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## **NAVAJO NATION COUNCIL PASSES LEGISLATION TO ESTABLISH JUDICIAL BRANCH FUND**

On the first day of its spring session, the Navajo Nation Council voted to pass legislation to establish the Hashkééjí Nahat'á Béeso Bá Hooghan with funds from the award received as a result of litigation initiated by the Judicial Branch in *Navajo Nation v. Department of Interior*.

The Hashkééjí Nahat'á Béeso Bá Hooghan fund will provide financial support and/or financing for the development of the Judicial Branch including its programs, projects and facilities. With this legislation, the Chief Justice of the Navajo Nation Supreme Court recommends an expenditure plan for approval to the Law and Order and Budget and Finance Committees to use the fund.

That litigation was initiated in 2014 when then-Chief Justice Herb Yazzie requested the Navajo Nation Department of Justice to file a lawsuit against the Department of Interior and Bureau of Indian Affairs for violating the Indian Self-Determination and Education Assistance Act by not failing or approving the Calendar Year 2014 annual funding agreement within the statutorily mandated 90 days. The Navajo Nation was awarded \$18,279,923.32 as a result of the litigation.

The legislation states, "The Navajo Nation recognizes that a fully funded, independent judiciary and peacemaking system is necessary to protect the sovereignty of the Navajo Nation and respects the expertise of the Judicial Branch leadership to identify the priorities for expending the funds awarded by the federal court through *Navajo Nation v. Department of Interior, et al.*, no. 14-cv-1909 (TSC) as well as the funds from any subsequent awards or settlements."

The legislation was sponsored by Law and Order Committee Chairwoman Eugenia Charles-Newton, Shiprock. It was assigned to the Law and Order Committee, Budget and Finance Committee, Naabiki'iyáti Committee and the Council.

The Judicial Branch thanks the Navajo Nation Council for passing the legislation.

Chief Justice JoAnn B. Jayne also delivered her quarterly message to the Navajo Nation Council on the first day of its spring session.

Chief Justice said in her message to the Council that it is vital to give information to the public through the reports given to leadership. She spoke about the role of judges and justices in giving justice to the people and interpreting and applying Navajo Nation law.

Chief Justice also reiterated the need to fill vacant judge positions to promote an independent judiciary.

“In order for the Branch, in order for the Nation, to have justice for individuals, the Judicial Branch needs to have a full judiciary, meaning that we need to have 17 judges. Right now we have 11. We have six vacancies,” she said.

“We are very thankful that we have had individuals step forward to say, ‘Yes, I want to be a judge,’” she added. “The Judicial Branch has been working very, very hard at recruiting.”

Judges are also part of the Judicial Conference, which recommends policies of the Judicial Branch, she said. One such policy involved developing the Judicial Branch’s proposal for potential use of American Rescue Plan Act funds. The consensus from the Judicial Conference was to gather all the needs of the Judicial Branch courts and programs. The needs encompass personnel, technology and facilities and would assist the Branch to serve the public.

Chief Justice finished her report with comments on the case load of the Navajo Nation courts because many questions often involve the case load of the courts. “We learn from all the questions that Council gives us and so we are committed to working on case load. The case load and the number of judges, they go hand in hand,” she said.

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