

JUDICIAL BRANCH OF THE NAVAJO NATION

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MESSAGE FROM THE ACTING CHIEF JUSTICE

Yá'át'éeéh, Honorable Delegates of the 23rd Navajo Nation Council, Speaker of the Council Hon. LoRenzo Bates, Navajo Nation President Russell Begay, Vice President Jonathan Nez, Guests, Staff, and Citizens of the Navajo Nation who are in attendance today. It is my pleasure to present to you the Navajo Nation Judicial Branch's 4th Quarter Report for Fiscal Year 2017.

I was designated the Acting Chief Justice of the Navajo Nation on July 31, 2017, by resolution of the Law and Order Committee (LOC) and I took the Oath of Office the following day, swearing to support, obey and defend the laws of the Navajo Nation. Though I have been retired for nearly five years as a trial judge of the Navajo Nation, when called upon I decided to take on the responsibility to assist the Navajo Nation and Judicial Branch as the Acting Chief Justice.

The Judicial Branch has lost more than 50 years of experience with the recent retirements of Judge Irene Toledo with the Crownpoint Judicial District and former Acting Chief Justice Allen Sloan. The vacancy created by their departure leaves an enormous void to fill. Their experiences and contribution to the Navajo Nation is tremendous. The Navajo Nation direly needs to recruit and bring on new judges to address the high volume of cases the Navajo Nation courts are experiencing as a result of lack of judges. Before you at this Council session for consideration is the permanent appointment of Judge Malcolm Begay and Ms. Tina Tsinigine as a probationary judge. Both of these fine and qualified individuals have spent many years as staff attorneys for the Judicial Branch and are very well familiar with the Navajo justice system. I respectfully ask the Council to approve their confirmations and to further support Judicial Branch with recruitment and retention of judges.

Additionally, the Navajo Nation President has appointed Ms. JoAnn Jayne to fill the vacant Chief Justice position. This is an extremely important and vital position to be filled so that the Judicial Branch will have uninterrupted leadership. The Judicial Branch's leadership has been in acting capacity since May 2015.

The Judicial Branch continues to seek filling eight vacant district court judge positions and one associate justice position. We have designated funds specifically to fill these positions with the FY 2018 budget appropriation. We are continuing to do our part to fulfill the obligations that the Judicial Branch has in relation to the Corrective Action Plan submitted to the federal government by the Navajo Nation in response to reported overbuilding of Corrections facilities.

The Judicial Branch now has seven employees enrolled as students at Navajo Technical University (NTU) as part of the tribal court transcription program. This is a pilot project that NTU and the Judicial Branch have partnered to offer certification in tribal court transcription and interpretation. This project will enable our courts to have complete and accurate records for our future and will strengthen our entire justice system. This project is a major step forward in recording Diné bi beenahaz'aanii for our future generations. We look forward to their graduation in December 2017.

Educating and training our Judicial Branch staff remains a high priority so that we are able to provide quality services on behalf of the Navajo Nation. The Judicial Branch will be holding its annual training at the end of October where Judicial Branch staff will be receiving training on issues related to violence against women and on technology. These are issues where even further discussion is warranted and where policy decisions must be made. I look forward to commencing these discussions and reporting back to other components of the justice system.

Since my arrival as the Acting Chief Justice, I have been very fortunate to work and to interact with professional personnel from the administrative level to the district level. In that effort there are several ongoing projects progressively moving forward. Earlier I alluded to judicial personnel issues, more specifically vacant judges and justice positions. The Judicial Branch has taken a strong initiative to find innovative ways to recruit jurists to fill the positions by personally extending invitations, through advertisements, visiting institutions and at every opportunity available to us. We have maintained a close dialogue with the oversight committee, LOC, to apprise them of our direction and ongoing efforts to recruit to fill the positions.

Given that I am in an acting capacity I find myself in somewhat of a quagmire to decide long-range planning and proposed projects. However, despite these challenges with the work of our dedicated Judicial Branch staff we have identified undertaking projects. Some are short range whereas some may take time. There are plans to move forward with revising and updating Navajo court rules and publish Volume 10 of the Navajo Reporter. Some of these rules have been in place since 1978. In the nearly 40 years the Navajo judicial system has grown and has gone through transformative processes. Over the years the court has developed fragmented rules to accommodate changes. Other jurisdictions have the resources to consistently update rules periodically. There is an urgent need to upgrade and integrate the system to the level the judicial system has grown.

On September 28, 2017, the Judicial Branch released a public statement announcing the completion and release for sale of the Navajo Reporter Volume 9. This covers Supreme Court opinions and select district court decisions from 2006 to 2012. We must now begin the work on the next volume.

Crucial to the ever-growing Navajo justice system is a need to maintain a centralized record management system and archiving for court records. At the moment there is an insurmountable level of records that need to be archived for future preservation. It is incumbent upon the Judicial Branch to maintain an accurate record for future use.

The Judicial Branch along with other justice institutions continue to move forward to establish new complexes to provide the much-needed services to the public. Briefly I want to share with you the progress of the current building projects. At Pueblo Pintado court, the water in the sewer hookup has been completed. The issue of the land status became a concern for some time; however, those issues have been resolved and the court is scheduled to open in October 2017. With the modular buildings for the Administrative Office of the Court and Navajo Nation Supreme Court, this project is almost completed as well. The outstanding issues include the completion of the Supreme Court hearing room and some minor electrical work. The move into the new facility is targeted for October 2017. The project at Dził Yijiin Judicial District is more extensive. In 2015, an appropriation was made to build a new modular complex. The initial barrier Judicial Branch came across was the land status of the area where the new complex would be constructed. The land acreage and withdrawal status had to be revisited resulting in engaging in a contractual agreement with a survey company to survey the withdrawn land to establish a legal description of the property. This was completed by September 29, 2017. The next hurdle to cross is establishing in coordination with Navajo Nation Division of Community Development-Capital Project Management Department a schedule for procurement and development process that would take us into FY 2018. It is our hope that by early 2018 the construction would commence. As this project progresses, the Judicial Branch will keep the Council apprised of the progress.

As the Acting Chief Justice, I will endeavor to work vigorously with the Judicial Branch staff, the Law and Order Committee, the Budget and Finance Committee, the Navajo Nation Council, the Office of the President and Vice President, and related institutions to strive to accomplish the goals and objectives of the Navajo Nation Judicial Branch. Thank you for the time to report on the accomplishments and the direction of Judicial Branch.