

RESOLUTION OF THE
LAW AND ORDER COMMITTEE
OF THE 23rd NAVAJO NATION COUNCIL

AN ACTION

RELATING TO LAW AND ORDER; RECOMMENDING CONFIRMATION OF THE HONORABLE
MALCOLM P. BEGAY AS PERMANENT NAVAJO NATION DISTRICT COURT JUDGE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A).
- B. The Law and Order Committee, among other powers, is authorized "to recommend to the President the permanent appointment of Probationary Justices and Judges." 2 N.N.C. § 601(B)(10). The Law and Order Committee is also authorized to "present directly to the Navajo Nation Council the issue of permanent appointment of any Probationary Justice or Judge whom the committee and the Chief Justice have recommended for permanent appointment and which recommendation to the President of the Navajo Nation has failed to convey to the Navajo Nation Council within sixty (60) days of receiving the recommendation." 2 N.N.C. § 601(B)(11)..
- C. The Navajo Nation Council confirms all permanent appointments for Navajo Nation District Court judges and Associate Justices of the Navajo Nation Supreme Court. 2 N.N.C. § 355(E).

SECTION TWO. FINDINGS

- A. Pursuant to the requirements of Navajo Nation law, the Acting Chief Justice of the Navajo Nation Supreme Court, the Honorable Allen Sloan, has, on March 3, 2017, recommended the permanent appointment of Judge Malcolm P. Begay. See Exhibit "A, attached hereto. In this recommendation, Acting Chief Justice Sloan states that Judge Begay has "satisfactorily completed a prescribed course of training for probationary judges, which included participation in an intensive course of study...." Justice Sloan also states that he has "completed a probationary performance evaluation of Judge Begay," finding his "performance to be more than satisfactory." *Id.*

- B. The Law and Order Committee of the Navajo Nation Council on April 26, 2017, by resolution LOCAP-03-17, recommended to the President of the Navajo Nation the permanent appointment of the Honorable Malcolm P. Begay as Navajo Nation District Court Judge. Exhibit "B."
- C. It has been more than 60 days since the Law and Order Committee recommended the permanent appointment of Judge Malcolm P. Begay. The President has not acted on the recommendation of the Law and Order Committee for the permanent appointment.

SECTION TWO. RECOMMENDATION FOR APPOINTMENT AND CONFIRMATION

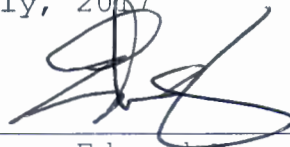
The Law and Order Committee, as authorized by Navajo Nation law, recommends directly to the Navajo Nation Council the permanent appointment and confirmation of the Honorable Malcolm P. Begay as Navajo Nation District Court Judge.

SECTION THREE. DIRECTIVE

The Office of Human Resources, Judicial Branch, shall forward to the Navajo Nation Council all documents necessary for confirmation. Provided, confidential information, such as personnel documents, shall remain protected pursuant to the Navajo Nation Privacy Act, 2 N.N.C. § 81 et seq., except upon its authorized disclosure.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 oppose, this 31st day of July, 2017



Hon. Edmund Yazzie, Chairperson
Law and Order Committee

Motion: Honorable Otto Tso
Second: Honorable Kee Allen Begay

JUDICIAL BRANCH OF THE NAVAJO NATION

Allen Sloan
Chief Justice of the Navajo Nation



OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 ♦ Window Rock, Navajo Nation, (AZ) 86515
Telephone 928-871-6763 • Fax 928-871-7016

March 3, 2017

Hon. Edmund Yazzie, Chairperson
Law & Order Committee
23rd Navajo Nation Council
Window Rock, Arizona 86515

Re: Recommendation for permanent appointment as District Court Judge:
Probationary District Court Judge Malcolm Begay

Dear Mr. Yazzie:

I am required by 7 N.N.C. §355(C) to forward a recommendation for or against the permanent appointment of a sitting probationary judge upon completion of his or her two-year probationary period. The recommendation is premised two conditions: 1) whether the judge has successfully completed a course of training accredited for judges and, 2) whether the judge has received a satisfactory performance evaluation from me.

It is my privilege to forward this letter to your office and the Law & Order Committee that I am seeking Judge Malcolm Begay's permanent appointment as a District Court Judge of the Navajo Nation. He has satisfactorily completed a prescribed course of training for probationary judges, which included participation in an intensive course of study at the National Judicial College in Reno, Nevada. I also initiated and completed a probationary performance evaluation of Judge Begay and I found his performance to be more than satisfactory.

In accordance with the above, I am providing this letter informing the Committee that Judge Malcolm Begay has successfully completed all requirements of a sitting probationary judge and is now eligible for permanent appointment.

With respect,

A handwritten signature in cursive script that reads "Allen Sloan".

Allen Sloan, Acting Chief Justice

cc: File
Human Resources, Judicial Branch
Hon. Malcolm Begay

RESOLUTION OF THE
LAW AND ORDER COMMITTEE OF
THE NAVAJO NATION COUNCIL



23rd NAVAJO NATION COUNCIL -- Third Year, 2017

AN ACTION

RELATING TO LAW AND ORDER; RECOMMENDING TO THE NAVAJO NATION
PRESIDENT THE PERMANENT APPOINTMENT OF THE HONORABLE MALCOLM
BEGAY, NAVAJO NATION DISTRICT COURT JUDGE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- 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. §§ 164 (A) (9), 600 (A) and 601 (B) (10) (2012); see also CO-45-12.

SECTION TWO. FINDINGS

- A. The Navajo Nation Acting Chief Justice Allen Sloan has recommended Judge Malcolm Begay for permanent appointment to the LOC; letter attached as **Exhibit A**.
- B. 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 (A) (2009).
- C. LOC reviewed the record, reviewed Judge Malcolm Begay's qualification, and held a public hearing pursuant to 7 N.N.C. § 355 (E) (2009) and LOCJY-08-13.
- D. LOC determines that Judge Malcolm Begay meets the qualifications for appointment as a permanent Navajo Nation District Court Judge.

SECTION THREE: RECOMMENDATION FOR PERMANENT APPOINTMENT


The Law and Order Committee recommends to the Navajo Nation President that Judge Malcolm Begay be considered for permanent appointment as District Court Judge, subject to the Navajo Nation Council's confirmation.

SECTION THREE: DIRECTIVE

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

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the Navajo Nation Council at duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 2 in favor and 0 opposed, this 26th day of April, 2017


Honorable Raymond Smith Jr,
Vice Chairperson
Law and Order Committee

Motion: Honorable Kee Allen Begay Jr.
Second: Honorable Edmund Yazzie