

LEGISLATIVE SUMMARY SHEET

Tracking No. 0303-15

DATE: August 25, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER;
RECOMMENDING TO THE NAVAJO NATION PRESIDENT THE PERMANENT
APPOINTMENT OF THE HONORABLE LEONARD R. LIVINGSTON AS NAVAJO
NATION DISTRICT COURT JUDGE

PURPOSE: The resolution's purpose is to recommend Judge Livingston as a permanent Navajo Nation District Court Judge.

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 STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL—FIRST YEAR, 2015

INTRODUCED BY


OTTO TSO
Primary Sponsor

TRACKING NO. 0303-15

AN ACTION

RELATING TO LAW AND ORDER; RECOMMENDING TO THE NAVAJO NATION
PRESIDENT THE PERMANENT APPOINTMENT OF THE HONORABLE LEONARD R.
LIVINGSTON AS NAVAJO NATION DISTRICT COURT JUDGE

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation standing committee and as such gave LOC authority to recommend to the Navajo Nation President the permanent appointment of probationary judges. 2 N.N.C. §§ 600(A), 601 (B)(10) (2012) and 7 N.N.C. §355(D) *see also* CJA-03-13, 22nd Navajo Nation Council, sect. 5, 30 (2013).
- B. Currently, the Judicial Branch has seven vacancies for the Navajo Nation District Court Judge position.
- C. Upon LOC's recommendation, the Navajo Nation President shall appoint a District Court Judge subject to Navajo Nation Council's confirmation. 7 N.N.C. § 355 (E).
- D. On Tuesday, July 14, 2015, LOC held a pubic hearing in Ramah, New Mexico to review the record and Judge Leonard R. Livingston's qualifications. 7 N.N.C. § 355(E) and LOCJY-08-13.
- E. Judge Livingston successfully completed training courses accredited for judges. 7 N.N.C. § 355(C).

1 F. On March 9, 2015, Judge Livingston received a satisfactory performance evaluation from
2 the Chief Justice. *Id.*

3 G. On July 14, 2015, Judge Livingston received a satisfactory performance evaluation from
4 LOC. *Id.*

5 H. LOC determines that Judge Leonard R. Livingston meets the qualifications for
6 appointment as a permanent Navajo Nation District Court Judge.
7

8 **Section Two: Recommendation for Permanent Appointment**

9 The Law and Order Committee recommends to the Navajo Nation President that Judge
10 Leonard R. Livingston be considered for permanent appointment as District Court Judge, subject
11 to the Navajo Nation Council's confirmation. 7 N.N.C. § 355(E).
12

13 **Section Three: Directive**

14 The Office of Legislative Services shall immediately submit to the Navajo Nation
15 President all documents provided by the applicant recommended for appointment. Confidential
16 information within application documents shall remain protected except upon authorized
17 disclosure by the applicant. 2 N.N.C. § 81 *et seq.* (2009).
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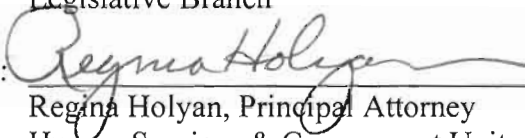


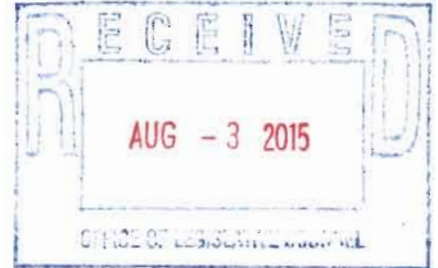
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
ATTORNEY GENERAL

MEMORANDUM

TO: Carolyn R. West, Attorney
Office of Legislative Counsel
Legislative Branch

FROM: 
Regina Holyan, Principal Attorney
Human Services & Government Unit
Navajo Nation Department of Justice



DATE: July 31, 2015

SUBJECT: **Confidential Exhibits pursuant to 2 N.N.C. § 164(A)(6)**

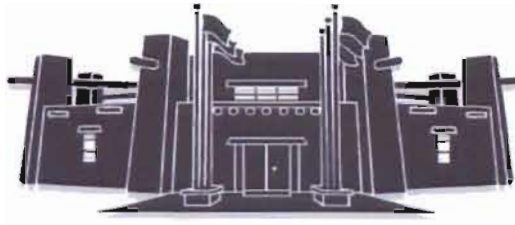
The Navajo Nation Department of Justice (“NNDOJ”) has reviewed the exhibits that you emailed to the Attorney General. You ask us whether and which parts of the exhibits would be designated as “confidential” and would not be placed on the Navajo Nation’s website pursuant to 2 N.N.C. § 164(A)(6).

The Navajo Nation Privacy Act, at 2 N.N.C. § 85(A)(3-4), designates a Navajo employee’s personal information, performance evaluations, and personal status information as protected records.

Therefore, NNDOJ recommends that the exhibits pertaining to the Law and Order Committee’s recommendation concerning Judge Livingston that include the above categories of protected records either be redacted (as on his job application) or not released (his performance evaluations).

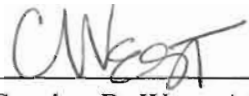
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xc : Ethel Branch, Attorney General, NNDOJ
: Kandis Martine, Assistant Attorney General, NNDOJ
: Levon Henry, Chief Legislative Counsel, Legislative Branch



MEMORANDUM

TO: Honorable Otto Tso
Navajo Nation Council Delegate

FROM: 
Carolyn R. West, Attorney
Office of Legislative Counsel

DATE: August 25, 2015

SUBJECT: OLC Service Request Number 15-626-1: An Action Relating to Law and Order;
Recommending to the Navajo Nation President the Permanent Appointment of the
Honorable Leonard R. Livingston as Navajo Nation District Court Judge

As requested, I prepared the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge. You are encouraged to review the proposed resolution to ensure this is drafted to your satisfaction.

The Office of Legislative Council recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

If you are satisfied with the proposed resolution, please sign as “Primary Sponsor” and submit to the Office of Legislative Services where the proposed resolution will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0303-15_____ SPONSOR: Otto Tso

TITLE: An Action Relating To Law and Order; Recommending to the Navajo Nation President the Permanent Appointment of the Honorable Leonard R. Livingston as Navajo Nation District Court Judge

Date posted: August 26, 2015 at 9:42pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0303-15

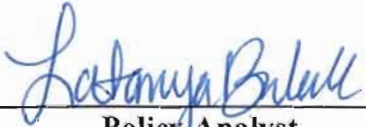
SPONSOR: Honorable Otto Tso

TITLE An Action Relating To Law And Order; Recommending To The Navajo Nation President The Permanent Appointment Of The Honorable Leonard R. Livingston As Navajo Nation District Court Judge.


Posted: August 26, 2015 at 9:42pm

5 DAY Comment Period Ended: August 31, 2015

Digital Comments received: *No comments received.*



Policy Analyst
Office of Legislative Services



Date/Time