

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



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.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 12-02-19
Eligible for Action: 12-03-19

Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- First Year, 2019

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6 (Prime Sponsor) OTTO TSO

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8 TRACKING NO. 0365-19

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10 AN ACTION
11 RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE
12 PROBATIONARY APPOINTMENT OF MALCOLM LAUGHING AS NAVAJO
13 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 to recommend the probationary
24 appointment of judges and justices. LOCS-19-18.
- 25 C. The Judicial Conduct Commission made its recommendation to the Navajo Nation
26 President for Malcolm Laughing to be appointed as a probationary judge of the Navajo
27 Nation. JCC-01-19.
- 28 D. The President of the Navajo Nation shall appoint the Chief Justice, Associate Justices,
29 and District Court Judges with confirmation by the Navajo Nation Council from among
30 those applicants recommended by the Law and Order [Judiciary] Committee of the

1 Navajo Nation Council. The Navajo Nation Council shall confirm judicial appointments.
2 7 N.N.C. § 355 (A).

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

7
8 **Section Two. Findings**

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

19
20 **Section Three. Confirming Probationary Appointment**

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

23
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.* (2009).