LEGISLATION NO: _0365-19_____ SPONSOR: Otto Tso

TITLE: An Action Relating to the Navajo Nation Council; Confirming the probationary appointment of Malcolm Laughing as Navajo Nation District Court Judge

Date posted: November 27, 2019 at 2:02pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0365-19

DATE: November 26, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF MALCOLM LAUGHING AS NAVAJO NATION DISTRICT COURT JUDGE

PURPOSE: This bill will confirm the appointment of District Court Judge Malcolm Laughing for a two year probationary period. The President of the Navajo Nation shall appoint the District Court Judges with confirmation by the Navajo Nation Council from among those applicants recommended by the Law and Order [Judiciary] Committee of the Navajo Nation Council. The Law and Order Committee delegated its responsibility and authority to the Judicial Conduct Commission to screen applicants and to recommend the probationary appointment of judges and justices. LOCS-19-18. The Navajo Nation Council shall confirm judicial appointments. 7 N.N.C. § 355 (A).

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

[Signature]
(Prime Sponsor)

TRACKING NO. 0365-19

AN ACTION

RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE
PROBATIONARY APPOINTMENT OF MALCOLM LAUGHING AS NAVAJO
NATION DISTRICT COURT JUDGE

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation established the Law and Order Committee as a Navajo Nation
standing committee and as such gave the Law and Order Committee authority to
recommend to the Navajo Nation President the permanent appointment of probationary
judges. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(10).

B. The Law and Order Committee delegated its responsibility and authority to the Judicial
Conduct Commission to screen applicants and to recommend the probationary
appointment of judges and justices. LOCS-19-18.

C. The Judicial Conduct Commission made its recommendation to the Navajo Nation
President for Malcolm Laughing to be appointed as a probationary judge of the Navajo
Nation. JCC-01-19.

D. The President of the Navajo Nation shall appoint the Chief Justice, Associate Justices,
and District Court Judges with confirmation by the Navajo Nation Council from among
those applicants recommended by the Law and Order [Judiciary] Committee of the
Navajo Nation Council. The Navajo Nation Council shall confirm judicial appointments. 7 N.N.C. § 355 (A).

E. References in the Navajo Nation Code and other official documents to the Government Services and Intergovernmental Relations Committee shall mean Naabik’íyáti Committee, unless the amendments enacted herein for the context of previous law indicates otherwise. See CO-45-12.

Section Two. Findings

A. Malcolm Laughing is an enrolled member of the Navajo Nation and is an applicant for appointment as District Court judge. Mr. Laughing’s application and qualifications have been reviewed by Judicial Conduct Commission, and he has been interviewed by Judicial Conduct Commission. See JCC-01-19, attached hereto as Exhibit A.

B. The Judicial Conduct Commission has determined that Malcolm Laughing meets the qualifications for appointment as Navajo Nation Judge and has recommended him for probationary appointment to the Navajo Nation President. Id.

C. The Navajo Nation President has appointed Malcolm Laughing as Navajo Nation judge, subject to confirmation by the Navajo Nation Council. See Appointment Letter and Qualification Documents attached hereto as Exhibits B and C, respectively.

Section Three. Confirming Probationary Appointment

The Navajo Nation confirms Mr. Malcolm Laughing as a probationary Navajo Nation Judge.

Section Four. Navajo Nation Privacy Act

Confidential information within application documents shall remain protected except upon its authorized disclosure by the appointee. 2 N.N.C. § 81 et seq. (2009).