

New Mexico Language Access Report and Plan

July 1, 2011 – June 30, 2013

Documentation of the New Mexico Judiciary's ongoing efforts to provide meaningful access to court services for individuals who have limited English proficiency (LEP).

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I. LEGAL BASIS AND PURPOSE

This document serves as the New Mexico Judiciary's plan for the provision of services to persons with limited English proficiency (LEP) that are in compliance with 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). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance, ensuring meaningful access to court services, for persons with limited English proficiency who come in contact with the New Mexico Judiciary.

Under Department of Justice (DOJ) regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), recipients of Federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by LEP persons. See 28 CFR 42.104(b)(2). Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall:

“on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

DOJ regulations forbid recipients from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin...” (28 CFR 42.104(b)(2)). Law requires all recipients of Federal financial assistance from DOJ to provide meaningful access to LEP persons.

Executive Order 13166 signed August 11, 2000 extended requirements to federal agencies and those agencies which they fund:

“Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.”

Additionally, New Mexico Statutes, 38-9-1 to 38-9-10 and 38-10-1 to 38-10-8 NMSA 1978, respectively the Deaf Interpreter Act and the Court Interpreter Act, clearly delineate the responsibilities of the Court to provide Certified Court Interpreters:

“...if a non-English speaking person who is a principal party in interest or a witness has requested an interpreter, the appointing authority (i.e. presiding judge) shall appoint, after consultation with the non-English speaking person or his attorney, an interpreter certified pursuant to the Court Interpreters Act to interpret or to translate the proceedings to him or to interpret or translate his testimony.” (38-10-3 NMSA 1978)

The New Mexico State Constitution, Article VII, Section 3, provides that “[t]he right of any citizen of the state...to sit upon juries, shall never be restricted, abridged or impaired on account of...inability to speak, read or write the English or Spanish languages.” To comply with this constitutional mandate, all courts should strive to incorporate all New Mexican citizens into our jury system regardless of the language spoken by a prospective non-English speaking juror (Non-English Speaking Juror Guidelines, State of New Mexico, Supreme Court).

NOTE:

This plan represents a work in progress as it documents ongoing efforts to provide and ensure the ongoing provision of the resources, training, and accountability necessary to ensure quality language access.

II. SCOPE

This plan identifies the efforts of the New Mexico Administrative Office of the Courts (AOC), the New Mexico Supreme Court, and the New Mexico Court of Appeals to ensure Title VI compliance across New Mexico State Courts through an ongoing, collaborative planning and assessment process. The majority of New Mexico Magistrate, District, and Metropolitan Courts will have fully developed Language Access Plans in place by December 31, 2012 and all state courts will have Language Access Plans in place by July 1, 2013.

III. NEEDS ASSESSMENT

In a border state like New Mexico, which is traditionally a bilingual state, Spanish is the obvious and primary need. However, immigrants from many other areas of the world are increasingly coming to New Mexico.

According to US Census Bureau, 45% of New Mexico's population is of Hispanic or Latino origin and 36% of the population over five years of age report speaking a language other than English at home, as compared with 20% nationally. Slightly higher than the national average, according to 2010 census data, 10% of New Mexico's population reports speaking English “less than very well.” Eighty-seven languages other than English are spoken at home in New Mexico, including Navajo. Twenty-five additional Native languages were also reported by respondents to the 2010 US Census.

Compounding the challenges of serving individuals with limited English proficiency, is New Mexico's percentage of individuals living below poverty, 18.4% as compared with the national rate of 13.5%. As well, much of New

Mexico is sparsely populated, with the average number of persons per square mile at 17, compared to 87 nationally. Data from other New Mexico Justice System agencies reflects the disproportionate involvement of those who may face cultural and linguistic barriers navigating among the state's justice system agencies. For example, 66% of all Juvenile Justice System referrals in State Fiscal Year 2011 were Hispanic or Latino youth. Similarly, the most recent data on inmate ethnicity identifies 60% of the New Mexico prison population as Hispanic or Latino.

In 2008, when this planning process started, the New Mexico Judiciary was responding to a number of concerns. In addition to the reality of New Mexico's current populations, the concerns addressed included:

- The percentage of those who registered for New Mexico's Court Interpreter Orientation compared to those who become certified each year was below the national average.
- Because of the inadequate number of Certified Interpreters and lack of training, non-certified interpreters were frequently used within the courts.
- New Mexico had a significant lack of certified or otherwise qualified interpreters in Languages Other than Spanish (LOTS).
- There was no comprehensive system for identifying language interpreters and providing referrals to match interpreters to the needs of justice system agencies. Even the courts could not easily locate qualified interpreters for LEP clients.
- There were no professional interpreter training programs in New Mexico to assist bilingual individuals who had the interest and capacity to pursue interpreting as a career.
- Each justice system agency, including the courts to some extent, built its own agency-specific system of using unqualified interpreters – bilingual individuals with no training in interpretation, but who were available and willing. Often Spanish-speaking staff members – clerks, security guards, and patrol officers – were called on to provide this service.
- Beyond Spanish, no one entity, including the courts, had enough demand in different languages to offer regular or even significant irregular employment to qualified people.

The AOC hosted an online survey in the spring of 2009. It was distributed to target agencies within the New Mexico Justice System. Agencies in turn distributed the link internally to staff members familiar with their agency's procedures for providing services for limited English proficient (LEP) persons. Links were sent to court personnel at each of the 13 state District Courts, the Bernalillo County Metropolitan Court, and Magistrate Courts in all 33 counties. In order to help create the survey's questions and interpret its data, interviews were conducted with key informants within these agencies. The survey results represent 37 respondents from 24 Magistrate Courts, 49 respondents from 12 (out

of 13) Districts Courts, and nine respondents from the Bernalillo County Metropolitan Court. There were no survey respondents from New Mexico Sheriffs or Police Chiefs, but interviews with these entities were conducted.

The findings included anecdotal insight about current language access services available system-wide to recipients of the New Mexico justice system (civil and criminal) and were reported under three areas of interest: New Mexico's languages; the nature of existing interpreter services; and the future of serving LEP persons.

- Six languages identified by participants of this Needs Assessment in New Mexico were Spanish, Navajo, American Sign Language, Vietnamese, Chinese, and Arabic.
- When asked specifically regarding Languages Other Than Spanish (LOTS), the dominant languages following Spanish were Navajo, American Sign Language, Vietnamese, Chinese, and Arabic.
- Thirty-nine percent of respondents indicated that they use bilingual and /or bicultural staff to interpret whenever possible.
- Forty-one percent of respondents said they rely on clients' family and friends whenever possible.
- Three percent of respondents indicated that most of the time they rely on pantomime, pictures or bilingual dictionaries when no interpreter is available.
- When asked specifically regarding languages other than Spanish five percent anticipated the number of LEP clients to decrease while the other ninety-five percent believe this number will increase.
- When polled about satisfaction with the availability of certified interpreters in their area fifteen percent were very unsatisfied; thirty-five percent unsatisfied; forty-four percent satisfied; and six percent very satisfied.

The Interpreter Services Survey provided further insight on services available at the time, however these findings surfaced other questions in regards to New Mexico's languages, the nature of existing interpreter services, and the future of serving LEP persons. Among the questions that arose from this survey were:

- What is the number of certified versus non-certified interpreters working on a regular basis in the state?
- How can certified interpreters be attracted to parts of the state where there is a greater demand for than supply of interpreter services?
- How can the Administrative Office of the Courts help organize within the greater justice system to develop plans to improve day to day service to clients who speak a primary language other than English?

- How can the AOC Directory of Interpreters be promoted and made more user-friendly so that all associated justice system agencies may benefit from it?

The issues and questions identified above have been or are being addressed and are discussed in this plan. Subsequent surveys of court staff, judges, and community agencies have been conducted in each district as part of each court's language access planning process. The results of these surveys will be posted as part of these plans on the website www.nmcourts.gov by December 31, 2012.

IV. MANAGEMENT STRUCTURE

Administrative Office of the Courts, Language Access Services

The Language Access Services Office of the Court Services Division of the New Mexico Administrative Office of Courts develops and delivers guidance, policies and procedures for employees working in the courts to ensure comprehensive language access across the New Mexico Judiciary. The Language Access Services Manager (increased to a full time equivalent in FY13) provides support to the Language Access Advisory Committee (LAAC); oversees the work of nine full-time contract interpreters who are responsible for coordinating court interpreter services for signed language interpreters in all state courts and spoken language interpreters in 15 state courts; maintains assistive listening/interpreting equipment; assists all state courts in the development and implementation of their language access services; and manages the New Mexico Court Interpreter Certification Program.

Language Access Advisory Committee (LAAC)

Appointed by the New Mexico Supreme Court, this committee was previously known as the Court Interpreter Advisory Committee, but assumed its current name and broadened scope by order of the New Mexico Supreme Court in November, 2011. The LAAC provides critical support to AOC's Language Access Services through the identification of language access needs, development and recommendation of policies and procedures, priority setting, and program implementation and evaluation. The Committee, comprised of judges, court managers, interpreters, language access specialists and external stakeholders, is also essential in the implementation and monitoring of this plan.

V. LANGUAGE ACCESS OUTSIDE THE COURTROOM

Based on information gathered in 2008, as noted above, and with the assistance of a State Justice Institute Grant, the New Mexico Administrative Office of the Courts has instituted the following out-of-courtroom language access services in all New Mexico state courts.

Signage

AOC provides signage for all courts that states, "If you cannot speak or understand English, or if you need an American Sign Language Interpreter, please contact the clerk for assistance," in English, Navajo, Vietnamese, and Spanish. AOC also provides signage regarding the availability of assistive listening devices.

Language Identification

AOC provides language identification resources to all state courts and trains employees on the use of these resources.

Telephonic Interpreting Service

AOC contracts with Certified Languages International (CLI) to ensure that all court employees who have public contact can provide meaningful service to court customers regardless of their ability to speak or understand English. Each employee has 24/7 access to the CLI services and has received training regarding the appropriate use of the service outside the courtroom. Through CLI court employees can within minutes communicate with court customers via telephonic interpreters in 175 languages. The use of the service is tracked monthly by language and by court. From November 2010 through July 2012 the service has been used to facilitate communication in 22 languages by 28 New Mexico state courts.

Certification of Bilingual Employees as Language Access Specialists

The Language Access Specialist (LAS) Program, a joint project of the New Mexico Judiciary, AOC Language Access Services, and the New Mexico Center for Language Access (NMCLA), University of New Mexico – Los Alamos, is a significant element of the New Mexico Judiciary's language access plan and services. Through this program bilingual employees of the judiciary are trained and certified to provide meaningful language access outside the courtroom. All New Mexico courts are encouraged to identify qualified employees to become certified language access specialists, with a goal of a minimum of one certified LAS per court by FY 15, as part of their ongoing language access planning process. It is essential that the program be integrated with the court's related language access services to ensure that the LAS role is clear, the services are needed, and the employee will have the flexibility to use their certification to serve court customers outside the courtroom. This is important, as well, because with court approval and successful completion of continuing education requirements, a certified LAS may be awarded a \$1.00 per hour wage incentive per New Mexico Judiciary Personnel Policies.

To be eligible for LAS certification an employee must follow these steps:

- ✓ Be fluent in English and his/her other language;
- ✓ Have the pre-approval of his/her supervisor and court administration, including the court's agreement that the employee will be allowed to provide language access services as part of or in addition to their regular duties;

- ✓ Identify method of payment in advance of applying to NMCLA, i.e. self-pay, AOC scholarship, court funds;
- ✓ Complete the NMCLA application process and be accepted into the certification program.

Once certified, an LAS must comply with the continuing education requirements established by the AOC. Continued work as an LAS is at the discretion of the court.

As of July 1, 2012, 57 employees of the New Mexico Judiciary have been certified as Language Access Specialists in Mandarin, Spanish, and Navajo. Fifty-four certified language access specialists provide language access services in 20 courts (10 district courts, Bernalillo Metropolitan Court, eight magistrate courts, and the NM Supreme Court).

Tracking Language Access Services Outside the Courtroom

While the New Mexico Judiciary can track interpreter data via the Odyssey Case Management system, out-of-courtroom language access needs and services must be tracked manually by court employees. A tracking template has been developed and is provided to each court. Tracking of language access outside the courtroom is integrated into the language access plans of local jurisdictions and made available both internally and to the public via the posting on court websites and the nmcourts website of all language access plans.

Translation of Forms and Documents

The New Mexico Judiciary recognizes the importance of translating forms and documents so that limited English proficient individuals have appropriate access to needed information and services. As courts have completed their language access plans, they have been instructed to continue their current practice regarding the acceptance of forms completed in languages other than English and are encouraged to have all informational documents translated into Spanish. As well, the AOC is in the process of having the language access plans of all local jurisdictions translated into Spanish and the plan for Eleventh Judicial District Courts (the district includes large sections of the Navajo Nation) into Navajo and Spanish. The following district courts have translated or are in the process of translating (9/2012) website content: First, Second, Fifth, Ninth, Eleventh, Twelfth, and Thirteenth.

New Mexico is the only state in the U.S. that seats non-English speaking jurors. Accordingly, New Mexico's Jury Questionnaire, Qualification, and Request for Postponement or Excusal forms have been translated into Spanish and their availability is noted in Spanish on all jury summonses. The AOC's jury orientation video is available in both English and Spanish open-captioning. Translation of additional forms and documents is done as deemed appropriate and necessary by each court. The translation of documents is a complex issue for several reasons including whether forms completed in languages other than English should be accepted for filing and, if so, who should bear the cost of

translating those documents. Practice in this matter varies greatly across the courts. Courts have been directed to continue their current practices regarding the acceptance of forms completed in Spanish and to have translated, with the AOC's assistance, using only certified translators, informational materials.

Recognizing the need for Supreme Court direction, the AOC will be convening a task group representing various jurisdictions and practices, to develop recommends to the Court's Joint Rules Committee on Procedure regarding the translation of documents and the acceptance of documents completed in languages other than English. Recommendations addressing the broader implications of document translation are targeted for submission to the New Mexico Supreme Court by the end of calendar year 2013.

Priorities Moving Forward: Language Access Services Outside the Courtroom

- 1. Recommendations to the Supreme Court regarding the translation of documents and the acceptance of documents in languages other than English. By: December 31, 2013**
- 2. Production of Public Service Announcements for radio regarding language accessibility of New Mexico state courts. By: June 30, 2013.**
- 3. Posting of all completed Language Access Plans on www.nmcourts.gov website. By: December 31, 2012**
- 4. Translation of key portions of the NM Courts website into Spanish, Navajo and Vietnamese. By: July 1, 2013**
- 5. Minimum of one certified language access specialist per court. By: July 1, 2014**

VI. LANGUAGE ACCESS SERVICES 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. 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 witness interviews, pre-trial transcriptions and translations and attorney/client communications during proceedings.

Court Interpreter Certification Program

Recruitment and Training of Interpreters

The AOC is actively involved with interpreter organizations throughout New Mexico in an effort to publicize the availability of Court Interpreter Certification as a professional career option. Information is available via the www.nmcourts.gov website and regular distribution to individuals and community groups serving New Mexico's immigrant and multi-lingual communities. The AOC publishes a yearly training and testing schedule, usually the prior August. The schedule includes three orientation sessions, which are mandatory, and three related skills building sessions, entitled, "Introduction to the Modes of Interpreting."

In 2012 the AOC began a concerted effort to identify potential candidates from among the growing Asian communities of New Mexico and also to identify signed language interpreters with an interest in pursuing legal qualification. Informational meetings in the community, special orientation sessions, and waiver of testing fees are among the efforts underway to expand the cadre of certified and qualified interpreters in the needed Asian languages and signed languages.

Testing and Certification and New Mexico Interpreter Classifications

The AOC certifies court interpreters through the National Center for State Courts (NCSC) standardized written and oral examinations. For languages not available through NCSC, the Oral Proficiency Interviews of Language Testing International are used. For Navajo, the examination and certification process of the University of Arizona, National Center for Interpretation is used.

AOC tests and certifies court interpreters in all languages for which the NCSC provides oral examinations. These languages are: Spanish, Arabic, Cantonese, Bosnia/Croatian/Serbian, Burmese, Haitian Creole, Hmong, Ilocano, Korean, Russian, Somali, Tagalog, Turkish, Vietnamese, and Mandarin. The certification testing policies of the AOC were revised in 2010 and can be found in Attachment A.

In 2010, the New Mexico Judiciary began to recognize Justice System Interpreters, a new category of non-certified interpreter, who are qualified by successful completion of the Justice System Interpreter Training Program of the New Mexico Center for Language Access and completion of the NCSC certification exams scoring 55-69% (70% is required for certification). In 2010, the AOC and LAAC in collaboration with the New Mexico Commission for the Deaf and Hard of Hearing developed approved standards for qualifying interpreters for the deaf for work in New Mexico State Courts. Classification standards for all New Mexico interpreters can be found in Attachment B.

Post-Certification Training

Requirements for all interpreters becoming court certified or qualified as justice system interpreters to attend mandatory post-certification training and a full-day of court observation were put in place by LAAC in May, 2012. Such training was first conducted for newly certified Navajo Interpreters on July 28th, 2012. The Language Access Services Office is working with NMCLA regarding using the twice yearly mentorship program sponsored by NMCLA as the post-certification training. The Mentorship program includes mock-trial practice, ethics, and extensive court observation. The first test of this shared approach is tentatively scheduled for October 2012.

Application Process and Background Checks

Upon successful completion of the Court Interpreter Certification examinations or qualification as a Justice System Interpreter, the interpreter is required to complete an application process, which includes reference checks and an NCIC background check with fingerprints. Every two years, the background check is re-authorized, name only, and run through NCIC. Upon successful completion of the application process, the interpreter is added to the New Mexico Directory of Certified Court Interpreters and Registry of Justice System Interpreters.

Continuing Education Requirements

All AOC certified and qualified interpreters must comply with the continuing education policy, which requires membership in a state or national interpreters association and participation in a minimum of 20 hours of professional development conferences or courses during a two year period. Interpreters will not be issued current photo identification badges nor listed in the Directory Registry if continuing education requirements are not met.

Those certified and qualified interpreters who are in good standing at the end of each two year certification period having verified compliance with the continuing education requirement, are provided with photo identification badges. They remain in the Directory/Registry with current contact information and are added to the Odyssey Case Management System. The Directory/Registry is also available on the www.nmcourts.gov website.

Assignment of Interpreters

State courts are instructed to use New Mexico certified court interpreters for all court proceedings according to AOC standards and Supreme Court Rule. The

New Mexico Directory of Certified Court Interpreters and Registry of Justice System Interpreters is available on the nmcourts website, <http://www.nmcourts.gov/newface/court-interp/files/Directory.pdf>

Should the court require assistance identifying certified or otherwise qualified interpreters in languages of lesser diffusion, they must contact the AOC for assistance and approval of interpreter assigned and rate of pay. Instructions have been developed and distributed to all courts regarding how to schedule interpreters and how to arrange for interpreters from other states to appear in person or by telephone. See Attachment C.

No court should be using non-certified "other" interpreters (see Attachment B). In January 2011 all non-certified interpreters were informed that the rate of pay would drop to \$10.00 per hour. Also in January 2011, non-certified interpreters in languages other than Spanish who had been paid at the certified rate were informed that they would no longer be paid at this rate as of July 1, 2012 unless they had received or were actively pursuing certification or justice system interpreter qualification.

Team Interpreting is recognized by the New Mexico Judiciary as essential in proceedings that extend beyond two hours for spoken language interpreters. Courts are instructed to arrange for team interpreting in such cases. Team interpreting is defined consistent with the NAJIT position paper, "Team Interpreting in the Courtroom," which can be read in its entirety at: [http://www.najit.org/documents/Team Interpreting.pdf](http://www.najit.org/documents/Team%20Interpreting.pdf). Situations requiring team interpreting may vary for signed language interpreters and New Mexico courts are required to staff such cases consistent with the Registry of Interpreters for the Deaf, Standard Practice Papers: "Team Interpreting," [http://www.rid.org/UserFiles/File/pdfs/Standard Practice Papers](http://www.rid.org/UserFiles/File/pdfs/Standard%20Practice%20Papers)

While it is the expectation that courts will arrange for the appropriate interpreter or team of interpreters directly by accessing the Directory/Registry, AOC also provides assistance in emergency situations and will communicate specific assignments to its distribution list of Court Certified and Justice System Interpreters. The AOC also assists courts in identifying certified or otherwise qualified court interpreters in languages of lesser diffusion and making arrangements for telephonic interpreting or travel for out-of-state interpreters.

AOC contracts directly with Certified Court Interpreters to act as coordinating interpreters assigned to specific courts. Currently, there is one ASL interpreter/coordinator for all state courts; and the following courts have at least one Spanish interpreter/coordinator: Santa Fe Magistrate Court; First Judicial District Court – Tierra Amarilla; Eleventh Judicial District – district and magistrate courts; Third Judicial District – district and magistrate courts; Fifth Judicial District – district court in Lovington and Roswell Magistrate Court; Sixth Judicial District – district court in Deming and Deming Magistrate Court.

The option to have a coordinating interpreter assigned via AOC contract is available to any Magistrate or District Court that does not have staff interpreter positions. Currently staff interpreter positions are funded as follows: Second Judicial District Court – 2.5 FTE; First Judicial District Court – 1.0 FTE; Bernalillo Metropolitan Court – 3.0FTE.

The AOC contract position currently assigned to coordinate and deliver language access services to the deaf and hard of hearing for all state courts has been approved by the Judiciary's Budget Committee and the Legislative Finance Committee for transition to a permanent full time equivalent position effective July 1, 2013, pending legislative approval. This position will also be responsible for managing the AOC's Remote Interpreting Services (video and telephonic) for all languages for all state courts.

Complaint Procedures

Procedures for Processing Complaints Regarding Interpreter Conduct & Performance were approved by the New Mexico Court Interpreter Advisory Committee, November 12, 2010. See Attachment D.

Equipment

In 2008 the AOC began placing assistive listening (ALD) and interpreting equipment in the state courts. Currently, 134 Comfort Contego ALD/Interpreting kits are placed in state courts. (For contents, see Attachment E). A special training DVD is available online to orient both court employees and interpreters on the equipment's use (<http://www.teltex.com/nmc/nmcourts.html>) The Language Access Services staff work with courts on a regular basis to maintain the integrity of the equipment.

Tracking Language Access Services Inside the Courtroom

All New Mexico courts will be upgraded to the Odyssey Case Management system by December 31, 2012. Court interpreter usage by case type, language and interpreter are tracked through Odyssey and related reports can be generated by court and for all courts by AOC.

Remote Interpreting

New Mexico courts occasionally use telephonic interpreting for short proceedings, most frequently for languages other than Spanish. There have not been any efforts to date to develop related policies, procedures or training. Many New Mexico Courts regularly conduct video arraignments and interpreting services are included, as appropriate, with the certified interpreter providing services either from the court with the judge or at the jail.

An inventory of all state courts was conducted in winter/spring 2012 to determine the current capacity for video remote interpreting across the state courts. Based on this assessment, earmarked capital funds were used to purchase video remote interpreting equipment, which will result in expanding the capacity for the use of video-remote interpreting to the majority of state courts. The base location will be at the Second Judicial District Court in Albuquerque.

Priorities Moving Forward: Language Access Services Inside the Courtroom

- 1. Remote Interpreting policies and procedures drafted for LAAC approval. By: May 2013. Recommendation from LAAC for AOC/Supreme Court approval. By: July 1, 2013.**
- 2. Continued outreach to recruit interpreters in languages for which there is an identified need based on demographic data and service data from the courts. By: Ongoing with reporting to LAAC and updates to this plan in July of each year.**
- 3. Post-Certification Training: Test collaborative model with NMCLA and provide evaluation/recommendation to LAAC. Completed: January 2012**
- 4. A pilot of the Grid Check Scheduling Software is scheduled for fall of 2012. Based on the pilot, develop recommendation regarding use of the software by coordinating interpreters. By: March, 2013**
- 5. Continue the ongoing work with Pueblos and the University of New Mexico Law School and Department of Education, American Indian Language Policy Research and Teacher Training Center to develop training and qualification of legal interpreters in Pueblo languages. By: July 1, 2014**
- 6. Continued work by LAAC on court interpreter policy recommendations, including pay discrepancies (signed and spoken language interpreters), cancellation policy, and interpreter classifications. By: March, 2013**

VII. LANGUAGE ACCESS TO COURT-ORDERED SERVICES

The New Mexico Judiciary recognizes the courts' responsibility to ensure that all those referred or ordered by the court to specific services (including but not limited to DWI School, Alternative Dispute Resolution, supervised exchange and visitation, court appointed special advocates, and victim impact panels) must be ensured meaningful language access. Accordingly, service providers are required to provide language access services as needed. When this is not possible and no alternative exists, the AOC will cover the costs of the required language access services. See Language Access Info Sheet for service providers, Attachment F. The LAAC will develop recommendations regarding qualification standards and a rate structure for language access services provided for court-ordered services. It is expected that these recommendations will be finalized by March, 2013.

Priorities Moving Forward: Language Access to Court-Ordered Services

- 1. The LAAC will develop recommended levels of qualification and rates of pay for spoken and signed language interpreters providing language access to these services. By: March, 2013.**

VIII. STAFF TRAINING AND PROFESSIONAL DEVELOPMENT

Mandatory Language Access Training

The New Mexico Supreme Court and AOC completed work on a language access training video, which, beginning October 2011, is required viewing for all current and new employees of the New Mexico Judiciary. The thirty minute video reviews the courts' obligations to ensure language access under Title VI of the Civil Rights Act of 1964 and Executive Order 13166 and identifies the responsibilities and specific resources available to each employee in fulfilling this obligation. This training was required of all current employees at the time of the Supreme Court Order and is incorporated into new employee orientation. Each employee is required to have a signed form acknowledging that they have participated in this training in their personnel file. The Supreme Court Order and Training Policy can be found in Attachment G.

Language Access Specialist Certification

The New Mexico Judiciary provides scholarships (in collaboration with the Judicial Education Center) and wage incentives to its bilingual employees who complete the *Language Access Specialist* certificate training program through the New Mexico Center for Language Access. (See Language Access Services Outside the Courtroom, above.)

Other Training for Judges and Judicial Employees

In 2011 AOC sponsored a full-day training for judges, court staff, and attorneys. The training topics were Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, presented by Bruce Adelson, Esq., a former Department of Justice Attorney who had delivered a full-day training on language access planning in April 2010, and a panel presentation by tribal, state and federal court judges regarding providing language access for members of New Mexico's Tribes and Pueblos.

Courts are encouraged to provide training to all employees when they complete or update their Language Access Plans. AOC is available to assist in this training as requested. AOC also provides periodic training regarding language access at the yearly Judicial Conclave and Magistrate Judges Conference, both sponsored by the Judicial Education Center at the University of New Mexico.

Other Training for Justice System Partners

Upon request, AOC has provided language access training for Public Defenders, including District Defenders and support personnel at the statewide Department of Public Defenders conference. Similar training has been provided at statewide meetings of domestic violence advocates and at the national conference of Hearing Officers when it met in Santa Fe in 2012.

Priorities Moving Forward: Staff Training and Professional Development

- 1. Continue to identify opportunities for the provision of training to judges regarding working with an interpreter (spoken and signed languages). By: Ongoing (report yearly, as part of plan update)**
- 2. Develop and deliver webinar trainings on the Supreme Court Rules regarding interpreters and language access. By: July 1, 2013**
- 3. Develop training for court employees regarding working with deaf and hard of hearing persons and the blind. By: May, 2013**

IX. ASSISTANCE WITH LANGUAGE ACCESS PLAN DEVELOPMENT

With support from the State Justice Institute (SJI), the AOC conducted Title VI Compliance Training for court personnel in the spring of 2010. As a follow-up to this training and again with the support of the State Justice Institute, the AOC developed a planning model which has been implemented in all judicial districts. As a result of this effort and with the assistance of a planning consultant, 100% of district and metropolitan courts and 80% of magistrate courts will have completed Language Access Plans in place by December 31, 2012. All courts must have a plan in place by July 1, 2013. AOC will continue to provide assistance following the conclusion of the SJI Technical Assistance grant, 12/31/12.

Priorities Moving Forward: Language Access Plan Development

- 1. 100% of district and metropolitan courts and 80% of magistrate courts will have completed Language Access Plans in place. By: December 31, 2012.**
- 2. All NM state courts will have completed Language Access Plans in place. By: July 1, 2013.**

X. ENGAGING THE COMMUNITY

New Mexico Justice System Interpreter Resource Partnership

In the fall of 2008, with matching funds from the State Justice Institute, the New Mexico AOC and the New Mexico Supreme Court created the New Mexico Justice System Interpreter Partnership. The Partnership was created in response to the issues and questions identified through the needs assessment process described earlier in this plan.

The Partnership was created to:

Ensure that individuals with limited English proficiency who become involved with the New Mexico justice system have access to consistent, culturally and linguistically appropriate services through the creation of a sustainable, comprehensive interpreter resource partnership that may be expanded to serve a broader range of public service recipients.

Initial Partnership objectives were to implement and maintain:

- A registry of qualified interpreters, recruited and trained based on regionally identified needs of the partnership member agencies.
- Training and testing to qualify interpreters for work throughout the justice system (civil and criminal) and provide a foundation for Certification as Court Interpreters or advanced training in other specific areas of focus, e.g. juvenile justice, corrections.
- Training for groups and agencies on the roles, responsibilities, and professional ethics expected of qualified interpreters and those who work with them.
- Increased accountability in ensuring meaningful access by Limited English Speaking persons to justice system services, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

The Partnership was founded upon a concept described in “Interpreting Resource Center for Justice System and Other Public Agencies: A Concept Paper,” William E. Hewitt, National Center for State Courts, 7/2004:

“The central theme ...is the need to achieve economies of scale in program responses through coordinated efforts of multiple agencies, where no single agency has enough regular demand for services to solve the problems on its own. Interpreting services lend themselves especially well to resource and service sharing regionally, statewide, interstate, and, where appropriate, across courts and other government agencies of state and federal jurisdiction.”

Partners, in addition to the AOC and the Supreme Court, included University of New Mexico – Los Alamos, Central New Mexico Community College, Doña Ana Community College, the Judicial Education Center, the Access to Justice Commission, and the following New Mexico Executive Branch agencies: State Police; Children Youth & Families Department; Commission for the Deaf and Hard of Hearing; Public Defenders; Administrative Office of the District Attorney.

The Partnership expanded beyond justice system agencies and initial partners to include the University of New Mexico Hospitals and the School of Law.

The New Mexico Center for Language Access (NMCLA), the Partnership's primary accomplishment, resulted from the collaboration of the New Mexico Administrative Office of the Courts, the University of New Mexico – Los Alamos (UNM-LA), Doña Ana Community College (DACC), Central New Mexico Community College (CNM) and the University of New Mexico Hospitals. NMCLA was created to provide training for bilingual individuals interested in ensuring language access to services for limited English proficient persons throughout the justice and healthcare systems.

New Mexico Center for Language Access

With administrative leadership from the University of New Mexico – Los Alamos and the support of the Administrative Office of the Courts, NMCLA has been self-sustaining since July 1, 2010. NMCLA offers state-of-the-art on-line training in justice system and medical interpreting and training for bilingual employees who

want to build on their language abilities (e.g., nurses, court clerks, correction and patrol officers), as Language Access Specialists. NMCLA has recruited a highly credentialed faculty team nationwide and provides language specific training for those who in addition to English speak Spanish, Navajo, Arabic, Vietnamese, Chinese or Russian. (<http://www.nmcenterforlanguageaccess.org>)

AOC has applied for a State Justice Institute Grant in collaboration with NMCLA and six other state courts (Alaska, Arizona, Colorado, New Jersey, Nebraska, and North Carolina) to develop downloadable interactive training for all court employees with special focus on bilingual employees. If awarded, the project will begin October, 2012.

New Mexico Interpreters Conference

Beginning in October 2008, the New Mexico Administrative Office of the Courts (AOC) has sponsored a yearly professional development conference for interpreters and those preparing to join the profession. The AOC and the New Mexico Commission for the Deaf and Hard of Hearing have been the primary conference sponsors. Other sponsors have included the Albuquerque Public Schools, WelInterpret.Net, and the University of New Mexico Hospital. The conferences regularly feature a unique line-up of nationally-recognized experts in medical, legal, and community interpreting. The conference is tailored to new and experienced interpreters in all spoken languages and signed languages.

Navajo Interpreters Association (NIA)

Beginning in 2010, the AOC sponsors a yearly Navajo Interpreters Training Seminar. The Navajo Interpreters' Association (NIA) is an outcome of these conferences. With support and consultation from the AOC, formal bylaws and articles of incorporation were finalized and approved by the membership on June 8th, 2012. The provision of consultation and support to NIA is an ongoing project of the AOC and the LAAC.

Pueblo Languages Project

On September 30, 2011, AOC sponsored a symposium in collaboration with the Southwest Indian Law Clinic of the University of New Mexico School of Law. The Symposium was entitled: "Ensuring Language and Cultural Access for Tribal Members in State Courts." As follow-up to the symposium, a work group was formed to lay the foundation for qualifying legal interpreters in Pueblo languages, most of which are oral languages. This collaborative effort is being led by the Southwest Indian Law Center, the AOC, and the American Indian Language Policy Research and Teacher Training Center at the University of New Mexico. Tribal courts and tribal interpreters also serve on the work group. A survey has been done with Pueblo leaders and funding for this ambitious undertaking is being identified with the support of the American Indian Law Center at the University.

Priorities Moving Forward: Engaging the Community

1. **Reconvene Partnership to share lessons learned and identify new collaborative projects supporting language access to justice system and other state services. By: December 31, 2013**
2. **Continue to identify and develop collaborative projects with NMCLA and NCSC Language Access Services, e.g. stand alone training for court employees and bilingual staff; interpreting skills building; expanded languages. By: Ongoing**
3. **Provide oversight, coordination and evaluation to SJI Grant: “Ensuring Language Access Outside the Courtroom.” By: October 1, 2012 – March 31, 2014**

XI. FUNDING

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. Jury Witness Fund expenditures for interpreting services provided by state courts totaled \$1.9 million in FY12, doubled from FY08, reflecting the increase in the use of team interpreting and beginning in FY11 and FY12 the provision of interpreters for all civil cases.

The NM Judiciary continues to support the language access efforts of local jurisdictions through these services and will work to identify new funding opportunities to support language access efforts across the judiciary and specific to needs of individual jurisdictions, as identified through current or future language access planning efforts.

XII. SUMMARY OF PRIORITY PROJECTS

Priority	Responsible Party/Parties	Target Timeline
Recommendations to the Supreme Court regarding the translation of documents and the acceptance of documents in languages other than English. <ul style="list-style-type: none"> • Convene task group • Regular meetings • Draft recommendations 	AOC Language Access Statewide Manager and Planning Consultant; court representatives appointed to task group in consultation with Supreme Court	December 31, 2013
Production of Public Service Announcements (PSAs) for radio regarding language accessibility of New Mexico state courts.	AOC Language Access Statewide Manager and Planning Consultant	June 30, 2013

<ul style="list-style-type: none"> • Draft content for approval • Translate content (Spanish, Vietnamese, and Navajo) • Contract with interpreters to record content & with studio • Identify appropriate outlets/release PSA 		
Posting of all completed Language Access Plans on nmcourts website.	AOC Language Access Statewide Manager and Judicial Information Division (JID) Staff	December 31, 2013; update as available
Translation of key portions of nmcourts website into Spanish, Navajo, and Vietnamese.	AOC Language Access Statewide Manager and JID Staff	July 1, 2013
Minimum of one certified language access specialist per court.	AOC Language Access Statewide Manager and Planning Consultant, Court Managers	July 1, 2014
Remote Interpreting Policies & Procedures: LAAC Approval AOC and/or Supreme Court Approval	Sign Language/Remote Interpreting Services Coordinator, AOC Language Access Statewide Manager, LAAC	May, 2013 July 1, 2013
Outreach and Recruitment of Interpreter Candidates	AOC Language Access Statewide Manager	Report – July each year
Interpreters Post Certification Training – Recommendation First Implemented	AOC Language Access Statewide Manager, NMCLA, LAAC	January 2012
Pilot Scheduling Software and Subsequent Recommendation	Sign Language/Remote Interpreting Services Coordinator, AOC Language Access Statewide Manager	Fall, 2012 March 2013
Reconvene Partnership	AOC Language Access Statewide Manager	December 31, 2013
Continue collaborative projects with NMCLA and NCSC	AOC Language Access Statewide Manager, LAAC	Ongoing
Coordinate SJI Grant if awarded	AOC Language Access Statewide Manager	October 1, 2012 – March 31, 2014
Pueblo Languages Project	AOC Language Access Statewide Manager with UNM Team	July 2013
LAAC Policy Recommendations	Sign Language/Remote Interpreting Services Coordinator, AOC Language Access Statewide Manager, LAAC	March 2013
LAAC Recommendations re: qualifications	Sign Language/Remote	March 2013

and pay rates for interpreters for court-ordered services	Interpreting Services Coordinator, AOC Language Access Statewide Manager, LAAC	
Training for Judges and Development of Bench Resources	Sign Language/Remote Interpreting Services Coordinator, AOC Language Access Statewide Manager, LAAC, Judicial Education Center	Ongoing, Report Yearly in July
Webinar Trainings on new Supreme Court Rules	Sign Language/Remote Interpreting Services Coordinator, AOC Language Access Statewide Manager, LAAC	July 1, 2013
Develop Training for Court Staff on working with deaf, hard of hearing & blind individuals	Sign Language/Remote Interpreting Services Coordinator, NM Commissions for the Deaf & for the Blind	May, 2013
100% of District, Metro Courts & 80% of Magistrate Courts have Language Access Plans	AOC Language Access Statewide Manager, Language Access Planning Consultant, Court Managers	December 2012
All state courts have completed Language Access Plans	AOC Language Access Statewide Manager, Language Access Planning Consultant, Court Managers	July 2013

XII. COMPLAINT PROCESS

All New Mexico State Courts have a complaint procedure for persons who feel their rights have been violated under Title VI of the Civil Rights Act of 1964. Should any individual wish to make a complaint, the attached complaint procedure and form will be provided to them by the LAP Plan Coordinator of the Court or by the AOC. The procedures and form for submitting a complaint can be found in Attachment H.

XIII. PLAN MANAGEMENT

The efforts and initiatives described in this document were developed by a variety of groups, including the New Mexico Language Access Advisory Committee (formerly Court Interpreter Advisory Committee) and the New Mexico Justice System Interpreter Resource Partnership, with funding from the NM Jury Witness Fund and the State Justice Institute.

Plan Notification and Access

The AOC will notify state and local courts, executive branch agencies, and advocacy groups with direct or indirect interest in language access issues of the plan's availability.

Maintaining the Plan

To keep this plan current and to ensure that the NM Judiciary is addressing the needs of an increasingly diverse population, the NM Language Access Advisory Committee will review this plan in July of each calendar year. This review will be included in the New Mexico Judiciary Annual Report. The yearly review will include an update of population data, consideration of new technologies and best practices, and an analysis of available service data.

Updates must be made at minimum every two years. The designated Language Access Plan Coordinator is Pamela Sánchez, Statewide Program Manager for Language Access Services. She can be reached at aocpjs@nmcourts.gov or 505-827-4822.

AOC Language Access Plan Coordinator:

Pamela Sánchez, Statewide Program Manager, Language Access Services
New Mexico Administrative Office of the Courts
237 Don Gaspar, Santa Fe, New Mexico 87501
aocpjs@nmcourts.gov
505-827-4822

Language Access Plan Effective Date: July 1, 2011

Review and Update: September, 2012

Next Review: July, 2013

New Mexico Judiciary
LANGUAGE ACCESS PLAN
ATTACHMENTS

- A. Certification Testing Policies
- B. Interpreter Classifications
- C. Instructions for Scheduling Interpreters
- D. Interpreter Complaint Procedures
- E. Assistive Listening Equipment
- F. Language Access Information for Service Providers
- G. Mandatory Language Access Training for Employees
- H. Language Access Plan Complaint Process

ATTACHMENT A
Certification & Testing Policies

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director
Patrick Simpson, Deputy Director



237 Don Gaspar, Room 25
Santa Fe, NM 87501
(505) 827-4800
(505) 827-4824 (fax)
www.nmcourts.gov

New Mexico Court Interpreter Certification Testing Policies

(As approved by the Court Interpreter Advisory Committee 3/12/10 & 5/14/2010)

- Step 1:** Certification candidates must receive a passing score of 80% on the Consortium Written Exam prior to be invited to sit for the Oral Certification Examinations.
- Candidates must wait one year before retaking the written examination if they fail to pass with a score of 80% or better.
- Candidates who pass the Written Examination may move forward to the oral examinations at any time.
- Step 2:** Certification candidates must receive a passing score of 70% on the Simultaneous Examination prior to being invited to sit for the Consecutive and Sight Translation Examinations.
- Candidates who pass the Simultaneous Examination must sit for the Consecutive and Sight Translation Examinations within twelve months of having the Simultaneous Examination. If they fail to initiate Step 3 of the certification process within twelve months, they will be required to retake the Simultaneous Examination.
- Step 3:** Certification candidates must receive a passing score of 70% on the Consecutive Interpreting Examination and the Sight Translation Examination.
- Candidates who pass either Sight Translation or Consecutive Interpreting, but not both examinations, which are given together, must retake both Sight Translation and Consecutive.

Note:

- Candidates may take the oral examinations twice in a ten-month period, assuming they are taking a different version of the examination. Candidates who fail an examination for which there is no alternate version must wait a full twelve months prior to retaking the oral examination.
- If a candidate scores 65% or better, but fails to pass an oral examination, they may request re-rating of the examination at their expense. The request for re-rating must be made within 30 days of the candidate's receipt of their exam scores.

**Policy Action of the New Mexico Court Interpreter Advisory Committee
Related to Languages of Lesser Diffusion**

Approved: September 10, 2010

Effective: January 1, 2011

1. That individuals who successfully, according to standards set by the New Mexico Court Interpreter Advisory Committee*, complete the OPI in English and their other language and who have also completed NM Court Interpreter Orientation and passed the Consortium written exam be considered certified by the New Mexico Administrative Office of the Court, be included in the Directory of Certified Court Interpreters, and receive the certified rate of pay.

* Standards (approved 9/10/10)

- Justice System Interpreter Qualification

Individuals testing via the Oral Proficiency Interviews must receive at minimum Intermediate High in English and Advanced Mid in their other language in order to be qualified as Justice System Interpreters by the New Mexico Court Interpreter Program.

- Court Certification Qualification

Individuals testing via the Oral Proficiency Interviews must receive Advanced High Scores on both English and their other language in order to have “passed” the examinations at the level required for certification by the New Mexico Court Interpreter Program.

ATTACHMENT B
Interpreter Classifications

New Mexico Administrative Office of the Courts
Language Access Services
Interpreters by Classification

a. Certified Court Interpreters

A certified spoken language interpreter is an individual who has received court certification through the New Mexico Administrative Office of the Courts (including mandatory orientation and all required examinations), the United States Federal Court, the National Consortium for State Court Interpreter Certification, or the National Center for Interpretation at the University of Arizona (Navajo only). A certified signed language interpreter is an individual who has received court certification (such as the SC:L/Specialist Certification in Legal Interpreting) from the national Registry of Interpreters for the Deaf (RID) or one who is a Certified Deaf Interpreter and who has passed the SC:L written test and who has completed the mandatory New Mexico court interpreter orientation.

Certified court interpreters in New Mexico must be in compliance with the AOC's Court Interpreter Continuing Education Policy. Those in compliance will be provided an identification badge in January every other calendar year (beginning with 2011). Should certification lapse due to non-compliance with the Continuing Education Policy, an interpreter will be required to retake the certification examinations.

An individual who has passed all parts of the National Consortium for State Court Interpreter Certification's oral exam may be able to obtain reciprocal certification in New Mexico. An interpreter requesting reciprocal certification by New Mexico must provide sufficient information to allow confirmation of exam results in the other state. The Program Manager will review and confirm the test results. Upon confirmation of the certification exam results and the interpreter's attendance at New Mexico Court Interpreter Orientation, the Program Manager will add the interpreter to New

Mexico's Directory of Certified Court Interpreters, indicating the state of certification. The Administrative Office of the Court reserves the right to request re-certification of any interpreter seeking reciprocal certification. Interpreters certified in another Consortium State and added to New Mexico's roster must maintain certification by meeting New Mexico's continuing education requirements for Certified Court Interpreters. If a person is denied reciprocal certification, the interpreter may appeal the denial to the Interpreter Advisory Committee. The decision of the committee will be final. Reciprocal certification will not be granted if the other certifying entity does not grant reciprocal certification of New Mexico certified interpreters.

b. Non-Certified Interpreters

i. Justice System Interpreters

A New Mexico justice system spoken language interpreter is an individual who has successfully completed the Justice System Interpreting course of study with the New Mexico Center for Language Access (NMCLA). Upon notification of their successful completion from NMCLA the individual will be placed on the AOC Registry of Justice System Interpreters.

A New Mexico justice system signed language interpreter must be certified as a generalist signed language interpreter by the national Registry of Interpreters for the Deaf, have significant experience and/or training in interpreting in legal settings, and be approved for work in New Mexico state courts by the New Mexico Commission for Deaf & Hard of Hearing Persons (NMCDHH). As of October 2009, signed language interpreters practicing in New Mexico must hold a Community License from the New Mexico Regulations and Licensing Department pursuant to NMSA § 61-34-4. Court certified signed language interpreters and Deaf Interpreters with unique skills applicable for specialized circumstances from out of state may

practice in New Mexico for less than 30 days in a calendar year (see NMSA § 61-34-5). The New Mexico Regulations and Licensing Department maintains a listing of currently licensed New Mexico signed language interpreters. Interpreters named by NMCDHH as appropriate for court interpreting may be placed on the AOC Registry of Justice System Interpreters.

All justice system interpreters must complete a one-day orientation through the New Mexico Administrative Office of the Courts Language Access Services in order to be included on the Registry of Justice System Interpreters. Continued inclusion on the Registry is dependent upon compliance with New Mexico's continuing education requirements for certified court and justice system interpreters. If a justice system interpreter fails to comply with the yearly continuing education requirements they will be removed from the Registry. All Justice System spoken and signed language Interpreters who work regularly in the courts, must be actively pursuing court interpreter certification within one year of having been placed on the Registry.

ii. Other Interpreters

An interpreter without state or federal court interpreter certification or without RID legal specialist (SC:L) certification or who is not a Justice System Interpreter (i.e., included on the NM AOC Justice System Interpreter Registry) is considered a non-certified other interpreter.

ATTACHMENT C
Instructions for Scheduling Interpreters

New Mexico State Courts Step by Step Directions for Scheduling Certified Court Interpreters or Justice System Interpreters (September 2012)

1. When a *spoken* language court interpreter has been requested, first go to the NM Directory of Certified Court Interpreters and Registry of Justice System Interpreters: <http://www.nmcourts.gov/newface/court-interp/directory.pdf>

Interpreters are listed in the directory and registry by location and language. Please note that spoken language Justice System Interpreters may only interpret for proceedings, which cannot result in jail time. They may not interpret for jurors.

When a signed language interpreter has been requested, contact Aimee Rivera, aocaxr@nmcourts.gov or 505-841-7470.

2. If a proceeding is expected to involve more than two hours of constant interpreting, you will need to schedule two interpreters for the assignment.
2. Begin by calling interpreters in your city or town. If you cannot locate a certified Spanish court interpreter or you need an interpreter on very short notice, please send a notice to Renee Lovato, aocrjl@nmcourts.gov, requesting that she send a message to all interpreters regarding the assignment (cc: aocpjs@nmcourts.gov).

Do this right away. The more notice we can provide regarding your assignment the better chance of finding the interpreters you need.

You must include the following information in this notice:

- Type of case and proceeding, e.g., murder trial or domestic violence hearing;
- Language needed;
- Number of interpreters required (for single proceedings expected to last more than two hours, two interpreters must be scheduled);
- Where and when the interpreter is to report (date, time, place);
- Expected length of assignment or assignments (may be more than one on same day or consecutive days);
- Person to contact at the court to accept assignment.

Renee will distribute this notice to all NM Certified Court and Justice System Interpreters who will contact you directly if they can accept the assignment.

4. If you need an interpreter in a language other than Spanish and there is not an interpreter listed in the Directory or the interpreter listed is not available, please contact Pam Sánchez, aocpjs@nmcourts.gov, or 505-827-4822. She will provide you with names and contact information of certified or qualified court interpreters in other states or approve the use of Certified Languages International (CLI) depending on the nature and length of the proceeding for which the interpreter is needed.
5. If you are using an out-of-state interpreter for telephonic (other than CLI) or in-person interpreting, they must have a New Mexico Vendor ID #. They can contact Heather Nash, AOC Fiscal, directly, aochan@nmcourts.gov. All interpreters in-state or out-of-state should submit their bill on the Interpreter Invoice Form included in the Interpreter Payment Policies and Procedures. The invoice is also available as an Excel document on the nmcourts website.
6. If the interpreter(s) will be traveling by commercial transportation and/or staying overnight on the assignment for your court, the interpreter or the court must contact Pam Sánchez, aocpjs@nmcourts.gov, or 505-827-4822, for approval. The overnight expenses worksheet and directions can be found at:

Worksheet: http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/travel_expense_worksheet.pdf

Instructions: http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/overnight_expense_reimbursement_request.pdf

Prior approval is required for reimbursement of overnight expenses for all interpreters.

New Mexico Administrative Office of the Courts
INSTRUCTIONS
IDENTIFYING, SCHEDULING, AND PAYING OUT-OF-STATE INTERPRETERS
(TELEPHONIC OR IN-PERSON)

IDENTIFYING AND SCHEDULING THE INTERPRETER

1. If you need an interpreter in a language other than Spanish and there is not an interpreter listed in the Directory or the interpreter listed is not available, please contact Pam Sánchez, aocpjs@nmcourts.gov, or 505-827-4822. She will provide you with names and contact information of certified or qualified court interpreters in other states.
2. Depending on the nature and length of the proceeding for which the interpreter is needed, you may be asked to consult with the judge regarding approval for the interpreter to appear telephonically or AOC may approve the use of Certified Languages International (CLI).
3. If none of the interpreters on the list provided by AOC is available when needed, please contact AOC again. Contact information for additional interpreters will be provided or, if none are available, it may be necessary to reschedule the proceeding in order to make arrangements with an interpreter on the original list.
4. When you have identified and scheduled the interpreter from the list provided, discuss the New Mexico interpreter fees with the interpreter. NM rates are \$30.00 per hour for travel time and \$46.00 per hour for interpreting time.
5. Often out-of-state interpreters in languages of lesser diffusion charge more than this or require half or full-day guarantees. If the interpreter requests more, let them know that you will have to secure AOC's approval. Then contact Pam Sánchez for approval. She will either approve the rate or she may call the interpreter directly to negotiate a better rate.
6. Once AOC has confirmed the fee and approved the appointment of the interpreter, you will receive a written confirmation notice, which must be placed in the case file. When you have received the confirmation notice, you can notify the interpreter and proceed.

MAKING TRAVEL ARRANGEMENTS AND PAYING THE INTERPRETER

1. All interpreters in-state or out-of-state should submit their bill on the Interpreter Invoice Form included in the 2011 Interpreter Payment Policies and Procedures. (Link in #4 below)
2. All interpreters must have a New Mexico Vendor ID # before their invoice for payment can be processed. Please inform the interpreter that in order to be paid they need to proceed to secure this number as soon as possible. For interpreters working with Magistrates they can secure this number by contacting Heather Nash, at aochan@nmcourts.gov. Vendor IDs for interpreters working with District and Metropolitan Courts go through the court's fiscal division.
3. If the interpreter(s) will be traveling by commercial transportation and/or staying overnight on the assignment for your court, please follow these steps. As questions come up, please feel free to contact Pam Sanchez, aocpjs@nmcourts.gov, or if she is not available, Georgia Vigil, aocgav@nmcourts.gov, with questions or concerns.
 - a. You should already have AOC's approval because you've contacted AOC regarding the need to find and schedule an interpreter from out-of-state.
 - b. Either you or the interpreter can make the necessary travel arrangements. Either way, the DFA travel requirements must be followed. Please see attached.
 - c. It is possible for the court to make the air and hotel arrangements. Just be sure to confirm that the related charges can be billed directly to the court via a Purchase Order. This means the hotel must already have a state vendor identification number. All travel expenses will be reimbursed by the Jury Witness Fund. Magistrate Courts, please get in touch with Georgia Vigil, aocgav@nmcourts.gov, regarding the purchase order request, prior to reservations being made. District Courts' Finance staff should prepare the purchase document and then contact Lydia Romero, aoclmr@nmcourts.gov for purchase order approval.
 - d. Do not make airline reservations until you have secured a purchase order from Georgia Vigil, aocgav@nmcourts.gov (Magistrate Courts) or secured P.O. approval from Lydia Romero, aoclmr@nmcourts.gov (District Courts). Airline tickets should be refundable in case the proceeding is canceled or continued. If the court is making the airline reservations, please use either Aquila Travel (505-828-9113/800 595-6257) or International Tours & Cruises (Albuquerque) (1-888-303-8687).
 - e. The court can usually best determine the most convenient hotel. Just make sure when making the reservation that the hotel will take a PO and also be sure to note the cancellation deadline so that, should the proceeding not be held as scheduled,

the hotel can be canceled without charge. Again, contact Georgia Vigil, aocgav@nmcourts.gov to secure a purchase order prior to making hotel reservations.

4. The following are links to the itemized expense worksheet, instructions for submitting requests for travel expense reimbursement, and the interpreter invoice.

Worksheet: http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/travel_expense_worksheet.pdf

Instructions: http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/overnight_expense_reimbursement_request.pdf

Invoice: <http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/FinalInvoiceJan2011.xlsx>

ATTACHMENT D
Interpreter Complaint Procedures

New Mexico Court Interpreter Program

Procedures for Processing Complaints Regarding Interpreter Conduct & Performance

(Approved by the New Mexico Court Interpreter Advisory Committee, November 12, 2010)

Court interpreters must conduct themselves in a manner consistent with the Code of Professional Responsibility for New Mexico Court Interpreters, <http://www.nmcourts.gov/newface/court-interp/guidelinesandpolicies/codeofconduct.pdf> at all times and for Signed Language Interpreters, [NAD-RID Code of Professional Conduct](#). If you have questions regarding an ethical dilemma, please consult these two documents.

I. Before Filing a Complaint:

- Try approaching the interpreter and sharing your concerns. Often, this will resolve the situation.
- Consider talking with his or her supervisor or the court representative responsible for contracting or arranging the interpreter to express your concerns.
- If you have exhausted all avenues of conflict resolution, please consider the following as you frame your complaint.

II. Complaint Requirements:

A complaint:

- Must be based on the possible violation(s) of the official NAD-RID Code of Professional Conduct or the Code of Professional Responsibility for New Mexico Court Interpreters
- Must be filed due to an incident related to the provision of interpreting services
- Must describe an incident that occurred after the interpreter's services were contracted through a verbal or written agreement and may involve paid or volunteer interpreter service
- May be filed as a result of the contracted interpreter's conduct prior to, during, or after an interpreting assignment
- May be filed only by a person who has direct knowledge of or involvement in the interpreting situation in which the alleged violation occurred

III. Timeframe for Filing a Complaint:

- A complaint must be received within 90 days of the alleged violation. The 90-day filing limit applies to when the alleged violation(s) occurred, which is not necessarily the time of the actual interpreting.
- A complaint involving an interpreter should be submitted according to the structure below to the Statewide Program Manager, Language Access & Jury Services, NM Administrative Office of the Courts, aocpjs@nmcourts.gov

- In addition to considering all complaints according to this policy, AOC will also forward complaints involving a signed language interpreter to New Mexico Regulation and Licensing Department.
- A complainant may also submit a complaint involving a signed language interpreter to the national office of the Registry of Interpreters for the Deaf:
 - [Online](#) – Create an RID account or log-in to your existing account to file a complaint. You can submit a transcribed or videotaped narrative using the online system. If you are not sure about your complaint or have unanswered questions, [contact EPS staff](#) BEFORE filing online.
 - By mail or fax – [Print the Complaint Filing Form](#) and send materials to:
Ethical Practices System
RID National Office
333 Commerce Street, Alexandria, VA 22314
Fax: (703) 838-0454

IV. Structure of a Complaint:

A person filing an official ethics complaint must be sure that the complaint includes all of the necessary items, which includes:

- Who is the person filing the complaint (the complainant)?
- Who is the interpreter?
- When and where did it happen?
- What happened?
- A statement that describes how the alleged misconduct violated the NAD-RID Code of Professional Conduct or the Code of Professional Conduct for New Mexico Court Interpreters and how it negatively impacted the interpreting situation. Specific tenets should be cited. The statement must include the following applicable items:
 - A complete narrative of the alleged misconduct.
 - A description of how the interpreter’s alleged misconduct adversely affected the situation or parties involved.
 - A list of and detailed description of intended sources of evidence (witness statements, documentation, affidavits, etc.) that can be used to support the allegations. The list (not the evidence itself) must be included with the initial complaint. The evidence may be submitted later in the process, if necessary.
 - A summary of other actions, if any, taken to resolve this matter prior to filing a complaint.
 - The status of legal action underway, at the time of filing, related to this matter.

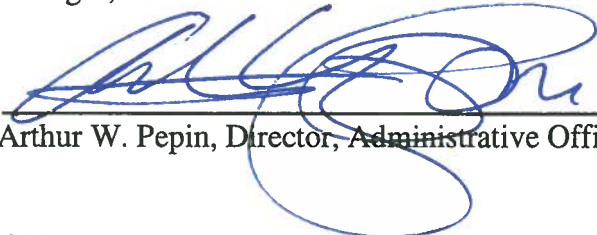
V. Complaints Submitted to the AOC:

1. The AOC will conduct a review of the complaint with the Court and with the interpreter to determine if there has been a violation of the Code of Professional Responsibility. The AOC may consult with members of the Court Interpreter Advisory Committee, the Consortium for Language Access in the Courts, and the AOC General Counsel in making this determination. The AOC may assign an interpreter observer to observe the interpreter in court.

2. Based on this review, the AOC may request that the interpreter take certain remedial action, e.g. attendance at an ethics seminar, court observation, mentoring.
3. Depending on the nature of the violation, the AOC, at its discretion, may temporarily suspend the interpreter from working as such in the New Mexico state courts.
4. Based on this review and the interpreter's compliance with remedial action required, if it is determined that further disciplinary action is warranted, the interpreter and the court managers will be informed of such action and whether it affects the interpreter's status on the New Mexico Directory of Certified Court Interpreters.
5. The interpreter may choose to challenge the AOC's action in response to a complaint made against them. The interpreter and their representative, should they so choose, will then have the opportunity to meet with a Complaint Review Board. The Court of Appeals Mediator will be responsible for appointing the Review Board from among the members of the Court Interpreter Advisory Committee and other qualified parties.
6. The decision of the Review Board will be presented to the Court Interpreter Advisory Committee for review and comment prior to approval by the Committee for submission to the AOC Director. The decision of the Director is final.
7. The AOC will maintain complaint files for a period of five years. If an interpreter receives subsequent complaints, each complaint will be reviewed as specified above. If said review shows the same violations as the first, the interpreter will be subject to additional action and possible removal from the Directory of Certified Court Interpreters. If the review highlights different canon violations, the interpreter will be subject to additional action.

Section VI: Suspension from the NM Directory of Certified Court Interpreters

1. As part of remedial action or in the event an interpreter fails to comply with AOC or RID directives, he/she may be suspended for up to six months.
2. During the suspension period he/she will not be permitted to accept interpreting assignments from the New Mexico Judiciary.
3. An interpreter who is under suspension status and accepts an interpreting assignment **WILL NOT BE PAID** for said assignment.
4. When an interpreter is suspended from working in the courts, all interpreter coordinators and court managers will be notified and instructed that the interpreter is not available at this time. When this changes, these individuals will also be notified.


Arthur W. Pepin, Director, Administrative Office of the Courts

Effective: January 1, 2011

AOC COMPLAINT REVIEW FORM

Date and Place of Alleged Violation and Interpreter

Date and Time of Interview

Individual Interviewed/Interviewee's Position:

Interviewer: _____

Background (how is the interviewee relevant to the situation; what is/has been their relationship to the interpreter, etc.)

Observations Re Incident:

Observed Compliance with Professional Code of Responsibility (cont on next page):

CANON	In Compliance	Not in Compliance	Not Applicable
1. Acts strictly in the interest of the Court			
2. Proper court decorum and respect to official & officers of the Court			
3. Avoids professional or personal contact that would discredit the Court			
4. Maintains confidentiality			
5. Reports conflict of interest			
6. Informs Court of impediments to observing Code of Professional Responsibility			
7. Works unobtrusively			
8. Interprets accurately and with impartiality			
9. Avoids in appropriate contact with all case participants			
10. Refrains from giving advice and expressing personal opinions			
11. a. Accurately states qualifications			

11 b. Preserves level of language use and requests clarification as necessary			
12. Accepts nothing, expect AOC payment, for interpreting services			
13. a. Supports other interpreters			
13. b Does not use court contacts or information for personal gain			

Additional Comments:

Reviewed by:

Interviewee – Name & Signature

Date Signed

Interviewer

Date Signed

New Mexico Administrative Office of the Courts Interpreter Observation

Name of Interpreter being observed _____

Date of Observation _____

Language Observed _____ Name of Judge _____

Court _____

Case Name _____ Case Number _____ Case Type _____

Name of Observing Interpreter _____

EVALUATION

Language proficiency

Was the interpreter easily understandable in both languages?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Were there any problems with vocabulary, grammar, or rendering of idiomatic speech?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

Interpreting skills

Was the appropriate mode of interpreting used?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Could the interpreter keep up without omitting or summarizing what was said?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Was the register of speech preserved?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Were names and numbers accurately conserved?

<i>Significant problems</i>	<i>Some problems, but overall did not appear to interfere significantly with communication</i>								<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

Professional conduct

Were verbal exchanges between the interpreter and the party or witness restricted to interpretation?

Significant problems Some problems, but overall did not appear to interfere significantly with communication No problems noted Not Observed
1 2 3 4 5 6 7 8 9 10 N/A

Did the interpreter refrain from giving advice?

Significant problems Some problems, but overall did not appear to interfere significantly with communication No problems noted Not Observed
1 2 3 4 5 6 7 8 9 10 N/A

Did the interpreter refrain from adding or modifying anything that was said?

Significant problems Some problems, but overall did not appear to interfere significantly with communication No problems noted Not Observed
1 2 3 4 5 6 7 8 9 10 N/A

Did the interpreter refer to herself or himself properly in the third person when addressing the court?

Significant problems Some problems, but overall did not appear to interfere significantly with communication No problems noted Not Observed
1 2 3 4 5 6 7 8 9 10 N/A

Notes & Examples:

Demeanor and Rapport

Does the interpreter work well with other interpreters? Yes No Not Observed

Does the interpreter work well in a team interpreting environment? Yes No Not Observed

Does the interpreter communicate appropriately with court staff? Yes No Not Observed

Notes & Examples:

Overall evaluation

Appears to be a skilled interpreter.

Appears to be an adequate interpreter, but additional study and practice is indicated. Some caution should be exercised when assigning this interpreter.

Problems appear to be severe. The Court Interpreter Program should further evaluate this interpreter's language knowledge and skills with structured testing.

Additional Observations

Interpreter's Comments

Date discussed with interpreter _____

Supervisor Recommendation - Follow-up: 6 months 12 months ASAP

Signature of Interpreter (following discussion)

Signature of Observing Interpreter

Date _____

Date _____

ATTACHMENT E
Assistive Listening Equipment

Comfort Contego® HD Multi-User Listening System

Quick Start Instructions

Start the **Receiver(s)** by pressing the ON button located on the top of the right side, until the display appears. Repeat for the **Transmitter**.

The battery symbols at the upper right corner of the displays show the amount of charge left. Follow the instructions in the User Manual for charging procedures.

- A. Use both the left and right +/- volume controls on the **Receiver** to adjust the volume to zero (0) before connecting the Headphone or the Neckloop to the **Receiver**.
- B. Use the +/- volume controls on the **Receiver** to adjust the volume to a comfortable listening level for both the **Receiver** microphone (right control) and the **Transmitter** microphone, left side.

If the sound is clear, the system is ready.

If the sound is distorted or you have no sound, please follow Pairing instructions.



Additional Instructions

More details in the User Manual

Pairing the Transmitter with the Receiver

If the sound is static or distorted, the two units need to be paired again.

- A. Confirm both units are charged and ON.
- B. Press Menu/OK key (center) on both **Receiver** and **Transmitter**.
- C. Scroll to PAIR and press Menu/OK key on both units.
- D. A new menu will show. Press "Pair" on both units. The **Receiver** will display "Waiting for transmitter".
- E. Follow instructions on **Transmitter** display. Use Menu/OK key to press "OK to Continue".
- F. The display on both units should read "Pairing complete".

If F. fails, please repeat steps A – F.

To pair multiple Receivers to a Transmitter, perform the A through F sequence with all units at the same time. Read more in the User Manual, page 24.

Changing Channels

Transmitter and **Receiver** should be set to same channel. To switch channel, follow these steps:

- A. Confirm both units are ON.
- B. On the **Transmitter**, press the Menu/OK key, scroll to "Channel" and press the Menu/OK key.
- C. Use the **Transmitter's** up and down arrow keys, scroll to another channel. Press Menu/OK key to select the new Channel.
- D. The **Receiver** will automatically switch to selected channel.

Adjusting Microphone Settings

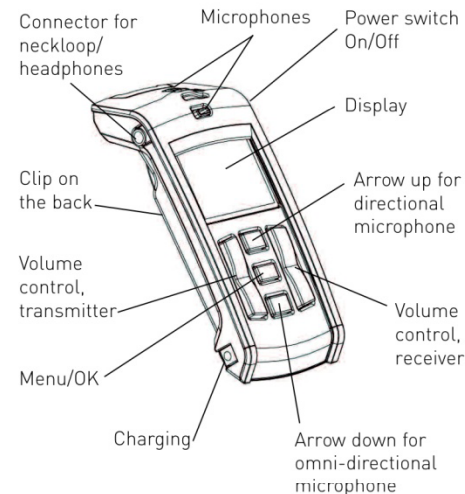
Use the up/down arrow keys on each unit to select microphone mode.

- A. To select Directional microphone, press the up arrow.
- B. To select Omni-directional microphone, press down arrow.

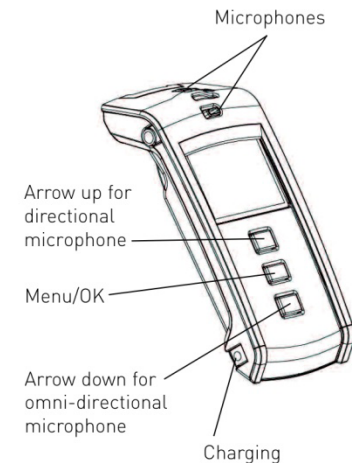
Connecting with other Sound Systems.

Use the **Sound Kit / Audio Cable** to set up the Comfort Contego to work with a TV or other sound systems. Please turn to the User Manual, page 24 for instructions

Contego Receiver



Contego Transmitter



For additional operating instructions please consult the User Manual, or contact Teltex.

Teltex

Solutions for All Your Communication Needs

www.Teltex.com

Toll Free (888) 515-8120

Comfort Contego® HD Multi-User Listening System

The Basic Comfort Contego® Multi-User Listening System includes the following:

Basic System is expandable with additional units and accessories.

Case Number: NMCKT100000



2 Contego Transmitters

SN: 765432
SN: 765431



4 Contego Receivers

SN: 765450
SN: 765451
SN: 765452
SN: 765453



4 Headphones



1 Volume Control



3 Neckloops



3 Power Supplies



1 Tabletop Microphone



1 User Manual

1 QuickStart Instructions



1 Sound Kit / Audio Cable



1 3.5mm Mono Cable



1 Mute Box



1 Earset Microphone

Teltex

Solutions for All Your Communication Needs

www.Teltex.com

Toll Free (888) 515-8120



3 Power Supply Split Cables



1 ALD Placard



Headphone Covers

ATTACHMENT F
Language Access Information
For Service Providers

New Mexico Administrative Office of the Courts

Language Access Is Everyone's Business

What You Need to Know

WHAT: Any services to which the NM State Courts refer parties must be able to provide qualified language access to said parties so that they may fully participate in the services to which they have been referred by the court.

WHY: Title VI of Civil Rights Act of 1964 states that if any agency receives federal funding, **interpreting services must be provided** according to the LEP population. Failure to ensure that people who are not proficient in English can effectively participate may constitute national origin discrimination prohibited by Title VI.

The Americans with Disabilities Act of 1990 ("ADA") was enacted to **prohibit discrimination against people with disabilities.** Under Title II of the Act, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs or activities of a public entity.

HOW: There are many resources that you may access to identify qualified spoken and signed language interpreters. Family members or friends are usually not professionally qualified and may also present significant conflicts of interest. In order to comply with Title VI and ADA your agency should seek the services of professionally qualified and, for signed languages, licensed interpreters.

For More Information Contact

AOC Language Access Services
aocpjs@nmcourts.gov



Locating Spoken Language Interpreters

New Mexico Interpreters & Translators Assoc.

<http://internet.cybermesa.com/~nmtia/>

New Mexico Directory of Certified Court Interpreters

<http://www.nmcourts.gov/newface/court-interp/directory.pdf>

American Translators Association

<http://www.atanet.org/onlinedirectories/index.php>

National Association of Judicial Interpreters & Translators



Locating Signed Language Interpreters

New Mexico Commission for the Deaf & Hard of Hearing

<http://www.cdhh.state.nm.us/InterpreterReferral.aspx>

ATTACHMENT G
Mandatory Language Access Training
For Employees

RECEIVED A TRUE COPY
Kathleen J. Velazquez
Clerk of the Supreme Court
of the State of New Mexico

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 6, 2011

NO. 11-8500

IN THE MATTER OF THE APPROVAL
OF THE MANDATORY LANGUAGE ACCESS TRAINING
FOR THE JUDICIAL BRANCH OF GOVERNMENT

ORDER

WHEREAS, this matter came on for consideration by the Court upon recommendation of the Administrative Office of the Courts to approve the language access training DVD, *Language Access is Equal Access*, and to ensure that all present and future judicial employees view the training DVD; and

WHEREAS, the language access training DVD is part of the New Mexico Judiciary's effort to ensure that all New Mexico residents, regardless of their ability to speak or understand the English language, receive qualified language assistance when involved with the New Mexico state courts, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Charles W. Daniels, Justice Patricio M. Serna, Justice Petra Jimenez Maes, Justice Richard C. Bosson, and Justice Edward L. Chávez concurring;

NOW, THEREFORE, IT IS ORDERED that the recommendation is ADOPTED and the language access training DVD, *Language Access is Equal*

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Access, is APPROVED; and

IT IS FURTHER ORDERED that all New Mexico judicial entities shall ensure that present and future judicial employees view the language access training DVD as soon as practicable.

Done in Santa Fe, New Mexico, this 6th day of April 2011.



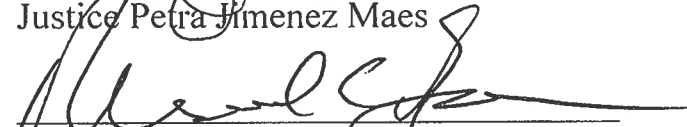
Chief Justice Charles W. Daniels



Justice Patricio M. Serna



Justice Petra Jimenez Maes



Justice Richard C. Bosson



Justice Edward L. Chávez

NEW MEXICO JUDICIAL BRANCH

GENERAL POLICY AND PROCEDURE

LANGUAGE ACCESS TRAINING POLICY

1. PURPOSE

The purpose of this policy is to ensure that all employees of the New Mexico Judiciary understand the importance of, the basis for, and their role in providing qualified language assistance to all individuals who use or may use the services of the New Mexico state courts.

The New Mexico Judicial Branch is committed to ensuring access to justice for all New Mexico residents and recognizes that language access is a significant aspect of equal access to justice at all points of public contact with the judiciary, within and outside the courtroom and courthouse. This commitment is consistent with both state and federal law.

Title VI of the Civil Rights Act of 1964 provides that “No person in the United States, shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. §2000d (2010). The U.S. Supreme Court has determined that discrimination based on language (whether intended or not) is a form of national discrimination prohibited by Title VI.

The Constitution of the State of New Mexico references language access in multiple sections including the following.

Article II, Section 14 *“In all criminal prosecutions, the accused shall have the right to appear and defend himself in person, and by counsel; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have the charge and testimony interpreted to him in a language that he understands; ...”*

and

Article VII, Section 3 provides that “[t]he right of any citizen of the state to...sit upon juries, shall never be restricted, abridged or impaired on account of...inability to speak, read or write the English or Spanish languages.” To comply with this constitutional mandate, the Supreme Court has charged that “all courts should strive to incorporate all New Mexico citizens into our jury system regardless of the language spoken by a prospective NES (non-English speaking) juror.” (Non-English Speaking Juror Guidelines, p. 2)

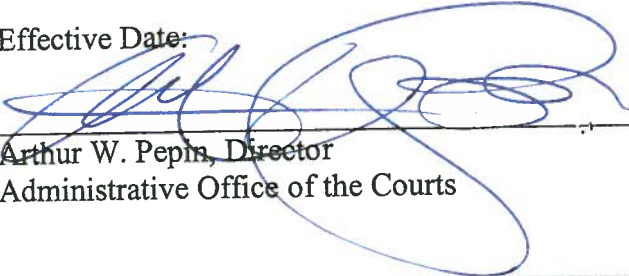
NEW MEXICO JUDICIAL BRANCH
GENERAL POLICY AND PROCEDURE

This policy has a broad application and applies to justices, judges, and all employees (probationary, term, classified, at-will and temporary employees).

2. EDUCATIONAL PROGRAMS

- A. Each judicial entity shall ensure every employee completes the AOC-approved language access training within six (6) months of hire.
- B. The Administrative Authority or designee shall certify to the Director by the first of January each year that all current employees of that judicial entity have previously received training or will receive the above training within the next six (6) months.
- C. Follow-up language access training and training on the court's language access plan may be provided, as appropriate.
- D. Each employee who attends language access training shall sign an acknowledgement that the employee has attended the training.
- E. Viewing of the Language Access Video is required by all New Mexico Judicial Branch employees (at-will employees, term, temp) and provides information that includes:
 - (1) an overview of pertinent state and federal law;
 - (2) what constitutes meaningful language access;
 - (3) a review of the role of the certified court interpreter;
 - (4) the employee's role in ensuring meaningful language access;
 - (5) a review of the language access resources provided by the Administrative Office of the Courts.

Effective Date:



Arthur W. Pepin, Director
Administrative Office of the Courts



Date

Dev: 5/2011

NEW MEXICO JUDICIAL BRANCH
LANGUAGE ACCESS TRAINING
ACKNOWLEDGMENT FORM

My signature below acknowledges:

- (1) That I viewed the AOC approved Language Access Training Video.
- (2) Receipt of the New Mexico Judicial Branch Language Access Training Policy and Supreme Court Order #11-8500 approving the policy on April 6, 2011.
- (3) My commitment to read and understand the Policy.
- (4) That should I have any questions or concerns regarding the training or policy I will contact the AOC Court Services Division, at 827-4822.

Court (Please Print)

Employee Name (Please Print)

Employee Signature

Date

Original: Employee Personnel File
Copy: Employee & Court Services Division
Copy: AOC HR

Name of Policy: Language Access Training Policy

Inquiries: Administrative Office of the Courts, Human Resources Division, 827-4937 or 827-4810

Distribution: All Employees of the New Mexico Judicial Branch

NEW MEXICO JUDICIAL BRANCH



LANGUAGE ACCESS TRAINING ACKNOWLEDGMENT FORM

My signature below acknowledges:

- (1) That I viewed the AOC approved Language Access Training Video.
- (2) Receipt of the New Mexico Judicial Branch Language Access Training Policy and Supreme Court Order #11-8500 approving the policy dated October 24, 2011.
- (3) My commitment to read and understand the Policy.
- (4) That should I have any questions or concerns regarding the training or policy I will contact the AOC Court Services Division, at (505) 827-4822

Name of Court (Please Print)

Employee Name (Please Print)

Employee Signature

Date

Original: Employee Personnel File
Copy: Employee and Court Services Division
Copy: AOC HR Division

Dev: 10/24/11

Name of Policy: Language Access Training Policy, effective October 24, 2011.
Inquiries: Administrative Office of the Courts, Human Resources Division, 827-4937 or 827-4810
Copy: AOC HR

ATTACHMENT H
Language Access Plan
Complaint Process

New Mexico Administrative Office of the Court Language Access Complaint Procedure

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

1. The person with the complaint (the complainant) should contact the New Mexico Administrative Office of the Court's Language Access Plan (LAP) Coordinator to report the complaint by completing and submitting the attached Title VI Complaint Form.

Contact information: Pamela J. Sánchez, aocpjs@nmcourts.gov, 505-827-4822, 237 Don Gaspar, Room 25, Santa Fe, New Mexico 87501.

2. If the complainant does not believe that his/her concerns have been adequately addressed or resolved with the Administrative Office of the Court's Language Access Plan (LAP) Coordinator, the complainant should contact the NM Administrative Office of the Courts (AOC) Court Services Division Director.

Contact information: Louise Baca-Sena, New Mexico Administrative Office of the Courts, 237 Don Gaspar, Santa Fe, New Mexico 87501; aoclmb@nmcourts.gov; (505) 827-4960.

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; (888) 848-5306 or (202) 307-2678 (TDD).

**New Mexico Administrative Office of the Court
Language Access Complaint Procedure**

**New Mexico Administrative Office of the Courts
Title VI Complaint Form**

Title VI of the Civil Rights Act of 1964 requires that “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The United States Supreme Court has determined that excluding participants because of an inability to speak English may constitute discrimination on the basis of national origin in violation of Title VI (*Lau v. Nichols* (1974) 414 U.S. 563).

The following information is necessary to assist us in processing your complaint. Should you require assistance in completing this form, please contact us at: New Mexico Administrative Office of the Court, 237 Don Gaspar, Room 25, Santa Fe, New Mexico 87501, (505) 827-4822, aocpjs@nmcourts.gov.

Please complete and return this form to:

Pamela J. Sánchez, Language Access Plan Coordinator
New Mexico Administrative Office of the Courts
237 Don Gaspar, Santa Fe, New Mexico 87501
aocpjs@nmcourts.gov
Phone: (505) 827-4822
Fax: (505) 827-4953

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:

**New Mexico Administrative Office of the Court
Language Access Complaint Procedure**

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.

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

7. Please sign below:

Signature _____

Date Signed _____

Return this form to:
Pamela J. Sánchez, Language Access Plan Coordinator
New Mexico Administrative Office of the Courts
237 Don Gaspar, Santa Fe, New Mexico 87501
aocpjs@nmcourts.gov
Phone: (505) 827-4822 Fax: (505) 827-4953