

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0226-20__

SPONSOR: Carl R. Slater

**TITLE: An Action Relating To Law And Order And the Navajo Nation Council;
Confirming the Probationary Appointment Of Victor Clyde As Navajo Nation
District Court Judge**

Date posted: September 11, 2020 at 7:00 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0226-20

DATE: September 10, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER AND THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF VICTOR CLYDE AS NAVAJO NATION DISTRICT COURT JUDGE

PURPOSE: This resolution, if adopted, would confirm the probationary appointment of Victor Clyde as Navajo Nation District Court Judge.

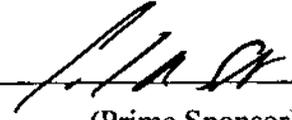
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This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 09-16-20
Eligible for Action: 09-17-20

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Second Year, 2020
3

4
5 
6 (Prime Sponsor)

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8 TRACKING NO. 0226-20
9

10 AN ACTION
11 RELATING TO LAW AND ORDER AND THE NAVAJO NATION COUNCIL;
12 CONFIRMING THE PROBATIONARY APPOINTMENT OF VICTOR CLYDE AS
13 NAVAJO NATION DISTRICT COURT JUDGE
14

15 BE IT ENACTED:

16
17 **SECTION ONE. AUTHORITY**

- 18 A. The Navajo Nation established the Law and Order Committee as a Navajo Nation
19 standing committee and as such gave the Law and Order Committee authority to
20 recommend to the Navajo Nation President the permanent appointment of probationary
21 judges. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(10).
22 B. The Law and Order Committee delegated its responsibility and authority to the Judicial
23 Conduct Commission to screen applicants and recommend the probationary
24 appointment of judges and justices. LOCS-19-18. The committee, however, maintains
25 oversight authority over courts. 2 N.N.C. § 600(C).
26 C. The Judicial Conduct Commission made its recommendation to the Navajo Nation
27 President for Victor Clyde to be appointed as a probationary judge of the Navajo
28 Nation. JCC-01-2020.
29 D. The President of the Navajo Nation shall appoint the Chief Justice, Associate Justices,
30 and District Court Judges with confirmation by the Navajo Nation Council from among

1 those applicants recommended by the Law and Order [Judiciary] Committee of the
2 Navajo Nation Council. The Navajo Nation Council shall confirm judicial
3 appointments. 7 N.N.C. § 355 (A).

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

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9 **SECTION TWO. FINDINGS**

- 10 A. Victor Clyde is an enrolled member of the Navajo Nation and is an applicant for
11 appointment as District Court judge. Mr. Clyde's application and qualifications have
12 been reviewed by Judicial Conduct Commission, and he has been interviewed by
13 Judicial Conduct Commission. *See* JCC-01-2020 attached hereto as **Exhibit A**.
- 14 B. The Judicial Conduct Commission has determined that Victor Clyde meets the
15 qualifications for appointment as Navajo Nation Judge and has recommended him for
16 probationary appointment to the Navajo Nation President. *Id.*
- 17 C. The Navajo Nation President has appointed Victor Clyde as Navajo Nation judge,
18 subject to confirmation by the Navajo Nation Council. *See* Appointment Letter and
19 Qualification Documents attached hereto as **Exhibits B and C**, respectively.

20
21 **SECTION THREE. CONFIRMING PROBATIONARY APPOINTMENT**

22 The Navajo Nation confirms Mr. Victor Clyde as a probationary Navajo Nation Judge.

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24 **SECTION FOUR. NAVAJO NATION PRIVACY ACT**

25 Confidential information within application documents shall remain protected except
26 upon its authorized disclosure by the appointee. 2 N.N.C. § 81 *et seq.* (2014).