



**BERNALILLO  
COUNTY  
METROPOLITAN  
COURT**

**Language Access Plan  
&**

**Americans with Disabilities  
Act Plan**

## **BERNALILLO COUNTY METROPOLITAN COURT**

### **Language Access Plan**

#### **Table of Contents**

- I. DEFINITIONS (pg. 4)**
- II. LEGAL BASIS AND PURPOSE (pg. 4)**
- III. NEEDS ASSESSMENT (pg. 4)**
  - A. Statewide by Language (pg. 4)**
  - B. Bernalillo County by Language (pg. 5)**
  - C. Metropolitan Court by Language (pg. 6)**
- IV. LANGUAGE ASSISTANCE RESOURCES (pg. 9)**
  - A. Interpreters Used in the Courtroom (pg. 9)**
  - B. Language Services Outside the Courtroom (pg. 12)**
- V. Translated Resources (Written and Audiovisual) (pg. 14)**
  - A. Statewide Translated Resources (pg. 14)**
  - B. Metropolitan Court Translated Resources (pg. 14)**
- VI. COURT STAFF AND VOLUNTEER RECRUITMENT (pg. 19)**
  - A. Recruitment of Bilingual Staff for Language Access (pg. 19)**
  - B. Recruitment of Volunteers for Language Access (pg. 20)**
- VII. JUDICIAL AND STAFF TRAINING (pg. 20)**
- VIII. FUNDING AND PROCUREMENT ISSUES (pg. 21)**
- IX. PUBLIC OUTREACH AND EDUCATION (pg. 22)**
- X. COMPLAINT PROCEDURE (pg. 24)**
- XI. PUBLIC NOTIFICATION AND EVALUATION OF LANGUAGE ACCESS PLAN (pg. 24)**
  - A. Plan Approval and Notification (pg. 24)**
  - B. Annual Evaluation of the Plan (pg. 25)**

- C. Bernalillo County Metropolitan Court's Language Access Plan Coordinator (pg. 25)**
- D. AOC Language Access Plan Coordinator (pg. 25)**
- E. Language Access Plan Effective Date (pg. 26)**

**Language Access and ADA Plan Signature Page (pg. 36)**

**List of Attachments to Language Access and Americans with Disabilities Plans (pg. 37)**

## **I. DEFINITIONS**

Definition of “Bernalillo County Metropolitan Court:

“Bernalillo County Metropolitan Court,” “Metro Court,” and “the Court,” as used throughout this plan means the Metropolitan Court located in the city of Albuquerque and county of Bernalillo, New Mexico. The Court operates at the following sites:

Metropolitan Court  
401 Lomas Blvd NW  
Albuquerque, NM 87102

The Shops @ Metro Park  
801 4<sup>th</sup> St. NW  
Albuquerque, NM 87102

Bernalillo County Public Safety Center  
401 Roma NW 6<sup>th</sup> floor (Felony Pretrial Supervision)  
Albuquerque, NM 87102

Bernalillo County Metropolitan Detention Center (“MDC”)  
100 Deputy Dean Miera Dr SW  
Albuquerque, NM 87151

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

This document serves as the plan for the Bernalillo County Metropolitan Court to provide services to persons with limited English proficiency (“LEP”) in compliance with federal and state law, including Title VI of the Civil Rights Act.<sup>1</sup> The purpose of this Language Access Plan (“Plan”) is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Metropolitan Court.

## **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 data provided by the New Mexico Administrative Office of the Courts (“AOC”), the most frequently encountered languages in New Mexico's courts are (in descending order of frequency):

1. Spanish;
2. American Sign Language (“ASL”);

---

<sup>1</sup> Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112.

3. Navajo, Vietnamese, Chinese, and Arabic.

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

**B. Bernalillo County by Language**

The following data shows the spoken (i.e., not signed) languages other than English that are most frequently used in Bernalillo County, which is this Court's geographic area.

**1. Modern Language Association Data**

The following information comes from the Modern Language Association ("MLA"). The MLA data<sup>2</sup> indicates the percentage of county residents above the age of Five (5) who speak the language at home; it does not indicate proficiency or lack of proficiency in English.

The top Five (5) languages other than English in Bernalillo County are as follows:

- a. Spanish – 25.87%;
- b. Navajo – 0.93%;
- c. "Other specified North American Indian languages" – 0.67%;
- d. Vietnamese – 0.49%; and,
- e. Chinese – 0.45%.

In addition to those top Five (5) languages, the MLA data lists Twenty-Four (24) additional languages for Bernalillo County, each spoken by between 0.03% and 0.35% of the population. These listings can be viewed at the following web address: [https://apps.mla.org/map\\_data](https://apps.mla.org/map_data)

**2. Migration Policy Institute Data**

The following data comes from the Migration Policy Institute ("MPI").<sup>3</sup>

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

MPI lists the following LEP data for Bernalillo County:

- a. 46,600 Spanish-speaking LEP persons (7.6% of the County's population);
- b. 1,700 Vietnamese-speaking LEP persons;

---

<sup>2</sup> The MLA does not update its data annually. The data listed is the most current as of the date of this update to the Court's Plan.

<sup>3</sup> MPI does not update its data annually. The data listed is the most current as of the date of this update to the Court's Plan.

- c. 1,300 Chinese-speaking LEP persons; and,
- d. 700 Navajo-speaking LEP persons.

### **C. Metropolitan Court by Language**

The Metropolitan Court makes every effort to provide services to all LEP persons. This section describes the languages other than English that are most frequently used in the Court. The following data shows the requests for language access services in the Metropolitan Court.

#### **1. Interpreters Used in the Courtroom**

Interpretation services are most frequently used in the courtrooms<sup>4</sup> of Metropolitan Court for the following languages:

- a. Spanish;
- b. Vietnamese;
- c. Arabic;
- d. Swahili; and
- e. ASL (or alternative forms of interpretation to serve deaf and hard-of-hearing individuals).

Specifically, over a period from July 1, 2021 to June 30, 2022 (“Fiscal Year 2022”), interpreters were requested Two Thousand, Six Hundred Fifty-Seven (2,657) times. Out of the requests, interpreters were utilized Two Thousand, Three Hundred Eighty-Five (2,385) times to provide individuals with courtroom interpretation services in Spanish. Of the languages other than Spanish, Sixty-Five (65) times were for Vietnamese, Forty-Two (42) times were for Arabic, Thirty-Eight(38) times in Swahili, Twenty-Four (24) times in Chinese (including Cantonese and Mandarin), Thirteen (13) times in Lao, Nine (9) times in Dari, Six (6) times in French. Kinyarwanda, and Navajo, Four (4) times in German, , Two (2) times each in, Fuzhou, Punjabi, Turkish, and Visayan, and One (1) time each in Farsi, Hindi, Hmong, Japanese, Korean, Laotian, Tagalog, Thai, and Tibetan. In addition to spoken language interpreters, signed language interpreters were utilized Thirty-Four (34) times. In addition to signed language interpreters being utilized for deaf or hard of hearing individuals, the Court also utilized the Communication Access Real Time Translation (“CART”) captioning service Six (6) times in the courtroom.<sup>5</sup>

In addition, the Court’s staff Spanish interpreters and the AOC’s contract translators often help translate pleadings that have been filed in other languages into English for the Judges to address in the courtroom. During fiscal year 2022, the Court’s staff interpreters translated Spanish pleadings Forty-One (41) times. The staff interpreters also provided translations for signage for the courtrooms, Orders from Judges for LEP defendants, handouts for probation, and notices of

---

<sup>4</sup> During Fiscal Year 2022, with the continuation of the COVID-19 public emergencies, “in” the courtroom includes in-person, telephonic, and audio-visual courtroom hearings.

<sup>5</sup> The information contained in this paragraph is based on data compiled and maintained by the Manager over the Court’s Interpreter Division. This information reflects the number of times interpretation services were provided by the Court and does not reflect the number of individuals for whom those services were provided. This is because, during some interpreter assignments, multiple clients may be served.

hearings. The Court's staff interpreters also provided Spanish translation of some of the COVID-19 related flyers for the courthouse, which include the COVID Screening Questions, social distancing notices, mask flyers, notice of hearings with audio-visual/telephonic instructions, instructions for the court's schools, delay and court closures, and rental assistance information.

## **2. Language Assistance Outside of the Courtroom**

In July 2015, the Court began rolling out a Court-wide procedure for tracking when employees assisted LEP individuals outside of the Courtroom. All Divisions that are involved with any communication with the public regularly track the number of LEP individuals they assist. For Fiscal Year 2022 (July 1, 2021 through June 30, 2021), employees assisted LEP individuals Nine Thousand, Eight Hundred Sixteen (9,816) times as follows:

- a. The Court's schools utilized two contract interpreters, one (1) in Arabic and one (1) in Swahili<sup>6</sup>;
- b. The Court's Self-Help Center and Mediation Division Offices, where Three (3) of the Court's Language Access Specialists in Spanish work, provided information and assistance to LEP individuals in Spanish Six Hundred Twenty-Four (624) times, Three (3) individuals who were deaf or hard of hearing; and one (1) individual in Vietnamese;
- c. The Background Investigations Division assisted Forty-Six (46) LEP individuals in Spanish, one (1) in Chinese, and one (1) who was deaf or hard of hearing;
- d. The Customer Service Division assisted Four Thousand, Seven Hundred Two (4,702) LEP individuals in Spanish, Seventeen (17) individuals in Arabic, Fourteen (14) individuals who were deaf/hard of hearing, Twelve (12) individuals in Vietnamese, Four (4) individuals in Swahili, and one (1) in Italian;
- e. The Civil Division assisted Two Thousand, Two Hundred Ninety (2,290) LEP individuals in Spanish; and
- f. The Probation Division assisted One Thousand, Six Hundred Twenty-Nine (1,629) individuals in Spanish.
- g. The Court's Jury Division assisted Four Hundred Thirty-Six (436) individuals in Spanish, Twenty (20) individuals in Vietnamese, Seven (7) individuals that were deaf or hard of hearing and helped other individuals in Laotian, Farsi, Japanese, and Amharic. The

---

<sup>6</sup> The Metropolitan Court operates a Driver Improvement School, a Driving While Intoxicated School, and an Aggressive Driving School in The Shops @ Metro Park.

Jury Division regularly utilizes certified interpreters to help prospective LEP jurors when they have questions about the jury forms they are required to fill out. The Court's staff Spanish interpreters have also helped interpret for prospective jurors during orientation and during *voir dire* Once in Fiscal Year 2022.

- h. The Court's staff Spanish interpreters also regularly interpret for Spanish speaking clients during Specialty Court proceedings which include Domestic Violence Early Intervention Program ("EIP"), Domestic Violence Solutions, Treatment, and Education Program ("DVSTEP"), Recovery Court, Healing to Wellness, and Community Veteran's Court ("CVC") along with helping to translate specialty court program documents for LEP individuals. In FY 22, the Court's staff Spanish interpreters interpreted Forty-Three (43) times for EIP and Recovery Court. As with any Court ordered program, per the AOC issued Memorandum "Providing Interpreters for Court Ordered Programs, Services, or Events" dated August 3, 2016, the AOC is responsible for scheduling, paying, and providing language access services for any court-mandated services *operated and managed* [emphasis added] by the Court.
- i. As the COVID-19 pandemic has changed the way the Court does business, specifically that the Court's Traffic Arraignments have been primarily held through audio-visual and telephonic means, the Court's staff interpreters have helped schedule interpretation for languages other than Spanish for LEP individuals.

When interpretation of languages other than Spanish is required outside of the Courtroom, Court employees regularly utilize the telephonic interpretation services provided by Certified Languages International (CLI), an outside interpretation service funded by the AOC.<sup>7</sup> During Fiscal Year 2022, the Court used CLI Six Hundred Twenty-Four (624) times. Usage was for the following languages: Spanish (418), Vietnamese (53), Swahili (47), Arabic (18), Chinese Mandarin (17), Lao (14), Kinyarwanda (8), Polish (6), Chinese Cantonese (4), Turkish (4), Farsi (3), French (3), Korean (3), Navajo (3), Tagalog (3), German (2), Punjabi (2), Russian (1), Amharic (1), Hindi (1), Hmong (1), Italian (1), Japanese (1), Tibetan (1), Visayan (1), and Zou (1).

### **3. Tracking Use of Interpreters**

The Metropolitan Court will ensure that data tracking of its use of interpreters continues by means of the following steps:

---

<sup>7</sup> The AOC can access reports on the use of the CLI phone service, which is used mostly for out-of-courtroom, and occasionally for in-courtroom interpretation services.

- a. The Manager of the Court's Interpreter Division, as well as the staff interpreters, will continue to track the number of times in-person or Video Remote Interpretation ("VRI") services are required in the courtrooms of the Metropolitan Court. Tracking is done using Excel spreadsheets, Odyssey Case Management Reports, and the Interpreter Intelligence ("II") System.
- b. The Court may request data from the AOC on the Court's use of the telephonic interpretation services both in and out of the courtroom for which the AOC has contracted on behalf of all state courts.
- c. Except for the Court's use of its own employees, who are Certified Court interpreters in Spanish, all interpreters are scheduled using a centralized interpreter scheduling management system, Interpreter Intelligence ("II"), managed by the AOC, or through CLI VRI, and VRI on-demand. The Court will also utilize Linguistica International if CLI does not offer interpretation in a particular language. The Court keeps accurate and detailed statistics on the use of in-person interpretation in the Court, particularly with respect to the use of its staff interpreters who generally provide all Spanish interpretation in the courtrooms in all criminal proceedings and civil proceedings. Contract interpreters are typically used in most criminal and civil bench trials and all civil and criminal jury trials, to provide additional coverage for when the Court's staff Spanish interpreters are not available, and in languages other than Spanish in civil and criminal courtroom proceedings.

#### **IV. LANGUAGE ASSISTANCE RESOURCES**

##### **A. Interpreters Used in the Courtroom**

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

The provision of spoken-language and signed-language interpreters in court proceedings is based on New Mexico State statutes, the New Mexico Constitution, and in Rules 7-114 and 3-113 NMRA. In the Metropolitan Court, interpreters will be provided at no cost to court customers, witnesses, jurors, and other parties who need such assistance under the following circumstances:

- a. 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.

- b. For an NES person who is a principal party-in-interest or a witness in any case whether criminal<sup>8</sup> or civil.
- c. For victims who are active case participants, i.e., testifying as a witness or when making a statement at sentencing.
- d. For any NES juror. A certified court interpreter shall be provided to petit jurors, including jury orientation, voir dire, deliberations, and all portions of the trial.

It is the responsibility of the litigants or their attorneys (whether private attorneys, public defenders, or district attorneys) to provide qualified interpretation and translation services for witness interviews, pre-trial transcriptions, depositions, and mediations (except for those mediations that occur in the Metropolitan Court's Mediation Division), for translations, and for attorney-client communications during court proceedings. This includes any audio or video that may be provided as an exhibit or evidence. The AOC issued Guidelines, dated July 22, 2016, for audio recorded, video recorded or written materials in languages other than English. These Guidelines address circumstances in which interpreters may and may not be used to perform sight translation in the courtroom. They may be accessed at <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1.aspx>.

Because Spanish language interpretation services are most frequently required in the Metropolitan Court, the Court is fortunate to employ Three (3) full-time employees who are Certified Court interpreters in Spanish.

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

The Metropolitan Court determines whether an LEP court customer needs an interpreter for a court hearing in various ways.

- a. The LEP person may request an interpreter. The need for a court interpreter may be identified prior to a court proceeding by the LEP person or by someone else on behalf of the LEP person.
- b. Court employees may determine that an LEP person may need an interpreter. The Court has distributed "I Speak" cards that are in over Sixty (60) languages and also has made available to Court staff the toll-free phone number for CLI, which provides telephonic language interpretation. All Court staff, upon discovering that a party to a case is either LEP, deaf, or hard-of-hearing, are required to note that fact in the Court's electronic case management system ("CMS") so that Judges and other staff are alerted to the language access needs of that individual and interpretation services can be provided. Metropolitan

---

<sup>8</sup> In the Metropolitan Court "criminal case" includes those cases that are designated CR (criminal), TR (traffic), DV (domestic violence), PR (parking), DW (driving while intoxicated) and FR (felony).

Court staff will continue to note this information in the CMS.

- c. The statewide Odyssey system. Through the use of the Court's Odyssey electronic CMS, implemented in 2014, the Court is able to flag a person, the case in which the person is involved, and any hearings that are scheduled as requiring interpretation services and specify the language for which an interpreter is needed. Then, any time that person has a hearing before the Court; the need for an interpreter will already have been identified. The list of languages in Odyssey for which a party may be flagged includes spoken languages as well as American Sign Language. While Odyssey is a state-wide party-based system, Court staff are required to manually flag the global party and both the case and hearings if a party requires an interpreter. A report generated from the CMS is sent to the managers of the various divisions in the Court so that staff can ensure a second review is done and interpreter flags are manually entered on cases that need interpretation. If an interpreter is needed in a language other than Spanish, Court staff will send a request for an interpreter to a designated internal Court e-mail address so that an interpreter can be scheduled for any upcoming hearings. An internal Court e-mail address is also utilized for Spanish interpretation for when the hearing or trial is expected to be lengthy so that the Court can schedule additional Spanish interpreters.
- d. The need for an interpreter also may be made known in the courtroom at the time of the proceeding. The Metropolitan Court displays a sign in English, Spanish, Navajo, and Vietnamese that states: "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 Metropolitan Court displays this sign at the following locations within the Court: In the entrance foyer of each Courtroom, in Customer Service, in the Records Viewing Room, in the Jury Division Assembly, in the Jury Division check-in area, in the Probation Waiting Room, in the Mediation Division and Self-Help Center, and in other locations throughout the Court.
- e. A judge may determine that it is appropriate to provide an interpreter for a court matter. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. The Court does not have funding to provide interpreters for non-mandated proceedings. However, the Court does provide interpreters for parties that participate in its in-house voluntary Mediation Program. Also, the Court can provide some assistance within existing funding restrictions

and will endeavor to do so for other non-mandated proceedings.

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 until a date when an interpreter can be provided.

When an interpreter is unavailable for a case in which the court is not mandated to provide one, the Court utilizes a telephonic interpreter.

### **3. Remote Interpreting**

During the COVID-19 public health emergency, AOC Language Access Services prioritized remote interpreting over in-person interpreting for all proceedings except trials (bench and jury), plea hearings, Preliminary Examinations, Probation Revocation and Probation Violation Hearings, Sentencing Hearings, and Evidentiary Hearings. Details to assist courts with telephone and video interpreting are posted at: <https://languageaccess.nmcourts.gov/rules-guidelines-memos-1/>.

### **4. Court Interpreter Qualifications**

The Metropolitan Court schedules interpreters for courtroom hearings in compliance with Supreme Court rules and AOC policies.

The Metropolitan Court has Three (3) full-time certified Spanish interpreters on staff. Additional interpretation needs are coordinated by the Court Manager/Language Access Coordinator in charge of the Court's Interpreter Division.

When the Court has made a diligent effort to find a Certified Court interpreter or Justice System Interpreter ("JSI") and none is available, the Court may qualify a non-certified interpreter, with the approval of the AOC, for use in a single specific proceeding. In order to qualify the interpreter to interpret the proceeding, Judges must inquire into the interpreter's skills, professional experience, and potential conflicts of interest consistent with Rules 3-113 and 7-114 NMRA.

#### **B. Language Services Outside the Courtroom**

The Metropolitan Court takes reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. Providing language services outside the courtroom entails daily communications and interactions between court staff and LEP individuals to provide accessibility to court services, such as probation, self-help, jury, and mediation services to LEP court users.

This is perhaps the most challenging situation facing Court staff, because in most situations they are charged with assisting LEP individuals without an interpreter present. LEP individuals may

come in contact with Court personnel via the phone, the public counter, or other means. The Two (2) most common points of service outside the courtroom are at the counter in the Court's Customer Service Division and also in the Court's Probation Division. Bilingual assistance is provided in those divisions by the placement of bilingual staff as is practical. The Court also periodically calls on certified Language Access Specialists and other bilingual staff from elsewhere in the Court to assist in those areas.

To facilitate communication between LEP individuals and Court staff in out-of-courtroom settings, the Metropolitan Court uses the following resources:

1. "I Speak" cards in over Sixty (60) languages have been provided to Court staff who work with the public to assist staff in identifying an LEP individual's primary language;
2. Multilingual signage in English, Spanish, Vietnamese, and Navajo, that also highlights signed-language services, is located throughout the Courthouse;
3. Telephonic interpreting services in over One Hundred Seventy-Five (175) languages through Certified Languages International ("CLI") are available to provide assistance throughout the Courthouse;
4. The Metropolitan Court employs Ten (10) Language Access Specialists ("LAS") in Spanish and One (1) Language Access Specialist in Navajo. These are bilingual employees of the Court who have successfully completed Language Access Specialist Certification training through and have been certified by the New Mexico Center for Language Access. They are a category of employee specifically created by the New Mexico Judiciary to ensure the delivery of meaningful language access services in out-of-courtroom settings. Periodically, information on upcoming training sessions to become a Language Access Specialist is distributed by e-mail to all employees;
5. Other bilingual employees;
6. A Spanish language voice message option for incoming callers, who are then routed to bilingual employees, as available;
7. Certified Court interpreters who are either employed by the Court or contracted to the Court may occasionally be used. Typically, however, Certified Court interpreters are not providing this type of informal interpretation as their time is devoted to the Courtroom; and
8. Three (3) VRI stations for signed and spoken languages are located in key areas of the Court. In addition to the set stations, the VRI program is on a laptop and two (2) iPads that can be utilized anywhere in the Court when needed.

9. Availability of CART services.
10. A UbiDuo device that is placed in the Customer Service Division to be used to communicate with Deaf/Hard of Hearing individuals.

## **V. Translated Resources (Written and Audiovisual)**

### **A. Statewide Translated Resources**

The Metropolitan Court understands the importance of translating forms and documents so that LEP individuals have greater access to services. Translation requests are submitted by the Metropolitan Court 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:

1. Supreme Court forms in bilingual format available at <https://languageaccess.nmcourts.gov/>
  - a. Spanish: Domestic Violence, Domestic Relations, Interpreter request, Adult Guardianship, Civil Summons, Indigent Defense Eligibility Determination.
  - b. Spanish, Navajo, and Vietnamese: Eviction Prevention & Diversion.
  - c. Spanish, Vietnamese, Chinese, and Arabic: Landlord Tenant
2. The website of the New Mexico Judiciary at <https://www.nmcourts.gov/>, including the Metropolitan 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 the AOC can make the corresponding updates on the Spanish mirror page.
3. 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, low 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.
4. Informational videos for Self-Represented Litigants in ASL, Spanish, and Navajo (with closed-captioning) are posted throughout the Language Access Services website.
5. Guardian and Conservator orientation program videos in Spanish are posted at: <https://adultguardianship.nmcourts.gov/videos-informativos-de-entrenamiento/>

### **B. Metropolitan Court Translated Resources**

In addition to the statewide resources detailed above, the Metropolitan Court currently uses the following forms and instructional materials that have been translated into multiple languages.

1. The Court has the following documents in Spanish, translated by certified translators contracted by AOC:
  - a. How to File a Lawsuit Pamphlet
  - b. How to Answer a Civil Lawsuit Pamphlet
  - c. Commonly Used Motions and Forms Pamphlet
  - d. Discovery Pamphlet
  - e. Pre-Trial and Trial Pamphlet
  - f. Appeal Pamphlet
  - g. Mediation Pamphlet
  - h. Collection of a Judgment Creditor and Debtor Pamphlet
  - i. Landlord's Process for Evicting a Tenant Pamphlet
  - j. Tenant's Relief and Response to Landlord's Eviction Process Pamphlet
  - k. Traffic Brochure
  - l. List of Those State Statute Charges that Have a Set Fine Amount
  - m. Notice of Non-Discrimination under the ADA and Federal Civil Rights Laws
  - n. Notice of Grievance Procedures under the ADA and Federal Civil Rights Laws
  - o. Complaint Form
  - p. Routing Information Sheet
  - q. Metropolitan Court Fees and Costs Schedule
  - r. Metropolitan Court Aggressive Driving School Student Worksheet
  - s. Driver Improvement School Personal Action Plan
  - t. Metropolitan Court Procedural Fairness Survey
  - u. Agreement to Mediate
  - v. Defendant's Release of Information and Consent Form
  - w. Three-Day Notice Poster for Customer Service
  - x. Driver's License Suspension & Clearance Paperwork Info Sheet
  - y. Traffic Arraignment Info Sheet (also translated into Arabic)
  - z. Community Service FAQ Sheet
  - aa. Conditions of Probation
  - bb. Ignition Interlock Affidavit
  - cc. Ignition Interlock Instructions
  - dd. Outside Drug Testing Referral
  - ee. Probation Officer Appointment Slip
  - ff. Supervised Release Contract
  - gg. Zero Tolerance Policy
  - hh. Application for Free Process & Affidavit of Indigency
  - ii. IPRA Poster
  - jj. Marriage Information Sheet
  - kk. How to Serve a Civil Summons Flyer
  - ll. Court Decorum Flyer
  - mm. Notice of Right to Interpreter (translated into Eleven (11) languages)

- nn. Handicap Elevator Notice
- oo. Probation Defendant Release Information
- pp. Arraignment Information Advice of Rights (including the Traffic, Parking, and Animal Ordinance Arraignment and Advice of Rights, which has also been translated into Arabic)
- qq. Requesting a Court Hearing for a Parking Citation
- rr. Legal Clinic Flyer
- ss. Legal Clinic disclaimer/assistance statement
- tt. Notice regarding medical implant devices through security
- uu. ADA Request Form
- vv. Civil Summons in bilingual (English/Spanish) format
- ww. COVID-19 masks required signs
- xx. COVID-19 Social Distancing flyer
- yy. COVID-19 Traffic Information and Advice of Rights (telephonic)
- zz. Notice of Telephonic Hearing
- aaa. Penalty Assessment Chart
- bbb. Civil Pre Trial Scheduling Order
- ccc. Order Setting Conditions of Participation in DWI Court
- ddd. Juror Orientation/Frequently Asked Questions
- eee. Community and Legal Services

2. The above-described civil pamphlets (paragraphs a.-j.) are available to staff and the public at the Court's Self-Help Center, in the civil Courtrooms, and in Customer Service. Application for Free Process (paragraph hh.) is available in the Self-Help Center of the Court for self-represented litigants. Also available in the Self-Help Center is the Community and Legal Services (eee.) handout. The Traffic Brochure (paragraph k.) has been provided by the Court in English and Spanish to the Albuquerque Police Department for distribution to the public by police officers when they give out traffic tickets. The COVID-19 signage (yy.-yy.) is posted at the entrance, inside and outside the elevators, and in the public corridors of the Metropolitan Courthouse. The telephonic notices (zz) are mailed out to defendants that have pending hearings with the Court.
3. All of the above documents (except for p.-gg., ii.-tt. are on the internet at <https://metro.nmcourts.gov/>, which also contains considerable additional content in Spanish. The Routing Information Sheet (paragraph p.) is handed out in the Courtroom as appropriate; the Agreement to Mediate and Defendant's Release of Information and Consent Form (paragraphs u. and v. ) are handed out in certain divisions in the Court; the Metropolitan Court Fee and Costs Schedule (paragraph q.) is posted in each Courtroom. The Metropolitan Court Aggressive Driving School Student Worksheet and Driver Improvement School Personal Action Plan (paragraphs r. and s.) are handed out in the Court's Driver Education Class. The Metropolitan Court Procedural Fairness Survey (paragraph t.) is handed out in our Specialty Courts. The

Three-Day Notice Poster for Customer Service (paragraph w) is posted in Customer Service. The forms listed in paragraphs x. through jj. and oo. through qq. are internal forms used by various divisions within the Court and handed out to defendants as appropriate. The How to Serve a Civil Summons Flyer and the Court Decorum Flyer (paragraphs kk. and ll.) are posted in the Self-Help Center. Also posted in the Self-Help Center and Customer Service is the Legal Clinic Flyer (rr.). The Legal Clinic disclaimer/assistance statement (ss.) is posted during the Court's monthly free legal clinic in and around the Court's Ninth (9<sup>th</sup>) floor, when the monthly Legal Clinic is taking place in person. The Notice regarding medical implants (tt.) is located in the security area of the Court before people pass through the metal detectors to fully enter the courthouse. Form bbb. is available for use by the Civil Judges when issuing a pre trial scheduling order to a party in a civil case who speaks Spanish. Form ccc. is available for use by Criminal Judges when a Spanish speaking defendant is ordered to attend the DWI Recovery Specialty Court. Form ddd. "Juror Orientation/Frequently Asked Questions" is provided by the Jury Division to jurors and is also available online. The "Juror Orientation/Frequently Asked Question" form provides information on how to request an interpreter, make an ADA accommodation, and who is exempted or excused from jury duty.

4. In addition to the AOC translating documents for the Court, the Court's staff interpreters help translate documents for regular use by various divisions of the Court. The following documents translated by the Court's staff interpreters are handed out to Spanish speaking Defendants:
  - a. DWI Recovery Court Handbook;
  - b. Tips to Avoid Dilutes – DWI Recovery Court;
  - c. Order Setting Conditions of Participation in DWI Recovery Court;
  - d. Log-In Instructions for Online School;
  - e. Order for Video Appearance;
  - f. Discovery Order;
  - g. Outreach Court paperwork; and
  - h. MVD Clearance paperwork.
5. Probation Division forms (a.-c.) are regularly handed out to Spanish Speaking defendants who are participating in the Court's DWI Recovery Specialty Court. The above-referenced instruction forms (d.-e.) are primarily used by the Customer Service Division, Screening Staff, and Jury Division to be given to Spanish speaking individuals when needing more information regarding schools and jury service.
6. The Court has identified a need to have all pleadings translated into Spanish. Many years ago, the Supreme Court appointed the New Mexico Language Access Advisory Committee (originally the Court Interpreter Advisory Committee), which included representatives from the Court. Its purpose is to

address language access issues impacting all New Mexico courts. In 2013, the Supreme Court appointed the New Mexico Judicial Translation Project Team, which is a sub-committee of the New Mexico Language Access Advisory Committee and includes representatives from the Court. Its purpose is to address forms, other types of written translation, and the broader implications of document translation for New Mexico's courts. As a result of the work of the New Mexico Judicial Translation Project Team, a District Court Self Help Guide was launched in English and Spanish in December 2015. While the Metropolitan Court is a Court of Limited Jurisdiction, much of this guide has been useful to self-represented litigants in this Court.

7. As the only state in the United States that seats limited or non-English speaking jurors, the AOC provides on the New Mexico Judicial Branch website the juror questionnaire, qualification form, handbook, jury scam flyer, and orientation video (open captioned) in Spanish. The questionnaire and qualification form are also provided in Navajo. The orientation video with the open captioning in Spanish can be found at: <https://jury.nmcourts.gov/orientacion-del-jurado.aspx>. The orientation video is also available open captioned in English to assist deaf or hard of hearing jurors and can be found at: <https://jury.nmcourts.gov/jury-orientation.aspx>. The above-listed documents can be found in Spanish at <https://jury.nmcourts.gov/inicio.aspx> and in Navajo at <https://jury.nmcourts.gov/juror-qualification-questionnaire-forms-navajo-dine.aspx>.
8. The notice described in paragraph mm. above reminds the public that they are entitled to an interpreter free of charge, and asks them to check the box by the language they need. This resource is available to download at: <https://languageaccess.nmcourts.gov/general-resources.aspx>
9. In Fiscal Year 2018, the Court added language to several forms for use in the civil division so that a party can easily request an interpreter when initiating a civil action or responding to a civil action. This also assists the Court so that the Court can take reasonable steps to assist any LEP individual for their civil hearings. The forms that have been updated include: Petition by Landlord for Restitution, Petition by Landlord for Termination of Tenancy and Judgment of Possession, Answer to Petition for Restitution, Petition by Resident for Possession, Complaint by Resident for Return of Deposit, Complaint in Forcible Entry and Detainer, Civil Complaint, Civil Complaint for Unpaid Wages, and Answer to Civil Complaint. The AOC translated the Application for Free Process form into Spanish, with the Spanish translation appearing directly under the English instructions for use statewide. In 2022, the New Mexico Supreme Court created the Eviction Prevention and Diversion Program (“EPDP”), which was intended to assist landlords and tenants in obtaining mediation before a writ of restitution is entered by the Courts. All of the Supreme Court approved EPDP forms have been translated into Spanish,

Vietnamese, and Navajo.

## **VI. COURT STAFF AND VOLUNTEER RECRUITMENT**

### **A. Recruitment of Bilingual Staff for Language Access**

The Metropolitan Court is an equal opportunity employer. It is the continuing policy of the Court to afford equal employment opportunities to qualified individuals regardless of their race, color, religion, sex, pregnancy, childbirth or condition related to pregnancy or childbirth, parental status, genetic information (including family medical history), age, national origin, ancestry, physical or mental handicap, disability, serious medical condition, veteran status, spousal affiliation, sexual orientation, gender identity, socioeconomic status, or political affiliation and to conform to applicable laws and regulations. Equal opportunity encompasses all aspects of employment practices including, but not limited to, recruitment, hiring, placement, promotion, classification, referral, termination, layoff, recall, transfer, leave of absence, compensation, fringe benefits, and training. The Court recruits and hires bilingual staff to serve its LEP constituents. The Bernalillo County Metropolitan Court is committed to maintaining a diversified workforce that reflects the available labor force in the community. Overall, the Bernalillo County Metropolitan Court's workforce is representative of the available labor force in the community.

The Court has been very successful in its recruitment efforts. Primary examples include, but are not limited to:

1. Three (3) full-time Certified Court Spanish language interpreters are employees of the Court;
2. Employees who are bilingual in Spanish serve in the Customer Service Division, which staffs the public counters on the first floor and fields calls from the public;
3. Employees who are bilingual in Spanish serve in the Court's Probation Division;
4. Employees who are bilingual in Spanish serve in the Court's Background Investigations Division, which not only conducts criminal background investigations of defendants, but also releases defendants from the detention center on their own recognizance ("ROR"), and processes defendants posting bonds for their release from jail;
5. Employees who are bilingual in Spanish serve in the Court's Courtrooms;
6. Ten (10) full-time employees who are Court Language Access Specialists in Spanish serve in the Court's Self-Help Center and Mediation Office, Compliance and Close-Out Division, Background Investigation Division,

Civil Division, Probation Division, and Customer Service Division; the Court also has One (1) Language Access Specialist in Navajo in its Background Investigations Division; and

7. Bilingual employees in the various divisions are willing to assist other divisions with contacts from LEP individuals, as needed.

#### **B. Recruitment of Volunteers for Language Access**

The Court also recruits and uses volunteers to assist with language access in the Mediation Division and the Metro Court Legal Clinic.

### **VII. JUDICIAL AND STAFF TRAINING**

The New Mexico State Courts and the Bernalillo County Metropolitan Court 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 Metropolitan Court will be expanded or continued as needed. These opportunities include:

1. Mandatory language access training for all new and continuing employees, using a language access training video, Language Access is Equal Access, developed by the New Mexico Judiciary along with a Metropolitan Court created training video and a PowerPoint titled Non-Discrimination and Commitment to Access. A policy directive mandating the statewide training was issued by the Supreme Court in the form of an Order in April 2011. A subsequent policy directive was issued by the AOC in October 2011 in the form of a Language Access Training Policy. The AOC distributed an accompanying training acknowledgement form, which is to be signed by each employee and added to his or her personnel file after training has been completed. The Court requires regular training opportunities.
2. Additional language access training for new and current employees using another video, Breaking Down the Language Barrier, a training tool provided by the Department of Justice;
3. Scholarships and wage incentives (as available) to encourage the enrollment of current bilingual employees in the LAS certificate program offered through the New Mexico Center for Language Access. The AOC periodically sends out broadcast e-mails to judicial branch employees on this program;
4. Language Access Specialists are required to maintain certification by earning Continuing Education Units (CEU). LAS's must earn Four (4) CEU's per year. The New Mexico Center for Language Access provides free webinars throughout the year and an annual symposium, which count toward earning CEU's. The webinars and symposium provide training on diverse topics, including: court terminology, LAS code of ethics, ASL fundamentals and

more;

5. 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;
6. The AOC and national colleagues have developed the Language Access Basic Training (“LABT”), a downloadable interactive training program. 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; and Roles of Court Staff and Cultural Competency. The LABT is available at: <https://www.nmcenterforlanguageaccess.org/lafund>.
7. Instruction for all staff on the Court's LAP policies and procedures, as described in this plan and in the Court's Policy of Non-Discrimination under the ADA and Federal Civil Rights Laws and corresponding Grievance process;
8. Interpreter coordinator training; and
9. Judicial officer orientation on the use of court interpreters and language competency.

## **VIII. FUNDING AND PROCUREMENT ISSUES**

The Metropolitan Court commits significant resources to the following language access efforts: employing Three (3) Spanish interpreters; signage; and assistive listening/interpreting equipment in all the Court's courtrooms. The New Mexico Supreme Court and the AOC also commit significant resources to the following language access efforts to benefit all state courts on a regular basis: signage; assistive listening/interpreting equipment; VRI cameras and monitors for signed language and spoken languages; certified interpreter services for court proceedings for spoken and signed languages; training and certification of interpreters and Language Access Specialists; CART; a UbiDuo device; 24/7 telephonic interpreting available in One Hundred Seventy-Five (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 New Mexico Judiciary will continue to support the Metropolitan Court'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 Metropolitan Court.

## **IX. PUBLIC OUTREACH AND EDUCATION**

To communicate with the Court's LEP constituents on various legal issues of importance to the

community and to make them aware of services available to speakers of any language, the Bernalillo County Metropolitan Court provides community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts include:

1. Information on Court processes is available in Spanish on the Court's publicly accessible website at <https://metro.nmcourts.gov/>. The website also directs the public to the Court's general information phone number where Spanish speakers are directed in Spanish to press a number on their phone so that their calls can be directed to one of the Court's bilingual employees.
2. In 2017, the Metropolitan Court began holding a free monthly legal clinic. Two paralegals from the Court's Self-Help Center, who are also Court Language Access Specialists in Spanish are an integral part of the clinic providing self-help assistance, intake, and interpretation. Attorneys, including bilingual attorneys, participate in this clinic and volunteer their time to help people navigate their court cases.
3. One of the paralegals/LAS from the Court's Self-Help Center also regularly participates on behalf of the Court in events such as the Law-La-Palooza Free Legal Fair, which is held several times per year in different locations throughout the County of Bernalillo. At the legal fair, representatives from the Second Judicial District Court Pro Bono Committee, volunteer lawyers and judges, and other volunteers provide legal information and legal advice to the public at no charge. The Court's representative is not an attorney and as a representative of the Court cannot provide legal advice. However, she staffs a table with a banner for the Metropolitan Court and provides information on the Court's Self-Help Center and other services provided by the Court, as well as information on both civil and criminal procedure. She also provides pamphlets on various aspects of civil litigation, which are in both Spanish and English. As she is a Language Access Specialist and bilingual in Spanish, she is able to assist individuals in both Spanish and English.
4. The paralegal/LAS referenced above and other court employees have also participated in the NM Judicial Translation Project Team, which created a Self-Help Guide for District Court in English and Spanish.
5. In fiscal year 2018, the paralegal/LAS served as an appointed liaison for the Access to Justice Commission (ATJ) on statewide language access services and continued to do so in fiscal year 2019 and Fiscal Year 2020. She also represents the Metropolitan Court at the State Bar of New Mexico Legal Services and Programs Committee Court Services and Consortium Committee where she reports on language access services.
6. Throughout fiscal year 2019, the paralegal/LAS was able to assist at the Second Judicial District Court Pro Bono Committee sponsored Real ID Clinic where she assists and translates for LEP clients. In May 2019, she was able to

attend the National Equal Justice Conference in Kentucky where she attended break-out sessions related to providing language access services. Attending these events has made it possible to share information as well as gather resources for LEP individuals that visit the Self-Help Center.

7. In June of 2018, the Court also established a forms wall near the Customer Service area of the court so that customers can easily obtain forms they may need. Spanish pamphlets and Spanish signage were added to the forms wall to aid LEP individuals who speak Spanish.
8. In March 2019, thanks to a program supported by AOC Language Access Services and the 2<sup>nd</sup> Judicial Pro Bono Committee, the Metropolitan Court began referring customers who need scribe services to the ReadWest volunteers, who are housed at the Second Judicial District Court.
9. In November 22, 2019, the paralegal/LAS prepared a training and conducted a webinar for Language Access Specialists on frequently used Spanish terms in Alternate Dispute Resolutions (“ADR”)/Mediations and Online Dispute Resolution (“ODR”) settings.
10. In May of 2021, representatives from the Court, including the paralegal/LAS, had an audio-visual meeting with the Consulate of Mexico’s Albuquerque Office, and exchanged information on the services that each provides.
11. Since the inception of the Metropolitan Court Free Legal Clinic in 2017, the Court has utilized the help of the Court’s LAS, CLI, and VRI to help the volunteer attorneys communicate in languages other than English, including ASL, to LEP individuals. The interpretation services have been provided both for the in-person legal clinics prior to March 2020 and more recently with the telephonic legal clinics that the Court schedules during the COVID-19 pandemic. The Court has also actively recruited bilingual attorneys to volunteer their time to ensure access to LEP individuals who wish to attend the legal clinic.
12. Bilingual Court representatives participating on and collaborating with the Access to Justice Commission, which is a state-wide group committed to expanding and improving legal services for low-income New Mexicans; the Second Judicial District Pro-Bono Committee, which is a local committee comprised of court staff, legal service providers, and volunteer attorneys as described in the Access to Justice State Plan and who are tasked with increasing and strengthening pro bono services at the local level; the State Bar of New Mexico Legal Services and Programs Committee Court Services and Consortium Committee, which is a statewide committee that facilitates cooperation and coordination of the legal services provided by various segments of the State Bar and increases public access to the civil justice system; and the New Mexico Language Access Advisory Committee, which is

a state-wide committee tasked with reviewing rules, policies, and plans to expand language access and ensure courts are in compliance with Title VI. The Court also has representatives serving on the state-wide New Mexico Judicial Translation Project Team and the state-wide Literacy Challenges Working Group.

13. Court representatives regularly visit and work with local community organizations in order to provide them with information on services provided by the Court and on how LEP individuals can access Court services and information. Through the Court's involvement with various community service organizations, many of which serve LEP individuals, the Court is able to be a presence in the LEP community.
14. The Court solicits input from the LEP community and its representatives through surveys and by continuing its meetings with various community service organizations on how LEP individuals can access Court services.
15. The Court has benefited from state-wide Public Service Announcements regarding the accessibility of the courts, which the AOC distributed to radio stations (in English, Spanish, Navajo, and Vietnamese).
16. Upon signature of the latest revision of this Plan, the Chief Judge or Court Executive Officer will send a notice to known local legal and community stakeholders enclosing the Plan.

## **X. GRIEVANCE PROCEDURE**

The Bernalillo County Metropolitan Court publishes documents in English and Spanish on its website at [www.metro.nmcourts.gov](http://www.metro.nmcourts.gov) that advise the public of their rights under the ADA and Federal Civil Rights laws, as well as how to instigate a complaint, which can include complaints regarding timely and reasonable language assistance to LEP persons who come in contact with the Metropolitan Court. See **Attachments 1-4** to this Plan. These documents can be translated into additional languages upon request.

## **XI. PUBLIC NOTIFICATION AND EVALUATION OF LANGUAGE ACCESS PLAN**

### **A. Plan Approval and Notification**

The Bernalillo County Metropolitan Court's Language Access Plan is subject to approval by the Chief Judge and the Court Executive Officer. Upon approval, a copy will be forwarded to the AOC. Any revisions to the plan will be submitted to the Chief Judge and Court Executive Officer for approval, and then forwarded to the AOC. Copies of this Plan will be provided to the public upon request. The plan is available in English as well as Spanish, translated by a certified translator contracted by AOC. In addition, the Court posts this Plan on its public website at [metro.nmcourts.gov](http://metro.nmcourts.gov), and the AOC posts it on the New Mexico State Courts' public website at

<https://languageaccess.nmcourts.gov>.

**B. Annual Evaluation of the Plan**

The Bernalillo County Metropolitan Court will routinely assess whether changes to the Plan are needed. Every year, the Court's Language Access Plan Coordinator will review the effectiveness of the Court's Plan 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:

1. Number of LEP persons requesting court interpreters and out-of-courtroom language assistance;
2. Assessment of current language needs to determine if additional services or translated materials should be provided;
3. Solicitation and review of feedback from LEP communities within the County of Bernalillo;
4. Assessment of whether Court staff adequately understand LEP policies and procedures and how to carry them out;
5. Review of feedback from Court employee training sessions;
6. Customer satisfaction feedback; and
7. 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. Bernalillo County Metropolitan Court Language Access Plan Coordinator:**

Floricela Barraza-Corral, Language Access Plan Coordinator  
Bernalillo County Metropolitan Court  
401 Lomas NW, Albuquerque, New Mexico 87102  
[metrfxb@nmcourts.gov](mailto:metrfxb@nmcourts.gov)  
(505) 841-8299

**D. AOC Language Access Plan Coordinator:**

Bernice Ramos, Senior Statewide Program Manager, Language Access Services  
New Mexico Administrative Office of the Courts  
110 Calle de Alegra, Las Cruces, New Mexico 88001  
[aocbar@nmcourts.gov](mailto:aocbar@nmcourts.gov)  
505-231-1681

- E. Language Access Plan Effective Date:**  
*See:* Language Access Plan & Americans with Disabilities Act Plan signature page.

**BERNALILLO COUNTY METROPOLITAN COURT  
ADA PLAN**

**TABLE OF CONTENTS**

- I. LEGAL BASIS AND PURPOSE (pg. 28)**
- II. NEEDS ASSESSMENT (pg. 29)**
  - A. Percentage of Disabled in New Mexico (pg. 29)**
  - B. Definitions (pg. 29)**
- III. ADA COORDINATOR DUTIES (pg. 29)**
  - A. Duties of the AOC Office of the Statewide ADA Title II Coordinator (pg. 29)**
  - B. Duties of the Local ADA Coordinator (pg. 30)**
- IV. PROVISION OF ASL INTERPRETERS AND OTHER ACCOMMODATIONS (pg. 31)**
- V. ASL RESOURCES FOR JURORS (pg. 31)**
- VI. OUT-OF-COURTROOM CONTACTS (pg. 31)**
- VII. SCRIBING SERVICES (pg. 32)**
- VIII. EQUIPMENT FOR THE DEAF AND HARD-OF-HEARING (pg. 32)**
- IX. JUDICIAL & STAFF TRAINING (pg. 33)**
- X. PUBLIC NOTICE (pg. 33)**
- XI. GRIEVANCE PROCEDURE (pg. 34)**
- XII. APPROVAL AND EVALUATION OF ADA PLAN (pg. 34)**
  - A. ADA Plan Approval (pg. 34)**
  - B. Annual Evaluation (pg. 34)**
  - C. Second Judicial District ADA Coordinator (pg. 34)**
  - D. Statewide ADA Coordinator (pg. 35)**

**Language Access and ADA Plan Signature Page (pg. 36)**

**List of Attachments to Language Access and Americans with Disabilities Plans (pg. 37)**

## **I. LEGAL BASIS AND PURPOSE**

The New Mexico Administrative Office of the Courts (“AOC”) and the Bernalillo County Metropolitan Court are 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 has published the latest Disability and Health Data System (DHDS) on its 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.

### **A. Percentage of Disabled in New Mexico**

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

1. Cognitive Disability 13.4%
2. Mobility Disability 12.2%
3. Independent Living Disability 8.8%
4. Hearing Disability 6.9%
5. Vision Disability 4.7%
6. Self-Care Disability 4.5%

### **B. Definitions:**

1. Cognitive: serious difficulty concentrating, remembering or making decisions.
2. Hearing: serious difficulty hearing or deafness.
3. Mobility: serious difficulty walking or climbing stairs.
4. Vision: serious difficulty seeing or blindness.
5. Self-care: difficulty dressing or bathing.
6. 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:

1. Plan and coordinate compliance efforts;
2. Develop and distribute notice about ADA Title II compliance;
3. Respond to general inquiries from the public;
4. Coordinate requests for auxiliary aids and services and reasonable modifications of policies, practices and procedures;

5. Train staff, boards and commissions on ADA requirements;
6. Interact and consult with staff, boards and commissions on the ADA;
7. Develop a grievance procedure;
8. Investigate complaints;
9. Conduct a self-evaluation;
10. Develop a transition plan; and
11. Ensure districts are complying with all ADA Title II mandates.

Statewide ADA Coordinator:

Peggy Cadwell  
ADA@nmcourts.gov  
(505) 414-5313

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

Among the duties of the local ADA Coordinator are to:

1. 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;
2. Provide information about and arrange for the use of appropriate auxiliary aids and devices;
3. Ensure ADA-related signage and other information is in place and accurate.
4. Suggest or assist in making modifications to court operations and practices to ensure that court programs and services are fully accessible;
5. Investigate grievance complaints and issue decisions;
6. Ensure the Court is complying with all ADA Title II mandates;
7. Conduct investigations of all complaints;
8. Cooperate with the Statewide ADA office by providing all requested information during an investigation;
9. Maintain contact with staff and judges to ensure that services provided are effective;
10. Conduct and participate in all activities related to the self-evaluation process and provide the results to the office of the Statewide ADA Coordinator;
11. Maintain a record of all accommodations granted and denials; and
12. 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.

Bernalillo County Metropolitan Court ADA Coordinator:  
Moses Reyes

[metradarequest-grp@nmcourts.gov](mailto:metradarequest-grp@nmcourts.gov)

(505) 841-8181

ADA Coordinator information has been provided via email to all employees and is posted on the Bernalillo County Metropolitan Court website.<sup>9</sup>

#### **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.

The Bernalillo County Metropolitan Court's ADA Coordinator is also a Language Access Specialist in Spanish.

#### **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**

In the Court, the most frequent points of contact with Self-Represented Litigants are the Information Desk, Self Help Center, and Customer Service windows.

The Self Help Center has access to ear phones to assist in communicating with hard-of-hearing individuals. The Center also has clear face masks for staff to wear when speaking to individuals who lip read (as of the latest revision of this plan, all staff must wear a face mask when interacting with a member of the public).

Of the ADA accommodation requests received in Fiscal Year 2022 for the Metropolitan Court, 67.2% have been for accommodations to help deaf or hard-of-hearing individuals, 15.6% have been accommodation requests for individuals with cognitive disabilities, such as traumatic brain injuries, 4.7% have been accommodation requests for individuals with mobility issues, 4.7%

---

<sup>9</sup> The Title I ADA Coordinator for the Metropolitan Court as an employer is the Human Resources Division Director, Leslie Garcia (505)841-9819.

have been for accommodation requests for individuals who are blind or have other vision issues, and 7.8% of accommodation requests have been for other or unknown reasons. Among the accommodations that the Court has made are:

- ASL interpretations;
- Visual accommodation for a legally blind juror;
- Permission for cellphone in the courtroom for an individual who was hard-of-hearing;
- CART Service for individuals who are deaf or hard-of-hearing;
- Adjusting communication strategies for hard-of-hearing individuals;
- Use of a support person in a court proceeding;
- Court initiated phone call for virtual proceeding;
- Auxiliary Aids, such as assistive listening devices and a push wheelchair;
- Qualified reader; and
- Scribing.

The ADA Coordinator keeps a spreadsheet of all accommodations granted or denied by the Court ADA Coordinator and works with various other divisions keeping track of requests received.

## **VII. SCRIBING SERVICES**

The Bernalillo County Metropolitan Court staff in the Self-Help Center regularly help scribe forms for individuals who need scribing assistance due to disability, limited English proficiency, or illiteracy.

## **VIII. EQUIPMENT FOR THE DEAF AND HARD-OF-HEARING**

Assistive listening equipment to serve the Hard-of-Hearing is available for the courtrooms in the Metropolitan Court. Signage in English, Spanish, and Braille that advertises this resource to the public is posted in the foyer of each courtroom.

VRI services are available for deaf court users. In November 2015, three (3) VRI cameras with monitors were installed in the Court. These VRI camera workstations are currently located in the following divisions in the Court: Customer Service, the Self-Help Center/Mediation Offices, and the Probation Division. The Court has also installed the VRI equipment on a laptop (portable computer) that Court staff and volunteer attorneys can utilize at the Metro Court Free Legal Clinic that takes place once a month. The Court has been pleased to take advantage of this resource to serve its deaf clients and customers. In October 2018, the service provider for the Court's VRI stations expanded its services to include access to all spoken languages in addition to American Sign Language. In February 2020, Metropolitan Court was provided with two (2) iPads to be used as mobile, on-demand VRI stations. The Interpreter Division keeps the iPads for their daily interpreting needs; however, One (1) iPad can be signed out by court staff, such as the Probation Division, as needed throughout the courthouse. Boogie Board™ by Kent Displays, Inc. reusable writing tablets are available for use in the Self Help Center and Mediation Division to aid in communication with deaf and hard-of-hearing individuals.

In addition to the VRI iPads provided to the Court, the Court also uses an UbiDuo device to communicate with deaf and/or hard-of-hearing individuals. This device makes it possible to communicate directly without an interpreter, without writing notes back and forth, for the client not to have to read lips, and most importantly allows communication with Court staff without barriers. This device allows staff and deaf and/or hard-of-hearing individuals to type messages back and forth to each other and retains the conversation on-screen, similar to instant messaging, but in-person and wireless. The Court provides the following link to staff for training in how to use the devices: <https://www.youtube.com/watch?v=o2ceYxbGvAQ>

The Court also has available CART equipment to help the Hard-of-Hearing. CART uses a transcriptionist to type conversations that are being held in real time so that Hard-of-Hearing clients can also read on a screen for better understanding (similar to closed-captioning). Headsets assistive listening devices have been used to help hard of hearing jurors during voir doir and jury trials.

## **IX. 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 training via email. Training is offered to judiciary employees free of charge and is recorded and available on the Language Access YouTube channel at: <https://www.youtube.com/channel/UCAyCQWhNiJFAGPrXnB-wQQ>

Julie Ballanger, M.A. with the Southwest ADA Center provided training on the Americans with Disabilities Act ('ADA') for Judges on September 25, 2019. She also provided Title I ADA training on "Employee Qualification, Performance and Standards" for Court staff on August 11, 2020.

It is the intention of the ADA/Language Access planning team to hold court-wide, hybrid ADA/language access training annually.

The Metropolitan Court also includes ADA training in its new employee orientation. The Statewide ADA Coordinator's Office will be creating a basic ADA training video for new employees in Fiscal Year 2023 which will be distributed to all judicial districts.

## **X. 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 (in English and Spanish) and added to the New Mexico Courts website in October 2021. Among the resources posted on the page are the Notice of Rights (in English, Spanish and ASL) and the Request for Accommodations form. <https://www.nmcourts.gov/americans-with-disabilities-ada>.

The Metropolitan Court has created its own Americans with Disabilities Act page, in English and

Spanish. The page includes contact information for the Court's ADA Coordinator, the Notice of Rights, and the Request for Accommodations form, also in English and Spanish, at <https://metro.nmcourts.gov/bernalillo-county-metropolitan-court/ada-accommodations/>.

A hard copy of the Metro Court's LAP/ADA Plan (in English and Spanish) is also kept at the Court's Public Records Viewing Room. Copies are also viewable at the public access computer kiosks, via a shortcut link. Copies of the plan will be provided to the public on request, in English, Spanish or alternative formats. In addition, the Court posts the plan at <https://metro.nmcourts.gov/bernalillo-county-metropolitan-court/services/language-access/language-access-plan/> and AOC posts the plan at <https://languageaccess.nmcourts.gov/language-access-plans>. The plan is also accessible to court staff and judges on the Court's internal intranet.

## **XI. GRIEVANCE PROCEDURE**

The Bernalillo County Metropolitan Court publishes documents in English and Spanish on its website at <https://metro.nmcourts.gov/bernalillo-county-metropolitan-court/ada-accommodations/> that advise the public of their rights under the ADA and Federal Civil Rights laws, as well as how to instigate a complaint. See **Attachments 1-4** to this Plan. These documents can be translated into additional languages upon request.

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

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

The Bernalillo County Metropolitan Court's ADA plan is subject to approval by the Chief Judge and Court Executive Officer. Any future revisions to the plan will be submitted to the Chief Judge and Court Executive Officer for approval, and then forwarded to the 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. Bernalillo County Metropolitan Court ADA Coordinator**

Moses Reyes  
Bernalillo County Metropolitan Court  
401 Lomas Boulevard NW, Albuquerque, New Mexico 87102  
[metradarequest-grp@nmcourts.gov](mailto:metradarequest-grp@nmcourts.gov)  
(505) 841-8181

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

Peggy Cadwell  
New Mexico Administrative Office of the Courts

PO Box 25264, Albuquerque, New Mexico 87125  
ADA@nmcourts.gov  
(505) 414-5313

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

**A. Effective Date:**

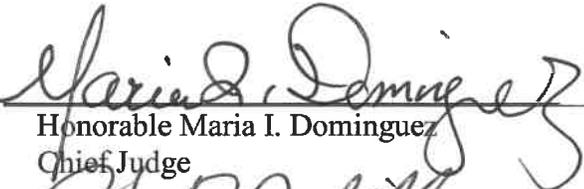
LAP Original effective date: November 12, 2013

ADA Plan original effective date: November 29, 2022

Latest revision of LAP and ADA Plan November 29, 2022

**B. Approved by:**

**STATE OF NEW MEXICO**  
**BERNALILLO COUNTY METROPOLITAN COURT**

By:  Date: 11-29-22  
Honorable Maria I. Dominguez  
Chief Judge

By:  Date: 11/28/2022  
Robert L. Padilla  
Court Executive Officer

By:  Date: 11/23/22  
Dana L. Cox (Certifying Legal Sufficiency)  
General Counsel

**List of Attachments to Language Access Plan and ADA Plan:**

1. Notice of Non-Discrimination under the ADA and Federal Civil Rights Laws (English and Spanish)
2. ADA Accommodation Request Form (English and Spanish)
3. Complaint Form (English and Spanish)
4. Notice of Grievance Procedures under the ADA and Federal Civil Rights Laws (English and Spanish)