magistrate	Spanish	110
Mora County Magistrate	No data available	No data available
Guadalupe County Magistrate	Spanish	495
Total for all courthouses combined	Spanish	650

For calendar year 2021, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2021 to Dec 31, 2021
San Miguel County District (also covers Mora County)	Spanish	18
Guadalupe County District	Spanish	15

San Miguel County Magistrate	Spanish	109
Mora County Magistrate	No data available	No data available
Guadalupe County Magistrate	Spanish	467
Total for all courthouses combined	Spanish	609

For calendar year 2020, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2020 to Dec 31, 2020
San Miguel County District (also covers Mora County)	Spanish	32
Guadalupe County District	Spanish	10
San Miguel County Magistrate	Spanish	15
Mora County Magistrate	Spanish	27
Guadalupe County Magistrate	Spanish	333
Total for all courthouses combined	Spanish	417

For calendar year 2019, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2019 to Dec 31, 2019
San Miguel County District (also covers Mora County)	Spanish	121
Guadalupe County District	Spanish	59
San Miguel County Magistrate	Spanish	25
Mora County Magistrate	Spanish	31
	Russian	1
	Korean	1
	Arabic	1
Guadalupe County Magistrate	Spanish	24
	Hmong	4
Total for all courthouses combined	Spanish	260
	Hmong	4
	Russian	1
	Korean	1

	Arabic	1
	All languages combined	267

For calendar year 2018, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2018 to Dec 31, 2018
San Miguel County District (also covers Mora County)	Spanish	116
Guadalupe County District	Spanish	28
San Miguel County Magistrate	Spanish	16
Mora County Magistrate	No data available	No data available
Guadalupe County Magistrate	Spanish	260
Total for all courthouses combined	Spanish	420

For calendar year 2016, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2016 to Dec 31, 2016
San Miguel County District (also covers Mora County)	Spanish	21
Guadalupe County District	Spanish	24
San Miguel County Magistrate	No data available	No data available
Mora County Magistrate	No data available	No data available
Guadalupe County Magistrate	Spanish	184
Total for all courthouses combined	Spanish	229

For calendar year 2015, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2015 to Dec 31, 2015
San Miguel County District (also covers Mora County)	Spanish	15
Guadalupe County District	Spanish	7
San Miguel County Magistrate	N/A	Data unavailable
Mora County Magistrate	Spanish	2

Guadalupe County Magistrate	Spanish	158
Total for all courthouses combined	Spanish	182

For calendar year 2014, out-of-courtroom encounters in the Fourth Judicial District were as follows:

Courthouse	Language of out-of-courtroom encounter	Number of encounters Jan 1, 2014 to Dec 31, 2014
San Miguel County District (also covers Mora County)	Spanish	2
Guadalupe County District	Spanish	13
San Miguel County Magistrate	N/A	Data unavailable
Mora County Magistrate	N/A	0
Guadalupe County Magistrate	Spanish	129
Total for all courthouses combined	Spanish	144

Resource List

Forms:

Spanish: Domestic Violence, Domestic Relations, Interpreter request, Civil Summons, Adult Guardianship
Spanish, Vietnamese, Chinese and Arabic: Landlord Tenant
Magistrate Courts Personal Data Sheet for intake of cases (English/Spanish)
Multilingual interpreter needed check sheet/rights advisory
(English/Spanish/French/Chinese/Arabic/Vietnamese/German/Korean/Navajo/Thai/Tagalog)

Juror Information:

Jury Qualification and Questionnaire (Spanish) (Navajo)
Juror Handbook (Spanish)
Juror's Creed (Spanish)
Juror FAQ (Spanish)
Tips for After Jury Service (Spanish)
Request for Medical Excuse (Spanish)
Jury Orientation Video open-captioned in English and Spanish:

Spanish Literature:

District Court Self Help Guide: Representing Yourself – Basic Information; Domestic Violence; Dissolution of Marriage; Kinship Guardianship; Name Change; Probate; Appeals; Resource List
AOC Magistrate Court Division handouts for Self Represented Litigants: Appeals; Collection of a Judgment; Commonly Used Motions and Forms; How to Answer a Civil Lawsuit; How to File a Civil Lawsuit; Landlord's Process for Evicting a Tenant; Tenant's Relief and Response to Eviction Process; Pre-Trial & Trial
Family Advocacy Center Abuse and Violence pamphlet
Haven House Services and Shelter for Victims of Domestic Violence pamphlet
Filing Bankruptcy in New Mexico pamphlet
Renters Guide pamphlet
Victim Information & Notification Everyday pamphlet

Spanish Telephone Resources:

Guardianship Legal Helpline Pegasus 1-800-980-1165
Victim Information & Notification Everyday (VINE) 1-877-551-8463

Videos/DVDs:

Magistrate Court Arraignment Video (Spanish/Navajo/English)
Guardian and Conservator orientation program videos (Spanish):
<https://adultguardianship.nmcourts.gov/videos-informativos-de-entrenamiento>

Information for Self Represented Litigants in ASL, Spanish and Navajo (with closed captioning):
<https://languageaccess.nmcourts.gov>

Online Resources:

Fourth Judicial District Court (Spanish site): <https://fourthdistrictcourt.nmcourts.gov/inicio>

AOC Language Access Services: <https://languageaccess.nmcourts.gov/inicio>

NM Center for Language Access: <http://nmcenterforlanguageaccess.org>

NM Commission for the Deaf and Hard of Hearing: <http://www.cdhh.state.nm.us>

Limited English Proficiency- A Federal Interagency Website: <http://www.lep.gov>

United States Department of Justice Civil Rights Division: <http://www.justice.gov/crt>

United States Census Bureau: <http://www.census.gov>

Modern Language Association: <http://www.mla.org>

Victim Information & Notification Everyday <https://www.vinelink.com/vinelink>

4th JD Language Access Specialists (Spanish):

Brenda Campos, Judicial Specialist Senior – District Court, Guadalupe County

Mary Edna Martinez, Certified Court Monitor - District Court, San Miguel and Mora Counties

Janis Baca, Judicial Specialist 2 – District Court, San Miguel and Mora Counties

Meagan Romero, Judicial Specialist 2 – Magistrate Court, Guadalupe County

Darlene Romo-Baca, Court Manager – Magistrate Court, San Miguel County

Heather Aragon, Judicial Specialist 2 – District Court, San Miguel and Mora Counties

AOC Contacts:

Freda Valdez

Statewide Program Manager, Language Access Services

Voice: 505-231-9229; Email: aocfev@nmcourts.gov

Pip Lustgarten

Language Access Planning Consultant

Voice: 505-501-0827; Email: aockel@nmcourts.gov

Erika Sánchez Pavón

Language Access Coordinator, NE Region

Voice: 505-531-7469; Email: aocesep@nmcourts.gov

**Fourth Judicial District
Language Access Plan
Attachment E - Complaint Procedure and Form**

Should a court client/customer feel that their 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 Fourth Judicial District Language Access Plan (LAP) Coordinator to report the complaint by completing and submitting the attached Complaint Form, or by telephone.

Contact information:

Vidal Martinez, Court Executive Officer, Fourth Judicial District Court, 496 West National Ave., Las Vegas, NM 87701; lvedvxn@nmcourts.gov; (505) 425-7281.

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

Contact information:

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

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

Contact information:

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

**Fourth 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:
Fourth Judicial District Court: lvedvxn@nmcourts.gov; (505) 425-7281.

Please complete and return this form to:
Vidal Martinez, Court Executive Officer, Fourth Judicial District Court
496 West National Ave., Las Vegas, NM 87701
lvedvxn@nmcourts.gov
Fax: (505) 454-8611

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:

**Fourth Judicial District
Language Access Plan
Attachment E - Complaint Procedure and Form**

6. Please indicate the date/s when the above occurred:
7. Please sign below: Signature_____
Date Signed_____
Return this form to: Vidal Martinez, Court Executive Officer, Fourth Judicial District Court 496 West National Ave., Las Vegas, NM 87701 lvedvxn@nmcourts.gov Fax: (505) 454-8611

Americans with Disabilities Act Notice of Rights

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

What is the American with Disabilities Act?

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

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

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

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

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

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

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

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

How do I request an accommodation?

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

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

How do decisions about accommodations get made?

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

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

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

ADA ACCOMMODATION REQUEST FORM

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

Please provide us with the following information:

Today’s date: _____

Your First Name: _____

Your Middle Initial: _____

Your Last Name: _____

Your Home Address: _____

City, State and Zip Code: _____

Your Phone Number: _____ Home ____ Cell Phone ____

Your Email Address: _____

Your Court Case Number: _____

ADA ACCOMMODATION REQUEST FORM

Date and Time: _____

What specific accommodation are you requesting?

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

ADA Grievance Procedure

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

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

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

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

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

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

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

Americans with Disabilities Act Complaint Form

For Staff Completion Only

Date Received: ____/____/____

Received by: _____

Date of Resolution: _____

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

PERSON MAKING THE COMPLAINT:

Last Name: _____

First Name: _____

M.I: _____

Address: _____

Your Home/Cell phone: (____) ____-____

Your Work number: (____) ____-____

Email Address: _____

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

What is the best time to contact you? _____

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

DETAILS OF COMPLAINT

Date of Incident: ____/____/____

Court

Location _____

Identify the person and/or division in the Court

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

DESIRED RESOLUTION

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

HOW YOUR COMPLAINT IS HANDLED

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

FOR STAFF COMPLETION ONLY:

Investigation Date: ____/____/____

Resolution Date: ____/____/____

Complainant contacted and informed of resolution Yes/ No

Date Contacted: _____

Reason complainant not contacted:
