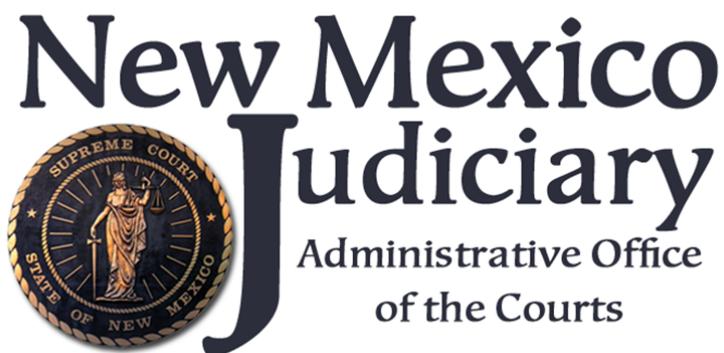


Language Access Services Annual Report

December, 2016
Issue II



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“Celebrating diversity, advancing equality.”



WELCOME!

I am excited to share with you our second annual report.

As you will read in this report, major accomplishments for this year include the development of a training and certification program for interpreters of Navajo and Pueblo languages, the translation of the judiciary’s website and the addition of a judges portal, work completed to draft a code of ethics for Language Access Specialists and multi-state collaborative projects such as the downloadable court interpreter orientation program.

Our program has significant impact on the lives of those who use our services as it provides equal access to justice to individuals with limited English proficiency and the deaf and hard of hearing. In addition, our program impacts the lives of those who provide services –over 100 highly skilled contractors provide interpreting, translation, training and technical support. Further, 108 committed and passionate certified bilingual employees across the

state ensure access to our courts outside the courtroom.

Albert Eistein once said “In the middle of difficulty lies opportunity.” Despite the difficult times that we face due to budgetary constraints, we are resilient and, above all, do not remain idle. With a strong commitment to public service and fiscal responsibility, we work even harder and find creative ways to identify deficiencies and continue to improve our program.

I am honored to work with each and everyone in the language access team and I am grateful for the unwavering support from our Supreme Court and administrative authority.

Thank you for being part of this program.

Paula Couselo-Findikoglu, Senior Statewide Program Manger, Language Access Services, NMAOC

“Do unto others as you would have them do unto you.” Help others as you would have them help you. Jacqueline Gallegos-Rivera, Deputy Clerk—Language Access Specialist, 13th JD Court , Sandoval County

AOC LANGUAGE ACCESS TEAM

**New Mexico ranked #2
in the nation
for language access!**

The Justice Index 2016, published by the National Center for Access to Justice, ranks every state based on compliance with an extensive list of best practices. The resulting Performance Map forms a key part of the United States Department of Justice's 2016 Language Access in State Courts report.

Read more at:

[justiceindex.org/2016-findings/
language-access](http://justiceindex.org/2016-findings/language-access)



From left to right: Pip Lustgarten, Anabel Vela, Peggy Cadwell, Alex Araiza, Paula Couselo-Findikoglu, Eileen Spoonhoward, Janie Hernández, Joshua Kahawai



Justice Barbara J. Vigil
NM Supreme Court Liaison
Tribal State Consortium

Our state slogan, The Land of Enchantment, not only captures the physical beauty of New Mexico’s vast landscapes, blue skies, four seasons and lovely light, but perhaps more importantly, the strength and respect for the diversity of its people. We continue to embrace our Constitutional responsibility to make justice accessible in every courtroom and to every person regardless of their ability to hear or speak the English language. As the Supreme Court liaison to the Tribal State Judicial Consortium, I am proud of the extensive work undertaken by the Center for Language Access on the Native Languages Project. This multi-year project will enable our courts to provide interpreters to speakers of Native American languages who interact with our courts as jurors, witnesses, victims or parties. Thus, bringing us one step closer to ensuring that all New Mexicans have equal access to our courts.



In the last few years, state courts throughout the country have renewed their focus on language access planning and services for court participants regardless of their ability to hear or speak the English language proficiently.

This Report details our continued efforts to increase equal access to justice through court, community and internet-based programs and services. New Mexico’s robust Language Access Program has had considerable success with its multi-faceted approach to providing language access services (LAS) “at all points of contact” in the justice system, from courthouse entrances to self-help centers and court websites.

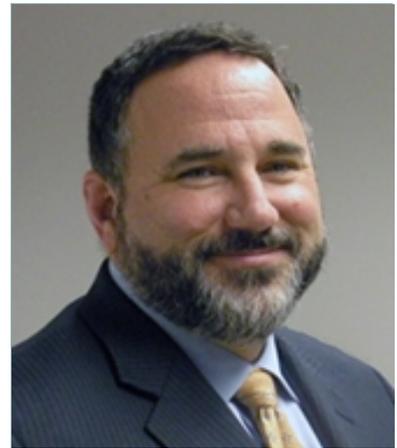
With the support and work of highly capable and devoted LAS staff, the Language Access Program focused this past year on developing

Guidelines for audio recorded, video recorded, or written materials in languages other than English; providing cost-saving steps to run LAS more efficiently; launching the new Judges’ Portal; offering training opportunities for interpreter candidates, court staff and judges in an inclusive and cost-efficient manner; and completing the State Justice Institute-funded project to develop a sustainable training and qualification process for court interpreters of the Navajo language and the languages of New Mexico’s Pueblos.

Technology has become a critical tool in expanding language access. An example of a technology that is gaining momentum nationally is video remote interpreting (VRI), which allows an interpreter to assist a Limited English Proficient user from any location via video. VRI has great potential for improving the provision of language access in New Mexico, in a cost effective manner, for appropriate court proceedings as well as programs outside the courtroom. I encourage the courts to be open to using VRI as a cost-saving measure to deal with the shortfall in state general fund revenues and the growing demand for interpreter services.

I am grateful for the tireless efforts of the talented LAS staff and the continuous determination of court personnel throughout the state to increase access to justice. The Language Access Program will continue to support court staff, judges and court users inside and outside the courtroom by providing training, language access planning, document/website translation, signage, on demand remote interpreting services, and assistive listening equipment. Nothing is more essential to the constitutional mandate of the courts.

**Louise Baca-Sena, Court Services Director, NMAOC
Institute of Court Management Fellow**

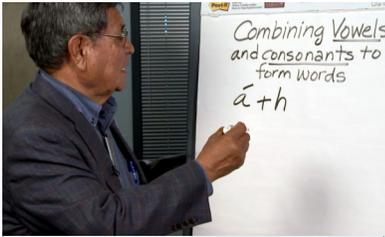


Director of the New Mexico Administrative Office of the Courts Arthur W. Pepin has been named president of the Conference of State Court Administrators (COSCA), and vice-chair of the National Center for State Courts (NCSC) Board of Directors. Both positions are one-year terms and became effective this year. COSCA is committed to strengthening the judicial branch by improving the quality of state courts and increasing the public’s trust and confidence in the justice system. NCSC is directed by collaborative work with the Conference of Chief Justices, COSCA, and other associations of judicial leaders.

At the national level for COSCA, Pepin serves on the Task Force for Court Fines, Fees, and Bail Practices, and has taken a leadership role improving language access in the courts. In 2014, Pepin received the NCSC Warren E. Burger award for excellence in state court administration. As Director of the Administrative Office of the Courts, Pepin has led New Mexico’s courts through several initiatives: expanding language access at all court levels, chairing the Bernalillo County Criminal Justice Review Committee (a multi-agency effort to reduce jail overcrowding in the largest judicial district in New Mexico) since its inception, and implementing a statewide electronic case management and e-filing system.

Pepin is also a member of the NM Language Access Advisory Committee and the Language Access Advisory Committee of NCSC. The Language Access team thanks Mr. Pepin for his unwavering support!

NATIVE LANGUAGES



The descriptive nature of Navajo and Pueblo languages posed a challenge when developing the curricula. *"From the beginning the vocabulary was a challenge: one, because we realized it wasn't going to be an easy thing to just go directly from terminologies that are used in the Court system to Native languages. On top of that, we also understood that some of these terms don't exist in our languages."*

- Dr. Christine Sims, Acoma Pueblo

"It takes about 60% longer to say something because we do have to describe it. Description means that you choose a certain aspect of a concept that captures the essence of what you are talking about. For example, in Navajo on the southern part of the Reservation, they call a coffee pot jaa'i: it means 'the one with the ear.' But over in other parts they call it daa'i: it means 'the one with the lip.' So they focus on some aspect of an object or a word or a concept and use it to identify it."

- Frank Morgan,
Navajo Interpreter & Translator

Preparation and a pre-session with the judge and parties is key to assure accuracy: *"The interpreter's job is to come in ahead of time before the whole procedure starts. You have to ask the attorneys, you have to ask your judge, you have to do a little bit of fact-finding..."*

- Joanna Manygoats,
Navajo Interpreter

After two years of hard work, the *Improving Access to Justice for Native Peoples in State Courts* project has been finalized. The project was funded by the State Justice Institute. Additional funding was provided by the NM Center for Language Access (a program of the NM Administrative Office of the Courts, the University of NM, and the Judicial Education Center).

The primary objective of this project was to develop a training and qualification process for court interpreters of the Navajo language and the languages of New Mexico's Pueblos which is culturally appropriate and protects the rights of tribal members as they function within the state court system.



During their first meeting, project participants from New Mexico's Pueblos, the Navajo Nation, and Alaska's Yup'ik Tribe acknowledged the challenges of developing innovative approaches to language access training for multiple Native languages – some oral and some written—especially when legal terminology is so rooted in Western culture.

As the project advanced, participants engaged in deep and useful dialogue as they grappled with issues of language access in state courts.



Work on the project was conducted by two curriculum design teams, one for Pueblo languages and one for Navajo, as well as a documentation team led by MediaDesigns, Inc. The project was managed by Paula Couselo-Findikoglu, AOC Language Access Services Senior Statewide Program Manager.



Participants agreed that programs developed during the project must be the result of community engagement, be culturally competent, define qualified interpreter competence, and recognize the value of cultural brokering.

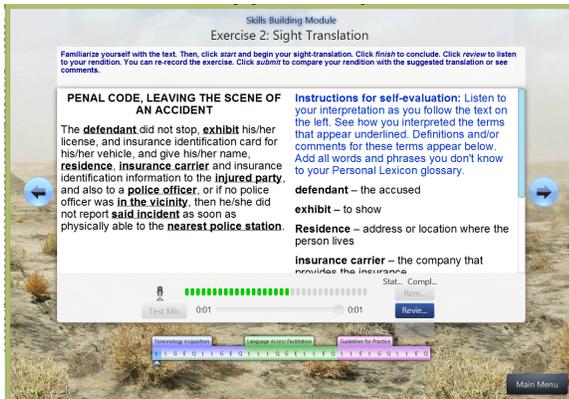
Several community engagement goals were considered central to the success of the project: engagement of communities in determining their own needs, recognition of each community's traditional context, and community involvement in evaluation of terminology and cultural appropriateness.



Culture plays a very important role in Native American communities. It shapes value, behaviors, and institutions. Culturally competent programs recognize that diversity within cultures is as important as diversity between cultures, and that communities are best served by people who are a part of or in tune with their culture.

PROJECT OUTCOMES

The project's Training and Certification Program includes several components: a self-paced court interpreter orientation suite to introduce candidates to the profession; a certification process that respects the linguistic differences of the Navajo and Pueblo languages; and a video documentary, which includes footage of the experiences, interactions, processes and outcomes of the project.



The project also includes training for judges via a judges' portal and in-person sessions. Topics include: cultural considerations that judges need to make when dealing with a defendant who speaks a native language; examples of native cultural traits that may be misinterpreted in the court; specific subjects that native peoples may find more difficult than non-natives to discuss in public; and what judges and attorneys can do to improve communication and the flow of proceedings.



Through this process, AOC and the project team learned that we have more work to do in ensuring that Native peoples speaking their own language and English-speaking court judges and personnel are able to communicate effectively and be mindful of the cultural differences that may impact communication and ultimately justice.

On September 30 of this year, leaders of NM Pueblos and AOC Language Access and Jury Services met at the Supreme Court to discuss the current efforts to improve access to assistance for Pueblo speakers in their language when involved with the state courts. Justice Edward L. Chávez, an unwavering supporter of language access, and Justice Barbara J. Vigil, NM Supreme Court Liaison to the Tribal State Consortium, welcomed participants to the Judiciary's "home." Presentations on the project's scope and relevance were followed by the introduction of the project's documentary and group discussion.



The project is committed to creating a foundation from which others can build, extending the project's work beyond the life of this grant. For that reason, we decided to create a video documentary of this important journey. The video documentary is available here: youtu.be/2rjUpFznZkQ

Although the initial project is now concluded, ongoing dialogue with members of the Navajo Nation and Pueblos will be key to its continued success: *"With this work, we are showing that we care, that we want to improve access to justice for Native Peoples in our courts. And that we want to do this with them and that we want the project to be community-driven. That it's not a project or protocols we are trying to impose but it's something we're building together."* - **Paula Couselo-Findikoglu, AOC Language Access Services**

"With this work, we are showing that we care, that we want to improve access to justice for Native Peoples in our courts. And that we want to do this with them and that we want the project to be community-driven. That it's not a project or protocols we are trying to impose but it's something we're building together."
- Paula Couselo-Findikoglu, AOC Language Access Services

“AT ALL POINTS OF CONTACT”

José González required language access services at the Bernalillo County Metropolitan Court. He was assisted by Renee Valdez, who is a Language Access Specialist, paralegal, and member of the statewide Language Access Advisory Committee. Mr. González offered the following comments about his experience:

"Renee (de la Corte Metropolitana) se portó excelente y me trató muy bien. Me ayudó. Volví porque aun no entendí todo lo que debía hacer con los papeles (de mi caso civil), y me volvió a ayudar. La intérprete en mi cita también hizo buena interpretación y fue muy amable." - José González

Translation: "Renee (from the Metropolitan Court) was excellent and treated me very well. She helped me. Then I went back because I still did not fully understand what to do with the paperwork (in my civil case), and she helped me again. The interpreter during my hearing did a good job too and was very polite." - José González

For a directory of LASs throughout the state, see:

languageaccess.nmcourts.gov/language-services-available.aspx

Attention LASs and Managers! You can now track LAS compliance with Continuing Education requirements at:

languageaccess.nmcourts.gov/general-resources.aspx

LANGUAGE ACCESS SPECIALISTS

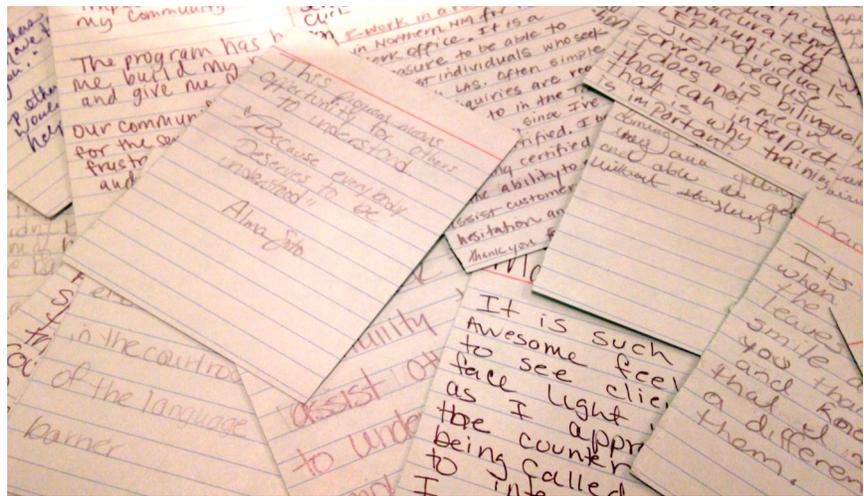
New Mexico's Language Access Specialist program is a groundbreaking initiative that has proven to be a model for other states. This year, the program was highlighted by the United States Department of Justice in its *Language Access in State Courts* report.

Language Access Specialists (LASs) are bilingual court employees who have successfully completed justice system language access training through the New Mexico Center for Language Access. They are a category of employee specifically created by the NM Judiciary to ensure the delivery of meaningful language access services in out-of-courtroom settings. These settings may include the clerk's window, the telephone, legal fairs, specialist court divisions such as Self Help Centers, and many more.

In 2016, NM AOC brought the total number of LASs working in our state up to 108. LASs are placed throughout New Mexico's district, magistrate, metropolitan, and

municipal courts, as well as at the Supreme Court, Supreme Court Law Library, and Court of Appeals. New Mexico's LASs speak Spanish, Navajo and Mandarin, and this year Polish was added to the list. In addition, the current cohort of LASs in training as of October 2016 includes a speaker of the Keres language.

Our LASs are passionate about the rights and needs of LEP individuals and play a vital role in strengthening and sustaining a culture of commitment to access in their courthouses. In addition to being a bridge for non-English speakers from the moment they walk through the courthouse doors, LASs educate their colleagues, lead trainings, and serve on district- and state-wide committees. AOC extends heartfelt thanks to each and every one of the 108 LASs working in the courts in every corner of our state. We recognize that every day, you go above and beyond in helping those who need it.



Above: LASs share their thoughts on what the program means to them and to the LEP court users they serve

LAS SYMPOSIUM

On October 28, 2016, an all-day LAS Symposium was held at the State Bar in Albuquerque. This annual forum for training and discussion is an excellent opportunity for LASs to meet their colleagues from all around the state to confer about common challenges and goals. In addition, the symposium allows LASs to earn all the Continuing Education Units required for the year in a single day.



We greatly encourage court managers to enable their LASs to participate in this invaluable annual event by funding the small registration fee and any travel expenses.

This year's symposium included presentations on Working with the Deaf and Hard of Hearing; Cultural Competency and Implicit Bias; Empathy; and Translation of Legal Terminology. The afternoon concluded with a panel presentation about the New Mexico LAS Code of Ethics: an initiative which was begun at the 2015 symposium and finalized



this year. The Code of Ethics is a formal set of protocols that define the role of the LAS to ensure that judges and court staff fully understand what Language Access Specialists can and cannot do.



A STORY FROM ROSWELL

The most significant memory I have of being a Language Access Specialist was assisting a pregnant woman fleeing to Roswell from an abusive partner who lived in another part of the state. She was very intimidated to begin the process of seeking a protection order against her ex-boyfriend, mainly due to the language barrier she faced in interacting with the court system.

Though it was a very long and difficult process, we finally were able to obtain the protection for her and her child that she sought. I remember her thanking me and telling me that if it had not been for our court having someone to interpret in the Spanish language, she may never have been comfortable enough to see the process through. I just thought that it was the most awesome thing ever to be able to use my language access training to help someone like that.



Vincent Espinoza
Fifth Judicial
District Court
Clerk Supervisor
and Language
Access Specialist



"An exceptional feature that is now available on the NM Judicial websites are fully functional Spanish and Navajo (Diné) translations. The Language Access team has done an excellent job of creating and presenting content that has never before been available on all sites for the Judiciary. This is an extremely valuable resource offered to the public." - Greg Saunders, Judiciary Chief Information Officer

Visit the brand-new, fully-accessible nmcourts.gov and languageaccess.nmcourts.gov

ONLINE ACCESS

In June 2016, the Judicial Information Division (JID) launched a completely revamped website for the entire Judiciary. The new sites give a unified look and feel to all courts and programs, enable easy navigation between all aspects of the Judiciary's work, and contain a wealth of clear-ly-organized information for the public.

Diné (Navajo) pages are also included for certain districts and programs, and an Americans with Disabilities Act (ADA) page now features prominently. In addition, every court's website has a page dedicated to language access resources, which includes each district's individualized Language Access Plan.

Key to ensuring translated content would be readily accessible was to flag it prominently throughout the website. An Español button appears clearly at the top of every page, as well as a Diné button where applicable. Navigational tabs to the ADA page and to Language Access Services' own site are likewise clearly visible from every area of the Judiciary website.



For over a year, AOC Language Access Services staff worked diligently to ensure the new sites would be fully accessible to the Spanish-speaking public, particularly Self Represented Litigants. Certified translators funded by and working under the direction of AOC translated hundreds of pages of content for all 13 district courts, Bernalillo County Metropolitan Court, the Supreme Court, the Court of Appeals and AOC's programs and divisions.



We extend our sincere thanks to JID for prioritizing accessibility of the new website and dedicating their staff and resources to collaborating with AOC Language Access Services on this vital project. Nothing could be more critical to advertising the accessibility of the courts and fulfilling the Department of Justice mandate of language access "at all points of contact."



JUDGES' PORTAL

The purpose of the online Judges' Portal is to have a "one-stop shop" where judges can find Supreme Court Rules, video content, guidelines, and other important resources related to language access.

The content is organized in the following sections: **Fundamentals**, **The Deaf and Hard of Hearing**, **Native Americans in our Courts**, and **Non-English Speaking Jurors and Prospective Jurors**.

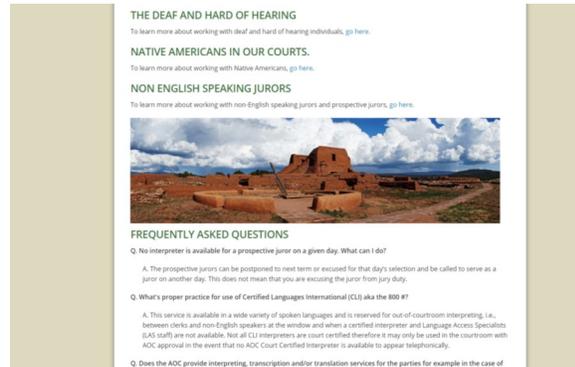


The portal features several videos by Justice Edward Chávez discussing a variety of topics that commonly come up when an individual with limited English proficiency needs the services of a court interpreter.



The **Fundamentals** section includes recommendations for interpreted proceedings, the oath to the interpreter and what to expect when there is an interpreter present at the proceeding. This page also includes frequently asked questions.

The section on working with the **Deaf and Hard of Hearing** covers do's and don'ts, as well as basic considerations regarding American Sign Language, Certified Deaf Interpreters (CDIs), CART and other accommodations.



The section on **Native Americans in our Courts** includes expert commentary from members of New Mexico's Pueblos and the Navajo Nation:

- Cultural considerations that judges need to make when dealing with a defendant who speaks a native language;
- Examples of native cultural traits that may be misinterpreted in the court;
- Specific topics that native peoples may find more difficult than non-natives to discuss in public;
- How judges and attorneys can improve communication and the flow of proceedings.

Finally, the section on **Non-English Speaking Jurors and Prospective Jurors** includes guidelines and pre and post deliberation instructions to the jury.

Visit the portal!
nmcenterforlanguageaccess.org/cms/en/courts-agencies/judges-portal



One of the fundamental rights in our Criminal Justice System is the right to a jury trial. Along with this comes the duty for each of us to serve on a jury.

Our State complies with Language Access in a very influential way and I have seen this work first-hand in our jury selection process and in our jury trials.

Many of our jury panels have several Non-English Speaking Jurors that receive interpreter services from the moment they arrive to fulfill their duty. This process takes on an important meaning when our entire panel is welcomed and no-one is left out.

From the moment the interpreter is given their oath and the jury panel is sworn in for voir dire and then sworn in for a jury trial there is no mistake that this is an important process.

I have seen our Non-English Speaking Jurors welcomed by their fellow jurors and included in each and every step of the process.

From the initial oaths given to the final oaths given before and after deliberation there is no question that the Non-English Speaking Jurors are a part of the Criminal Justice System and are an integral part of our jury system in New Mexico.

Hon. Conrad Perea
Doña Ana County Magistrate Court

LEP JURORS

New Mexico is unique in being the only state in the country where Limited English Proficient citizens have the constitutional right, and indeed obligation, to serve on juries. Article VII, Section 3 of the State Constitution provides that “the right of any citizen of the state to vote, hold office or sit upon juries, shall never be restricted, abridged or impaired on account of religion, race, language or color, or inability to speak, read or write the English or Spanish languages.”

The AOC Language Access Services and Jury Management Divisions take great pride in fulfilling this mandate and in being national leaders in this vital area. As Supreme Court Justice Edward Chávez reminds us, “juries must truly reflect the diversity of our communities [. . .] Would justice be a community project, if non-English speaking citizens were precluded from serving as jurors? A person who is not proficient with the English language can be sued, can sue, can be the victim of a crime and can be accused of a crime.”

Of course, this unique situation brings with it some unique responsibilities and challenges for NM AOC. Training for all those having contact with Limited English Proficient jurors is key, together with official rules and procedures, as well as resource materials.

To this end, New Mexico has developed and disseminated:

- Supreme Court Non-English Speaking Juror Guidelines
- Online Judges' Portal containing tips and videos
- Interpreter oaths specific to jury trials
- Interpreter training specific to jury trials
- Jury instructions explaining the interpreter's role
- Juror qualification form and questionnaire in Navajo
- Juror summons, qualification form, questionnaire, handbook, FAQ, creed, affidavit of age, affidavit of non-residency, tips for after jury service, and open-captioned orientation video in Spanish

“Is it less efficient to allow non-English speaking citizens to participate in the jury system? Yes. Does it require more effort from judges and staff? Yes. Does it require more rules and jury instructions? Yes. The question remains whether less efficiency, more effort, and more instructions justify the systematic exclusion of non-English speaking citizens from our jury system. New Mexico has answered the question 'no.'” - **Supreme Court Justice Edward Chávez**



“We live in a state where we have a large Native American population, and it's important for Native people to serve in the court systems. It's not just the law: it's the right thing to do. [Language access] allows people from the communities to serve and to be a jury of your peers” - Prof. Barbara Creel, Jemez Pueblo, Language Access Advisory Committee Member

2016 POLICY WORK

AOC Language Access Services coordinates and staffs several committees that research and advise on specific elements of language access. We extend our thanks to all committee members for their work this year and for their achievements in increasing the accessibility of our courts.

LANGUAGE ACCESS ADVISORY COMMITTEE

A statutory body appointed by the Supreme Court, the Language Access Advisory Committee (LAAC) provides critical support and oversight 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.

At the November 2016 LAAC, the Remote Interpreting Subcommittee presented proposed guidelines for the use of remote interpreting. The guidelines were approved will be sent to the NM Supreme Court for adoption.

LITERACY CHALLENGES WORKING GROUP

In 2016, the Literacy Challenges Working Group finalized the draft of a new rule, to be proposed to the Supreme Court. The proposed rule will improve access to the courts for Self Represented Litigants who are illiterate, disabled, blind, deaf or Limited English Proficient by allowing court staff to give such individuals practical (not legal) assistance in reading and completing forms. The Literacy Group has also drafted a Statement of Need to help ensure that only those meeting the limited criteria will request the service, and continues to work on plans for training and implementation.

NM JUDICIAL TRANSLATION PROJECT

The New Mexico Judicial Translation Project Team (NMJTPT) has, since 2013, been compiling research and recommendations regarding the policy question of whether the New Mexico courts should accept pleadings submitted in languages other than English. At the request of the Supreme Court, NMJTPT recently conducted pilot projects that made bilingual Domestic Violence forms temporarily available in the 3rd and 8th Judicial Districts. The pilot projects tracked the volume of forms submitted in Spanish and compiled comments from advocates, law enforcement and court staff. NMJTPT submitted its findings and final recommendations to the Supreme Court in late 2016.

EVIDENTIARY MATERIALS

New guidelines for handling evidentiary materials in languages other than English were issued by AOC in July of this year.

As the use of dash-cam video, lapel video, belt tapes, social media, wiretaps, and cell phone audio and video recordings increase in the courts, the demands on spoken and signed language interpreters to provide on-the-spot interpretations of these materials have greatly increased.

The new guidelines seek to balance respect for best practices for interpreters with the challenges a court faces when confronted with recorded or written materials that require translation. For more information, visit the Judges' Portal at: nmcenterforlanguageaccess.org

I have conducted a number of jury trials with audio or video taped evidence. Normally, the audio quality is so poor that native English speakers have great difficulty understanding. Asking an interpreter to figure out what is being said and then translating that into another language, on the fly, is at least unreasonable. The failure to have an agreed upon transcript provided to the interpreter before the hearing harms the non-English speaker. They have different information upon which to base a verdict.

If the parties cannot agree, or believe it is a factual question, each party should provide their transcript and the interpreter should have the opportunity to present both versions of the material to a non-English speaker.

The New Mexico court interpreters always do their best to make a correct interpretation and the failure to give them the necessary tools falls upon the attorneys, and ultimately the court.

Hon. Albert J. Mitchell, Jr.
Tenth Judicial District Court



Visit the Judges' Portal for new evidentiary materials guidelines!
[nmcenterforlanguageaccess.org/
cms/en/courts-agencies/judges-portal](http://nmcenterforlanguageaccess.org/cms/en/courts-agencies/judges-portal)

TIPS FOR WORKING WITH...



...REMOTE INTERPRETING:

- Remember that telephonic interpretation is in the consecutive mode. This means that speakers need to pause and allow the interpreter to interpret.
- Give the interpreter time to verify the interpreter's ability to communicate with the service user and explain to the participants the mode of interpreting.
- Perform a sound check.
- Instruct the participants to speak clearly and at a slower rate of speech.
- Ask the participants to identify themselves each time they speak.
- Ask the participants to speak directly into the microphone.
- Ask the participants to speak in brief segments for easier interpretation.
- Remind others in the courtroom to be as quiet as possible.
- Instruct all participants to immediately alert the court if they are unable to hear or understand the participant who is speaking, or if the equipment they are using is not working properly.

...INTERPRETERS

Please DO:

- Ascertain if there is a need for an interpreter **early on**. If it appears that the person has difficulty understanding English, voir dire them with questions that require more than a "yes" or "no" response.
- Permit the interpreter, upon request, to communicate with the LEP/deaf/HH person **before the hearing** to make sure they understand each other and to explain any equipment. The interpreter will repeat in English all statements that have been made, to avoid the appearance of side conversations.
- **Speak directly to the party.** The interpreter will repeat everything exactly as it is spoken. Interpreters maintain the original register and are not allowed to simplify or explain.
- **Speak at normal speed and volume.** It is not necessary to go at a slower pace; however, exercise caution when reading texts of law, criminal complaints, jury instructions, etc.



- For signed language, speak at normal speed and volume, but accommodate the fact that the interpreter may be a few words behind the speaker by **leaving a pause** before moving on.
- Permit only **one speaker at a time**; maintain that standard even in jury deliberations.
- Be cognizant of **interpreter fatigue**. See Supreme Court Rule 1-103E(7) for requirements regarding team interpreting and breaks.
- Permit the interpreter to **prepare**. Let them know the type of case in advance. At the court event, permit the interpreter to examine pertinent documents.

Please DO NOT:

- Don't use **acronyms** without fully stating the name for which the acronym stands.
- If someone **challenges the interpretation**, do not automatically assume that an error has been made. Please refer to the National Center for State Courts' "Judges' Guide to Standards for Interpreted Proceedings," chapter 6, pages 136 & 137.



- Don't ask the interpreter to **not repeat something** they have heard. If an English speaker would have heard it, the interpreter ethically must repeat it.
- Don't ask the interpreter to **explain the proceedings** to the LEP/deaf/HH individual.
- Don't ask the interpreter to **participate in any other activities** other than interpreter for the LEP/deaf/HH individual.
- Don't use the courtroom interpreter for lengthy interviews and follow-up conversations outside the courtroom. Witness interviews, pre-trial transcripts/translations, and attorney/client communications during proceedings **are the responsibility of the attorney, not the AOC.**



...THE DEAF AND HARD OF HEARING

Giving Hearing Loss a Name:

- **Acceptable terms** include: Deaf; Hard of Hearing; Late Deafened; Deaf-Blind. **Unacceptable terms** include: Hearing Impaired; Deaf-Mute; Deaf and Dumb.
- **Deaf (capital D)** means a member of the Deaf Community (people who share cultural values) who uses American Sign Language (ASL). **deaf (lower case d)** means a person who has profound hearing loss who does not identify culturally in the Deaf Community and does not use ASL.

About American Sign Language (ASL):

ASL is a visual language used by many Deaf and Hard of Hearing people to communicate. ASL is a complete and complex language with unique linguistic elements that are composed of specific body movements, hand-shapes, and facial expressions.

- ASL is not universal. Just as most countries have their own spoken language, they also often have their own signed language.

- Users need to be able to see one another clearly.
- Remember that not all individuals who are D/deaf use ASL: Ask the Deaf person what they prefer for communication access, and work with the AOC Coordinator.

Other frequently-used accommodations include the use of Certified Deaf Interpreters, Real-time Captioning and Oral Transliterators.



...NATIVE AMERICAN COURT USERS

Exceptional variety in language and cultural identity exists among different tribes. There are 567 Federally recognized tribes in the United States; each one is unique.

Navajo and Pueblo contributors to the Improving Access to Justice for Native Peoples in State Courts Project explain in their own words some of the traditional cultural traits that should be taken into account in state court settings:

- *Cultural traits include thinking through a question and the responses and all the possible reactions before you speak out loud. This may take time.*
- *Tone and volume are going to be very different and the judge may misinterpret someone who is speaking softly as someone who is trying to be deceptive. There's an expectation that people, when they're confident and commanding, they speak loud, but that's not a Native trait.*
- *Sometime Natives will not look directly into the eye of an authority as a form of respect and that may be seen by a judge as a weakness, a disrespect, an avoidance. So a judge should always remember [...] to not take that as a negative.*
- *A lot of people describe [Pueblo languages] as softly spoken languages. You can be forceful in a Native language but it carries the same way that English does. So what does*

that mean for a client who might respond in English but he's using it in the way that he's used to using his own Native language? It might mean, for example, that a person speaks softly in English when the expectation from the other side of the table is, how come this person isn't responding forcefully?

- *Specific topics that Native people find more difficult than non-Natives to discuss in public include: sex and sexual situations, religious and ceremonial issues, death and murder, family relationships, kinships and complexities, and these aren't just a matter of being shy. These can range from things that are taboo, to confidential, to inappropriate outside of the community.*





The Court Interpreter Orientation project was presented at the Fourth Annual Conference of the Council of Language Access Coordinators (CLAC).

Over 75 participants from across the country attended this year's CLAC Conference, which was held May 22-25, 2016 in New Orleans, Louisiana.

The theme of the conference, "Reaching Back, Forging Ahead—Together" was selected to highlight the innovative techniques and practices of language access programs across the country, and to demonstrate collaborative efforts between jurisdictions, government agencies, and language access stakeholders.

TRAINING

COURT INTERPRETER ORIENTATION

To date, Language Access Services has completed two out of three modules of a downloadable court interpreter orientation suite in collaboration with the Kentucky, Minnesota, Idaho, Alaska, Michigan and Nevada State Courts. The goal is to develop an easy-to-use, self-paced orientation for prospective court interpreters.



The training suite comprises three modules: Fundamentals, Skills Building and Feedback. The first two modules are self-paced and incorporate self-assessment tools. The third module is intended to give interpreter candidates feedback on their interpreting skills as they submit their work through a database, where it is reviewed by an instructor.

NEW INTERPRETER TRAINING

This full day language-neutral training was geared toward spoken language court interpreter certification candidates, court interpreters of Native languages, and RID certified and NM Community Licensed Sign Language interpreters interested in working in the New Mexico courts. The training provided an overall orientation to the profession and valuable information for both new and experienced court interpreters.

The morning session consisted of a Court Interpreter orientation; intensive practice in the three modes of interpreting; tips for remote interpreting and instruction in interpreting for jurors.

In the afternoon, attendees were afforded hands-on training when a mock jury trial was conducted. The mock trial granted interpreters the ability to practice their skills and work with their colleagues in an informative setting.

Attendees also received continuing education units for a session on Ethics that covered the New Mexico Court Interpreter Code of Professional Responsibility and ethical issues related to the work that court interpreters conduct every day.



SIGN LANGUAGE TRAINING

Acclaimed national expert Carla Mathers, Esq., offered a total of four webinars to ASL interpreters in New Mexico between January and April this year. Ms. Mathers is licensed to practice law in Maryland and the District of Columbia and is a nationally certified legal sign language interpreter, instructor and author.

The webinars, which were free of charge to participants, covered the following topics: Introduction to Legal Interpreting, Interpreting in a Criminal Setting and Interpreting in Domestic Violence Settings.

Ms. Mathers then traveled to New Mexico in May to lead a two-day face-to-face session. Designed both for working court interpreters and persons desiring to work in a legal setting in the future, the goals and objectives of the session were to familiarize the interpreter with the unique responsibility and duties of the interpreter in a legal setting, with particular emphasis on the required skills, roles and ethics required of the legal interpreter.



“AOC Language Access Services was thrilled to be able to bring both Carla Mathers and James Plunkett to New Mexico this year. Both are renowned national leaders in their fields and the sessions they led here were a one-of-a-kind opportunity for New Mexico interpreters and candidates”

- Paula Couselo-Findikoglu, AOC Language Access Services

SPOKEN LANGUAGES TRAINING

Geared toward all spoken languages, the purpose of this two-day training delivered by James Plunkett was to provide participants with the knowledge and abilities to improve their performance in the simultaneous mode in the context of uncommon discourse encountered in judicial and quasi-judicial proceedings.

Course objectives were to equip participants to: understand simultaneous interpreting theory as applied to court interpreting; develop bilingual term lists and glossaries for uncommonly encountered topics; research literature to increase their vocabulary, and apply learned strategies and tactics in the simultaneous mode.



COMMUNITY ENGAGEMENT

REACHING DIVERSE COMMUNITIES

NM AOC is seeing a growth in demand for interpreter services due to the education and outreach work we have conducted among court staff and New Mexico residents. We are also witnessing an increase in language diversity throughout our state. To meet the ever-growing demand and the needs of our increasingly diverse communities, Language Access Services is actively reaching out to potential new candidates for interpreter training and certification.



Languages of Lesser Diffusion

In addition to its groundbreaking Native Languages Project which addresses training and certification for Pueblo languages and Navajo (see pages 4-5), NM AOC is focusing on recruiting speakers of languages other than Spanish to the court interpreting profession. Interpreters are used in about 50 different languages per year in the New Mexico courts, with the greatest demand (after Spanish, Navajo and American Sign Language) being for Chinese, Vietnamese and Arabic.

Due to the current scarcity of interpreters in these languages residing in the state, the NM Center for Language Access (NMCLA) is offering scholarships for training and testing. Additionally, NM AOC ensures that trainings and continuing education offerings are language-neutral wherever possible. In 2017, we plan to step up our outreach recruitment efforts by collaborating with partners such as universities, national laboratories, and community organizations that represent speakers of our target languages.

Tapping into Unused Skills

NMCLA has been partnering with Workforce Connections to receive students since 2009. Under the Workforce Investment Act, Workforce Connections funds qualifying candidates to undertake NMCLA's professional development and certification programs. This initiative taps into the valuable bilingual abilities that an unemployed individual may possess but may not have been leveraging. It helps such individuals get back on their feet, which in turn strengthens the broader community as they become income earners, taxpayers, and suppliers of much-needed court interpreting services. Every cohort of interpreters in training contains students funded under this partnership, including three students in the current cohort.

Interested in pursuing court interpreter certification?

Visit:

nmcenterforlanguageaccess.org!

INTERPRETER JOURNEY

I came to interpreting as a second career. I entered the profession after working for decades as a journalist, a job that took me from New Mexico to Mexico and later throughout Latin America and the Caribbean. My journalism work involved a lot of switching between languages and translating on the fly, but even so, the demands of courtroom interpreting represented a considerable challenge. So qualifying for the Justice System Interpreter (JSI) program provided the perfect opportunity to refine my skills by interpreting in a limited variety of proceedings.

I spent one year as a JSI, learning the customs and procedures of a number of courthouses, at the same time expanding my legal vocabulary and accelerating my interpreting tempo.

From the outset, my journalism past proved to be a considerable advantage. Working under pressure and coping with sudden changes in assignments were nothing new for me. I had been in plenty of courtrooms and a few jails and prisons. And over the years I had dealt with any number of judges, prosecutors, defense lawyers, and civil and criminal defendants, some of them in this country, some in Mexico and elsewhere.

Still, reporters get to ask follow-up questions if an interview subject isn't being clear about something. Working as a JSI got me used to the very different role of letting lawyers and judges try to get parties to cases to clarify their answers.

AOC staff always described the JSI program as a stepping-stone to Court Interpreter certification. They were nothing but encouraging and supportive. And they sounded as happy as I felt when I passed my final certification exam.

- Peter Katel, Certified Court Interpreter



FORGING AHEAD

Learning a language is a life-long journey. 36% of New Mexicans speak a language other than English at home. Engaging young bilinguals in our communities is key to passing on an important professional legacy. With this in mind, AOC Language Access Coordinators Peggy Cadwell and Alex Araiza took the lead this year in working with New Mexico children and young adults.

On November 10th, 2016, I gave a presentation to third grade students at New Mexico International School. This Albuquerque Charter School provides K-5 students an educational program focused on the acquisition of languages, inquiry-based teaching and learning, and the development of social, emotional, and rigorous academic skills necessary to function in our local, national, and international community.

The third grade class is studying a unit in Justice and my presentation served as an introduction to the court system and to prepare them for a field trip to Metropolitan Court in Albuquerque.

Students learned about the importance of the courts, the roles of judges and their staff, witnesses, police officers, district attorneys, defense attorneys, bailiffs, clerks, and the interpreting profession. We talked about the rights a person has to have access to justice and the important role that interpreters and translators play in making sure the public has access to the courts.



Ms. Montaño-Pilch from the Court Appointed Special Advocates (CASA) Program brought beautiful Cassie the dog with her to introduce the students and staff to the important job that the dog does helping children in the courts. The children enjoyed Cassie's presentation immensely, and had many interesting questions for her handler.



The class then took part in a field trip to Metropolitan Court. The kind staff of Metro Court introduced the students to the different areas of the courthouse and answered many questions regarding the types of cases heard. Judge Sedillo gave an informational presentation on justice and the role of the judge, and patiently answered the myriad questions the students had for him.

**- Peggy Cadwell,
AOC Language Access Coordinator**

Community engagement efforts of this kind are a way to raise awareness about the important role that language access plays in access to justice and get new generations interested in a career path that continues to grow.



Linda Salinas, a Spanish speaking student from Oñate High School in Las Cruces and aspiring court interpreter, was mentored by Alex Araiza, Coordinator for the Southwest Region, during the Spring semester of 2016.

During her internship, Linda was able to observe different court proceedings in both Magistrate and District Court and interacted with the different judges, court staff, interpreters and her mentor. She acquired a wide range of vocabulary and learned the role of a Court Interpreter in the Judicial system.

"It was a positive experience having Linda as an intern: teaching and guiding her were both fun and a pleasure. Best of luck to Linda with her endeavors!"

**- Alex Araiza,
AOC Language Access Coordinator**

*"Through my internship I started developing skills that will help me pursue a career in the field of interpreting and learned what it takes to be a court interpreter. The cases and trials that I observed contributed to the fulfillment of my experience and understanding of the court process. Interacting with the judges and attorneys gave me further knowledge of the judicial system." - Linda Salinas,
Oñate High School Student*

*"Communication leads to community, that is, to understanding, intimacy and mutual valuing"
- Rollo May*

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