

**JUDICIAL CONDUCT COMMISSION  
PLAN OF OPERATION**

I. Establishment

Pursuant to 7 N.N.C. § 421, the Judicial Conduct Commission is established as an independent commission, free from political influence and interference, receiving administrative support and assistance from the Judicial Branch of the Navajo Nation.

II. Purpose

A. Recognize that the leaders of the Judicial Branch (Alqajjì' Hashkééjì Nahat'á) shall uphold the values and principles of Diné bi beenahaz'áanii in the practice of peace making, obedience, discipline, punishment, interpreting laws and rendering decisions and judgments pursuant to 1 N.N.C. § 203(E).

B. Enhance and earn public trust and confidence in the Navajo Nation Judiciary by providing education, cultural teachings, and expertise on the responsibilities and significance of 'ánihwí'ahii as naat'áanii in Navajo society.

C. Recommend probationary appointment of judges and justices who embody the values and principles of Diné bi beenahaz'áanii, consistent with 1 N.N.C. § 203(E).

D. Educate the public that the Navajo Nation Judiciary plays a vital role in the protection, preservation, and maintenance of Navajo Nation sovereignty and nahat'á.

E. Provide a forum for fair and impartial dispute resolution and the interpretation of laws, rules and regulations in a manner consistent with the values, customs and traditions of Diné.

F. Advise the Chief Justice of the Judicial Branch, when requested to do so, to ensure that judges continue to fulfill their duties and obligations as naat'áanii consistent with hózhó for Diné and those who have dealings with Diné.

III. Powers

A. The Judicial Conduct Commission shall have the following powers:

1. The Commission shall accept delegations of authority from the Law and Order Committee consistent with 2 N.N.C. § 601(B)(2), including but not limited to the screening and recommendation of applicants for judges and justices.
2. Provide public education on the role of the 'ánihwí'ahii as naat'áanii and its significance in Navajo society;

3. Develop methodologies, tools and professional education for assessing and improving judicial performance;
  4. Engage in dialogue with justices and judges on the ethical standards and responsibilities of 'ánihwí'ahii as naat'áanii;
  5. Accept referrals from the Chief Justice or the Law and Order Committee when the law requires for the investigation of complaints or grievances against justices and judges, including probationary justices and judges;
  6. Make findings and recommend corrective action concerning justices and judges; and
  7. If the Commission concludes that a recommendation for suspension or removal of justice or judge is appropriate, such recommendation shall be conveyed to the Chief Justice and others consistent with applicable law.
- B. The Judicial Conduct Commission shall refer all complaints not properly before the Commission to the Chief Justice or to the Law and Order Committee when the complaint concerns the Chief Justice.
- C. Upon request by the Chief Justice, the Judicial Conduct Commission may submit recommendations concerning whether or not to make a probationary judge permanent.
- D. The Commission may adopt rules not inconsistent with this plan of operation or Navajo Nation laws and policies as it deems necessary and expedient for the performance of its duties.
- E. If funding permits, the Judicial Conduct Commission may establish any position necessary to carry out the purposes and functions set forth in this Plan of Operation. All positions shall be under the general direction of the Commission, subject to the Navajo Nation Judicial Branch Employee Policies and Procedures. All personnel shall be employed and compensated in accordance with the Navajo Nation Judicial Branch Employee Policies and Procedures.

#### IV. Organization

- A. Pursuant to 7 N.N.C. § 423, the Commission shall be composed of five (5) members selected as follows:
1. One (1) sitting or retired federal or state court justice or judge in good standing in his or her respective jurisdiction selected by the justices and judges of the Navajo Nation Courts.
  2. One (1) retired Navajo Nation justice or judge in good standing with the Navajo Nation Bar Association selected by the justices and judges of the Navajo Nation Courts.

3. Two (2) regular or inactive members of the Navajo Nation Bar Association in good standing selected by the voting membership of the Navajo Nation Bar Association. The NNBA members shall have no pending disciplinary proceedings against them and shall not have been formally reprimanded or suspended within a four consecutive year period prior to their selection
4. One (1) member of the Navajo general public selected by the Law and Order Committee of the Navajo Nation Council, from among applicants.

B. Officers

1. The Commission shall by a majority vote select a Chairperson and Vice Chairperson, each to serve during the term of his or her office. The Chairperson and Vice Chairperson shall continue as such officers through the respective terms of office for which they were appointed. In the event the Chairperson and/or Vice Chairperson shall cease to be a member of the Commission or resign from the office, the Commission shall select another member to succeed to such office.
2. The Chairperson shall call for and preside over meetings and work sessions of the Commission. In his or her absence, the Vice Chairperson shall preside over meetings and work sessions of the Commission.
3. In the absence of a Commission meeting, the Chairperson and the Vice Chairperson may act in place of the Commission, except that no final action may be taken in regards to a referral. The Commission may ratify the action of the Chairperson and the Vice Chairperson at the next regular meeting.

C. Term of Office

1. Each member of the Commission shall serve a term of four (4) years and may be reappointed to serve an additional term or terms. The term for a Commission member shall begin with the first official meeting that he or she attends. Upon initial constitution or re-constitution of the Commission, members in category (A)(3) shall serve two years, members in category (A)(4) shall serve three years and members in categories (A)(1) and (2) shall serve four years. Thereafter, each member appointed shall serve four years.
2. Upon expiration of term of office, a Commission member shall continue to serve until the next appointment is made.

D. Standard of Conduct

1. Each commission member shall not seek to influence a judge through membership on the Commission or by other means prohibited by law.
2. Each commission member shall not be influenced by a political body. The work of the Commission shall be free of political influence.
3. Each commission member shall abide by any applicable ethical and professional standards.
4. Each commission member is a naat'áanii and shall abide by standards of Diné Fundamental Law.

E. Removal and Vacancy from Office

1. A Commission member may only be removed from the Commission for cause, by a majority vote of the Commission, and with notice to the appointing body.
2. Reasons for removal shall include, but are not limited to, failure to uphold and foster hózhó consistent with their roles and duties while serving on the Commission and failure to comply with the standard of conduct set forth above.
3. In the event a Commission member is unable or unwilling to complete his or her term or becomes ineligible to serve, the original selecting body shall select a successor who shall be appointed for the remainder of the term.

F. Meetings

1. The Commission shall meet at least one time each year.
2. No business shall be conducted unless there is a quorum of the Commission present.
3. Commission members may attend meetings in person or by telephone, videoconference or other means approved by the Chairperson.

G. Quorum

1. Quorum shall be three (3) members.
2. Proxies are not allowed in lieu of attendance.

H. Compensation

Commission members may receive an honorarium for participating in meetings and/or work sessions and/or be reimbursed for travel expenses pursuant to Navajo Nation travel policies when such is authorized and funds are appropriated.

I. Expenditures

All expenditures shall be approved by majority vote of the Commission. In the absence of a Commission meeting, the Chairperson and the Vice Chairperson may act in place of the Commission. The Commission may ratify the action of the Chairperson and the Vice Chairperson at the next official meeting. If ratified by the Commission, such expenditures shall be considered approved by the whole Commission.

J. Administrative staffing

The Office of the Chief Justice shall serve as the secretariat of the Judicial Conduct Commission for purposes of meeting notice and coordination, support services, and the administration of programs of the Commission. The Commission shall have the responsibility and authority to designate administrative support staff of the Judicial Branch for purposes of processing expenditures and other budgetary matters.

V. Oversight

- A. The Judicial Conduct Commission shall operate pursuant to a Plan of Operation and policies and procedures recommended by the Commission and approved by the Law and Order Committee of the Navajo Nation Council.
- B. The Commission will provide an annual written report to the Law and Order Committee on the activities, performance and administration of the Commission

VI. Amendments

This plan of operation may be amended by the Law and Order Committee of the Navajo Nation Council. The Judicial Conduct Commission may recommend amendments to the Plan of Operation.