

Meeting Minutes
ATJ Commission Meeting, September 13, 2024
ATJ In-Person (with video appearance option)

Location: New Mexico State Bar, 5121 Masthead St. NE, Albuquerque, NM 87109

12:00 – 2:00 pm

In attendance:

Erin O’Connell (ATJ Co-Chair)
Aaron Holloman (AOC)
Aileen Dryden (Altura)
Bella Zayani (NMLA)
Beth Wojahn (AOC)
Bette Fleishman (Pegasus Law)
Caitlin Carcerano (SBNM)
Cheryl Thompson (Metro Court)
Chuy Lardizabal (Altura)
DeAnne Romero (2nd JDC)
Deian McBride
Devaney Whipple
Diana Dorn-Jones (USBC)
Doug Echols (ATJ Commission)
Gary Housepian (DRNM)
Hosanna Black
John Greacen
Juan Abeyta (ATJ Commission)

Kasey Daniels (MMH)
Kelly Sanchez (ATJ Commission)
Kienna Rodriguez (AOC)
Lisa Giandomenico (ALTSD)
Lori Thorton (NMSL)
Mary Smith (CLS Commission)
Michael McGuire (SCLO)
Natalie Meyers (LREP)
Rep. Pamela Herdon
Peggy Cadwell (AOC)
Rudy Sanchez (DNA)
Sarita Nair (DWS)
Scott Cameron
Shasta Inman (OOG)
Sonya Bellafant (NMLA)
Stephanie Wilson (NMSC)
Teague Gonzalez (ATJ Commission)
Therese Yanan (NADLC)
Torri Jacobus (AOC)
Twila Hoon Witz (AOC)

Item 2: Minutes Approved from June 7, 2024

The minutes were not approved as the quorum was not met. They will be introduced and suggested for approval at the Commission meeting on January 9, 2025.

Item 3: Altura Presentation

Chuy with Altura discussed a survey being conducted by the Administrative Office of the Courts consistent with the Americans with Disabilities Act (ADA) Transition Plan. He explained that the plan involves self-evaluating facilities and program services, gathering public input, outlining methods to remove identified barriers, and developing a schedule to achieve compliance. The timeline for compliance can range from 5 to 15 years, and the costs can be in the millions of dollars. Chuy emphasized the importance of staff training on physical and programmatic barriers and developing a budget for achieving compliance. He also mentioned the progress of the facility inspection and program service activities, highlighting the completion of Judicial Districts in the Sixth and Third. Aileen with Altura expressed gratitude for the assistance of the ADA coordinators and the Chief Court Executive Officers, and emphasized the importance of improving access to the courts. Chuy clarified that the ADA is specific to physical and cognitive disabilities.

Counties around the State, as they house and maintain the facilities for judicial entities in each Judicial District by law, are encouraged to participate, and once completed, the data will be available. The assessment of all Judicial Districts is anticipated to be completed by early 2025. The assessment will incorporate public input from the surveys conducted to prioritize recommendations. Chuy provided an update on the ongoing website accessibility review, highlighting the importance of addressing digital accessibility. The discussion touched on

the relationship between landlords and leases regarding shared facilities. Chuy clarified that the Americans with Disabilities Act does not allow for “grandfathering” and requires public entities to prioritize addressing accessibility issues.

Item 4: Scribing Program Update (Peggy Cadwell of the Administrative Office of the Courts (AOC))

Peggy updated us that scribing is available in every judicial district. The work currently being performed to train judicial staff is being done through the Court Education Institute Learning Management System, which any judicial employee can use to learn how to scribe. Training webinars are available to judicial employees and the public. The availability of scribing services is being communicated through public service announcements. Scribing services are available in English, Spanish, and Navajo. Scribing needs are due to lack of technology, disability, low literacy, limited English proficiency, and other reasons. The time for scribing ranges from fifteen minutes to two or more hours.

Item 5: Equity Discussion (Torri Jacobus of the AOC)

Torri discussed the progress of a project aimed at improving access to justice, with a particular emphasis on the role of the courts in ensuring equitable outcomes. The meeting discussed the historical roots of the US judicial system and its evolution over time, highlighting the need for greater inclusivity and equity. Addressing barriers to finding justice in the courts was also emphasized, focusing on the need for more attorneys providing services to those who cannot afford private legal representation.

The discussion highlighted the need to address underlying issues such as poverty and low wages that prevent people from accessing justice. Giving power back to the people was emphasized, with the suggestion that institutions must be more responsible in allowing access to justice. The idea of outreach via text message was proposed to improve access to justice, particularly for low-income individuals. There is a need for a more inclusive approach to justice, considering the realities of low literacy rates and high poverty rates. The importance of equal access to the legal system was also discussed, focusing on engaging people facing civil legal situations. The meeting also touched on the challenges of full participation in the legal system, particularly for marginalized communities, and the need to explore alternative models to address inequities and lack of access to services.

Discussion included challenges faced by the legal profession in connecting with communities and addressing legal needs. Emphasized non-lawyers’ importance in identifying individuals with legal issues and leveraging community connections. State Bar of New Mexico expressed concerns about discrimination within the organized bar and disparities in bar exam results for racial and ethnic minorities. They mentioned the Supreme Court’s consideration of alternative pathways to licensure, such as apprenticeship models, as a potential solution. The conversation ended with Diana suggesting incorporating a land acknowledgment into future meetings.

The meeting adjourned at 2:05 pm.



NEW MEXICO ADMINISTRATIVE OFFICE OF COURTS: SELF-EVALUATION AND ADA TRANSITION PLAN

Access to Justice Hybrid Meeting
September 13, 2024

About the Speakers

Jesus “Chuy” Lardizabal



Chuy has over 26 years in accessibility compliance and founded Altura Solutions in 2006 with one focus in mind: Accessibility for All.

He has grown Altura Solutions into a nationally recognized firm, and is known as the ADA expert, and the leading firm for State of Texas Registered Accessibility Specialists (RAS). Chuy's unique professional background ranges from engineering design and construction project management to City of Austin ADA Program Manager and Chair to the Austin Mayor's Committee for People with Disabilities.

Aileen Dryden



Aileen is a professional landscape architect with over 18 years of project management experience in municipal design and construction project. Aileen has previously been an ADA Coordinator for the City of Pflugerville, Texas and worked extensively on the City's ADA Transition Plan. Her background in both City government and private industry gives her a unique understanding of the demands an ADA Transition Plan requires of government agencies, and how best to incorporate and implement ADA requirements into standard practice.

ADA Transition Plan

Components of a Transition Plan

- Conduct a Self-Evaluation of:
 - Facilities
 - Programs, services, and activities
- Gather public input
- Provide an outline of the methods to remove barriers
- Determine a schedule to achieve compliance
- Designate official responsible for the implementation

Scope Components

- Self Assessment to Identify Barriers
 - New Mexico Judiciary Facilities (Supreme, Appeals, District, Metro, Magistrate, etc.)
 - Programs, Services, and Activities
- Provide Staff Training
- Collect Public Input
- Develop ADA Transition Plan
 - Schedule to achieve “Programmatic Access”
 - Budget associated with tasks

Vision for the ADA Transition Plan

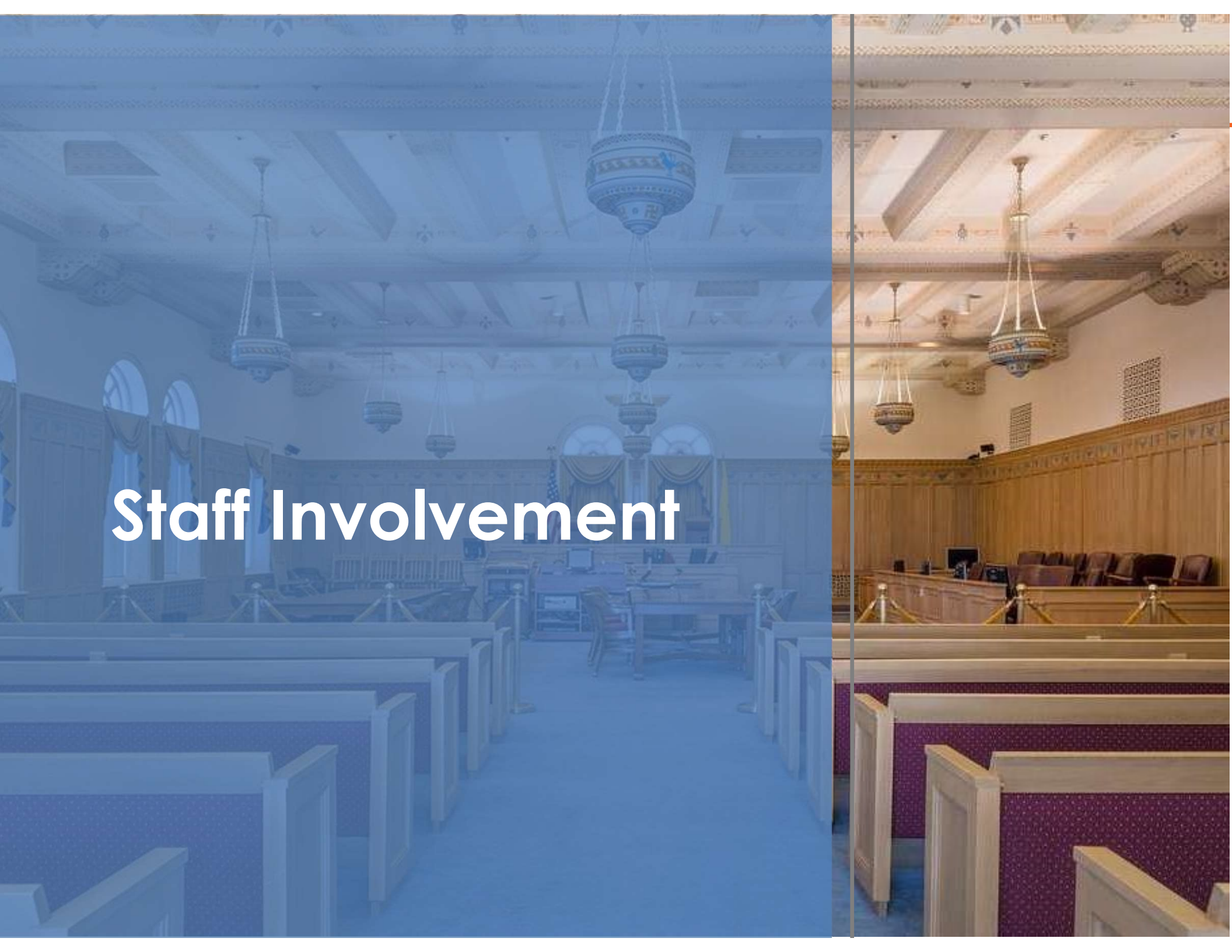
Having an ADA Transition Plan in place...

- Meets ADA Title II Requirements
- Enhances existing programs and services
- Supports accessibility and inclusion
- Benefit to the community!

Transition Plan Process Overview

1. Staff interviews by District
2. Review of existing documents
3. Public notification and input by District
4. Assessment of facilities by District
5. Staff training
6. Draft Document for staff review
7. Finalize Transition Plan
8. Adopted by New Mexico AOC
9. Implementation

Staff Involvement



Liaison Roles

ADA Coordinators and Court CEOs

- District Voice & Resource
- Provide Insight on Policies & Procedures and current PSAs
- Project Involvement
 - Point of Contact for District
 - One-on-One Interviews
 - Assist with access to PSA information
 - Coordination of facility access
 - Distribute project information to District
 - Draft ADA Transition Plan document review



Data Collection & Reporting

Programs, Services & Activities

Programs, services, and activities (PSAs), as they pertain to ADA, include facilities, events, and actions undertaken by a Title II entity in the regular course of business.

- Judiciary Facilities
- Public Meetings
- Website/Communications
- Jury Duty
- Adult Guardianship
- Pre-trial Services

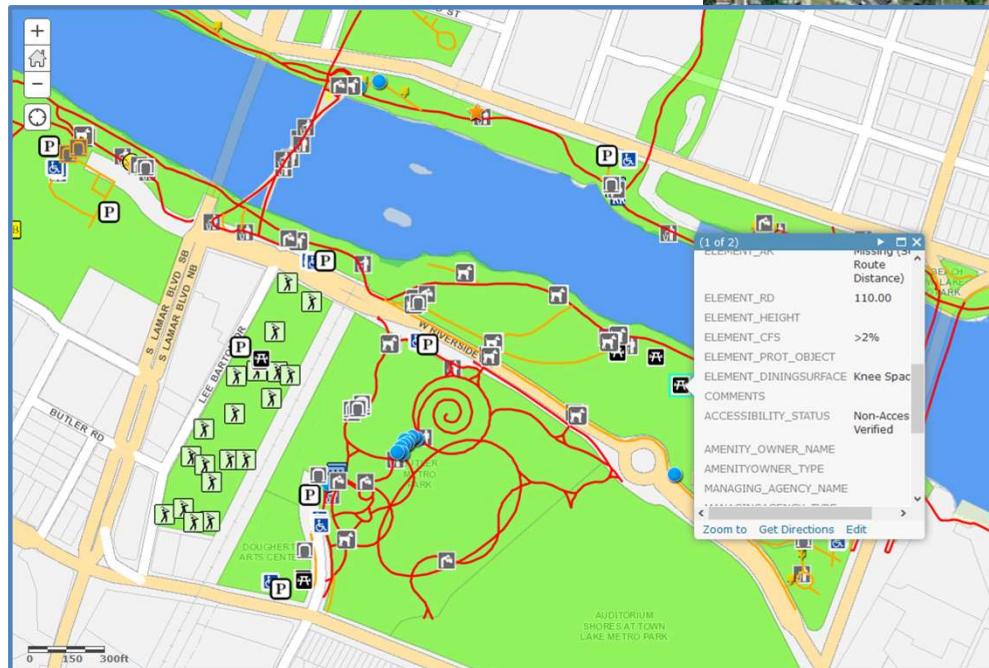
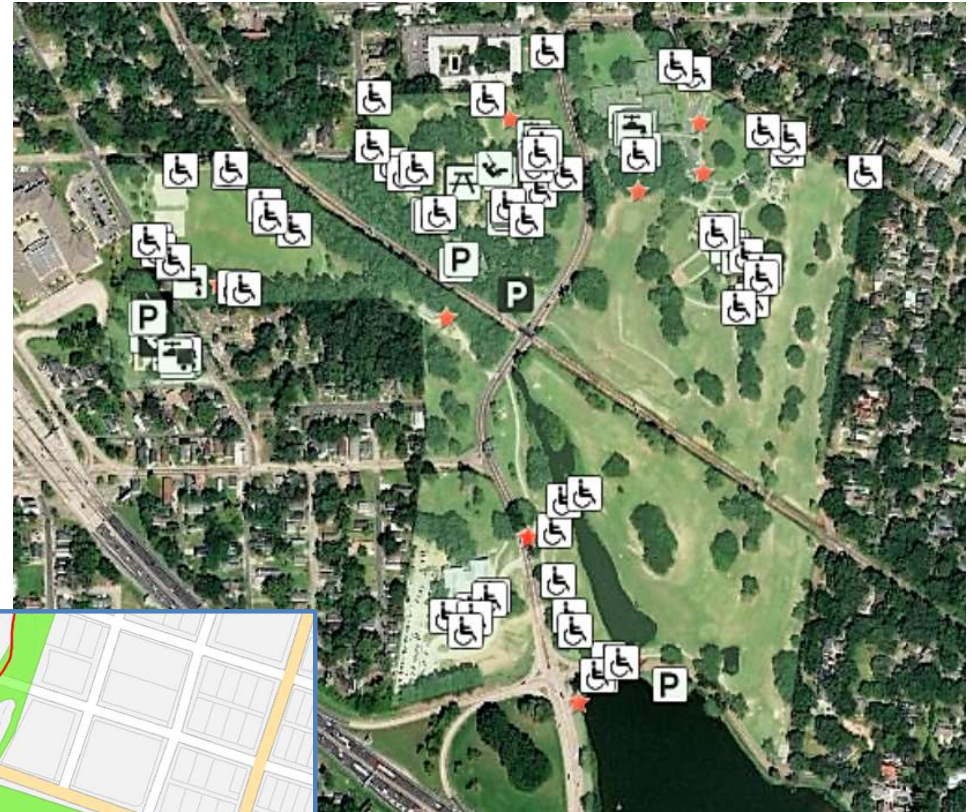
Policies and Procedures

Policies are the principles that guide the City to implement and provide PSAs.

Procedures are the specific methods that City staff should follow to ensure compliance with the policy.

- Service Animal Policy
- Eligibility Requirements for Participation

GIS-Based Data Collection



Sample Reports

Classroom: 5.153

Lat/Long: [30.28436, -97.73833]

Finding: 50

The maneuvering clearance on the pull side of the door extends less than 18 inches beyond the latch side of the door.

Maneuvering space for interior doors on the pull side with a front approach must be flat (2% max. slope in any direction) for a minimum distance of 60 inches in the direction of travel. The width of the maneuvering space must be as wide as the door plus an additional 18 inches on the latch side. This latch side clearance must also be flat (2% max. slope in any direction) and clear of obstructions.

2012 TAS Section 404.2.4

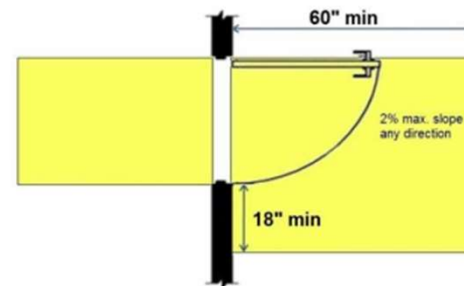
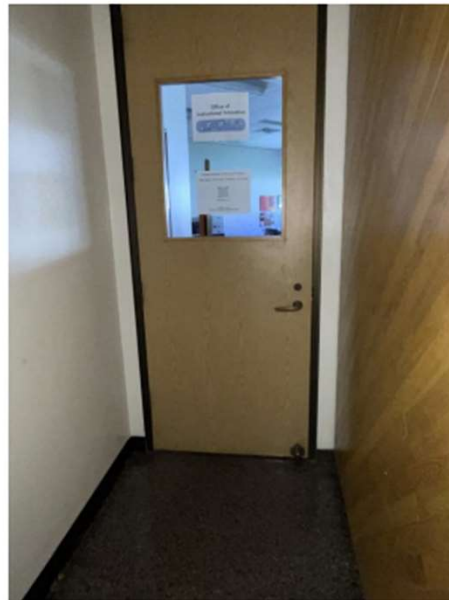
Minimum maneuvering clearances at doors and gates shall comply with 404.2.4. Maneuvering clearances shall extend the full width of the doorway and the required latch side or hinge side clearance.

Citation:


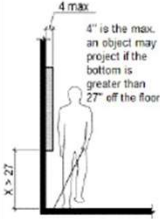

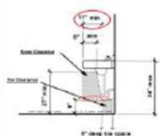
2012 TAS Section: 404.2.4

As Built:

18" not provided



Sample Report

Finding Number	Area Description	Finding	As Built	Citation	Code Text	Photos	Figure
33	Men's Restroom: 206	The dispenser projects more than 4 inches into the circulation path. Wall-mounted objects that have leading edges between 27 inches and 80 inches from the floor must not project more than 4 inches into the circulation path. Protruding objects that extend to the floor or within 27 inches of the floor are cane detectable and are therefore not hazardous. Where it is necessary or desirable to have objects protrude from the wall, a manner of cane detection must be provided.	The dispenser and shelf are protruding objects	2012 TAS Section: 307.2	<u>2012 TAS Section 307.2</u> <i>Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.</i>		
34	Men's Restroom: 206	Compliant knee space has not been provided under the lavatory. The knee clearance shall be 11 inches minimum in depth at 9 inches above the floor, and 8 inches minimum in depth at 27 inches above the floor. The top of the lavatory rim may be no higher than 34 inches.	Knee clearance is less than 27" above the finish floor	2012 TAS Section: 306.3.1	<u>2012 TAS Section 306.3.1</u> <i>Space under an element between 9 inches (230 mm) and 27 inches (685 mm) above the finish floor or ground shall be considered knee clearance and shall comply with 306.3.</i>		

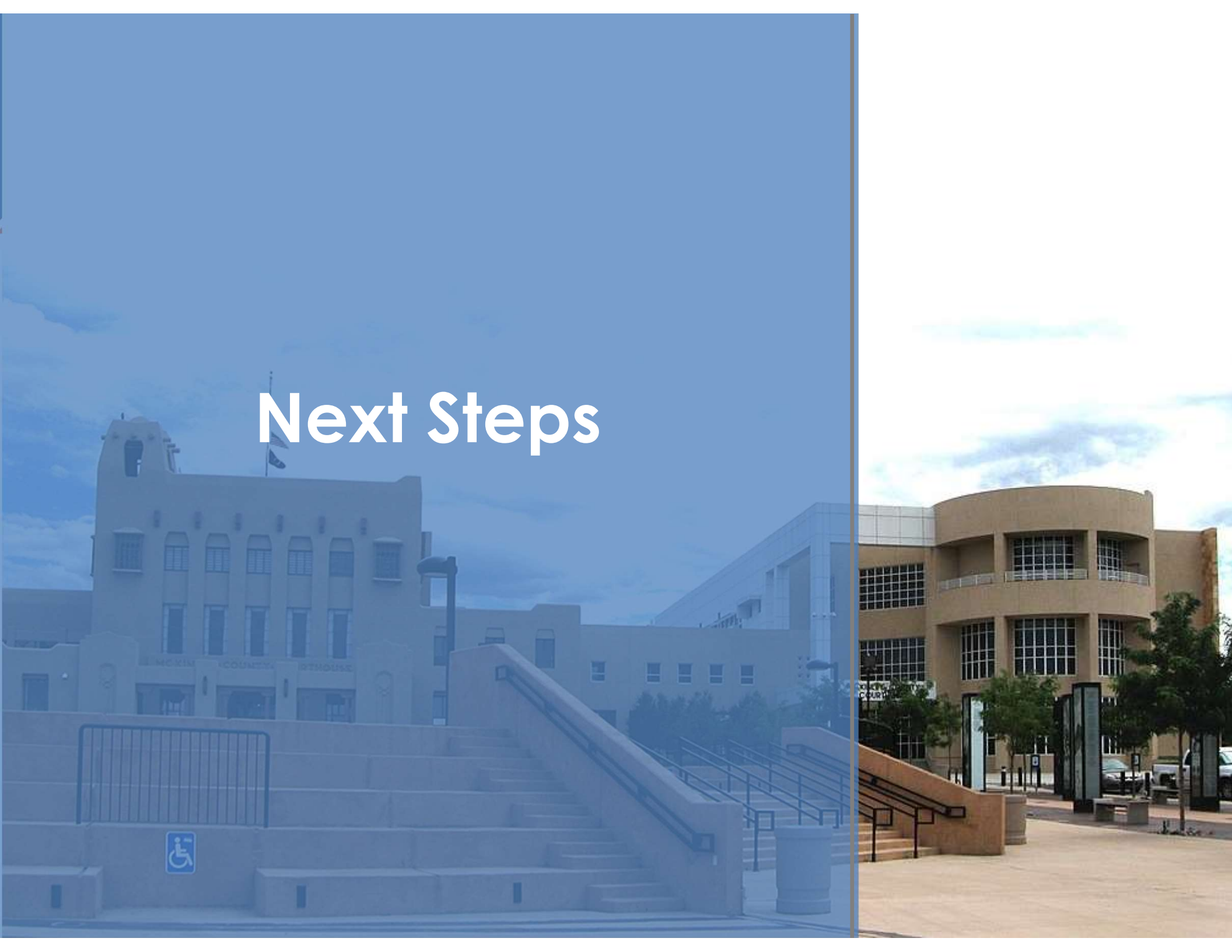
District Assessment Trends

Assessed 11 Judiciary facilities to date

Summary:

- Renovated facilities have very few violations
- Courtroom spaces overall are thoughtfully designed/usable spaces with some violations
- Public areas (waiting areas, restrooms) seem typical – minimal number of issues
- Building access and routes

Next Steps





New Mexico Judiciary ADA Transition Plan Project

Online Survey
Please follow the QR code to
visit our website to take the
online survey and for project
updates.



www.accessforall-nmcourts.com

The New Mexico Judiciary does not discriminate on the basis of disability. We will provide auxiliary aids and services and written materials in alternative formats upon request.

Contact Altura Solutions at 512-410-7059 or access@alturalp.com

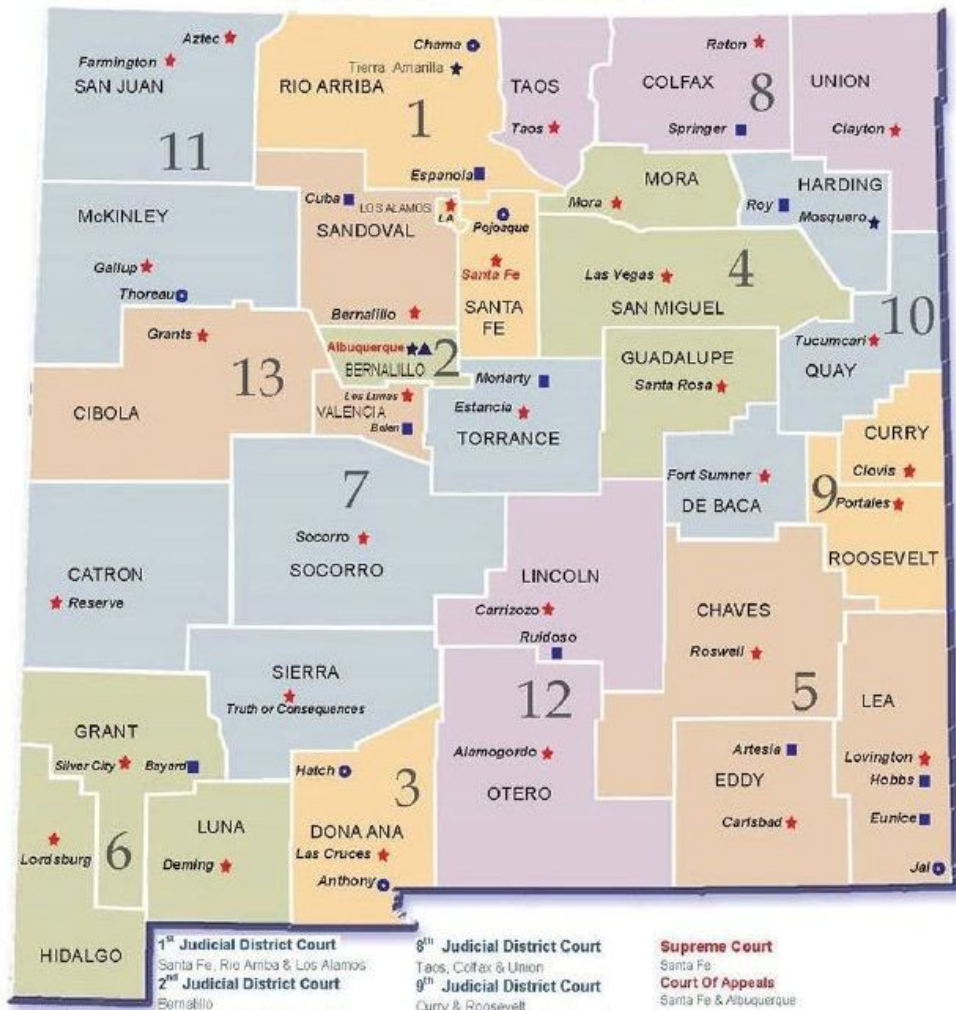
**Thank you for your
time!**

Q & A

Scribing in the New Mexico Judiciary

**Peggy Cadwell, Statewide ADA Title II
Coordinator**

New Mexico Judiciary Map



The New Mexico Judiciary is comprised of 13 Judicial Districts, 1 Court of Appeals (located in Albuquerque and Santa Fe), and 1 Supreme Court (located in Santa Fe)

Disability Status and Types Among Adults in New Mexico: 2022

(source: Disability and Health Data Systems <https://dhds.cdc.gov/>)

According to Disability Health Data Systems (DHDS), 499,492 adults in New Mexico are estimated to have a disability in 2022. This is nearly 30%, or 1 in 3 adults.

- **Cognitive Disability 15.4%**

serious difficulty concentrating, remembering, or making decisions

- **Mobility Disability 12.8%**

serious difficulty walking or climbing stairs

- **Independent Living Disability 7.5%**

difficulty doing errands alone

- **Hearing Disability 6.6%**

serious difficulty hearing or deafness

- **Vision Disability 5.8%**

serious difficulty seeing or blindness

- **Self-Care Disability 3.7%**

difficulty dressing or bathing

Literacy Rates in New Mexico

29.1% of New Mexicans navigate everyday life with low literacy

(National Average 19.3%)

Source: World Population Review <https://worldpopulationreview.com/>

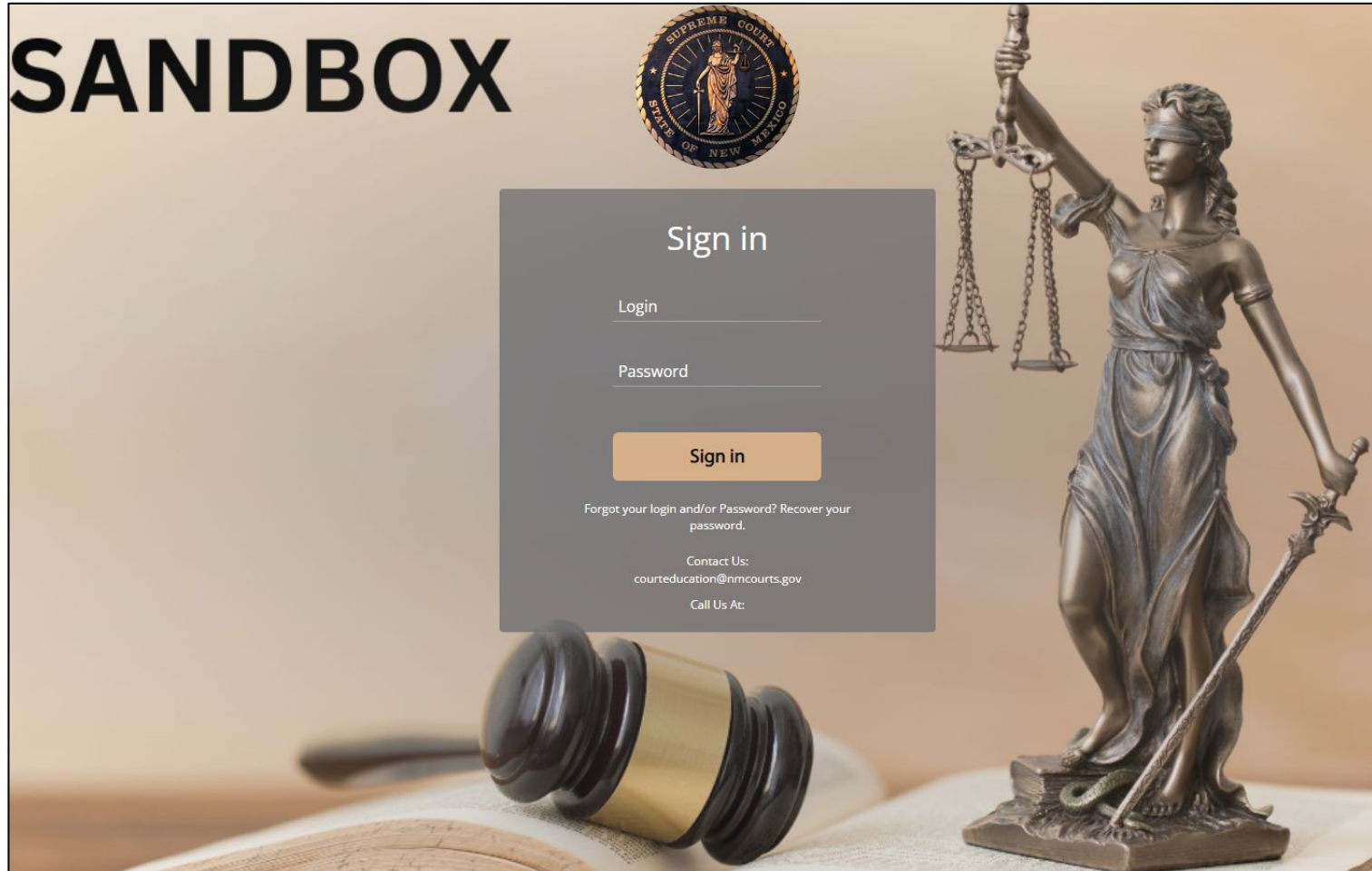
29% of New Mexicans read at the level of a 5 – 7 year old (Level 1)

(National average 22%) 18 counties in New Mexico rest between 30%-50%

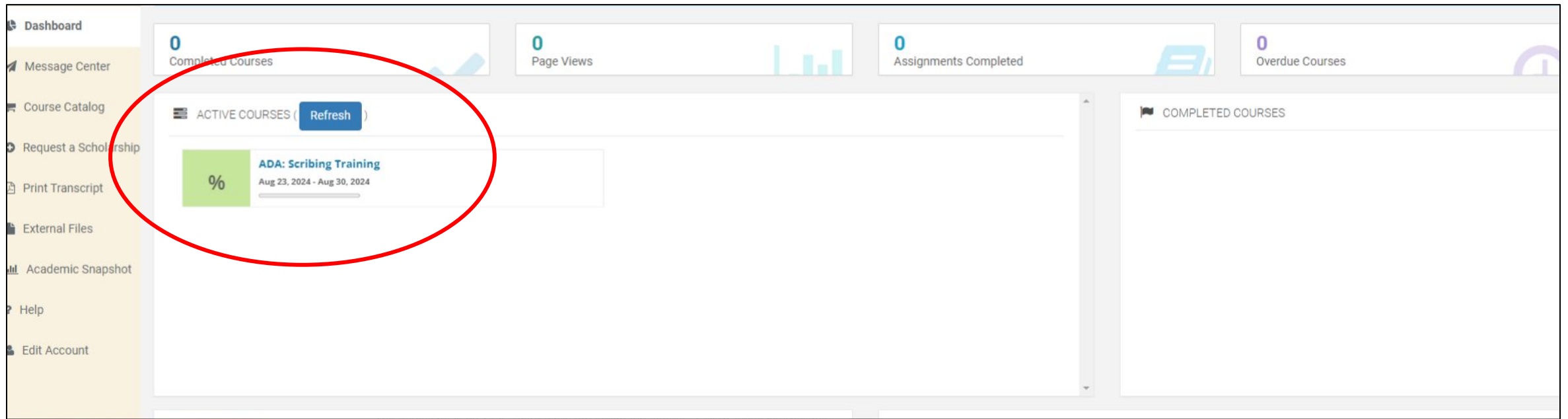
Source: National Center for Education Statistics

https://nces.ed.gov/surveys/piaac/skillsmap/src/PDF/New_Mexico.pdf



Court Education Institute Learning Management System (LMS)







Accessing the Scribing Training Modules on LMS Dashboard







On the LMS Dashboard, access the ADA Scribing Training Modules in the “Active Courses” section



 **Module 1: New Mexico Courts Overview**
This module covers general information about New Mexico courts. 



 **Unit 1: Overview of the New Mexico Courts (16 minutes)**
This video is approximately 16 minutes long and there is a quiz at the end. You will need to watch the video carefully, take and pass the quiz at 90% or better in order to move on to the next module. 



 **Module 1 Quiz**
No due date 

 **Module 2: Introduction to Scribing**
This module covers information about the demographics in New Mexico that the courts serve, and the importance of having scribing services and goals to ensure equal access to justice. 

 **Module 3: Getting Started with the Scribing Process**
This module covers the process of pairing a court user with a scribe, the expectations and limitations of the scribe's role, general practices, and common scenarios. 

 **Module 4: Working with Diverse Needs**
This module covers information about offering scribing services to populations with diverse needs. 

 **Module 5: Completing Forms as a Scribe**
This module covers information on completing forms, terminology, and tips for filling out forms. 

 **Module 6: Legal Advice vs Legal Information**
This module covers the difference between legal advice and legal information during the scribing session and provides useful examples. 

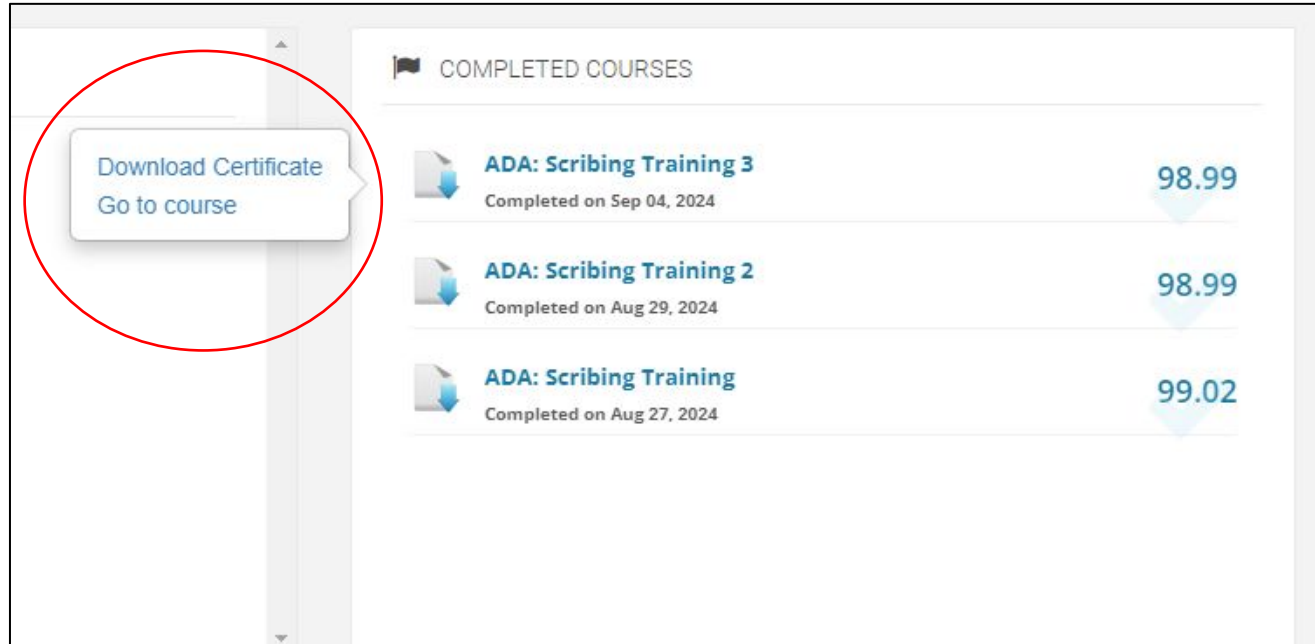


Once the ADA Scribing Services link is opened, each Scribing Training Module title is listed.

By clicking the down arrow button on the right hand side of the box, the video link for the training module will appear, along with the quiz for the module.

Note: Each module must be watched, and the accompanying quiz completed with a grade of 90% or more before moving on to the next video and quiz.

Printing the Certificate of Completion from LMS



The screenshot shows a user interface for 'COMPLETED COURSES'. A red circle highlights a callout box with two options: 'Download Certificate' and 'Go to course'. The course list includes:

Course Name	Score
ADA: Scribing Training 3 Completed on Sep 04, 2024	98.99
ADA: Scribing Training 2 Completed on Aug 29, 2024	98.99
ADA: Scribing Training Completed on Aug 27, 2024	99.02

Once all scribing module videos and quizzes are completed, a certificate of completion can be downloaded and printed from the Dashboard under the “Completed Courses” section



The certificate features the New Mexico Supreme Court seal and the text:

Supreme Court
State of New Mexico
New Mexico
Court Education Institute

THIS CERTIFICATE IS AWARDED TO
Annie Burkhart
Learner.learmercourt
In recognition of completion of
ADA: Scribing Training 3

Peggy Cadwell
PEGGY CADWELL
ADAC
STATEWIDE ADA TITLE II COORDINATOR
Date: 09/04/2024

Additional Scribing Training Webinars

2023-2024

**ADA Title II and the Courts:
Scribing and Access to
Justice**

**New Mexico Administrative Office
of the Courts
ADA Title II Coordinator's Office**


**ADA Title II and the
Courts: Scribing**

*"What You Need to Know about Scribing But Were
Too Afraid to Ask"*

**New Mexico Administrative Office
of the Courts
ADA Title II Coordinator's Office**

**ADA TITLE II AND THE COURTS:
SCRIBING FOR JURORS**


**Annie Burkhart, Project Manager
(Statewide ADA Title II Coordinator's Office)
&
Isabell Walla, Judicial Specialist 2 (Ninth Judicial District Court)**

 **NEW MEXICO COURTS**
The Judicial Branch of New Mexico

**ADA Title II and the Courts and
Scribing:
Legal Information
vs.
Legal Advice**

Annie Burkhart, AOC Project Manager
and
Elizabeth Garcia, Second Judicial District Legal Office Specialist

**A Year In The Life of a Scribing
Program:
Building a Foundation of Access to
Justice In New Mexico**

 **NEW MEXICO COURTS**
The Judicial Branch of New Mexico


**AOC Statewide ADA Title II
Coordinator's Office
Peggy Cadwell
&
Annie Burkhart**

**Legal Information
vs.
Legal Advice
During the Scribing Session**

Statewide Title ADA Title II Coordinator's Office

**The ADA and Scribing for
Jurors in the
Fourth and Ninth
Judicial Districts**

Annie Burkhart, Project Manager, Statewide ADA Title II Coordinator's Office
Leonor Encinias & Heather Aragon, Fourth Judicial District (San Miguel County)
Isabell Walla, Ninth Judicial District (Curry County)

 **Southwest ADA Center**

The Jury & ADA, Why Is It Important?

September 27, 2024 / 12:00 PM - 1:00 PM

The Judiciary and the ADA
Disability Relevance in the NM Court System
Southwest ADA Center and NM Administrative Office of the Courts

Julie Ballinger, Affiliate, Southwest ADA Center
(505)797.8612 / julieDballinger@outlook.com

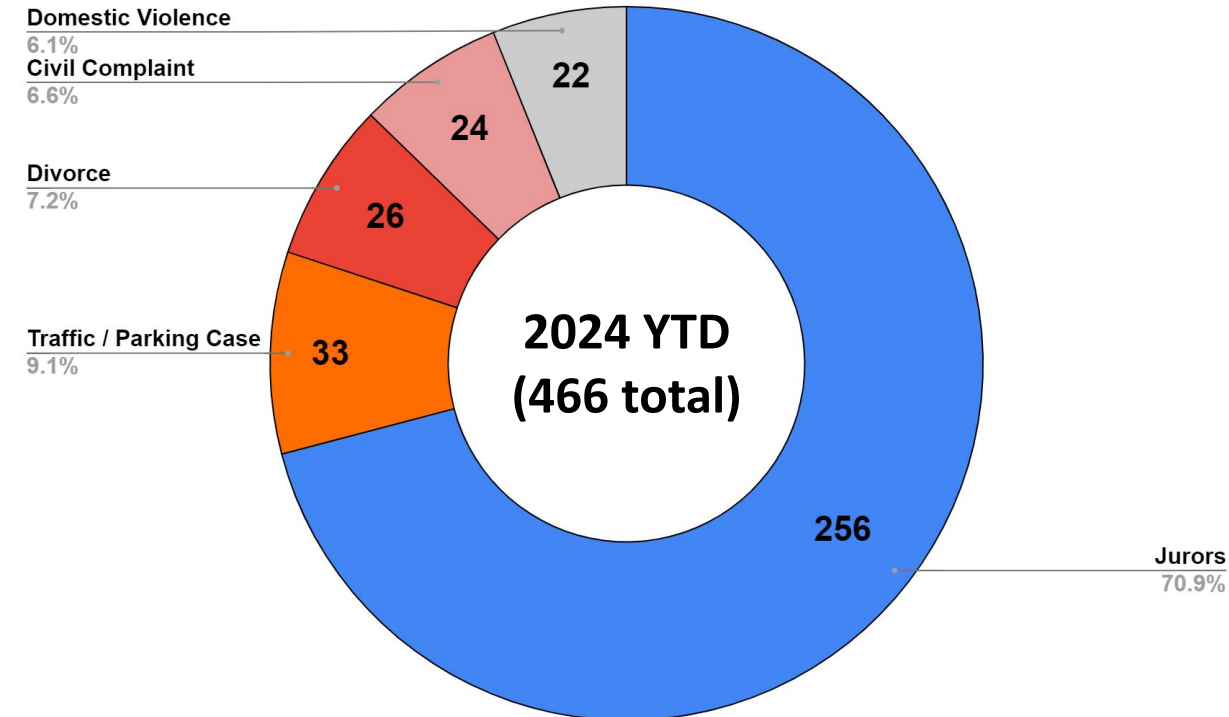
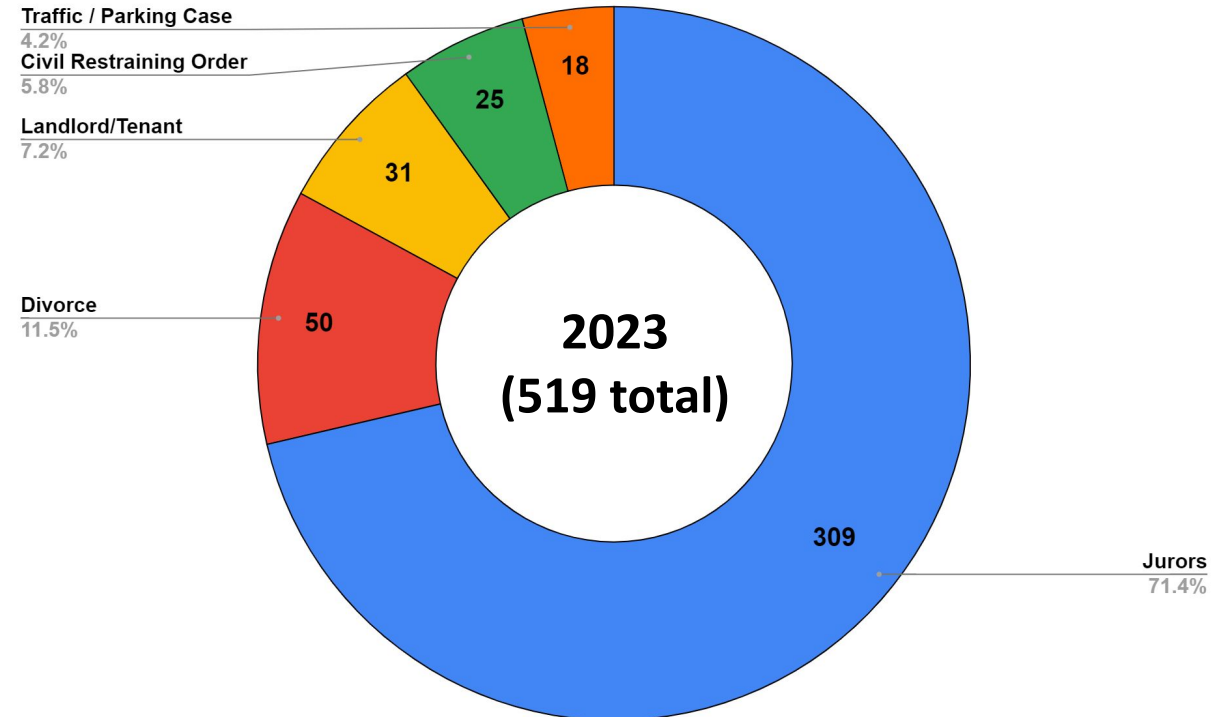
The information herein is intended solely as informal guidance and is neither a determination of legal rights or responsibilities under the ADA or any other law, nor binding on any agency with enforcement responsibility under the ADA or any other law.

Scribing Public Service Announcements (PSAs)



Scribing Public Service Announcements (PSAs) are available in English, Spanish, and Navajo, airing on local radio stations throughout the State

Statewide Scribing 2023 and 2024 (VTD)



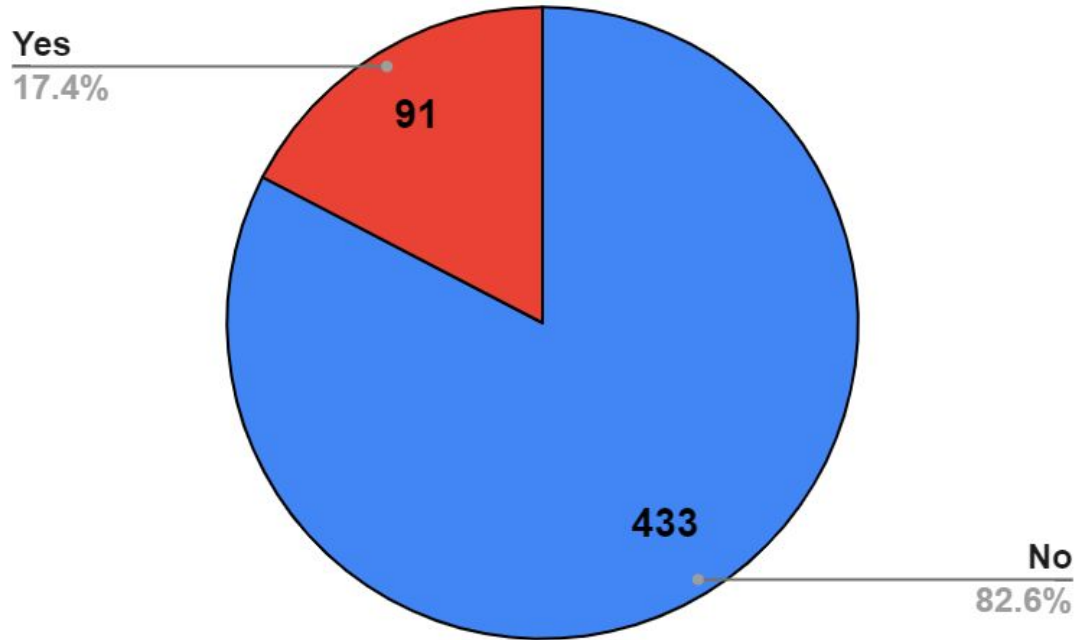
Top 5 Scribing Categories 2023 (March-December):

- 1) Jurors
- 2) Divorce
- 3) Landlord/Tenant
- 4) Civil Restraining Order
- 5) Traffic / Parking

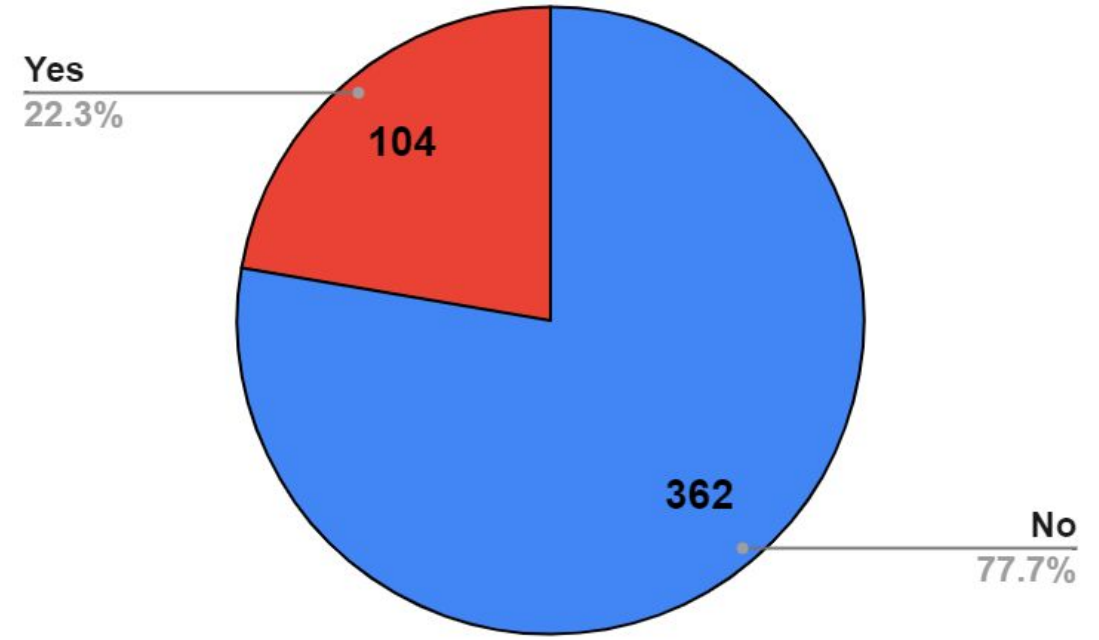
Top 5 Scribing Categories 2024 (YTD):

- 1) Jurors
- 2) Traffic/Parking
- 3) Divorce
- 4) Civil Complaint
- 5) Domestic Violence

Interpreter Needed During the Scribing Session (Statewide) 2023 and 2024 (YTD)

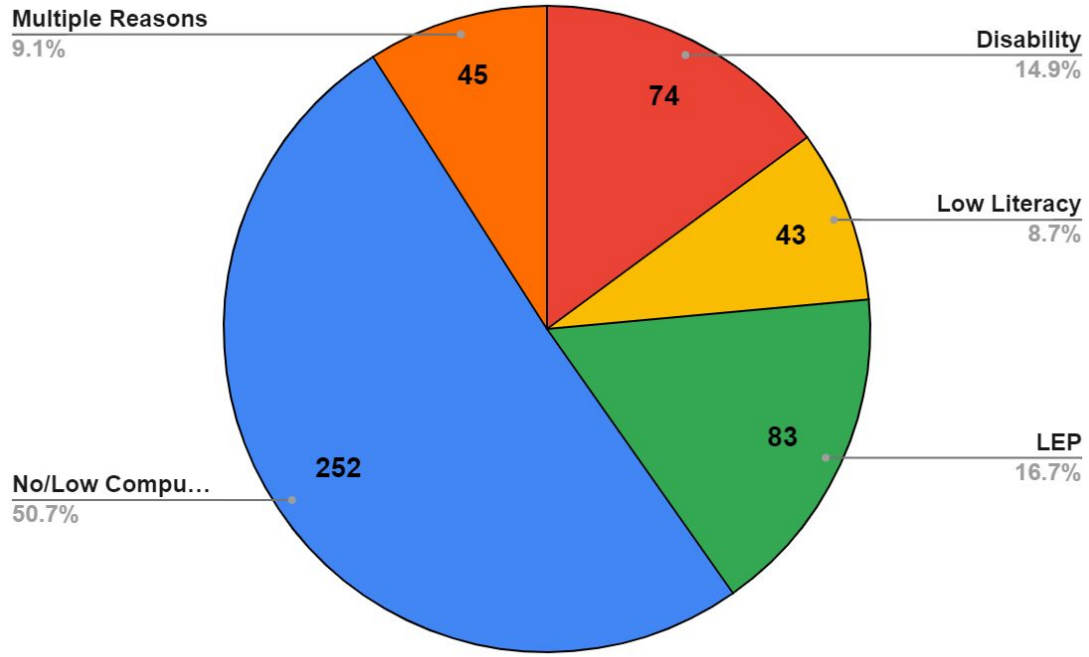


Yes: 91
No: 433

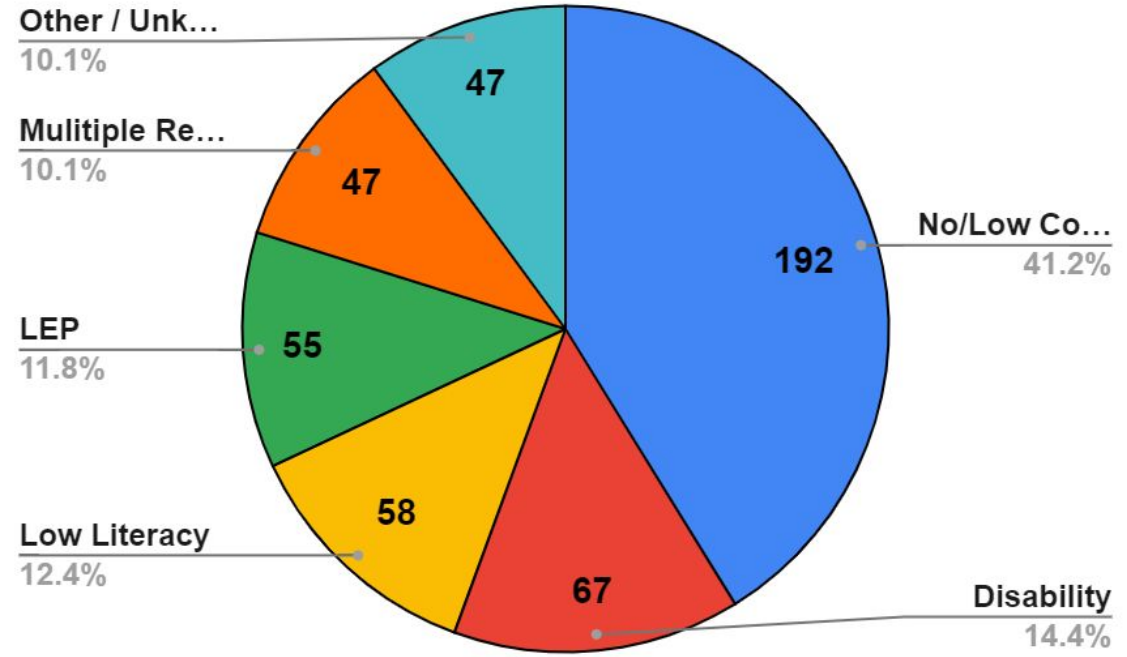


Yes: 104
No: 362

Reason for Scribing (Statewide) 2023 and 2024 (YTD)

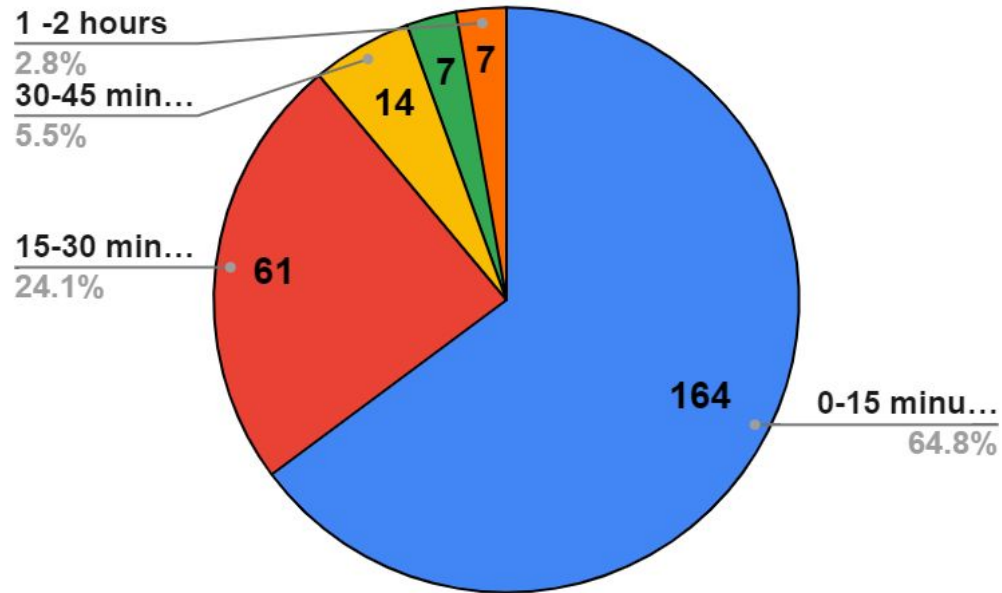


No/Low Computer Literacy: 252
 Limited English Proficient (LEP): 83
 Disability: 74
 Multiple Reasons: 45
 Low Literacy: 43

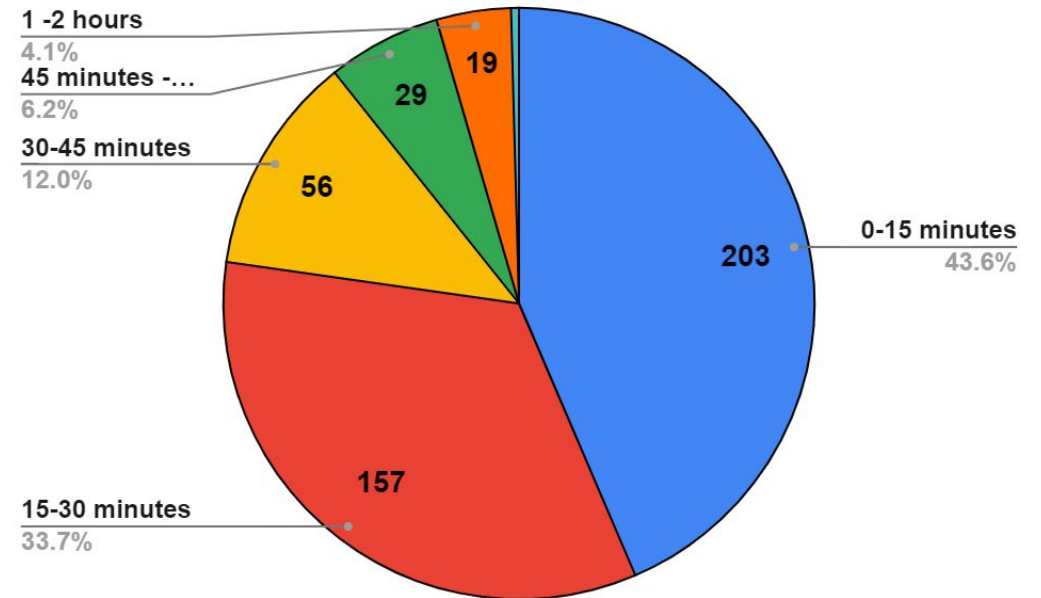


No/Low Computer Literacy: 192
 Disability: 67
 Low Literacy: 58
 Limited English Proficient (LEP): 55
 Multiple Reasons: 47
 Other / Unknown: 47

Length of Time of Scribing Session (Statewide) 2023 and 2024 (YTD)



0-15 minutes: 164
 15-30 minutes: 61
 30-45 minutes: 14
 45 minutes - 1 hour: 7
 1-2 hours : 7



0-15 minutes: 203
 15-30 minutes: 157
 30-45 minutes: 56
 45 minutes - 1 hour: 29
 1-2 hours: 19
 2 hours or more: 2