

Diné Justice

The Official Newsletter of the Judicial Branch of the Navajo Nation

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Probationary judges confirmed, assigned to judicial districts

Three probationary district court judges were confirmed for probationary appointment by the Navajo Nation Council during the 2013 Winter Session. Hon. Leonard Livingston, Hon. Roy Tso, Jr., and Hon. Victoria Yazzie were sworn in on Jan. 30, 2013 by Associate Justice Eleanor Shirley following their confirmations. Livingston has been assigned to the Shiprock Judicial District. Tso has been assigned to the Dilkon

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Violence Against Family Act contains victims' rights

The Navajo Nation courts have found that there is a need for the public to be educated on the Violence Against Family Act. There are several components of the VAFA that should be emphasized for the general public to know. Most significantly, the VAFA codifies the rights of victims of family violence for the first time. The VAFA adds approximately 27 family violence crimes to the existing Law and Order Code, including stalking, which previously was not a crime. Furthermore, there is a mandatory arrest of an alleged offender with no need for a warrant and sentences are generally more stringent than for a non-family violence crime.

The Violence Against Family Act was passed by the Navajo Nation Council on January 25, 2012, and signed into law by the President on February 16, 2012. The Act amends the Law and Order Code at 17 N.N.C. §§ 534-559. An advisory council including representatives from the Navajo Division of Social Services, Battered Families and Home Shelter, the Judicial Branch, Window Rock Police Department and the Navajo Nation Office of the Public Defender worked on these amendments.

The purpose of the VAFA is to provide for the safety and protection of family members from violence; recognize that family violence is contrary to the traditional Navajo way of life and is a violation of fundamental human rights; utilize the criminal justice system to impose consequences upon individuals for behaviors that violate traditional Navajo values such as k'e and hozho; and to require the criminal justice system to respond to family members with fairness and compassion and in a prompt and effective manner.

The VAFA defines family violence as a criminal act committed by a family member against another family member resulting in physical harm, a threat causing imminent fear of bodily injury, emotional distress, stalking, harassment, electronic harassment, criminal trespass and financial or economic loss. Under the VAFA, a family member includes a present or former spouse (including common law and traditional), household member, parent, legal guardian, present or former stepparent, present or former stepchildren, former in-law, relative to the second affinity (aunts, uncles, nieces, nephews, cousins, grand-

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About us

Judicial Branch of the Navajo Nation

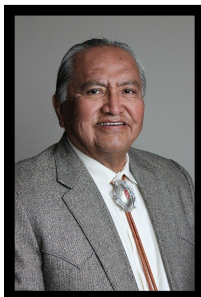
The sovereign Navajo Nation has the authority to enact laws, apply its laws, and enforce its laws. The Navajo Nation Council enacts the laws; the Executive Branch executes those laws; and the Navajo Nation courts interpret and apply those laws.

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 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/Tó'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 Yíjiiin 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.



Herb Yazzie, Chief Justice
JUDICIAL BRANCH
OF THE NAVAJO NATION

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

2013 Justice Days



May 2012—To'hajilee Court Justice Day

Justice Days held at judicial districts.

Justice Day gives the public an opportunity to visit the courts and to learn about how our justice system works. Judicial districts will be observing Justice Day with various activities that are open to the public.

The courts of the judicial districts will be holding Justice Day on the following dates and locations:

April 1, 2013 marks the 54th anniversary of the Navajo court system. The Navajo Nation Judicial Branch celebrates the creation of the Navajo court system with Jus-

APRIL 1

Chinle Judicial District

(928) 674-2070

Crownpoint Judicial District

(505) 786-2072

Aneth Judicial District

(435) 651-3545

APRIL 2

Window Rock Judicial District

(928) 871-6962

APRIL 12

Tuba City Judicial District

(928) 283-3140

Dilkon Judicial District

(928) 657-8141

Shiprock Judicial District

(505) 368-1270

MAY 3

Dzil Yijiin Judicial District

Pinon, Arizona

(928) 675-2325

Ramah Judicial District

(505) 775-3218



April 2012—Window Rock Judicial District Justice Day

Superintendent urges strong judiciary during Summit



Superintendent Larry Wallen speaks at the Navajo Nation Education Summit.

Pinon Unified School District Superintendent Larry Wallen urged for the Navajo Nation to empower the Navajo courts and the police department to help the schools deal with issues such as truancy and drug abuse.

Wallen said that currently, too much money is being spent on security by the schools.

Wallen made his remarks

during a roundtable discussion of district superintendents at the first Navajo Nation Education Summit on November 16 at the Navajo Nation Museum.

The roundtable was titled "Working Towards the Advancement of Navajo Students." The theme of the summit was "From Cradle to Career: A Navajo Life in Numbers." ■

Judicial Branch highlights

Highlights from the Judicial Branch FY 2013 1st Quarter

The new Office of Probation Services organizational structure became effective Oct. 1, 2012. The chief probation officer is supervising 29 probation officers and three office technicians. The plan of operations for Probation Services has been completed and is in the stages of review. It must still be approved by the Law and Order Committee. The chief probation officers and probation officers are also working on the standard operating procedural manual. It is in the final stage of review before it is approved for utilization.

The chief probation officer met with federal probation officers and Department of Behavioral Health Services to discuss the issue of probation clients who are on intensive supervision and reside within the borders of the Navajo Nation. The process of courtesy supervision was explained and how it can be utilized. She also attended the Tribal Probation Officers Supervisory Training Group to discuss training areas for probation officers through Fox Valley Criminal Justice Training Center. The chief probation officer spoke at the National Training Conference for Criminal Justice and Community Leaders and participated in sessions during the conference.

At the Tuba City Judicial District, staff attorney Tina Tsingine provided six pro se trainings for individuals who filed pro se packets with the court. The training topics included dissolution of marriage, validation of common law marriage, recognition of traditional marriage, paternity, child visitation, child custody, child support, modifications, correction of record, declaration of name, how to answer a petition, guardianship of a minor/adult, probate, quiet title, and name change. Staff attorney Dan Moquin facilitated a pro se clinic at the Ramah Judicial District. In the first quarter, he presented on pro se forms.

Staff from the Shiprock and Kayenta Judicial

District Courts attended the National Center for State Courts training "E-Courts" Dec. 10-12 as Navajo Nation Integrated Justice Information Sharing Project representatives. The participants had the opportunity to learn about current electronic filing and payment methods, audio and visual equipment and court software utilized by courts. The knowledge gained will help to further the NNIJISP in its effort to progress toward electronic filing and payment methods and information sharing between agencies.

The Shiprock Judicial District staff provided training to end-users during go-live Justware applications for Crownpoint and Tuba City Judicial Districts. Continued users training was provided to court personnel at Crownpoint, Tuba City and Window Rock Judicial Districts. Shiprock Judicial District has been very supportive in further developments toward implementation of e-filing, e-discovery and e-payment.

The Bureau of Indian Affairs Office of Judicial Services and Office of Facilities Management Construction made an on-site visit to the Tuba City Judicial District on Dec. 20-21, 2012, to provide technical assistance in completing the application for funding for operation and maintenance costs through the BIA. The BIA representatives also visited the Kayenta Judicial District where they were provided an assessment on the district's current facilities needs and a funding proposal for the construction of a judicial complex that would adequately and sufficiently meet the service needs of the public and staff.

Dzil Yijiin Judicial District has been assigned a probation officer and a traditional program specialist from the Peacemaking Program. An area office has been established for them to provide services.

The Alamo-To'hajiilee Judicial District contin-

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District Court Judges

New district court judges

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Judicial District. Yazzie has been assigned to the Dził Yijiin Judicial District.

The legislations to confirm the probationary appointments of Tso and Yazzie were sponsored by Council delegate Russell Begaye, Shiprock, who is a member of the Law and Order Committee. Edmund Yazzie, Thoreau, sponsored the legislation to confirm Livingston

The probationary district court judges completed the process as outlined in Title 7 of the Navajo Nation Code to be appointed to the bench for a two-year probationary period.

Per 7 N.N.C. § 355, the President of the Navajo Nation makes judicial appointments with confirmation by the Navajo Nation Council from

among applicants recommended by the Law and Order Committee, which has its own screening process. Judges and justices are appointed for a probationary period of two years. Subsequently, they are subject to a review and may be recommended for permanent appointment.. The Navajo Nation Council confirms permanent appointments.

Qualifications for judicial appointments are set forth at 7 N.N.C. § 354 of the Navajo Nation Code.

An applicant for district court judicial appointment must be an enrolled member of the Navajo Nation; over 30 years old; have no felony convictions or any convictions of a Major Crime as defined by the United States Code in any jurisdiction; no misdemeanor convictions five years prior to the application in any jurisdiction; a minimum of an Associate of Arts or Science degree with preference for higher education and with particular preference for a law degree; four years direct work experience in a law related area; working knowledge of Navajo and applicable federal and state laws; knowledge of Navajo language, culture and tradition; no substance abuse or addiction; managerial ability; and Navajo Nation Bar Association membership. Applicants must also submit to a writing test, show that they have no past conflicts of interest and no violations of ethics including the Navajo Nation Ethics in Government Law. Applicants for judicial appointment to the Supreme Court must additionally possess a four-year bachelor's degree with a preference for a J.D. or L.L.M. degree.

The Judicial Branch continues to solicit applicants for vacant district court judge and associate justice positions on its website at www.navajocourts.org. ■

Current district court judges

Judge William J.J. Platero, Alamo/To'hajiilee Judicial District

Judge Irene S. Black, Aneth Judicial District

Judge Cynthia Thompson, Chinle Judicial District

Judge Rudy I Bedonie, Chinle Judicial District

Judge Irene M. Toledo, Crownpoint Judicial District

Judge Roy Tso, Jr., Dilkon Judicial District

Judge Victoria Yazzie, Dzil Yijiin Judicial District

Judge Jennifer D. Benally, Kayenta Judicial District

Judge Wilson Yellowhair, Ramah Judicial District

Judge Genevieve Woody, Shiprock Judicial District

Judge Leonard Livingston, Shiprock Judicial District

Judge Allen Sloan, Tuba City Judicial District

Judge Carol K. Perry, Window Rock Judicial District

Judge Geraldine V. Benally, Window Rock Judicial District

Judicial Branch highlights

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ued to work on the Multi-Community Approach Project. The district hosted resource meetings in Alamo and To'hajiilee to develop collaborative relationships with health, educational, chapter and justice systems to address local issues and focus on the documented gaps in the local continuum of care for truancy, substance abuse and mental health programs for families and youth

Shiprock Judicial District completed its bench warrants inventory project where warrants were verified and updated in the court records management system. Ramah Judicial District worked on a bench warrant inventory with assistance from the Ramah Navajo Department of Law Enforcement as well.

The staff attorney for the Alamo-To'Hajiilee Judicial District presented on the Violence Against Families Act during the Domestic Violence Awareness Month seminar sponsored by To'hajiilee Behavioral Health on Oct. 24, 2012. The presentation introduced the differences between civil and criminal laws involving domestic violence, outlined the various criminal offenses named in the act and discussed victims' rights in the criminal process. The staff attorney presented on the VAFA to judges, administrators and staff attorneys during the quarterly judicial conference in Ramah. She also presented on the Alchini Bi Beehaz'aanii Act during the Navajo Nation Bar Association's "Last Chance Continuing Legal Education Seminar." Discussions focused on the provisions involving pro bono appointments as guardians ad litem and respondent attorneys.

Staff attorney Dan Moquin worked with the Office of the U.S. Attorney to conduct training on domestic violence for local police officers in an effort to address service of process and train officers in detecting domestic violence in the home.

Aneth Judicial District Court Judge Irene Black and staff attorney Glen Renner met with officials from the U.S. Attorney's Office and the U.S. Marshals Service for the District of Utah. The

officials were on a three-day trip through the Four Corners region to meet with officials from the Navajo Nation and the Ute Mountain Tribe..

Chinle Judicial District Court Judge Cynthia Thompson has been participating in local meetings with schools as part of the Save Our School Project. The goals are to keep students in school, get parents involved with their children's education and educate parents and students about drugs, alcohol and suicide prevention. Judge Thompson was also a guest speaker at the 2012 Law Enforcement Appreciation Day at the Pinon Health Center. Dził Yijiin staff introduced themselves to local service providers and the general public during the event.

Several district court judges attended the Tribal Court Trial Advocacy Training on Oct. 23-25, 2012, in Chinle, sponsored by the Bureau of Indian Affairs Office of Justice Services Division of Tribal Justice Support. Topics included discovery, ethical consideration, case analysis, evidence and evidentiary foundations, and direct and cross examinations of witnesses.

Kayenta Judicial District Court Judge Jennifer Benally participated in the 2012 National Association of Women Judges Conference on Nov. 7-12, 2012. The conference allowed Judge Benally the opportunity to attend educational sessions on the Independence of the Judiciary, Hidden Impact of the Economic Crisis, Human Rights, Challenges Facing Women Lawyers and Judges, and the Power and Reach of the Internet.

The total caseload for all judicial districts and the Supreme Court for FY 2013 1st quarter was 22,509. For Probation Services, the total caseload for FY 2013 1st quarter was 2,778.

In the 1st quarter, 5,577 cases were closed at the judicial districts and Supreme Court. For Probation Services, 677 cases were closed.

The judicial districts with the highest caseload were Shiprock Judicial District with 4,551 and Window Rock Judicial District with 4,444.

More statistics are available in the quarterly report on the www.navajocourts.org website. ■

Branch news

VAFA

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parents, grandchildren) and an individual having continued personal relationship.

Criminal offenses under VAFA in Title 17 of the Navajo Nation Code include: stalking, harassment, sexual assault of a family member, unlawful imprisonment, aggravated assault of a family member, battery of a family member, aggravated battery against a family member, possession of a firearm, trespass with force or violence, burglary against a family member, threatening of a family member, custodial interference, unlawful use of a weapon against a family member, criminal damage involving family violence, violation of a family violence court order, robbery of a family member, conspiracy against a family member, solicitation against a family member, aggravated solicitation of a minor family member, and arson against a family member. An alleged offender may not be charged with both a crime under VAFA and a non-family violence crime. For example, one cannot be charged with both robbery of a family member and robbery.

The VAFA is the first time that the Navajo Nation has codified victims' rights. The law states that a victim of family violence has a "right to be treated with fairness, respect and dignity within the criminal justice system" and to have the system respond promptly and effectively. There are 10 rights listed at 17 N.N.C. § 536 (A)(1) including the right to be protected from the accused, to participate in the criminal justice system by being present and heard, to be accompanied by an advocate, to be provided information about sentencing and imprisonment of the accused, to be notified of the offender's release before the release, to be timely notified of court proceedings, to be notified of their rights and to be provided with that information at the time the crime occurs, to restitution and enforcement of orders, to be free of intimidation, harassment, abuse or initiated contact and to an interpreter or translator.

With the changes in the law, law enforcement is required to arrest an alleged offender if there is probable cause to believe he or she has committed a crime involving family violence. There is no need for a warrant and an alleged offender can be held without bond for up to 36 hours before a judge orders further detainment. If the alleged offender is arrested on a Friday, Saturday, Sunday or day before a holiday and is allowed to post bail within 36 hours but does not, he or she may be held an additional eight hours after the opening of court on the next day it is in session. In determining if there is probable cause for mandatory arrest, there are several indicators that may be used including statements of the victims, witnesses or alleged offender; physical appearance, condition and/or demeanor of individuals present; physical condition of the premises; complaints by neighbors; and other forms of documentation such as with the use of a camera or video.

Sentencing must be consistent with the sentencing terms established for each offense that is included in VAFA. Sentencing can include fines, probation, incarceration, community services and/or restitution or nalyeesh. The court may impose a reasonable condition of sentence which strives to rehabilitate the defendant or serves the reasonable needs of the victims of crime and of society. The VAFA allows for the services of a peacemaker to be used to determine nalyeesh and to make sentencing recommendations. Furthermore, the victim and family must be given an opportunity to write a victim impact statement and make a statement before sentencing.

These are significant changes to the Navajo Nation Code. We at the courts encourage law enforcement and our Navajo people to become familiar with this law. ■

**Judicial Branch of the Navajo
Nation**

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Window Rock, Arizona 86515



Navajo Nation Judicial Branch Directory

Supreme Court of the Navajo Nation

T: (928) 871-6763
F: (928) 871-7016

Administrative Office of the Courts

Office of the Chief Justice
T: (928) 871-7669
F: (928) 871-6866

Judicial Administration

T: (928) 871-6762
F: (928) 871-6761

Human Resources

T: (928) 871-7023
F: (928) 871-6862

JUDICIAL DISTRICTS

Tuba City Judicial District

T: (928) 283-3140
F: (928) 283-3158

Window Rock Judicial District

T: (928) 871-6962/6984
F: (928) 871-7560

Shiprock Judicial District

T: (505) 368-1270
F: (505) 368-1288

Crownpoint Judicial District

T: (505) 786-2072
F: (505) 786-2086

Kayenta Judicial District

T: (928) 697-5549
F: (928) 697-5546

Aneth Judicial District

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

Chinle Judicial District

T: (928) 674-2070/2071
F: (928) 674-2089

Dilkon Judicial District

T: (928) 657-8134
F: (928) 657-8146

Ramah Judicial District

T: (505) 775-3218
F: (505) 775-3399

Dzil Yijiin Judicial District

T: (928) 675-2325
F: (928) 725-3712

Alamo/To'hajiilee Judicial District

Alamo Court
T: (575) 854-2668/2669
F: (575) 854-2660

To'hajiilee Court

T: (505) 908-2817/2818
F: (505) 908-2819

Peacemaking Program

Administration
T: (928) 871-6388
F: (928) 871-6120

Tuba City (928) 283-3143
Window Rock (928) 871-6940
Shiprock (505) 368-1276
Crownpoint (505) 786-2084
Kayenta (928) 697-5502
Aneth (435) 651-3545
Chinle (928) 674-2554
Dilkon (928) 657-8136
Ramah (505) 775-3218
Alamo (575) 854-2866/2868
To'hajiilee (505) 908-2817

Probation Services

Chief Probation Officer
T: (928) 871-6765
F: (928) 871-6761

Tuba City (928) 283-3440
Window Rock (928) 871-6625
Shiprock (505) 368-1278
Crownpoint (505) 786-2082
Kayenta (928) 871-697-5500
Aneth (435) 651-3545
Chinle (928) 674-2552
Dilkon (928) 657-8134
Ramah (505) 775-3218
Alamo Court (575) 854-2668
To'hajiilee Court (505) 908-2817

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