

**RESOLUTION OF THE
NAVAJO NATION COUNCIL**

23RD NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

**RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE
APPOINTMENT OF JOANN JAYNE AS PROBATIONARY CHIEF JUSTICE OF THE
NAVAJO NATION SUPREME COURT**

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Council confirms the appointment of the Chief Justice of the Navajo Nation Supreme Court. 7 N.N.C. § 355 (A).
- C. Pursuant to 7 N.N.C. § 355 (A) "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 Judiciary Committee of the Navajo Nation Council."
- D. The duties of the Judiciary Committee of the Navajo Nation Council were placed within the authorities of the Law and Order Committee of the Navajo Nation Council after the number of Navajo Nation Council delegates were reduced in number from 88 to 24 and when the number of standing committees were reduced from twelve to five. CO-45-12; 2 N.N.C. §§ 600 et seq.
- E. Pursuant to 7 N.N.C. § 355 (B), *The Chief Justice ... of the Supreme Court... shall be appointed for a probationary period of two years and upon permanent appointment shall serve thereafter during good behavior.*

Section Two. Findings

- A. The Chief Justice position of the Navajo Nation Supreme Court is vacant.
- B. The Law and Order Committee of the Navajo Nation Council, pursuant to 7 N.N.C. § 355 (A), through Resolution Number LOCJN-08-17, provided JoAnn Jayne's name to the Navajo Nation President as an applicant recommended for the position of Chief Justice of the Navajo Nation.

C. The President of the Navajo Nation's letter appointing JoAnn Jayne as Chief Justice and related documents are attached hereto as **Exhibit "A."**

Section Three. Confirming JoAnn Jayne as Probationary Chief Justice

The Navajo Nation Council hereby confirms the Navajo Nation President's appointment of JoAnn Jayne as probationary Chief Justice of the Navajo Nation Supreme Court pursuant to 7 N.N.C. § 355 (A).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 17 in favor and 03 opposed, on this 24th day of January 2018.



LoRenzo C. Bates, Speaker
Navajo Nation Council

1-25-18

Date

Motion: Honorable Davis Filfred
Second: Honorable Kee Allen Begay, Jr.

Speaker Bates not voting



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**



July 11, 2017

JoAnn Jayne

Re: Appointment as Chief Justice for the Navajo Nation

Mrs. Jayne,

We are in receipt of the Law and Order Committee of the Navajo Nation Council Resolution No. LOCJN-08-17 on June 12, 2017. Pursuant to 7 N.N.C. 335(A), the Law and Order Committee through Resolution No. LOCJN-08-17 has found you have met the qualifications and recommend you to be appointed as the Chief Justice of the Supreme Court for the Navajo Nation.

As the Chief Justice, you will be tasked to uphold and protect the laws of the Navajo Nation and exemplify virtues of both honesty and integrity. After review of the performance evaluation submitted by the Judicial Branch and resume, we have confidence that you will meet these standards. Also, remember that you are a servant to the people of the Navajo Nation and I trust you will fulfill your duties and set a standard for others to follow.

Therefore, we are please to appoint you as the Chief Justice of the Supreme Court for the Navajo Nation. Pursuant to 7 N.N.C. 335(A), this appointment is subject to final confirmation by the Navajo Nation Council.

Sincerely,

THE NAVAJO NATION


Russell Begaye, *President*


Jonathan M. Nez, *Vice President*



THE NAVAJO NATION

JOE SHIRLEY, JR.
PRESIDENT

BEN SHELLY
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD


PART A (To be used if applicant is enrolled)

FORT DEFIANCE
AGENCY

APRIL 15, 2010
DATE

I certify that JOANN BITSILLY JAYNE is listed on the Navajo Indian Census Roll, dated January 01, 1940, Which is an official record of this office as being of 4/4 Degree Navajo Indian blood, with Roll Number; , Date of birth .

RECORDED: FEBRUARY 10, 1955.


VITAL STATISTICS MANAGER
VST/

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

VITAL RECORDS & TRIBAL ENROLLMENT PROGRAM
THE NAVAJO NATION ♦ PO BOX 3240 ♦ WINDOW ROCK, ARIZONA 86515

MICHAEL J. BARTHELEMY
PRESIDENT

RAYMOND ETCITY, JR.
VICE-PRESIDENT

MATTHEW VANWORMER
SECRETARY

HON. LOUISE GRANT (RET.)
TREASURER

NAVAJO NATION BAR ASSOCIATION, INC.
POST OFFICE BOX 690
WINDOW ROCK, ARIZONA 86515
(928) 871-2211
(928) 871-2229 FAX
E-MAIL: NNBA@NAVAJOLAW.ORG
VISIT OUR WEBSITE AT WWW.NAVAJOLAW.ORG

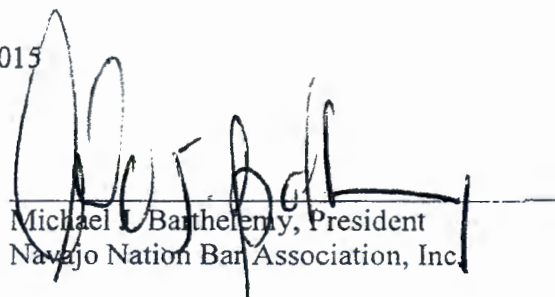
IN THE MATTER OF:

JOANN B. JAYNE

CERTIFICATE OF GOOD STANDING

I, Michael J. Barthelemy, President of the Navajo Nation Bar Association, Inc. do hereby certify that the above-named was admitted to practice before the Courts of the Navajo Nation on the 5th day of October, 1992. The above-named person is an inactive member in good standing with the Navajo Nation Bar Association, Inc.

Dated this 28th day of April, 2015



Michael J. Barthelemy, President
Navajo Nation Bar Association, Inc.

The Montana University System

The Board of Regents of Higher Education by virtue of the
authority vested in them and on the recommendation
of the Faculty of

The University of Montana
hereby confer upon

JoAnn Bitsilly Jayne

The Degree of
Juris Doctor

with all the rights, privileges and honors, as well as the
obligations and responsibilities appertaining

Given at Missoula, Montana, May 15, 1993.



George W. Davidson
President

Martin Burke
Dean

William L. Nathan
Chairman of the Board of Regents

John M. Hutchinson
Commissioner of Higher Education

RESUME
JOANN “JOEY” JAYNE
June, 2015

EDUCATION

Juris Doctor, University of Montana School of Law, Missoula

Master of Science, Watershed Management/Hydrology, University
of Arizona, Tucson

Bachelor of Science, Agricultural Industry, Arizona State
University, Tempe

PROFESSIONAL ACTIVITY

Judicial Experience

Montana State Justice Court Judge 1/13-12/14
Lake County, State Justice Court
Polson, MT. 59860

Associate Justice 10/11-10/14
Appeals Court
Confederated Salish and Kootenai Tribes
Pablo, MT. 59855

Chief Associate Justice (special assignment) 2010
Blackfeet Tribal Appeals Court
Browning, MT. 59417

Judge (special assignment) 2010
Blackfeet Tribal Court
Browning, MT. 59417

Judge (special assignment) 2015
Crow Tribal Court
Crow Agency, MT. 59022

Licensed to Practice Law

Montana District Court
Montana Federal District Court

Licensed to Practice Law (con't)

Confederated Salish and Kootenai Tribal Court (Montana)
Northern Cheyenne Tribal Court (Montana)
Blackfeet Tribal Court (Montana)
Coeur d'lene Tribal Court (Idaho)
Navajo Nation Tribal District Court (Utah, New Mexico, Arizona)

Bar Membership

Member, Montana State Bar Association.
Member, Navajo Nation Bar Association.
Member (past), Montana Trial Lawyers Association
Member (past), Montana Criminal Defense Lawyers Association

Montana State Legislature

State Representative, Montana House District 73, 2001-2004
Appropriations Committee
(Sub-committee for Health and Human Services)
Legislative Finance Interim Committee
House Joint Resolution 1 Committee on Mental Health

State Representative, Montana House District 15, 2005-2008
Appropriations Committee
(Sub-committee for Health and Human Services)
State and Tribal Interim Legislative Committee

Boards

Board, Jobs For Montana Graduates Foundation, Helena, MT.
Advisory Council, Montana Guardianship Advisory Council, MT.
Industry Advisory Council, Kicking Horse Job Corps Center, MT.
Task Force, American Legacy Foundation, Washington, D.C.
National Foundation of Women Legislators, Washington, D.C.
Regional State Director.
A Child is Missing, Inc., Fort Lauderdale, FL., Montana Agent.
National Caucus of Native American State Legislators, Former-Chair, Wellness and Criminal Justice Committee.
Montana Delegate, Vision 2020 Project, Drexel University

Published Scientific Articles

- 1985 Effects of Dryland Farming on Navajo Riparian Lands, In: Rocky Mountain Gen. Tech. Report RM-120, p. 479, U.S.D.A. Rocky Mountain Forest and Range Exp. Station, Fort Collins, Colorado.
- 1986 Pinyon Tree Growth and Soil Nutrient Relationships on Areas of Different Site Qualities. School of Renewable Resources, University of Arizona, Tucson.

Non-published Law Articles

Memorandum for Solid Waste Management on the Blackfeet Reservation, Indian Law Clinic, University of Montana, Missoula.

Breach of Trust Responsibility over the Blackfeet Reservation, Indian Law Clinic, University of Montana, Missoula.

The Endangered Species Act: Is the Designation by the Secretary of the Interior of Lands as Critical Habitat include Navajo Indian Country?, Dept. Justice, Navajo Nation, Window Rock, Arizona.

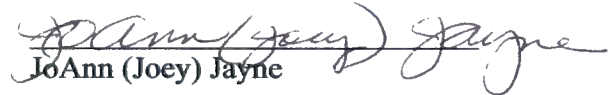
JoAnn (Joey) Jayne
Attorney at Law

AFFIDAVIT

STATE OF MONTANA)
 :SS
COUNTY OF LAKE)

COMES NOW, JoAnn (Joey) Jayne, and being first duly sworn on her oath, does
depose and states as follows:

1. I am an Applicant for the Navajo Nation Supreme Court Chief Justice.
2. I attest that I do not abuse or have a harmful physical addiction to any mood altering substance.

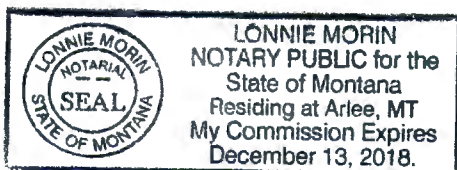

JoAnn (Joey) Jayne


VERIFICATION

STATE OF MONTANA)
 :SS
COUNTY OF LAKE)

On this 19th day of May, 2015, before me, a Notary Public for the State of Montana, personally appeared JoAnn (Joey) Jayne, known to be the person whose name is subscribed to the foregoing Affidavit and acknowledged to me that she has read the foregoing and stated under oath that the contents thereof to be true and correct to the best of her knowledge and belief.

SUBSCRIBED AND SWORN before me this 19th day of May, 2015.




NOTARY PUBLIC, State of Montana
Residing at: Arlee, MT
Commission Expires: 12/13/2018



THE NAVAJO NATION
OFFICE OF BACKGROUND INVESTIGATIONS

Post Office Box 4020

Window Rock, Arizona 86515

Tel: (505) 371-5124 • Fax: (505) 371-5125 • www.obி.navajo-nsn.gov



RUSSELL BEGAYE
President

JONANTHAN NEZ
Vice-President

MEMORANDUM

TO : Rosita Kelly, Director of Human Resources
Judicial Branch of the Navajo Nation

FROM : Colleen E. Silversmith
Colleen E. Silversmith, Human Resources Adjudicator
DHR | Office of Background Investigations

DATE : June 25, 2015

SUBJECT : Background Check Determination Notice – JoAnn B. Jayne
Position #209511, Chief Justice
Position #209546, Associate Justice

pk
5/25/15 **COPY**



The Office of Background Investigations (OBI) has been assigned to conduct background checks for individuals who have been selected for judicial appointment within the Navajo Nation Judicial Branch. The Judicial Branch has selected the above identified applicant who has authorized consent to conduct background check services on his or her person in conformance to the Judicial Branch's minimum standards of character as defined in the Navajo Nation Code (NNC) and United States Code (USC).

The background check consisted of obtaining and verifying all relevant information pertaining to any criminal convictions of guilty to or no contest to offenses under the federal, state, local, and tribal jurisdictions including administrative checks pursuant to title 7 N.N.C. §354 Qualifications for Judicial Appointment and title 18 U.S.C. §1853 Major Crimes Act. Based on the information gathered, a suitability assessment has been completed; Ms. Jayne has been determined suitable for the position(s) and a favorable determination has been made. Subsequently, the OBI does not assume further responsibility, obligation and liability upon the issuance of this determination notice.

With the completion of this background check, the OBI does not authorize use of this determination notice to be utilized for positions other than those explicitly stated. Any questions, please contact our office.

cc: Applicant
Navajo Nation Judicial Branch – Human Resources
Case File



**THE NAVAJO NATION
ETHICS AND RULES OFFICE**


P.O. BOX 5490 • WINDOW ROCK, AZ 86515 • PHONE (928) 871-6369 • FAX (928) 871-7168

www.nnethicsrules.navajo-nsn.gov

April 14, 2015

MEMORANDUM

TO : Rosita Kelly, Human Resource Director
ADMINISTRATIVE OFFICE OF THE COURTS

FROM : 
Henrietta Wauneka, Senior Office Specialist
ETHICS AND RULES OFFICE

SUBJECT : ETHICS CLEARANCE

As requested, the Ethics and Rules Office has checked for any outstanding ethics violations/sanctions pursuant to 2 N.N.C. §3741 et. seq. that would prevent certification on the follow individual for judicial appointment:

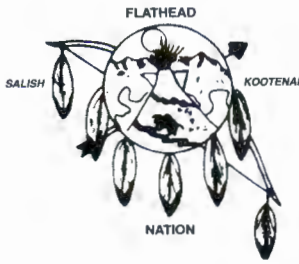
1. JoAnn Jayne

The Ethics and Rules Office found no pending case(s) or any outstanding judgments against the above mention named. Our review of the files was limited to cases that have been presented and adjudicated by the Ethics and Rules Committee of the Navajo Nation Council since 1991. Therefore, Ms. Jayne has no ethical violations on record with our office.

If you have any questions regarding this memorandum, please feel free to contact the office at (928) 871-6369. Thank you.

xc: Ethics and Rules Office File.





THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



A People of Vision

A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

TRIBAL COUNCIL MEMBERS:

Joe Durglo - Chairman
Carole Lankford - Vice Chair
Reuben A. Mathias - Secretary
Ron Trahan - Treasurer
Leonard W. Gray
Lloyd D. Irvine
Steve Lozar
Jim Malatare
James Bing Matt
Terry Pitts

Gina Ardiana, FNP-C

11 Bitterroot Jim Rd.

Arlee, MT 59821

January 14, 2015

To Whom it May Concern:

I am writing this letter on behalf of JoAnn(Joey) Jayne, a healthy patient whom I have known for the past 10 years. Joann is of sound mind and has no history of mental problems. She is mentally fit to preside in any judicial capacity and has been known to be quite competent when she served as Justice Court Judge for Lake County in Montana. Feel free to contact me should you have any questions. I may be reached at (406)726-3224.

Sincerely,

Gina Ardiana, APRN, NP-C

Tribal Health Department - Arlee



Crow Country

JUDICIAL BRANCH OF THE CROW TRIBE CROW TRIBAL COURT

P.O. Box 489
15 Forestry Lane
Crow Agency, Montana 59022
Phone: 406-638-7400
Fax: 406-638-7415

Chief Judge Leroy Not Afraid
Associate Judge Kari Covers Up
Associate Judge Sheila Not Afraid

President
Navajo Nation
Window Rock, Arizona 86515

Dear Mr. President:

JoAnn Jayne, known as Joey Jayne, applied for the Chief Justice position with the Navajo Nation Supreme Court. Most notable for this position is Ms Jayne served as Judge Jayne for State Justice Court, Lake County, Polson, Montana during 2013 and 2014. Her caseload encompassed the 8th highest number for State justice courts in Montana. During her tenure, I had the opportunity and privilege to see her demeanor, professionalism, and knowledge as a competent judge.

Joey, as I call her, was the first Navajo, and first Native American woman in the State of Montana to be elected for any state judge position. Her experience and education expands over 25 years in the legal field, first as a public defender and later as a prosecutor, and the founder and owner of Joey Jayne Law Office, A Montana State Professional Limited Liability Company, Arlee, MT. in 2000.

Most recently, Joey served as an Associate Justice, Appeals Court, Confederated Salish and Kootenai Tribes, Pablo, Montana for three (3) years from October 2011 to October 2014. Her opinions as Associate Justice, and that of a Justice Court Judge, are thorough, well-thought out, and excellently written. She notably seeks out Tribal Nation court opinions to fuse with western law.

My recommendation for Joey is based on the experience and knowledge I have as the Yellow Stone County State Justice Court Judge for 8 years in Hardin, Montana. I am also the current Chief Judge for the Crow Tribal Court and have served the Crow Tribal Courts for 1 year.

Joey has supervisory experience with court clerks, and notably for this position, is an asset to other associate justices. She has always been willing to share her knowledge and experience with me as judges.

As Tribal Nations, we exist as sovereign nations with our own People as the backbone of our destiny. Joey's vast experience as an attorney, judge, and community leader (she served on the Montana State Legislature from 2001 to 2008 as a State Representative) fits into a concrete judicial system that encompasses tribal law, custom, and traditions with Western law. She will be an asset to the Navajo Nation.

Please feel free to contact me.

A handwritten signature in blue ink, consisting of a stylized, elongated oval shape with a horizontal line through the middle.

JUDGE LEROY NOT AFRAID

TURNAGE MERCER & WALL, PLLP

J. A. Turnage
John A. Mercer
Chuck Wall

Attorneys at Law

312 1st Street East
P.O. Box 460
Polson, MT 59860
Telephone: (406)883-5367
Fax: (406) 883-5328
chuckwall@turnagemercerwall.com

May 21, 2015

President
Navaho Nation
Window Rock, AZ

Re: Joann "Joey" Jayne

Dear Mr. President:

Please accept this as a letter of recommendation for Joann "Joey" Jayne in her application for the position of Navaho Nation Supreme Court Chief Justice. I have known Ms. Jayne for approximately 15 years. Our professional paths have crossed over that time in many ways: as fellow attorneys in private practice; during my tenure as a judge while she advocated in my court for her clients; and most recently during her tenure as a judge while I advocated in her court on behalf of my clients. We have also both served as Associate Justices for the Appellate Court of the Confederated Salish & Kootenai Tribes of the Flathead Indian Reservation, albeit during separate terms.

My experiences with Ms. Jayne have always been positive. Her performance as an attorney in cases in which I have been involved have always led to positive results for her clients. She has displayed knowledge, wisdom, and an excellent demeanor in matters where I appeared before her as a judge. Her resume is broad, well rounded, and quite impressive, and upon my review of the description of the job for which she is applying, she is more than qualified to fill this seat on your court and issue positive decisions for the people of your Nation. I strongly suggest you give Ms. Jayne the utmost consideration for this position.

Sincerely,



Chuck Wall

CDW: svv

KENNETH D. PETERSON

ATTORNEY AT LAW

424 48th Street West • BILLINGS, MONTANA 59106 • PHONE: (406) 534-2376 • (406) 591-2608 (Cell) • Email kenneth59@bresnan.net

21 May 2015

President, Navajo Nation
Window Rock, Arizona 86515

In re: JOANN "JOEY" JAYNE, CHIEF JUSTICE
Supreme Court of the Navajo Nation Window
Rock (Navajo Nation), Arizona

President:

I am recommending to you the above to fill the position of Chief Justice, Supreme Court. I have known Ms. Jayne in several capacities since 2001. My recommendation comes from experience as an attorney, Montana State Legislator and general experiences in life.

I have 48 years experience in the legal field, mostly trial practice before judges in State and Federal Courts. I have been a Montana attorney for 48 years. I am admitted in Montana and Washington and eligible to be admitted in several other states on motion. I have broad experience in the legal community and with the Courts. I have handled cases in Montana, Washington, Oregon, Missouri, Wyoming, North and South Dakota. I am also admitted in the 9th Circuit Court of Appeals and the United State Supreme Court.

I have known Joey Jayne since our service in the Montana House of Representatives starting in 2001. I have also served with her on interim committees.

Joey Jayne, Navajo, is a graduate of the University of Montana Law School and a practicing attorney. She has handled the business and administrative duties of her firm as well as being a practicing attorney.

She served as the first Native American woman ever elected to the Montana State court as a Justice Court judge. She also served as Associate Justice for the Confederated Salish and Kootenai Tribes Appeals Court for 3 years 2011-2014

Joey Jayne is a person with uncompromising principles of honesty and integrity. She is honest to herself and all others with whom she deals. My relationship with her in the legislature and my

President, Navajo Nation

21 May 2015

page 2

observations convinces me of her high qualities and integrity. I have observed her conduct in the State Legislature and on committees and I believe she has a good high quality judicial temperament. In her service in the legislature and as attorney for her clients she had untiring devotion. She was and is able to cut through, handle complex issues and simplify them. She was willing to spend all the time necessary in the legislature and still take care of herself and her personal health. She has no problem with any addictive behavior. She conducts her life at a high level as a member of civilized society.

She has always been able to organize her views and communicate them effectively. As a Justice Court judge she was able to manage her staff and her staff had loyalty to her.

Any Questions please call

Thank you for the opportunity to recommend Ms. Jayne to you.

Very truly yours,

KENNETH D. PETERSON
Attorney at Law



Kenneth D. Peterson

KDP/nc

The Law Office of Martin Avery

Martin Avery, Attorney at Law
P.O. Box
Brimhall, New Mexico 87310

Tel:

May 28, 2015

TO WHOM IT MAY CONCERN

Re: Joann Joey Jayne-Applicant for Chief Justice Position

It is my pleasure to submit this letter of recommendation on behalf of Joann Joey Jayne for the Chief Justice of the Navajo Nation Supreme Court. I am a member in good standing with the New Mexico State Bar Association and the Navajo Nation Bar Association. I have known Ms. Jayne for more than thirty years.

I have known Ms. Jayne to be a member of the Montana State Bar Association and the Navajo Nation Bar Association. Ms. Jayne has an impressive and extensive background in the legal profession. Ms. Jayne has served as a Legal Services attorney, a prosecutor and managing attorney for her own law practice focusing on criminal defense and general civil practice. In addition she has served as a trial judge in the Montana state judicial system as well as an Associate Justice with the Confederated Salish and Kootenai Appeals Court. Ms. Jayne has also worked as a judge on special assignment with other tribes in Montana.

Even though Ms. Jayne is originally from the Tohatchi Chapter area she was elected as a state representative in Montana for two terms. Obviously Ms. Jayne's knowledge of local politics and the political environment allowed her to gain the votes necessary to win.

As Chief Justice she will be called upon to issue decisions on a wide variety of legal issues being appealed. With her extensive legal background Ms. Jayne will have the requisite knowledge about the substantive legal issues to render sound and well reasoned decisions. Ms. Jayne possesses supervisory and management experience in judicial operations. Ms. Jayne is very intelligent, articulate, hard working and creative. Ms. Jayne will no doubt make an excellent Chief Justice. If you have any questions please call.

Sincerely,



Martin Avery, Attorney at Law

NAVAJO NATION

RCS# 937

Winter Session

1/24/2018

05:22:06 PM

Amd# to Amd# Legislation No. 0273-17
MOT Filfred Confirming the appointment of
SEC Begay, K Joann Jayne as Probationary
 Chief Justice of the NN

PASSED

Yea : 17

Nay : 3

Excused : 0

Not Voting : 4

Yea : 17

Begay, K	Brown	Filfred	Phelps
Begay, NM	Chee	Hale	Slim
Begay, S	Crotty	Jack	Tsosie
BeGaye, N	Damon	Pete	Yazzie
Bennett			

Nay : 3

Tso	Perry	Daniels
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Excused : 0

Not Voting : 4

Smith	Shepherd	Bates	Witherspoon
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