

Diné Justice

The Official Newsletter of the Judicial Branch of the Navajo Nation

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Probation Academy graduates 24

KAYENTA—The first Navajo Nation Probation Academy graduated 24 probation officers during a ceremony in Kayenta on October 19, 2012.

Probation officers within the Judicial Branch obtained training that enhances their skills and knowledge of probation issues regarding awareness, trends, processes, officers' safety, procedures and people skills to be able to work with sen-

sitive issues clients are encountering. The academy provided probation officers with ideas and issues that relate to working with probation clients. The Chief Probation Officer and the probation officers will continue seeking additional training to enhance the probation services and their skills.

"This has been a long time coming

Cont'd. on p. 7

INSIDE THIS ISSUE:

About us	2
Associate Justice meets with DOI Secretary	3
Judicial Branch highlights	4
District Court Judges updates	5
Student intern	6

New plan of operation approved for the Peacemaking Program

On July 30, 2012, the Law & Order Committee of the Navajo Nation Council unanimously approved the Peacemaking Program's plan of operations that sets forth the Program's new traditional services.

The Peacemaking Program plan of operation clarifies the roles of the program and the courts and incorporates new enacted laws such as the Alchíní bi Beehaz'aanii Act and the Vulnerable Adult Protection Act.

The provisions of the new plan of operations reverse several decades in which peacemaking has fundamentally changed as a result of efforts to institutionalize peacemaking. The Program will now strive to fully develop peacemaking in Diné communities.

The new plan reinforces the independence of the peacemakers, clarifies the goal of peacemaking and reiterates the need for the traditional components to be distinct and separate from court-style processes. It replaces the Peacemaking Guidelines established in 2004.

Also, Judicial Branch was notified that the Peacemaking Program has been awarded \$73,497 from the U.S. Department of Justice Edward Byrne Memo-

rial Justice Assistance Grant for the "Juvenile Dependency, Diversion and Alternative Sentencing Peacemaking Project." This means that peacemaker fees for services addressing family preservation and juvenile accountability can be paid for indigent individuals and families so long as funds are available.

The award will fund peacemaker fees for the Program's extended range of services that include *hózhóji naat'aah* (traditional peacemaking), *átchíní báNdazhnit'á* (Diné family group conferencing), and life value engagements in which peacemakers sit with individuals or groups to help them confront problems and reach *hozho* with clarity and permanence.

The recent developments make it possible for the Program to finally fulfill its mandate under 7 N.N.C. §§ 409-413, which include conforming procedures of *Hózhóji Naat'aanii* to traditional concepts; to support peacemakers in the community, and to provide education on Diné culture traditions.

The Peacemaking Program has also recently been awarded a grant by the federal Administration for

Cont'd. on p. 6

About us

Judicial Branch of the Navajo Nation

The sovereign Navajo Nation has the authority to enact laws, apply its laws, and enforce its laws. The Navajo Nation Council enacts the laws; the Executive Branch executes those laws; and the Navajo Nation courts interpret and apply those laws.

The Navajo Nation courts make up the Judicial Branch of the Navajo Nation. The Judicial Branch is one of the three branches of the Navajo Nation government. The other two branches are the Legislative Branch, made up of the Navajo Nation Council, and the Executive Branch, headed by the President of the Navajo Nation. The Judicial Branch is equal to the other two branches.

The Navajo Nation operates a two-level court system: the trial courts and the Navajo Nation Supreme Court. Cases begin in the trial courts. Appeals of trial court decisions and quasi-judicial administrative bodies' decisions go to the Navajo Nation Supreme Court, which sits in Window Rock. Individuals have their rights protected and claims settled fairly in the Navajo Nation courts. The Navajo Nation courts handle over 75,000 cases per year.

The Navajo Nation courts presently consist of 11 judicial districts. There is a district and family court in each judicial district. The judicial districts further support community-based peacemaking services. In 1988, judicial districts in the Navajo Nation had numbered seven -- Chinle, Crownpoint, Kayenta, Ramah, Shiprock, Tuba City, and Window Rock. The satellite courts of Alamo and To'hajiilee, that had earlier been included in the Ramah Judicial District, became the distinct Alamo/To'hajiilee Judicial District effective April 4, 2006. The Dilkon Judicial District was also added at that time. The tenth judicial district, Aneth, was created by the Judiciary Committee on August 10, 2007, serving the northern portion of the Navajo Nation. The Dził Yijiin Judicial District was created by the Law and Order Committee on May 29, 2012.

The Navajo Nation judiciary has three appellate judges who sit on the Supreme Court. One appellate judge is the Chief Justice and two are Associate Justices. Seventeen trial judges preside in the district and family courts. The Chief Justice supervises the judges and judicial hearing officers and heads the Judicial Branch. The Chief Justice directs the preparation of the budget, sets and implements policies, and oversees Judicial Branch operations.

The Judicial Branch Employee Personnel Policies and Procedures was approved by the Judiciary Committee on November 5, 2012 and applies to Judicial Branch employees who are not judges. Judges work within the bounds of Title 7 of the Navajo Nation Code, the Navajo Nation Code of Judicial Conduct, Judges' Personnel Rules, various court rules, and the Chief Justice's supervision.

Judicial Branch Vision

It is our vision that the present judicial system, consisting of an adversarial-style tribal court system modeled on Anglo courts, a peacemaking system modeled on Diné original dispute resolution methods, and Probation and Parole Services, will fully embody the values and processes of the Navajo People, including family and clan-centered Navajo values. Our justice system as a whole will truly reflect the heart and soul of the Diné. It will be one that the People recognize as their own and fully participate in the spirit of nábináháazlaago.

Judicial Branch Mission

The Judicial Branch will provide stability in the Navajo Nation government by providing court, peacemaking, and probation and parole services, to adjudicate cases, resolve disputes, rehabilitate individuals and families, restore harmony, educate the public, agencies, services and other governments in Diné bi beenahaz'áanii and protect persons and property pursuant to Navajo Nation laws, customs, traditions and applicable federal laws. Pursuant to Diné bi beenahaz'áanii, the Judicial Branch will carefully develop a justice system that fully embodies the traditional values and processes of the Navajo people.

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Send submissions and ideas for our newsletter to karenfrancis@navajo-nsn.gov.

Branch news

Associate Justice presents plan for Supreme Court complex to Department of Interior Secretary Salazar

TSE BONITO, N.M.—Associate Justice Eleanor Shirley met with Department of Interior Secretary Ken Salazar on October 28, 2012, to relay the great needs of the Judicial Branch. She also presented the secretary with plans for the construction of a Navajo Nation Supreme Court complex to be built in Window Rock. The Judicial Branch is seeking funds for the construction.

Justice Shirley made the following remarks to Secretary Salazar:

“Your government informs us, and we believe, that there will be even further cuts in meeting your treaty, contractual, and moral obligations.

“We are concerned of how that will impact our Nation.

“We hear from President Obama and from you on numerous occasions that you support self-determination by Indian Nations.

“Of course, we support you in the effort to ensure that Indian Nations maintain their



10/28/12—First Lady Martha Shelly, President Ben Shelly, Secretary Salazar, Associate Justice Eleanor Shirley, Speaker Johnny Naize

Cont'd. on p. 7

Legislative update

Legislation 0236-12 was approved by the Law and Order Committee on July 23, 2012. This legislation establishes a task force to review Title 17 penalty provisions. Aneth Judicial District staff attorney Glen Renner was appointed to the task force as part of the legislation.

Legislation No. 0253-12 to approve the Peacemaking Program's Plan of Operations was approved by the Law and Order Committee on July 30, 2012.

Legislation 0295-12 to approve the Navajo Nation Tribal Transportation Improvement Plan for Fiscal Year 2013 Indian Reservation Roads Program was passed by the Resources and Development Com-

mittee on Aug. 7, 2012. This plan includes the judicial access road for the proposed Supreme Court complex.

Legislation No. 0413-12 to accept the Edward Byrne Memorial Justice Assistance Grant for \$73,497 for the Navajo Nation Juvenile Diversion and Alternative Sentencing Peacemaking Project was approved by the Naabikiyati Committee on October 11, 2012

Legislation No. 0265-12 to appoint Regina Holyan as probationary Associate Justice of the Navajo Nation Supreme Court failed with a vote of 8 in favor and 9 opposed on October 17, 2012, during the Navajo Nation Council fall session. ■

Judicial Branch highlights

Highlights from the Judicial Branch FY 2012 4th Quarter

Two judicial/public safety justice facilities are currently under construction. Construction on the Tuba City justice center began Feb. 21, 2011, and will be ready for occupancy in January 2013. Construction in Crownpoint began June 6, 2011, and the facility is expected to be ready for occupancy on Jan. 14, 2013.

The Law and Order Committee approved a transfer of funds from the Crownpoint construction project to the Chinle judicial/public safety justice center project. The funds are part of the loan from Key Bank and the savings were the result of a BIA contribution toward the construction of the Crownpoint justice center. However, additional funds are necessary to fund the facility, which is expected to include adult corrections, law enforcement, courts, peacemaking and parking areas. The project will utilize the prototype design from the Crownpoint project. Arcadis has been chosen as the project management firm and Dyron Murphy has been selected as the architectural firm.

Since the Dzil Yijiin Judicial District has been established, funds have been appropriated for delivery of services in FY 2013. The Judicial Branch has also contributed \$200,000 to assist with the designing of a justice complex which would house the court, law enforcement and correctional facility in Pinon, Arizona. VCBO Architectural Firm has completed designs and drawings for the proposed facilities and efforts to secure funding are in progress.

For the newest judicial district, the Pinon Community School approved space to temporarily house the court, which is located on the west side of the school. The school administrations at the unified school district and at the community

school and the chapter officials have been very helpful in preparing the court building. Two court clerks from the Chinle Judicial District were temporarily assigned to Dzil Yijiin Judicial District to assist the one staff member. Court hearings have been scheduled and heard in Pinon, Arizona. Judge Cynthia Thompson was assigned to Dzil Yijiin Judicial District two days out of the week, in addition to her regular duties at Chinle Judicial District. The Chinle court administrator and Judge Thompson will provide technical assistance to Dzil Yijiin Judicial District.

Tuba City Judicial District staff attorney Tina Tsinigine provided four pro se trainings for individuals that wished to file pro se packets with the court. Pro se training topics include dissolution of marriage, paternity, child visitation, child custody, child support, correction of record, declaration of name, how to answer a petition, guardianship of a minor/adult, probate, quiet title and name change. Individuals who want to represent themselves attend these trainings so they are aware of what the law requires and their duties and responsibilities in court. Aneth Judicial District also facilitated a pro se workshop to provide education to participants on the process of filing petitions and explained the various pro se petitions available at the court. To'Hajiilee/Alamo Judicial District is working to provide pro se clinics at both its courts.

The Aneth Judicial District staff hosted two Community Court steering committee meetings at the Aneth District Court. The committee met to provide updates on the progress of the community court project and review the finalized community court procedures manual. Brett Taylor and Aaron Arnold of the Community Court

District Court Judges

Judges retire



District Court Judge Thomas Holgate (pictured left) retired August 31, 2012, after 15 years of service. He was serving at the Window Rock District Court when he retired.

District Court Judge Laverne A. Johnson retired October 31, 2012. Judge Johnson served on the bench for 21 years. She was serving at the Window Rock Judicial District at the time of her retirement. ■

Updates on judges

- Judge Rudy Bedonie was reassigned to Chinle Judicial District in August 2012. He is also assigned to assist Dilkon Judicial District.
- Judge Geraldine Benally was assigned to the Window Rock Judicial District on a full-time basis during the FY 2013 4th quarter.
- There remain seven vacant district court judge positions. The Law and Order Committee has forwarded applicants to the President of the Navajo Nation and the Judicial Branch continues to list vacant positions on its website to solicit applicants. There is also one vacant Associate Justice position on the Supreme Court.

Initiative in New York attended the meeting in Aneth. They gave ideas and input to develop a strategic plan for the Aneth Community Court.

The Crownpoint Probation Services is currently presiding over Teen Court cases on a rotating basis until a permanent staff attorney is hired for the Crownpoint Judicial District. Probation officer Charlotte Tabaha stated that she was pleased to be a part of the Teen Court effort to resolve truancy issues as alternative sentencing by the family court in the district of Crownpoint. She heard four cases pertaining to truancy this quarter.

The Office of Probation and Parole Services is now its own department with 29 probation officers throughout the 11 judicial districts. They will be supervised by the Chief Probation Officer. These changes within our Judicial Branch structure have been done to fulfill the direction of our Strategic Plan developed by our employees. The

office will work on a plan of operation.

The Judicial Branch of the Navajo Nation had a caseload of 24,324 cases across all Judicial Districts and the Supreme Court. The most cases came from Window Rock Judicial District with 4,705 cases or 19.34 percent of the entire caseload. The second highest amount case from Shiprock Judicial District with 4,697 cases or 19.31 percent of the entire caseload. The most common types of cases were criminal with 7,547 cases and the second most common type were civil traffic cases with 5,815.

Probation Services had a caseload of 3,160 and Peacemaking Program had a caseload of 355.

Further information on the statistics from Judicial Branch are available in the FY 2012 4th Quarter report, which may be accessed on the www.navajocourts.org website. ■

Branch news

Student intern



Evelyn Blackgoat (pictured left) interned at the Administrative Office of the Courts in Window Rock beginning in mid-June to mid-September. Ms. Blackgoat performed a variety of activities and tasks at the office, mostly assisting the judicial legal secretary with clerical duties.

"I learned how it feels

to have a job and learning hands-on experience," she said.

Ms. Blackgoat, from Fort Defiance chapter, is majoring in criminal justice at the University of New Mexico—Gallup. She is a 2009 graduate of Gallup High School.

"I'm looking forward to finishing my bachelor's and higher education," she said. ■

Peacemaking Program

Cont'd. from p. 1

Children and Families Tribal Court Improvement Program to be used to develop local peacemaker capabilities in housing subdivisions.

Peacemakers will hold life value circles for residents on a regular basis and also serve as a touchstone for community issues, especially those regarding the well-being of the community's children.

The grant is entitled "Peacemaking Toward Asset-Building Navajo Nation Rural Communities." The award is made in annual budget increments; \$146,602 has been initially awarded for 2012-2013 with the budget renewable for up to three years for a total of \$439,807.

The grant will provide funding to pay fees for peacemakers to provide services in rural Navajo communities. This will fund about one-

quarter of referrals expected as a result of the Alchíní bi Beehaz'áanii per year. The grant is budgeted by the grantor on a year-to-year basis.

Under this grant, traditional peacemaking services, including traditional dispute resolution, teaching of cultural life values and youth mentoring, will become available to affected families on a far more local basis than ever before.

However, not all communities can be funded. A Tribal Court Improvement Program Team will be established, which will consist of courts, agencies, peacemakers, schools, families and communities. The team is expected to identify and target priority communities where peacemakers will be placed and where services will be funded with the goal of maximizing those communities' cultural strengths.

Furthermore, a community development specialist will be hired under the grant to assist with the goals of the program.

Finally, consultants with a background in assisting in inter-program collaborative dialogue will be brought in to bring the Judicial Branch and Social Services together in formulating holistic approaches to resolving issues facing at-risk children in efforts to keep children in their homes and increase accountability of families.

The Judicial Branch applied for the funding because vast rural distances on the Navajo Nation create difficulties in enforcement of protection orders, and in treatment, rehabilitation and assistance to at-risk children and their families.

This award now goes to the legislative process for acceptance. ■

Branch news

Probation Academy

Cont'd. from p. 1

event for the program and to be able to complete the first task of uniforming the program is just the beginning of a structured program under this newly developed Office of Probation Services," said Chief Probation Officer Lucinda Yellowhair. "I feel accomplished, proud and prideful. This is only the beginning of possibilities for the program and its capabilities to provide adequate services for clients who stray into the ill starred effects of violence, alcohol and drugs."

The certification now provides Probation Officers the opportunity to further enhance their skills and other opportunities under the American Probation and Parole Association and other various resources.

The Probation Academy was a long standing goal for the Chief Probation Officer. It included four week-long sessions with courses for participants beginning in June 2012. Classes were conducted by Fox Valley Technical College. ■

Secretary Salazar visit

Cont'd. from p. 3

rightful place in the American system of government.

"Today, I want to emphasize and caution you that the cuts that are going to occur from your Department, the BIA, and Department of Justice must not be implemented and administered as a unilateral function of the federal government.

"The Indian Nations must be allowed to inform you how the cuts will be allocated on their Nations. That is, self-determination. 'One size does not fit all'

"Right now, we are supposed to be engaged in renegotiating a new multiyear '638 contract for our courts; our contract expired on December 31, 2011. We have had this contract for 31 years.

"During that time, we have never been adequately funded to operate this contract, both in direct and indirect contract support cost.

"We have not received any assurance that the new contract being negotiated will at least reduce the amount of shortfall.

"For the last several years, it has cost the Navajo Nation \$14 million a year to operate the courts.

"Yet, the federal government has only funded \$1.2 – \$1.3 million for several years.

"We cannot continue to operate like this.

"Therefore, we need your intervention to address this concern within your department.

"I have another matter to bring to your attention.

"The result of all the years of inadequate funding of the central administration of our courts, including the administration of our Supreme Court, has resulted in having to run the largest Native American judicial system from mobile home trailers and renting old buildings that were never designed to be court facilities.

"I am presenting to you the result of the work we have done on our own to realize the need and our dream of constructing a proper judicial complex here in Window Rock.

"We need your intervention and attention to see how this can be achieved. It will cost \$15 million

"Finally, and most importantly, the Chief Justice and I plea with you and President Obama to not allow the ski resort upon Dooko'osliid, the San Francisco Peaks, to use your Department's Forest Service permit to desecrate a most sacred site of our people and that of numerous other Indian Nations by using sewage effluent to make artificial snow.

"Economic gain and entertainment must never supersede protection of sacred sites which sustain Native peoples.

"In our high desert region, our ecology makes skiing a luxury, a luxury that cannot be sustained; for sure it will destroy the sacred relationship of our people with Mother Earth.

"The Chief Justice and I plea with you, your department, and President Obama not to be complicit in attacking and desecrating native religions." ■

**Judicial Branch of the Navajo
Nation**

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Fiscal

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F: (505) 368-1288

Crownpoint Judicial District

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F: (505) 786-2086

Kayenta Judicial District

T: (928) 697-5549
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Aneth Judicial District

T: (435) 651-3545
F: (435) 651-3546

Chinle Judicial District

T: (928) 674-2070/2071
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Dilkon Judicial District

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Ramah Judicial District

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