

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - SECOND YEAR, 2020

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Law and Order Committee as a Navajo Nation standing committee and as such gave the Law and Order Committee authority to recommend to the Navajo Nation President the permanent appointment of probationary judges. 2 N.N.C. §§ 164 (A) (9), 600 (A), 601 (B) (10).
- B. The Law and Order Committee delegated its responsibility and authority to the Judicial Conduct Commission to screen applicants and recommend the probationary appointment of judges and justices. LOCS-19-18. The committee, however, maintains oversight authority over courts. 2 N.N.C. § 600 (C).
- C. The Judicial Conduct Commission made its recommendation to the Navajo Nation President for Victor Clyde to be appointed as a probationary judge of the Navajo Nation. JCC-01-2020.
- D. 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 Law and Order [Judiciary] Committee of the Navajo Nation Council. The Navajo Nation Council shall confirm judicial appointments. 7 N.N.C. § 355 (A).
- E. References in the Navajo Nation Code and other official documents to the Government Services and Intergovernmental Relations Committee shall mean Naabik'íyáti' Committee, unless the amendments enacted herein for the context of previous law indicates otherwise. See CO-45-12.

SECTION TWO. FINDINGS

- A. Victor Clyde is an enrolled member of the Navajo Nation and is an applicant for appointment as District Court judge. Mr. Clyde's application and qualifications have been reviewed

by Judicial Conduct Commission, and he has been interviewed by Judicial Conduct Commission. See JCC-01-2020 attached hereto as **Exhibit A**.

- B. The Judicial Conduct Commission has determined that Victor Clyde meets the qualifications for appointment as Navajo Nation Judge and has recommended him for probationary appointment to the Navajo Nation President. *Id.*
- C. The Navajo Nation President has appointed Victor Clyde as Navajo Nation judge, subject to confirmation by the Navajo Nation Council. See Appointment Letter and Qualification Documents attached hereto as **Exhibits B and C**, respectively.

SECTION THREE. CONFIRMING PROBATIONARY APPOINTMENT


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

SECTION FOUR. NAVAJO NATION PRIVACY ACT

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

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th 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 23 in Favor, and 00 Opposed, on this 22nd day of October 2020.


 Honorable Seth Damon, Speaker
 24th Navajo Nation Council
10/27/2020
 DATE

Motion: Honorable Mark A. Freeland
 Second: Honorable Edison J. Wauneka

Speaker Seth Damon not voting



JUDICIAL CONDUCT COMMISSION

Post Office Box 2891 • Window Rock, (Navajo Nation) Arizona 86515-2891

ROBERT YAZZIE
Chairman

MANLEY A. BEGAY, JR.
Vice-Chairman

February 22, 2020

Honorable Jonathan Nez, *President*
Office of the President & Vice President
NAVAJO NATION
P.O. Box 7440
Window Rock, AZ 86515



Re: Judge Applicant – Recommendation for Probationary Appointment: Victor J. Clyde

Dear President Nez,

On behalf of the Judicial Conduct Commission of the Navajo Nation, I am pleased to present our recommendation of Mr. Victor J. Clyde for a probationary Navajo Nation District Judge position.

On February 21, 2020, the Judicial Conduct Commission ("Commission") conducted an interview and screening of applicant Victor J. Clyde, including evaluation of a writing test. The writing test was conducted on February 15, 2020. On February 22, 2020, the Commission held an official meeting to consider a resolution recommending Mr. Clyde as a probationary judge of the Navajo Nation and subsequently approved the resolution (*See attached resolution JCC-01-2020*).

Mr. Clyde possesses an associate's degree in Social & Behavioral Science. He has more than 38 years of legal experience, including seventeen (17) years as a Justice of the Peace for Apache County Chinle District Court, eighteen (18) years as a Navajo Nation Prosecutor, and three (3) years as a Police Officer and Criminal Investigator.

Pursuant to 7 N.N.C. § 355(A), the President of the Navajo Nation shall appoint District Court Judges, which is subject to final confirmation by the Navajo Nation Council.

With this correspondence, I am submitting Mr. Clyde's application and supporting documents, along with the Commission resolution. If you have any questions, please contact me at robertgyazzie@yahoo.com.

By signing below, you acknowledge receipt of Mr. Victor J. Clyde's District Court Judge Appointment packet, and agree to return all contents back to the Navajo Nation Judicial Branch Human Resources Office when the review has been completed.

Sincerely,

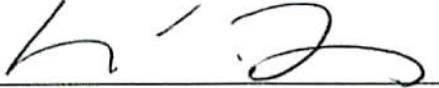
Robert Yazzie, Chairperson

JUDICIAL CONDUCT COMMISSION

LETTER – Page 2

To: President Jonathan M. Nez
From: Robert Yazzie, JCC Chairperson
Date: February 22, 2020
Subject: Recommendation – Probationary Judge Appointment

ACKNOWLEDGED:



Office of the President & Vice President

Attachments:

1. One Comb-Bound Packet that includes:
 - a. Employment Application
 - b. Resumé
 - c. Certificate of Indian Blood (CIB)
 - d. Copy of Arizona Driver's License
 - e. Credentials
 - i. A.A. degree transcripts
 - f. Navajo Nation Bar Association
 - i. Certificate of Good Standing
 - ii. NNBA Bar License
 - g. American Judges Association – Member in Good Standing
 - h. Navajo Nation Ethics & Rules Office - Ethics Clearance
 - i. Medical Statement
 - j. Writing Samples (4)
 - k. Seven (7) Letters of Recommendation
 - l. Background Check Clearance
2. JCC Resolution – JCC-01-20

xc: Cheron S. Watchman, Director of Human Resources
Personnel File

**RESOLUTION OF THE
JUDICIAL CONDUCT COMMISSION
RECOMMENDING TO THE NAVAJO NATION PRESIDENT THE PROBATIONARY
APPOINTMENT OF VICTOR CLYDE AS NAVAJO NATION DISTRICT COURT
JUDGE**

BE IT ENACTED:

SECTION ONE. AUTHORITY.

- A. Navajo Nation District Court Judges are selected by appointment and confirmation. See generally, 7 N.N.C. §355. The Law and Order Committee of the Navajo Nation Council initially determines the qualifications of all applicants for judgeships. 2 N.N.C. §601(B)(7) and 7 N.N.C. §355(A). The names of those deemed qualified are forwarded to the President of the Navajo Nation for appointment. The appointments of the President are subject to Navajo Nation Council confirmation.
- B. The Law and Order Committee has delegated the responsibility and authority to the Judicial Conduct Commission regarding the screening of applicants for and recommendation of probationary appointment of judges and justices of the Navajo Nation by Resolution LOCS-19-18.

SECTION TWO. FINDINGS.

- A. To improve the quality and effectiveness of the justice system, the Navajo Nation Judicial Branch needs to have a fully seated judiciary; however, there are eight vacancies for Navajo Nation District Court Judge position.
- B. While the Navajo Nation Code, Title 2, states that Navajo Nation President shall appoint District Court Judges "only from among those named in the panel submitted" by the Law and Order Committee, in order to address the Navajo Nation's immediate need for judges, the Judicial Conduct Commission contends that submitting one applicant to the Navajo Nation President is sufficient because of the dire need for judges.
- C. The applicant took the writing test as required by Title 7.
- D. The Judicial Conduct Commission conducted the interview of the applicant on February 21, 2020.
- E. The Judicial Conduct Commission reviewed the applicant's qualifications for judicial appointment.
- F. The Judicial Conduct Commission determines that Victor Clyde meets the qualifications for appointment as a probationary Navajo Nation District Court Judge and is qualified for the position of Navajo Nation Judge.

SECTION THREE. RECOMMENDATION FOR PROBATIONARY APPOINTMENT

ARY APPOINTMENT

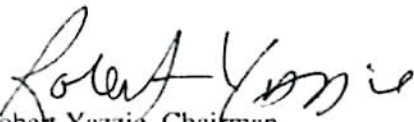
- A. The Judicial Conduct Commission recommends to the Navajo Nation President that Victor Clyde be appointed as probationary District Court Judge, subject to the Navajo Nation Council's confirmation. 2 N.N.C. §601(B)(7)(2012).

SECTION FOUR. DIRECTIVE.

The Office of Human Resources 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 Judicial Conduct Commission at a duly called meeting at Twin Arrows Navajo Casino and Resort Conference Room, Twin Arrows, Navajo Nation (Arizona), at which a quorum was present and that same was approved by a vote of 3 in favor and 0 opposed this 22nd day of February 2020.


Robert Yazzie, Chairman
Judicial Conduct Commission

Motion: *Manley Begay*
Second: *Judy Apachee*

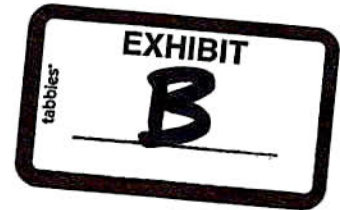
THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



August 28, 2020

Victor J. Clyde
PO Box
Lukachukai, AZ 86507



RE: Judicial Appointment

Dear Mr. Clyde,

Thank you for your interest in serving as a Navajo Nation judge. There are many fine Navajo judges who have come before you and we trust you will uphold the honor of the Navajo courts they have built over the decades. We appreciate the time you spent with us talking about your interest and experience in the legal system as a Navajo Commissioner in Domestic Violence matters, an Arizona Justice of the Peace and Navajo Nation District Prosecutor. Your work history and education gives you the unique perspective of the needs of our Navajo People as they navigate the judicial system and we hope you will use this experience in your decision making. Based on our discussion with you and review of your résumé, it is our pleasure to recommend your appointment as a judge of the Navajo courts.

The recommendation will be forwarded to the Navajo Nation Council for final action. We wish you the best. God bless you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, President
THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Myron Lizer".

Myron Lizer, Vice President
THE NAVAJO NATION



Employment Application

JUDICIAL BRANCH OF THE NAVAJO NATION

APPLICATION FOR EMPLOYMENT

PLEASE PRINT ALL INFORMATION (NO RED PENS)

FOR JUDICIAL HR USE ONLY

POUDB HUMAN RESOURCES
JAN 17 2020 PM 1:27

SECTION I: Applicant Information (Please Fill Out Completely)

SOCIAL SECURITY NUMBER		FIRST NAME		MIDDLE INITIAL	LAST NAME	
		VICTOR		J	CLYDE	
OTHER NAMES USED IF APPLICABLE		MAILING ADDRESS		CITY	STATE	ZIP CODE
DRIVER'S LICENSE NUMBER		TYPE	CLASS:	STATE	EXPIRATION DATE (MM/DD/YYYY)	
		<input type="checkbox"/> CDL <input checked="" type="checkbox"/> OPERATOR	D	ARIZONA	10/07/2026	
TELEPHONE NUMBER		MESSAGE NUMBER		E-MAIL ADDRESS		
ARE YOU AN ENROLLED MEMBER OF THE NAVAJO TRIBE?			IF YES, INDICATE CENSUS NUMBER		IF NO, STATE NATIONALITY	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
ARE YOU A VETERAN?			DO YOU WISH TO CLAIM VETERANS' PREFERENCE?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If not previously submitted, please provide a copy of DD Form 214/215/225			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, please attach an Application for Veterans' Employment Preference			
ARE YOU CURRENTLY EMPLOYED WITH THE NAVAJO NATION, SUCH AS THE EXECUTIVE OR LEGISLATIVE BRANCH OR ITS ENTERPRISES?						<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

SECTION II: Position Information (Please Fill Out Completely)

POSITION NUMBER	CLASS CODE	POSITION TITLE
000000	9013	DISTRICT COURT JUDGE

SECTION III: Applicant Education History (Please Fill Out Accurately and Completely)

NAME AND LOCATION OF SCHOOL	DATES ATTENDED (MM/YY)		GED/DIPLOMA/DEGREE RECEIVED	MAJOR/MINOR
	FROM	TO		
HIGH SCHOOL				
CHINLE HIGH SCHOOL				
CHINLE, AZ	08/76	05/31/1980	HIGH SCH. DIPLOMA	
COLLEGE/UNIVERSITY				
NAVAJO COMMUNITY COLLEGE		12/13/19	Associate of Arts	Liberal Arts Requirements- vjc
Dine College TSAILE, AZ	09/83	May-95	N/A	Social and Behavioral Science
COLLEGE/UNIVERSITY				
UNIVERSITY OF ARIZONA				Criminal Justice Requirements
TUCSON, AZ	09/80	May-81	N/A	
TECHNICAL/VOCATIONAL/BUSINESS SCHOOL				
AMERICAN ACADEMY OF JUDICIAL EDUCATION		2004	Diploma of Humanities and Judging	

PLEASE LIST ALL ADDITIONAL JOB RELATED TRAINING AND CERTIFICATES RELEVANT TO THE POSITION YOU ARE APPLYING FOR - PLEASE INCLUDE DATES OF TRAINING

Arizona Judicial College, New Judges Orientation, 2004 National Judicial College, Graduate of Special Court Jurisdiction, 2003-2014
Member of the Navajo Nation Bar Association since 1986
Navajo Nation Commissioner since 2003; Member of the American Judges Association; Member of the Arizona Courts Association
Completed the Navajo Police Academy, 1983; Completed Mediation Training; Completed training "Handling Domestic Violence Cases in Tribal Court"

PLEASE LIST ALL SUPPLEMENTAL JOB RELATED SKILLS, LIST AS THOROUGHLY AS POSSIBLE:

Apache County Justice of the Peace-Currently; Navajo Nation Judicial Branch Commissioner-Currently; Member of the Federal, State, Tribal Forum-Currently
Former Member of the Navajo Nation Foster Care Review Board; Former Member of the Apache County Foster Care Review Board; Former member of the AZ State

The Judicial Branch of the Navajo Nation gives preference to eligible and qualified applicants in accordance with the Navajo Preference in Employment Act (NPEA) and the Veterans' Preference of the Navajo Nation.

REFERENCES: PLEASE LIST THOSE NOT RELATED TO YOU WHO HAVE ABSOLUTE KNOWLEDGE IN YOUR WORK QUALIFICATIONS AND CHARACTER. DO NOT REPEAT NAMES OF SUPERVISORS LISTED IN WORK HISTORY BELOW.

NAME OF REFERENCE	OFFICIAL TITLE	TELEPHONE NUMBER
Michael Latham	Superior Court Judge	
2. Judge Cindy Thompson	District Court Judge, Navajo Nation Dilcon District	
3. Joe Shirley, Jr.	County Supervisor, Chinle, AZ	

SECTION IV: Applicant Disclosure (Please Fill Out Completely)

HAVE YOU EVER BEEN **CONVICTED** OF A FELONY? * ☐ YES ☒ NO IF YES, GIVE DATE AND REASON.
INCLUDES, FEDERAL AND STATE CONVICTIONS ATTACH ADDITIONAL SHEET IF NECESSARY

HAVE YOU EVER BEEN **CONVICTED** OF A MISDEMEANOR? * ☐ YES ☒ NO
IF YES, GIVE DATE AND REASON

DO YOU CURRENTLY HOLD ANY POLITICAL OR PUBLIC OFFICE(S), I.E. CHAPTER OFFICIAL, GRAZING COMMITTEE, FAIR BOARD, COUNCIL DELEGATE? IF YES, PLEASE LIST BELOW: ☒ YES ☐ NO

Arizona State Elected Position: Justice of the Peace for Chinle Precinct

* PLEASE NOTE: A conviction does not automatically disqualify you, however a NON-DISCLOSURE will result in your application for employment to be incomplete and will not be considered for the position you are applying for.

ARE YOU RELATED TO ANYONE CURRENTLY EMPLOYED WITH THE JUDICIAL BRANCH OF THE NAVAJO NATION? ☐ YES ☒ NO

NAME:	RELATIONSHIP:
NAME:	RELATIONSHIP:

SECTION V: Applicant Employment History - Provide Complete Information As Possible. (Please Do Not Indicate "SEE RESUME") Start With Most Recent First.

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)	OFFICIAL JOB TITLE
APACHE COUNTY CHINLE JUSTICE COURT	FROM 01/02/2003 TO Current	Justice of the Peace
	TELEPHONE NUMBER 928-675-5922	REASON FOR LEAVING still employed
	IMMEDIATE SUPERVISOR:	Judge Michael Latham

DESCRIBE DUTIES AND RESPONSIBILITIES

The Justice of the Peace is an elected position for a four year term. Their civil lawsuits where the amount in dispute is \$10,000 or less, landlord and tenant controversies, small claims cases and the full range of civil and criminal traffic offenses, including DUI. Justices of the peace also resolve other types of misdemeanor allegations (e.g. shoplifting, writing bad checks, violating restraining orders) and, like other trial judges, also handle requests for orders of protection and injunctions against harassment. My job includes hearing lawsuits when the amount in dispute is \$10,000 or less, including • Eviction Actions and Landlord & Tenant Disputes

- Collection Cases
 - Consumer Complaints Against Businesses
 - Negligence Actions (e.g. Motor Vehicle Accidents)
 - Breach of Contract Cases Also Hear small claims cases. In those cases, the amount in dispute is \$3,500 or less. Small claims cases are much more informal than a regular courtroom proceeding and usually do not involve attorneys.
 - Criminal Jurisdiction Also hear every type of crime that is a misdemeanor under state law, including
 - Assault and Battery
 - DUI (Including Extreme DUI)
 - Bad Checks
 - Violations of Orders of Protection or Injunctions Against Harassment
 - Underage Drinking
- traffic. Hear every type of civil and criminal traffic violation.

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)	OFFICIAL JOB TITLE
NAVAJO NATION OFFICE OF THE PROSECUTOR	FROM 12/17/1984 TO 12/15/2002	DISTRICT PROSECUTOR
CHINLE, AZ 86503	TELEPHONE NUMBER 928-674-2217	REASON FOR LEAVING Was elected as Justice of the Peace
	IMMEDIATE SUPERVISOR:	Timothy Joe

DESCRIBE DUTIES AND RESPONSIBILITIES

Represented the interest of the Navajo Nation in prosecuting individuals alleged to have violated provisions of the Navajo Nation Code; reviewed citations, arrest sheets and other law enforcement documents and reports; interviewed witnesses, gathered facts and data; determined if sufficient evidence existed to support the charges; conducted legal research; drafted complaints, motions and/or other legal proceedings; prepared a legal strategy; gathered and compiled evidence; identified and subpoenaed witnesses, records and other information required

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		OFFICIAL JOB TITLE
NAVAJO NATION DEPARTMENT OF PUBLIC SAFETY	FROM 12/01/1981	TO 12/01/1984	USC POLICE OFFICER & CRIMINAL INVESTIGATOR
WINDOW ROCK, AZ 86515	TELEPHONE NUMBER 928-674-2217		REASON FOR LEAVING Terminate employment for new career.
IMMEDIATE SUPERVISOR:			
DESCRIBE DUTIES AND RESPONSIBILITIES Being a Police Officer involved enforcing Navajo Nation and State laws involving traffic and criminal violations; traffic accident investigation; community and special events patrol. Community & school presentations regarding law enforcement. Criminal Investigator involved investigating major crimes and making prosecution referrals to the United States Attorney's Office; Conduct accident reconstruction involving death or vehicular homicide; Arson investigation			

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		OFFICIAL JOB TITLE
Navajo Nation Judicial Branch	FROM 10/01/2017	TO current	USC Judicial Hearing Officer
P.O. Box 5520, Window Rock, Arizona 86515	TELEPHONE NUMBER 928-871-7559		REASON FOR LEAVING still employed
IMMEDIATE SUPERVISOR:			
DESCRIBE DUTIES AND RESPONSIBILITIES Hear court cases involving domestic abuse, prepare court orders for the family court judges. I am assigned to the Window Rock District Court and also hear cases in Chinle, Crownpoint, Pueblo Pintado, Shiprock and Ramah Courts. Provide presentation on the Diné Fundamental Law and Navajo Nation Court system upon request to local schools and community events.			

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		OFFICIAL JOB TITLE
	FROM	TO	
	TELEPHONE NUMBER		REASON FOR LEAVING
IMMEDIATE SUPERVISOR:			

DESCRIBE DUTIES AND RESPONSIBILITIES

EMPLOYER'S NAME AND MAILING ADDRESS	DATES EMPLOYED (MM/DD/YYYY)		OFFICIAL JOB TITLE
	FROM	TO	
	TELEPHONE NUMBER		REASON FOR LEAVING
IMMEDIATE SUPERVISOR:			

DESCRIBE DUTIES AND RESPONSIBILITIES

SECTION VI: Judicial Branch Applicant Statement - Please Read Carefully and Sign

THE INFORMATION THAT I HAVE PROVIDED ON THIS APPLICATION IS TRUE AND COMPLETE. ANY MISREPRESENTATION OR OMISSION OF ANY FACT IN MY APPLICATION FOR EMPLOYMENT WITH THE JUDICIAL BRANCH OF THE NAVAJO NATION, OR ANY OTHER MATERIAL(S) USED IN THE APPLICATION PROCESS, OR INFORMATION OFFERED DURING ANY INTERVIEWS, CAN BE JUSTIFICATION FOR REFUSAL OF EMPLOYMENT, OR IF EMPLOYED, TERMINATION FROM EMPLOYMENT WITH THE JUDICIAL BRANCH OF THE NAVAJO NATION. MY SIGNATURE BELOW AUTHORIZES THE JUDICIAL BRANCH OF THE NAVAJO NATION TO CONTACT ANY OF MY PRIOR EMPLOYERS FOR REFERENCE PURPOSES AND THAT I UNDERSTAND THAT A CRIMINAL BACKGROUND CHECK AND INVESTIGATION OF MY BACKGROUND TO DETERMINE ANY AND ALL INFORMATION CONTAINED IN THIS APPLICATION FOR EMPLOYMENT, AND I RELEASE EMPLOYERS AND PERSONS NAMED IN MY APPLICATION FROM ALL LIABILITY FOR ANY DAMAGES ON ACCOUNT OF HIS/HER FURNISHING OF SAID INFORMATION.

SPECIFICALLY, YOU ARE HEREBY AUTHORIZED TO MAKE ANY INVESTIGATION OF MY PERSONAL HISTORY, EDUCATIONAL BACKGROUND, MILITARY RECORD, MOTOR VEHICLE RECORDS UTILIZING FEDERAL, STATE, OR LOCAL NAVAJO NATION LAW ENFORCEMENT AGENCY OR BUREAU OF YOUR CHOICE. I AUTHORIZE THE RELEASE OF THIS INFORMATION BY THE APPROPRIATE AGENCIES TO THE INVESTIGATING SERVICE.

SIGNATURE Vicki J. Coyne

DATE January 17, 2020

January 13, 2020

Judicial Branch of the Navajo Nation
P.O. Box 520
Window Rock, AZ 86515

To Whom It May Concern:

Please accept this letter of interest for the position of District Court Judge of the Navajo Nation Courts.

With 18 years of trial experience in the Navajo Nation courts, I am familiar with the Navajo Nation Laws and court procedures. I am also familiar with the large case load each Judge handles and I am able to offer my assistance.

My current position as a Justice of the Peace with the Arizona State Courts for the past 17, years, keeps me abreast of current State laws, however, I am always interested in staying up to date with the Navajo Nation Judicial System. I have been a Judicial Hearing Officer with the Navajo Nation Judicial Branch for the past two years. In this position, I have been hearing Domestic Abuse cases in several District Courts, including Window Rock, Shiprock, Chinle, Crownpoint and Ramah.

I have kept my Navajo Nation Bar Membership current and have assisted the Association with providing training with new bar members.

Sincerely,



Victor J. Clyde

Victor J. Clyde

OBJECTIVE:

Seeking to Obtain the District Court Judge Position, offering over 17 years of experience as a Justice of the Peace; and 18 years of experience as a Navajo Nation Prosecutor.

Experience:

Justice of the Peace

Apache County, Arizona - Chinle, Arizona

January-2003 - Currently

The Justice of the Peace, is an elected position, for a four year term. I hear civil lawsuits where the amount in dispute is \$10,000 or less, landlord and tenant controversies, small claims cases and the full range of civil and criminal traffic offenses, including DUIs. Justices of the peace also resolve other types of misdemeanor allegations (e.g. shoplifting, writing bad checks, violating restraining orders) and, like other trial judges, also handle requests for orders of protection and injunctions against harassment. My job includes hearing lawsuits when the amount in dispute is \$10,000 or less, including:

- Eviction Actions and Landlord & Tenant Disputes
- Collection Cases
- Consumer Complaints Against Businesses
- Negligence Actions, (e.g. Motor Vehicle Accidents)
- Breach of Contract Cases

Also, I hear small claims cases. In those cases, the amount in dispute is \$3,500 or less. Small claims cases are much more informal than a regular courtroom proceeding and usually do not involve attorneys. Criminal Jurisdiction: I also hear every type of crime that is a misdemeanor under state law, including:

- Assault and Battery
- DUI (Including Extreme DUI)
- Bad Checks
- Violations of Orders of Protection or Injunctions Against Harassment
- Underage Drinking

Traffic: I hear every type of civil and criminal traffic violation.

District Prosecutor

Navajo Nation - Chinle, Arizona

December-1984 - December-2002

Represents the interest of the Navajo Nation in prosecuting individuals alleged to have violated provisions of the Navajo Nation Code; reviews citations, arrest sheets and other

law enforcement documents and reports; interviews witnesses, gathers facts and data; determined if sufficient evidence existed to support the charges; conducted legal research; drafted complaints, motions and/or other legal proceedings; prepared a legal strategy; gathered and compiled evidence; identified and subpoenaed witnesses, records and other information required to present the case. Prepared and presented criminal and civil cases in the Navajo Nation and appellate courts; prepared legal memoranda, briefs, motions and other required documents for court presentation; performed extensive legal research.

Attended staff meetings, training, law seminars and workshops; provided training to Prosecutors and Juvenile Presenting Officers and on request to law enforcement personnel; collaborated with law enforcement agencies; negotiated settlements with opposing parties. Presented major and complex litigation in District and Family Courts; performed extensive legal research; and performed other work-related tasks/assignments as assigned.

Police Officer & Criminal Investigator

NAVAJO NATION - Chinle, Arizona

1982-1984

Patrolled assigned areas for the prevention of crime and enforced all applicable criminal traffic, narcotics, and liquor laws; carried firearms; responded as needed to calls for service involving crimes such as robberies, assaults, homicides, and narcotics violations; responded to general public service calls for civil or societal problems. Issued traffic summons, warnings and vehicle equipment repair orders; made arrests, searched suspects for weapons and evidence; advised suspects of accidents, criminal and other violations; investigated and secured crime scenes; interviewed witnesses; interrogated suspects; took photographs and/or diagramed crime scenes as needed; seized controlled substances, evidence and recovered stolen property; provided backup and assisted other police units. Transported suspects to the station; prepared documentation and executed search warrants; served court orders and arrest warrants; testified in criminal and civil court as required; maintained peace and public order at community events and public gatherings; promoted community oriented policing through presentations at community meetings, educational institutions, public and private groups; attended and participated in training and employee development activities; and assisted with training when needed. Completed and submitted reports as required.

Education:

Associate of Arts, Social Science

(I have met all the requirements, diploma will be issued in May 2020)

Dine' College

May 2020

Diploma of Humanities & Judging

American Academy of Judicial Education

2004

Navajo Community College/Dine' College - Tsaile and Chinle, Arizona
Took various Dine' Studies courses

University of Arizona - Tucson, Arizona
Liberal Arts and Criminal Justice courses

Skills:

I have been serving as a part-time Navajo Nation Commissioner for the past six years, within this time, I have become very familiar with the procedures of Domestic Violence hearings, procedures which would be useful and important to a Hearing Officer. I would need a minimum amount of training. I would be able to "hit the ground running".

In addition, I served 18 years as a District Prosecutor of the Navajo Nation where I gained extensive experience, Knowledge and skills working with Navajo Nation, State and Federal statutes, rules, administrative orders, policies and procedures and case law. I am very familiar with court processes, administrative law processes and legal terminology. I have excellent skills in the methods of conducting and undertaking legal research, legal writing and have drafted and wrote numerous orders.

I have established and maintained a good and effective working relationship with my present staff and former staff. In addition, I have made cooperative relationships with others in various departments of the Navajo Nation, the state and other entities including attorneys. The good working relationship has led me to being appointed to the Tribal, State and Federal Court Forum.

The Forum: "The interaction of federal court jurisdiction with tribal court and state court jurisdiction in Arizona results in unique opportunities for cooperation between state, federal and tribal judiciaries. Recognizing this interaction, the Arizona State and Tribal Court Forum, formed in 1990 under the auspices of the Conference of Chief Justices, recommended creation of an ongoing colloquium, which includes state, tribal and federal members. In response to this recommendation and the continuing work of the original Forum, in 1994 the chief judges of the United States Ninth Circuit Court of Appeals and District Court of Arizona appointed judges to serve on such a body. Chief judges and justices of Indian tribes and nations throughout Arizona also expressed interest in participating in this court forum."

– (from the Arizona Judicial Branch website)

I am a Former member of the Navajo Nation Foster Care Review Board; I also served the Apache County Foster Review Board and sat on the committee with the State Foster Care Review Board. Many of the skills I learned from the Boards would be useful when dealing with families and children of the Navajo Nation.

I have run my own Business "Where the Meadows Meet" Consultants, as a life-skills coach using our own Traditional Teachings, "Teachings from the Hogan" to help the Navajo Nation courts rehabilitate frequent offenders.

Personal Info.



THE NAVAJO NATION

JONATHAN NEZ
PRESIDENT

MYRON LIZER
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

CHINLE

JANUARY 13, 2020
DATE

I certify that VICTOR CLYDE Is listed on the Navajo Indian Census Roll, dated
January 01, 1940 , Which is an official record of this office as being of 1/2 Degree Navajo
Indian Blood, with Roll Number, Date of Birth .

Record: FEBRUARY 19, 1962



FOR PROGRAM MANAGER I

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 ♦ P.O. BOX 3240 ♦ WINDOW ROCK, ARIZONA 86515

Education

Diné College

Tsaile



Arizona

To all to whom these presents may come, Greeting
Be it known that

Victor J Clyde

having successfully completed the course of study as
prescribed by this institution is hereby granted this

Associate of Arts

Social and Behavioral Science

In witness whereof have been affixed the seal of the
College and the signatures of its executive officers.

Fifth day of May, 2020

Ch. M. R.

President

B. H. B.

President, Board of Regents

John Nez

Navajo Nation President

Louise J. J.

Registrar of the College

RCVD JB HUMAN RESOURCES
JAN 29 2020 AM 8:33

Date of Birth:

Undergraduate Division

Course Number	Title	Gr	Rpt	Att	Emd	Q.Pts	GPA
Acad Year Fall 83 Spr 84 : Spring Semester							
LAW -251	Criminal Law	B	3.00	3.00		9.00	
SOC -111	Intro to Sociology	A	3.00	3.00		12.00	
SessTotals :						9.00	3.00
CumTotals :						33.00	2.60
Acad Year Fall 83 Spr 84 : Summer Session							

10

ENG -111	Freshman English I	F	3.00	3.00	0.00
NIS -115	Navajo Language I	B	3.00	3.00	8.00
SessTotals :			6.00	6.00	9.00
CumTotals :			39.00	36.00	87.00
					1.50
					2.42

NIS -111	Foundations of Navajo Cult				B	3.00	3.00	9.00
	SessTotals :				12.00	12.00		27.00
	CumTotals :				51.00	48.00		114.00
Acad Year Fall 84 Spr 85 : Spring Semester								

	Law -252	Criminal Procedure	B	3.00	3.00	9.00
	Law -282	Family Law	A	3.00	3.00	12.00

DATE _____

Page : 1 of 3

House letter

07.28.1

Transcript of:
Soc Sec #:
Issued on:

Student ID:

Date of Birth:

Undergraduate Division

Course Number	Title	Gr	Rpt	Att	Ermd	Q.Pts	GPA
Acad Year Fall 84 Spr 85 : Spring Semester							
NIS -221	Navajo History to Present	C	3.00	3.00		6.00	
SessTotals :						9.00	3.00
CumTotals :						60.00	2.47
Acad Year Fall 90 Spr 91 : Fall Semester							

Undergraduate Division

Course Number	Title	Gr	Rpt	Att	Ernd	Q.Pts	GPA
Acad Year Fall 2000 Spr 2001 : Spring Semester							
NIS -311	Intro to Nav Wholistic Healt	A	3.00	3.00		12.00	
		Sess Totals :	3.00	3.00		12.00	4.00
		Cum Totals :	75.00	69.00		177.00	2.57
Acad Year Fall 2001 Spr 2002 : Summer Session							

ENG -101	Freshman English I	F	3.00	3.00	0.00
HUM -151	Man in the Southwest	A	3.00	3.00	12.00
MTE -051	Beginning Algebra	W	3.00	0.00	0.00
SessTotals:		9.00	6.00	12.00	2.00
CumTotals:		66.00	60.00	153.00	2.55

MTE -051	Beginning Algebra	F	
		3.00	3.00
Sess Totals :		3.00	3.00
CumTotals :		69.00	63.00
			153.00
			0.00
			0.00
			2.43

Acad Year Fall 92 Spr 93 : Spring Semester

PCS -161	AZ Constitution & Governm#	A	1.00	1.00	4.00
PCS -271	US Constitution & Governm	A	2.00	2.00	8.00
	Sess Totals :		3.00	3.00	12.00
	Cum Totals :		72.00	66.00	165.00
					4.00
					2.50

NTS -220	Navajo Oral History	A	3.00	3.00	12.00
NTS -261	Navajo Oral Tradition & Styl	A	3.00	3.00	12.00
Session Totals :			6.00	6.00	4.00
Cum Totals :			81.00	75.00	2.68

Acad Year Fall 2002 Spr 2003 : Spring Semester

NTS -371	Navajo Philosophy	B	3.00	3.00	9.00
Sess Totals :			3.00	3.00	9.00
Cum Totals :			84.00	78.00	210.00
					2.69

Acad Year Fall 2003 Spr 2004 : Fall Semester

NLS -150	Intro to Navajo Herbolgy	D	3.00	3.00	3.00
	SessTotals :	3.00	3.00	3.00	1.00
	CumTotals :	87.00	81.00	213.00	2.63

House 85-
1/27/20

Transcript of: Victor J. Clyde

Soc Sec #: _____

Issued on: January 27, 2020

Student ID: _____

Date of Birth: _____

Undergraduate Division

Course Number	Title	Gr	Rpt	Att	Ernd	Q.Pts	GPA
---------------	-------	----	-----	-----	------	-------	-----

Acad Year Fall 2004 Spr 2005 : Summer Session

PER -148	Outdoor Recreation	A	1.00	1.00		4.00	
SessTotals :			1.00	1.00		4.00	4.00
CumTotals :			88.00	82.00		217.00	2.65

Academic Year 17-18 : Summer Session

SubSess : 5 week session 2

HST -102 World Civilization II

C	3.00	3.00		6.00			
SubSess Totals :		3.00	3.00		6.00		2.00
SessTotals :		3.00	3.00		6.00		2.00
CumTotals :		91.00	85.00		223.00		2.62

Academic Year 18-19 : Fall Semester

ENG -101	Freshman English I	A	R	3.00	3.00	12.00	
FA -178	Intro to Digital Photography	A		3.00	3.00	12.00	
HST -234	Hist Nat Am Precon to Mod	A		3.00	3.00	12.00	
SessTotals :		9.00	9.00		36.00		4.00
CumTotals :		100.00	94.00		259.00		2.76

Academic Year 18-19 : Spring Semester

ENG -102	Freshman English II	A		3.00	3.00	12.00	
MTB -106	Survey on College Mathemat	C		3.00	3.00	6.00	
SessTotals :		6.00	6.00		18.00		3.00
CumTotals :		106.00	100.00		277.00		2.77

Undergraduate Division

Course Number	Title	Gr	Rpt	Att	Ernd	Q.Pts	GPA
---------------	-------	----	-----	-----	------	-------	-----

Academic Year 18-19 : Summer Session

SubSess : 10 week session

BIO -160	Intro to Human Anatomy & F	B		4.00	4.00	12.00	
BIO -160	BIO 160 Laboratory	LB		0.00	0.00	0.00	
PSY -240	Human Growth and Develop	A		3.00	3.00	12.00	
SubSess Totals :		7.00	7.00		24.00		3.43
SessTotals :		7.00	7.00		24.00		3.43
CumTotals :		113.00	107.00		301.00		2.81

Academic Year 19-20 : Fall Semester

SOC -225	Marriage & Family in a Char	A		3.00	3.00	12.00	
SubSess : (1st 8 WEEK COURSES)							
AGR -103	Conservation Planning	B		4.00	4.00	12.00	
AGR -103	AGR 103 Laboratory	LB		0.00	0.00	0.00	
SubSess Totals :		4.00	4.00		12.00		3.00
SessTotals :		7.00	7.00		24.00		3.43
CumTotals :		120.00	114.00		325.00		2.85
Division CumTotals :		120.00	114.00		325.00		2.85

Degree Information:

(1) 'Associate of Arts' Date Conferred : 12/13/2019

Major(s)

Social & Behavioral Science

Victor J Clyde
UNM ID:
DATE OF BIRTH:

THE UNIVERSITY OF NEW MEXICO
OFFICE OF THE REGISTRAR
ALBUQUERQUE, NEW MEXICO 87131-0001

PAGE: 1
DATE ISSUED: 25-APR-2018

Course Level: Associate/Certificate

Current Program
Undeclared

College : Unclassified
Campus : Gallup Branch
Major : Special Status

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
----------	--------------	----------	-------

INSTITUTION CREDIT:

Spring 1991

Unclassified

COMM 270	COMMUNIC FOR TEACHER	3.00 B+	9.99
Ehrs: 3.00	GPA-Hrs: 3.00	Qpts: 9.99	GPA: 3.33

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	3.00	3.00	9.99	3.33

TOTAL TRANSFER	0.00	0.00	0.00	0.00
----------------	------	------	------	------

OVERALL	3.00	3.00	9.99	3.33
---------	------	------	------	------

***** END OF TRANSCRIPT *****

ISSUED TO:

Victor Clyde

UNOFFICIAL ACADEMIC
TRANSCRIPT

NOT TO BE RELEASED
TO THIRD PARTY WITHOUT
STUDENT CONSENT

Training



THE NATIONAL

JUDICIAL COLLEGE

In 1962

Serving Justice Through Judicial Education

This certificate is awarded to

VICTOR J. CLYDE

Participant

In recognition of faithful completion of

ADVANCED EVIDENCE

In witness whereof this certificate has been signed by the Chair of the Board of Trustees and the President of The National Judicial College at the University of Nevada, Reno.

August 20, 2009



Frederic B. Rodgers, NIC Board of Trustees Chair

William F. Dressel, NIC President



Est. 1963

THE NATIONAL JUDICIAL COLLEGE

OFFICIAL COURSE TRANSCRIPT

Name: Hon. Victor J. Clyde - Judge

Organization Address: Justice Court, Chinle(888)

Apache County
P.O. Box 888

Chinle, AZ 86503

Mailing Address:

Chinle, AZ

Phones:

Fax:

Email:

<u>Course Name</u>	<u>Start Date</u>	<u>Designation</u>	<u>Status</u>	<u>JSP Exam</u>
DUI Primer for New Judges: Impaired Driving Case Fundamentals	11/3/2003	Participant	Completed	
Special Court Jurisdiction	4/26/2004	Participant	Completed	
Commercial Driver's Licensing Laws: A Judicial Outreach Workshop	2/27/2006	Participant	Completed	
Special Court Jurisdiction	5/1/2006	Group Facilitator	Non-Paid	
Judicial Philosophy and American Law	4/13/2008	Participant	Completed	
Advanced Evidence	11/17/2008	Participant	Transferred	
Traffic Issues in the 21st Century	11/17/2008	Participant	Completed	
Advanced Evidence	8/17/2009	Participant	Completed	
Managing Challenging Family Law Cases: A Practical Approach	9/13/2009	Participant	Withdraw	
Tribal State Jurisdiction Symposium 2009	9/24/2009	Participant	Completed	
Handling Domestic Violence Cases in Tribal Court	10/1/2012	Group Discussion Leader	Completed	
Fundamentals of Evidence	3/18/2013	Group Discussion Leader	Completed	
Contempt and Judicial Ethics - A Webcast	2/23/2015	Participant	Completed	

EDUCATION | INNOVATION | ADVANCING JUSTICE

1664 N. Virginia Street Judicial College Building, UNR-MS 358 • Reno, NV 89557
tel (775) 784-6747 • 800-25-JUDGE (800-255-8343) • fax (775) 784-4234 • www.judges.org • <http://www.njc.edu>



THE NATIONAL JUDICIAL COLLEGE

OFFICIAL COURSE TRANSCRIPT

Muriel M. Bartlett
Muriel M. Bartlett, Registrar

Brenda Pardini
Brenda Pardini, Assistant Registrar

March 15, 2018

Date

American Academy of Judicial Education

By these present be it hereby known that

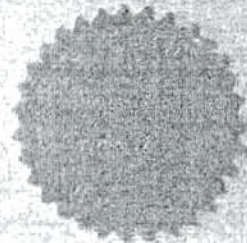
Victor J. Clyde

having completed the prescribed courses of study and by virtue of such achievement, and in recognition of being a judge supportive of court improvement through education and upon the recommendation of the Board of Directors of the American Academy of Judicial Education, is hereby awarded this

Diploma of Humanities and Judging

and is entitled to all of the rights and privileges pertaining thereto

Awarded this 20th day of August 2004



Charles D. Kelly

President Academy Board

Evelyn Barker

Administrator

American Academy of Judicial Education

Court Improvement Through Education

2123 9th Street, Ste. 203 • Tuscaloosa, AL 35401

205-758-6328 Fax: 205-758-6217

aaje@comcast.net

www.aaje.org

MEMORANDUM

TO: Judge Victor J. Clyde
DATE: August 20, 2004
RE: Diploma of Humanities and Judging

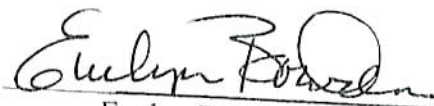
Dear Judge Clyde:

Congratulations! The American Academy of Judicial Education would like to commend you on the completion of the required courses to receive the distinguished *Diploma of Humanities and Judging*. We would like to thank you for your continued support and encourage your participation with the academy for your future Continuing Legal Education needs.

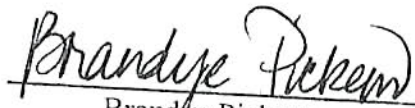
We appreciate the participation of all Arizona judges.

If you have any questions, please contact our office.

Sincerely,



Evelyn Bowden
Administrator



Brandye Pickens
Program Coordinator

American Academy of Judicial Education
Certificate of Achievement

presented to

Judge Victor J. Clyde

In recognition of the successful completion of the course
Current Issues in the Philosophy and Practice of Punishment

Whitefish, Montana

August 14 - 20, 2004

Evelyn Bowden
Administrator

American Academy of Judicial Education
Certificate of Achievement

presented to

Judge Victor Clyde

In recognition of the successful completion of the course
A Judge's Philosophy of Law and Judging
San Diego, California
June 19-24, 2004

Carolyn Brown
Administrator

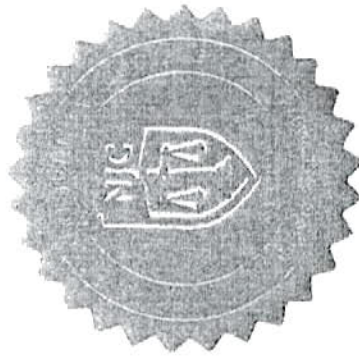


THE NATIONAL

JUDICIAL COLLEGE

Serving the Judicial Through Judicial Education

This certificate is awarded to
VICTOR J. CLYDE
In recognition of faithful completion of
Special Court Jurisdiction



In witness whereof, the certificate has been signed by the Chair of the Board
of Trustees and the President of The National Judicial College at the University
of Nevada, Reno

May 6, 2004



Alexander M. Sanders, Jr., Chair



William Dressel, President

American Academy of Judicial Education

Certificate of Achievement

presented to

Judge Victor J. Clyde

In recognition of the successful completion of the course
Judicial Reasoning

St. Petersburg, Florida

March 27-April 1, 2004

Emily J. Bowen

Associate Administrator

American Academy of Judicial Education
Certificate of Achievement

presented to

Judge Victor J. Clyde

In recognition of the successful completion of the course

Rule of Law and Justice

Scottsdale, Arizona

January 10-15, 2004



Executive Director

Arizona Supreme Court

Certificate of Completion

Presented to

For contributing to the professional competence and independence
of the judiciary through completion of the 2003 Orientation for Judges
of the Limited Jurisdiction Court Program.



Charles E. Jones

Chief Justice Charles E. Jones

March 6, 2003

Date

THE NAVAJO NATION
DEPARTMENT OF LAW ENFORCEMENT

THIS CERTIFIES THAT

VICTOR CLYDE

has successfully completed requirements prescribed for certification as a POLICE INSTRUCTOR
under the Navajo Law Enforcement Training Academy Instructor Certification Program
for the Navajo Department of Law Enforcement

The above-named person is hereby authorized to conduct and instruct training sessions
which can be certified and accredited by the Navajo Law Enforcement Training Academy.

PRESENTED THIS 29TH DAY OF MARCH 1991.


Vernon L. Jackson Sr.
Law Enforcement Training Specialist


Harry Sombbrero, Chief of Police
Department of Law Enforcement

Navajo Police Academy

Certificate of Training

This certifies that

Victor Clyde

is hereby awarded this

POLICE INSTRUCTOR CERTIFICATION

following successful completion of the approved 80-Hour Instructor Development Course
and is accorded all rights and privileges of a Certified Police Instructor.

Given this 13th day of March, 1987 at Window Rock, Navajo Nation, Arizona

Henry Johnson

TRAINING DIRECTOR
NAVAJO POLICE ACADEMY

Renee Wanda

COURSE COORDINATOR

Navajo Police Academy

This is to certify that

V I C T O R C L Y D E

has completed a specialized
course in

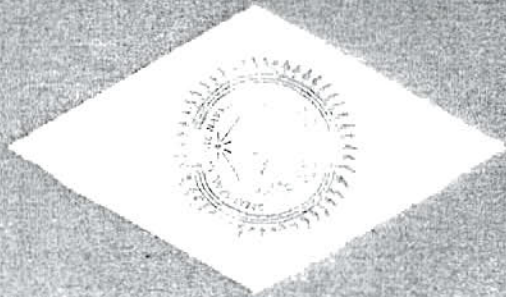
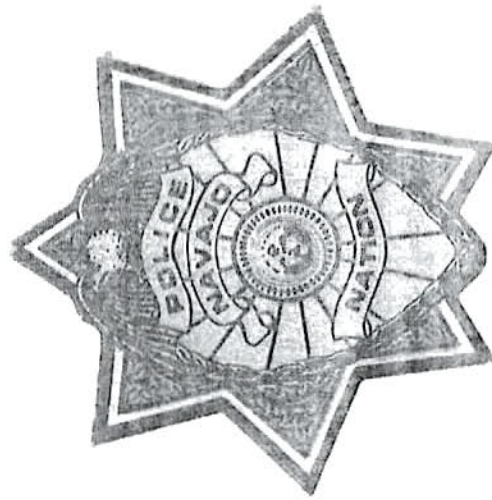
83-HOUR ADVANCE OFFICER COURSE

At AUGUST 26, 1983

SUPERINTENDENT OF POLICE

George Johnson

TRAINING DIRECTOR



Navajo Division of Public Safety

Certificate of Training

This certifies that

Victor J. Clyde

has successfully completed

Basic Police Recruit Training

of the Navajo Division of Public Safety and meets the prescribed minimum standards of peace officer training.

Given this 12. day of Aug 19 82 ..

at Window Rock, Navajo Nation, Arizona

H. Belman

EXECUTIVE DIRECTOR

NAVAJO DIVISION OF PUBLIC SAFETY

W. Benelli

ASSISTANT DIRECTOR
POLICE SERVICES

George Talm

TRAINING DIRECTOR
POLICE SERVICES



NNBA
&
State
Licensure

TROY EID
PRESIDENT

LAVERNE GARNENEZ
VICE-PRESIDENT

JULIA GUARINO
SECRETARY

NEOMI GILMORE
TREASURER

NAVAJO NATION BAR ASSOCIATION, INC.

POST OFFICE BOX 690

WINDOW ROCK, ARIZONA 86515

(928) 871-2211; FAX: (928) 871-2229

E-MAIL: YOLANDA@NAVAJOLAW.INFO

WEBSITE: [HTTPS://WWW.NAVAJOLAW.INFO](https://WWW.NAVAJOLAW.INFO)

CERTIFICATE OF GOOD STANDING

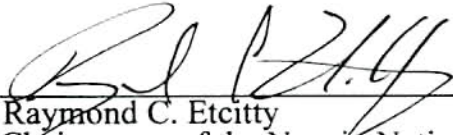
IN THE MATTER OF:

Victor J. Clyde

I, Ray Etcitty, Chairman of the Navajo Nation Bar Association, Inc. Admission Committee do hereby certify that the above-named person was admitted to practice before the Courts of the Navajo Nation on the 19th day of September, 1986. The above-named person is an active member in good standing with the Navajo Nation Bar Association.

Dated at this 10th day of January 2020.





Raymond C. Etcitty
Chairperson of the Navajo Nation Bar Association, Inc.
Admission Committee

Supreme Court of the Navajo Nation



Victor J. Wlyde

having exhibited in the Supreme Court of the Navajo Nation satisfactory evidence of good moral character and the qualifications in practice law, is therefore hereby authorized to practice as a Counselor in the Supreme Court and all other Courts of the Navajo Nation for and during good behavior in said practice.

In Testimony Whereof,

I have hereunto set my hand and affix the seal of the Supreme Court at Window Rock, the Navajo Nation,

this 12th day of September, 1986.

Attest:



CLERK

CHIEF JUSTICE

OATH OF OFFICE

JUDICIAL BRANCH OF THE NAVAJO NATION CHINLE JUDICIAL DISTRICT

I, Victor J. Clyde, do solemnly swear to uphold and abide by the laws of the Navajo Nation and the Treaty of 1868 between the Navajo Nation and the United States of America and will faithfully execute the office of COMMISSIONER of the

Chinle Judicial District, and will to the best of my ability preserve, protect and defend the laws and government of the Navajo Nation and advance the interest of the Navajo people, having due regard for the ethical duties and responsibilities of the office; So help me God.

Sworn on this 13th day of January, 2011

Oath Administered by:

Victor J. Clyde

Victor J. Clyde, Commissioner

Cynthia Thompson

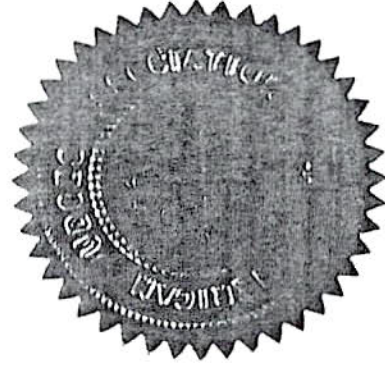
Honorable Judge Cynthia Thompson

American Judges Association

certifies that

Honorable Victor J. Clyde

*is a member in good standing of this Association, whose
commitment is to promote and improve the effective administration
of justice and to provide a forum for the continuing education
of its members and the productive interchange among all judges.*



Michael R. Males

President

Arthur J. Cohen

Secretary

Ethics Clearance



THE NAVAJO NATION ETHICS AND RULES OFFICE



P.O. BOX 5490 Window Rock, Arizona 86515 Telephone (928) 871-6369 Fax (928) 871-7168

WEBSITE: www.nnethicsrules.navajo-nsn.gov

January 17, 2020

MEMORANDUM

TO : Cheron Watchman, Human Resource Director
ADMINISTRATIVE OFFICE OF THE COURTS

FROM : Amber L. Sandoval
Amber L. Sandoval, Office Aid
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. **Victor J. Clyde,**

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 or by the Office of Hearing & Appeals. Therefore, Mr. Clyde 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.

Writing Sample

IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA

Stephanie Mitchell,
Petitioner,

NO. WR-DV-1009-2017

vs.

Elijah Snake,
Respondent.

DOMESTIC ABUSE
PROTECTION ORDER

THIS COURT having read the Petition for Domestic Abuse Protection Order, and having determined that the respondent has received actual notice on December 20, 2017 and an opportunity to participate was afforded due process. The court proceeded to hear testimony and receive evidence on the petition, pursuant to 9 N.N.C. §1655 (B)(4) and rule 3.13 of the Navajo Rules of Domestic Violence Proceedings on 4th day of January 2018. The Petitioner and the Respondent appeared for the hearing pro se.

THE COURT HEREBY FINDS: That it has personal and subject matter jurisdiction over the parties and this cause of action pursuant to 7 N.N.C. §253 and 9 N.N.C. §1651.

Petition for Domestic Abuse Protection Order and Motion for Temporary Protection Order was filed November 14, 2017. The court granted the Motion for Temporary Protection Order on November 14, 2017. At the hearing, the Petitioner has proven the allegation of domestic abuse by a preponderance of the evidence pursuant to 9 N.N.C. § 1654(a) and acts as defined under 9 N.N.C. § 1605 (a)(1)(G) "Emotional Abuse". Using threats, intimidation, or extreme ridicule to inflict humiliation and

emotional suffering upon another. "Harassment"; Conduct which causes emotional alarm and distress to another by shaming, degrading, humiliating, placing in fear, or otherwise abusing personal dignity. Unwelcome communications, made by phone or by other methods, containing intimidating, insulting, berating, humiliating, offensive language. Further he caused Emotional Abuse.

Petitioner testified about her petition that on November 7, 2017 at 10:15 am, she and her brother and mother left home to see her uncle. While she was leaving Respondent encountered her at the drive way where he stared her down. This caused petitioner to have anxiety attack and started shaking. Respondent was told before to stay away to leave petitioner alone. However, respondent continues to harass and intimidate her. She is scared to start communication with him due to all the previous verbal abuse. He continues his abuse even in the presence of a health professional. During the doctor appointment he makes comments where he refers to himself as "the donor" on October 12, 2017 and "commented that he was the donor" on October 20, 2017. On October 12, 2017 he posted on social media "always fun being the donar!!" This allowed others to join in making comments publicly. Respondent continued with his verbal abuse through electronic methods after he was informed by the petitioner to stop all communication. Petitioner states her pregnancy wasn't planned and from the moment she found out she

was verbally abused from father and his family. The family would talk down on Navajos saying "all Navajo are dumb, stupid and lazy." Petitioner introduced further medical records of her doctor's visit including a visit to the ER due to having anxiety attack, fearful of respondent coming to her appointments. Ms. Mitchell feels threaten, intimidated and harassed by the Respondent. She is worried about the effects on her unborn child. The Navajo teachings are that a parent of an unborn child have respect and reverence for the unborn child, and certain conducts are prohibited during pregnancy, which includes verbal and physical abuse of the mother so that the child would be born healthy. Navajo law includes an unborn child. "hence the respect for honor, belief and trust in the Dine bi beenahazanii preserves, protects and enhances the following inherent rights, beliefs, practices and freedom: A. the individual rights and freedoms of each Dine (from the beautiful child who will be born tonight to the dear elder who will pass on tonight from old age) as they are declared in these laws;" 1 N.N.C. § 202.(A). making a mockery of the unborn child, ridiculing or otherwise abusing personal dignity of the Petitioner is Domestic violence. This is not in harmony with the notion of the Navajo teachings of **Shizaad hahózhqóoo dooleel** "With beauty I shall speak". The Diné Customary Law declares and teaches that is the right and freedom of the people that there always be holistic education of the values and principle underlying the purpose of living in balance

with all creation, walking in beauty and making a living; It is the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse, pursuant to the **Diné Customary Law. 1 N.N.C. § 204 4.A and E.**

THE COURT finding that it is more likely than not that an act of domestic abuse has occurred or is about to occur,

HEREBY ORDERS:

Respondent be refrained from committing further acts of abuse or threats of abuse against the Petitioner. Eligah Snake shall not abuse, harass, threaten, stalk, or commit any other acts of domestic abuse against Stephanie Mitchell and her immediate household members (hereafter "Petitioners"). Further, Elijah Snake shall not cause, permit, encourage, ask or suggest any other persons to do anything which he is prohibited from doing by provisions of this Order.

Respondent shall not initiate contact with the petitioners in person, in writing, by phone, emailing, text messaging, and social media or other electronic means, the internet or through a third person unless otherwise specified by the court.

Respondent shall stay away at least 100 yard away from the petitioner's residence, the petitioner's places of employment, school and other places the petitioners may be conducting business on or off the Navajo Nation. If Elijah Snake arrives at a location where the Petitioners are at, Elijah Snake shall immediately leave the location.

Elijah Snake shall not sell, remove, hide, destroy, damage, or pawn any property owned by the Petitioners.

Elijah Snake shall attend a Domestic Violence Preventive Educational Session and Anger Management with the Navajo Nation Social Services. Respondent shall submit proof of enrollment and successful completion to the Court within twenty (20) days from the date of this Order.

This Domestic Abuse Protection Order shall be in effect for a period of (5) Five years from the date of court's oral entry of order on January 4, 2018 and ending on January 4, 2023, unless extended or otherwise modified or dismissed by this Court.

WARNING TO THE RESPONDENT:

This is an official Order, if you violate this Order; the Court may find you in contempt and sanction you by confinement in jail for a period of up to six (6) months and/or a fine of two hundred and fifty dollars (250.00). You may be arrested and prosecuted for the crime of Interfering with Judicial Proceedings and any other crime you may have committed in disobeying this Order.

IT IS FURTHER ORDERED that this Court shall register said Order with the Navajo Nation Department of Law Enforcement, and this Order shall be enforced by all Law Enforcement Offices of the Navajo Nation. This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands under 18 U.S.C. Section 2265. Crossing state, territorial

or tribal boundaries to violate this order may result in federal imprisonment under 18 U.S.C. Section 2262.

SO ORDERED this _____ day of _____, 2018.

Judge, Family Court of the Navajo Nation

CERTIFICATE OF SERVICE

I certify that I have this _____ day of _____, 2018, sent a true copy of the foregoing Domestic Abuse Protection Order to the Petitioner and to the Respondent by first class mail and to the Navajo Nation Department of Law enforcement.

By: _____

Title: Clerk of the Family Court of the Navajo Nation.

**IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF SHIPROCK, NEW MEXICO**

Bianca Tsosie, for herself and
OBO of minor child, A.P.
Petitioner,

Case No. SRFC-DV-457-2019

v.

Shardai Pioche,
Respondent.

ORDER

(Re: Denial and Dismissal of Petition for
Domestic Abuse Protection Order)

THIS MATTER having come before the Court and upon review of the case before the Judicial Hearing Officer Victor J. Clyde, the Court hereby finds the following:

The Court has personal and subject matter jurisdiction over this matter pursuant to 7 N.N.C. § 253. This matter came before the Court for a hearing on a Petition for Domestic Abuse Protection Order on August 21, 2019. Both parties appeared. Respondent was served with the Petition, Temporary Protection Order, and a notice of hearing on April 17, 2019 at 1:18PM.

Petitioner Bianca Tsosie, for herself and on behalf of minor child, A.P. appeared for the hearing represented by legal counsel Luralene D. Tahpahe. Respondent Shardai Pioche also appeared for the hearing and was represented by Justin Jones. In her petition, Petitioners alleges Respondent came over along with her father Orlando Pioche to the dog kennel. Respondent was holding a 2x4 board and threatening to hit minor child, A.P. with it. Petitioners allege that the Respondent came through the kennel gate, approached minor child A.P., and hit the minor child on her head with the board.

The testimony of several witnesses given at the hearing clearly shows that the dispute in this matter is due to an aggressive dog. Testimony shows the subject dog had bitten another person prior to the Respondent approaching the Petitioners. The Court finds that Respondent was at Martha Harris's residence washing dishes and cleaning up after a birthday party. Respondent stepped out of the house and saw the fighting between Bianca Tsosie, minor child A.P., Kimberly Harris and Martha Harris inside the fenced dog kennel. According to Respondent's testimony, her intent was to break up the fight. Respondent testified she saw a white dog barking and nipping at the three (3) individuals fighting. Respondent knowing that a dog was barking within the kennel picked up her son's toy wooden sword to defend herself in case the dog attacked her. In fact, she

had to use the toy sword to repel the white dog when the dog bit her on the leg. Respondent further testified she then went into the fence and used the sword to separate minor child A.P. and Kimberly Harris by putting the toy wooden sword in between the two individuals and used the wooden toy sword to push them apart. Petitioner failed to show evidence that the Respondent used a 2x4 to assault minor child A.P., therefore the Court finds insufficient evidence to grant an order of protection in this matter.

THEREFORE, THE COURT HEREBY ORDERS, upon recommendation of the Judicial Hearing Officer that Petitioner's Petition for Domestic Abuse Protection Order is denied for lack of evidence, and the case is hereby dismissed with prejudice. The Temporary Protection Order issued in this matter is hereby Vacated.

SO ORDERED, this ____ day of _____, 20____.

Judge, Family Court of the Navajo Nation

CERTIFICATE OF SERVICE

I have on this ____ day of _____, 20____, provided a true and accurate copy of the foregoing Order to the above-named Petitioner via USPS first class mail; to the Respondent through regular USPS first class mail; and to the Shiprock Department of Law Enforcement for their records.

Clerk, Family Court of the Navajo Nation

Refection Paper 1: Marriage Expectations

Victor J. Clyde

SOC 225

Dine' College

Victor J. Clyde

Miranda Haskie

SOC 225

1 October 2019

Reflection Paper 1: Marriage Expectations

Relationships between married couples are considered to be sacred and should be respected. The married couple holds a privilege that the communication between the two belongs to them only, and is not subject to disclosure so long as the privilege is not alienated. However, here some information is being revealed for educational purposes. Answering the questions to the topics below, both personal experience and personal opinion are used.

I walked up to an old mirror with a crack all the way across. I looked at myself with a smile. I am grateful and probably lucky to be married. I can visualize my happy marriage despite all and any hardships we faced and all the difficult decisions we have made. I reflect on my reflection in the mirror. Harmony can exist in a marriage if two can listen and make agreements.

The first question to reflect on is, "When should a relationship be dissolved and under what circumstances?" "How long and in what ways would you work on an unsatisfactory relationship before dissolving it?" Many times I see couples are just not mature enough to be in

a relationship, let alone a marriage. There has to be a certain level of maturity to be in a relationship. Many people rush into relationships and/or marriages when they aren't ready emotionally. As a result, certain problems arise that the couple is not equipped to handle. One of these problems is domestic violence. Young couples, in some cases, experience various physical and emotional abuses in their early years of marriage. There are many factors that contribute to this kind of abuse, such as alcohol or drug abuse and sometimes due to infidelity. There are such abuses in older couples. This may be caused by financial problems and in some cases because of illness or even aging. I strongly believe that if there is any serious physical, mental or emotional abuse then there is a valid reason to dissolve a marriage. Any dispute or problems within a marriage should be resolved within the home between the married couple, or at least an attempt should be made to resolve the issues, disagreements to alleviate dissolving a marriage. If it cannot be resolved by the couple alone, then they can seek an elder, parents, family spokesperson, or a community leader to assist in resolving any dispute or issue. My opinion is based on our Navajo teachings about the purpose of a family fireplace within one's home. The fireplace is a stronghold. A place where teachings are shared with everyone. All of our learning come from within the home. The couple can also agree to attend counseling to resolve any unsatisfactory relationship. In some jurisdictions, the law allows a couple to a legal separation for a period of one year before deciding on dissolving their marriage or a divorce.

The next question is about having children. Again, in our Navajo teachings, the purpose of a marriage is to have children and this teaching is normally shared at the time of a wedding ceremony. This is positive thinking that we, the Dine' will always exist here on Mother Earth. "Do you want children?" Yes! To have children in a healthy marriage is a welcoming experience and to make a marriage complete. To have children is considered wealth. "If so,

how many?" We have three children who are now all adults. To have one more or even several more would have been good. However, we have three and we are thankful. They are several years apart, which gave us enough time to spend concentration on their infancy and early childhood, individually. "Whose responsibility is birth control?" Responsibility should be decided by both parents.

The third question is as follows: "If you have children, how will you allocate child-rearing responsibilities?" Child-rearing was done by both myself and my wife in our marriage. Maybe not the same or equally, but history shows that we both had our opportunities to contribute to the well-being of our children. First, there wasn't a written schedule to guide us. We both had employment, early on in our marriage. We both had alternating hours of work and unknowingly or without thinking about it, we took turns caring for our children. We had different ways of being raised by our parents and we most likely helped each other with applying those different qualities of child-rearing. "Do the two of you agree on child-raising practices, such as whether to spank a child?" Honestly, there was very little thought about having to agree or disagree. Decisions just came naturally. Luckily, there was never a need to spank our children. I would have agreed to a spanking for discipline, because I have been tapped with a stick when I did not listen to my grandparent's instructions. Tapping, not being hit, there is a difference. Spanking was also mentioned to me if I did not do my chores. The same way, I have stated to my children when they were younger that if they didn't listen then they would be spanked. We never had any serious problems that required any serious disciplinary correction of our children. Although, we were both raised in slightly different ways, our own child rearing complimented each other's "style". There was never a disagreement on how we disciplined our children, when it was needed. Strong and consistent instructions and expectations of our

children were expressed to them and they were receptive.

The next question to reflect on is about marital finance. “What is the financial situation of each partner as he or she comes into the union?” I was always taught I would need a job or ability to work on my own if I wanted to have some type of livelihood, in the future or if I wanted to have a wife or children. I was already gainfully employed when I met my wife and never relied on anyone else for financial support. My wife also acquired her employment and we both began supporting each other financially to buy materialistic things to maintain our own home, vehicle and buying furniture for our home. Our finances included raising and caring for our cattle and sheep when we first met. This practice continued into our marriage and still held on to that tradition from my grandparents. We have been able to maintain and develop our three places. They are located at our winter range, summer range and in Lukachukai. My wife and I were raised slightly different when it came to financial situations. My grandparents raised me and it was almost like I was an only child, because my mom, aunts and uncles were already adults and on their own. My grandparents were financially stable. Whereas, my wife comes from a big family, with many siblings. I’m sure it was more difficult, financially, for her family. However, we were able to make our differences work for our family, financially. “How will the couple manage any previous debt, credit problems, and their existing financial situations in general?” When I first met my wife, the only debt I had was payment on my contract for my vehicle. “My” vehicle quickly became “our” vehicle. I bought a mobile home which was paid with cash and didn’t live with either of our parents or rent a place to live. We had our share of struggling with credit problems and it certainly took a while to adjust and to learn how to manage our finances as a young couple. As young people, we were not taught how to handle finances, especially when it came to credit. We had to learn as we went along. We

learned from our mistakes. Today, I think without verbalizing our responsibilities or agreements, we both are successful in maintaining a healthy finance. Since we learned from our mistakes, we now know where those problems were and we try to teach our children about having good credit and being financially responsible.

“Will partners equally share breadwinning and homemaking responsibilities or not?” “How will money be allocated?” “Who will be the owner of family property, such as family businesses, farms, or other partnerships?” These questions relates to property. Obtaining property which becomes community property for married couples is included in a marital relationship. It is an important issue knowing today that many couples have arguments over property. Early on in our marriage, my wife and I both worked full time. We shared bills and money equally. There was no, this is mine and that’s yours. Everything was “ours”. I see a lot of relationships where money is separated. And I also, see that this becomes an issue later on. Family property in our marriage, mostly came from my side of the family but it has become the responsibility of us both and our children.

Religion is important. It is a part of our Dine’ holistic teachings, the Dine’ paradigm. The most common mentioned is the existence of “Nitsahakees, Nahat’a, Iina, and Sihasin.” However, in our traditional Blessing Way songs, we include Sodiziin and Siin. To have your life complete, one must include the two I mentioned. This is my thought based on a beautiful Blessing Way song referring to the origins of the Dine’ Paradigm. “Do you expect your partner to share your religion?” “Will you attend religious services together?” “If you are of a religion different from that of your mate, where will you worship?” “What about the children’s religion?” As I have said previously, my wife and I were brought up differently. This includes

religion. My wife was brought up in a Catholic family with some traditional Navajo practices. I was mostly brought up in a traditional home. However, we both were accepting of each other's practices and beliefs. We were both willing to learn and support each other in our different ways. Our children have been raised with Catholic beliefs, Dine' Traditional beliefs and Native American Church beliefs. We believe all three of these beliefs share a lot of the same teachings and complemented each other. Therefore, our children were taught all three. I see many relationships coming to end because the two involved were not willing to accept the other's beliefs and give the other support in these beliefs.

"How will each of you relate to your own and to your partner's relatives?" Because my wife and I were both brought up in traditional homes. The term K'e was not just a word to us but a way of life and this reflected how we treated people in general. The kindness, generosity showed to people, whether relatives, in-laws or friends is something you are brought up with. Therefore, my wife and I had no problem relating to each other's family. Again, another reason of a marriage is to unite the family and relative from both sides. The Groom's family and the Brides' family are reminded at a wedding that by having this wedding ceremony, it allows both sides to gain a larger family. This would be necessary when the time comes to help one another in a big ceremony or, even to simply have a family celebration such as a birthday.

The eighth question I choose to reflect on is "How much time alone do you need?" "How much are you willing to allow your partner?" I choose this question because it is something I never thought of or thought it could be important in a marital relationship. When I am out looking and rounding up my cattle, majority of the time, I am alone. That is enough time for me. Going beyond that, hunger and being tired will remind me that I need to go home

where my wife will have prepared a meal. Seeing this questions triggers my thought that perhaps I should have posed that question to my wife several years ago. Is it too late to ask this question to her? Sure the question asked has prompted me to reflect on it. In my moment of reflection, if necessary and if is a requirement in a couple's relationship, I would give her however short or long it would satisfy her need to be alone. This question is a difficult one to answer. I feel this is more of a western, white-man concept. To me this falls under the term of "me-time". Our Dine' ways revolve around family and doing what's best for all. The concept of doing what's best for "number one" does not go along with the Dine' teachings. We are taught to be selfless and to support the family. This may mean, emotionally, physically and even financially. I have never considered to need "alone time". And I don't think my wife has thought of this either or at least she has never said this to me.

Last but not lease, the topic of importance in a couple's relationship is the question about; "What are your own and your partner's personal definitions of intimacy, commitment and responsibility?" Intimacy to me is living together, accepting each other as you are. Loving each other, helping each other, raising children and teaching grandkids. Perhaps occasional holding hands, kissing and cuddling when TIME PERMITS. My grandma told me if you are busy kissing, holding hands and leading your wife around all the time, then that is all she will want and she will forget to cook for you, she won't let you out of the house to work, basically you will be inviting poverty, laziness, and argumentations into your life. Intimacy has different meanings. Of course, many will first think of sexual or physical intimacy but I think of a close connection with your spouse. The emotional connection outweighs the physically intimacy, many times. The trust, confidence, warm, you feel for your spouse is what I describe as intimacy. All of this, makes and develops into commitment and responsibility to each other.

The crack in the mirror I mention at the beginning of this writing actually displays some zigzag lines all the way across that appears to be like a big mountain, some small in height and one higher than all the others. The ups and downs in the mirror are similar to the ups and downs of a marriage. A marriage is not always happy, nor is it always sad. A marriage is made of both. When I squint my eyes, I can see evergreen trees of different species such as Ponderosa, Aspen, Oak, Spruce and Douglas fir. Now, I focus on what appears to be a beautiful water fall and I start to hear the running water, water splashing against boulders and smaller different size and different shape rocks. The water makes me feel refreshed, it helps clear my mind and cools me off. As I look at the other mountains, I can see a green valley with a variety of colored flowers. Upon looking closer in the mirror, I smell a fragrance way better than all the air fresheners surrounding the mirror. Oh what a beautiful place to be in the mountains where I also imagine all kinds of wild animals and many species of birds flying. They all appear peaceful and enjoy their freedom. I step back slowly, as quietly as I can not to put another crack in the mirror where I saw myself with an imagination, a reflection of myself as being part of Shi Ma Dził Yíshháán.

The Fireplace is greeted as grandpa fire and grandma fire, the logs from the trees I mentioned are classified as male and female. Everything in life has duality. The water is To Yizhaan, Mother water. Sometime it runs clear and at times it will be murky. Marriage is the same way, at times various things interrupt marriages and like a muddy stream it runs dirty, but in no time harmony is restored in a marriage, just as the water runs clear again.

The mountains represents our Dine' Fundamental Law and it represents our home. Within the home filled with Deities of K'eetaanchiin, the doorway and its flaps of protection is

what we refer to as the right and freedom of the people. The sacred bond in marriage and the unity of each family will be protected. This is the Harmony in marriage "I DO". This is something I share and use as a teaching to others within the work I do. The mountains guide us, the mountain songs are a journey in our life.

In summary, while writing this reflection on marriage expectations, it is like being awakened to some very valid questions that ought to be considered when first planning a marriage. It makes you think. I've also, learned that these questions should be explored by those that are having difficulty to stabilize or make commitments in their marriage. It certainly justifies my explanation to the young and older couple that cause domestic abuse in their relationship.

Babies First Laugh, significance and/or acknowledgement in other
cultures compared to Diné Culture

Victor J. Clyde

Diné College

Abstract

This is not a laughing matter, but my research question is, when do babies have their first laugh? What is the significance and how is this acknowledged in other cultures compared to the Diné culture? I chose this subject because I wanted to write about something different than what was on the suggested list. I also have a granddaughter and I was blessed to witness her first laugh. I have read that the first laughs are prompted, in several ways including tickling, making funny faces, doing peek-a-poo, etc. Most publications states that it is not until the second or third month that a baby will have their first laugh. The first laugh occurs about a month after a baby's first smile. A baby's laugh is a form of the many expressions that a human being develops after birth. It is an event in a baby's life that adults are amused and expect to witness, sometimes waiting for many days for that first laugh. Other cultures who acknowledge the first laugh are different. Most are just generally noticed, but a baby shower is almost always celebrated that coincide the babies' happiness as a general evident of a healthy child and the fact that parents and relatives appreciate the arrival of a new baby into the family. Hence, the closest thing to a First Laugh celebration, is a baby shower in other cultures.

Main Body

My research question is, when do babies have their first laugh? What is the significance and how is this acknowledged in other cultures compared to Diné culture? I have a granddaughter and I was blessed to witness her first laugh. I have read that the first laughs are prompted, in several ways including tickling, making funny faces, doing peek-a-poo, etc. Laughter has been studied and remarked upon for over two thousand years, by Aristotle and Darwin among others,...laughter can be invoked by tickling and peekaboo games in babies or by dirty jokes in adults. (Wilson, David Sloan April 2007).

My granddaughter, at the beginning, rarely smiled and I had a concern about her. Well, one day her mom took her outside to look at the puppies on the porch. The puppies started barking at her and that made her laugh. I thought that was special to have an animal make her laugh. Most traditional stories are of having someone, a family member, relative or even a visitor make a baby laugh.

Development of happiness is evident in changes in infants' smile and laughter that take place during the early months. (Arnett, Jeffrey Jensen, 2016). In the study of human development, laughter is included in the discussions in emotional and social development in infants' emotion. It is an expression that comes deep in our biological nature. Both human and animals have emotions. (Arnett, Jeffrey Jensen, 2016).

That makes me think about how you would know when an animal would be laughing.

Sometimes, when I hear dogs barking outside, and I say, check to see what those dogs are laughing about. At times, I rather have a positive outlook then negative. People tend to be suspicious or scared and say see what the dogs are barking at or check to see if anyone is out there. Infants are born with a limited range of emotions that become differentiated into a wider

range in the course of the early years of life. The text book, Human development a Cultural Approach describes the study of emotional development between two broad classes of emotion. Primary emotions are the most basic emotions, the ones we share with animals, such as anger, sadness, fear, disgust, surprise, and happiness. All of these emotions are evident in the first year of a baby's life. The other emotion is called Secondary emotions and those require social learning, such as embarrassment, shame, and guilt. These develop in the second year of the baby's life. (Arnett, Jeffrey Jensen, 2016). My research is on the happiness part of our emotions. It is said that the baby begins to smile a lot to certain kinds of sensory stimulation as time goes on. However, it is not until the second or third month of the child's life that the first social smile appears, an expression of happiness. The first laugh occurs about a month after the first smile. (Arnett, Jeffrey Jensen, 2016).

From this text book, I have learned this emotion begins developing in the early weeks of life. First the Neonate shows an interest, then a facial expression of pleasure. The pleasure then turns into happiness, followed by a smile and a laugh. This is my understanding of the process of laughter.

Somewhere between that first smile and that first recognizable syllable comes the magical sound of a baby's first laugh. (Lamb, Marquerita, n.d.).

From an evolutionary perspective, laughter, like suicide, homosexuality, adoption, and art, superficially appears difficult to explain yet is detrimental to our survival and reproduction?

Consider some of the basic facts that everyone knows: all people are capable of laughing, except for a tragic few who are severely mentally impaired. Babies begin to laugh between two and four months of age, long before they begin to acquire language. Even congenitally deaf and blind babies laugh, so hearing or seeing the laughter of others is not required. Laughing is primarily a

social phenomenon; we know this from personal experience but studies show that we are over thirty times more likely to laugh in the company of others than when alone. A laugh is easily recognizable, despite individual and cultural differences. Laughing is contagious; the mere sound of it makes us want to laugh. Finally, laughing is pleasurable. It puts us in a good mood and makes us act differently than we do in the absence of laughter. If anything qualifies as a genetically innate capacity that requires an evolutionary explanation, it is laughter. (Wilson, David Sloan, 2007). This explains a group of people that were concerned as to why a baby was not laughing in a story that I would like to share that prompts the Dine' teachings of the babies First Laugh. I will share this story toward the end of my research. I've heard people say "laughter is good medicine." I believe that is true, you can't go about living without laughing. Laughter is necessary to have a happy and healthy life. Every culture on earth has to laugh. I think some laugh in short duration and others might laugh like almost out of control. Oh yeah, I've seen people laugh so hard that they say they can't stop laughing.

There was a question posed in one of my readings in regards to the baby's first laugh. The short comment agrees with the Navajo Tradition in celebrating the baby's first laugh. (Baby Center, March 2024).

Infants are born with a limited range of emotions. There are two broad classes of emotion. They are Primary emotions and Secondary emotions. Primary emotions are more basic such as anger sadness, fear, disgust, surprise, and happiness. The Secondary emotions are emotions that require social learning such as embarrassment, shame, guilt. My focus with my research is the baby's first laugh which falls within the category of Primary emotions.

Darwin suggested that laughter is primarily an expression of mere joy or happiness, like that of a child...Adult laughter might thus be different from the child's innocent explosion of joy, even if

the physiological changes are similar. "My daughter laughed the first time she saw another infant: Great, she thought, finally someone my size!" The infant must grow slightly older before he can laugh as we do. (Buckley, F.H., 2003).

According to Navajo or Diné tradition, a baby is considered to be of two worlds at birth: that of the holy people and that of the earth people. As weeks pass, adults wait and listen for the child's first chuckle - a sign of joy that signals his desire to join his earth family and community. In Navajo culture, it is believed that a child assumes the qualities of the person who witnesses, or coaxes, his or her first giggle.

To commemorate this event, the person that made the child laugh hosts an A'wee Chi'deedloh ("The Baby Laughed") ceremony. Guests file past the infant with plates full of food. With help from the host, the baby holds out salt crystals for each of them. Placed on the food or tongue, the salt is meant to rejuvenate the good character in each recipient and serve as the first in a lifetime of generous acts by the child.

At the party, where the baby is considered the host, the parents or person responsible for the first laugh help hold the baby's hand as he or she ceremonially gives the rock salt, food, and gifts to each guest. The rock salt is eaten immediately, and then the plate is received. There are also bags of candy, money, and other presents that the child "gives" along with the food.

At the meal's end, either the host or a community or family elder blesses the baby, wishing him a life of generosity and gratitude. (Navajo on the East Coast. Facebook, July 4. 2013).

Author Rose Tahe in *The First Laugh Celebration* describe the event similar to all baby's first laugh celebration through the Navajo Nation. Some are probably a small acknowledgments that involve only the immediate household, whereas others are a big celebration involving the invitation of many relatives and family friends in a clan. The First Laugh Celebration (La'tse

Awée'ch'ideeldloh) is a Navajo or Diné, tradition that is a child's first formal welcome into a family and clans. The celebration expresses the parents' hope that their child will always be friendly, kind, and caring. Laughter is celebrated as an important, healthy, and healing aspect of the human spirit. Everyone in the family tries to be the first to make a new baby laugh. The person who succeeds begins a special relationship with the child and has the honor of hosting the First Laugh Ceremony. During the ceremony the baby holds (with some help) a woven Navajo basket filled with special salt crystals. Guests are given a pinch of salt to renew their good character. Giving away precious salt is the child's first act of sharing. As the baby grows, the family wishes that the child will have a happy life, many smiles, quick generosity, and a kind heart, and will gladly give to anyone in need. (Tahe, Rose Ann, Flood, Nancy Bo, and Nelson, Johnathan, 2018).

How other cultures around the world celebrate the baby's first laugh are similar in terms of the purpose of doing so, however, they are not celebrated exactly at the time the baby first laughs or celebrated in the same manner but its all about families being happy that there is an addition to the family and happy that there is a baby and they all want to meet the new baby. Relatives and friends all want to show their happiness for the parents by bringing gifts and to enjoy a meal with them.

In China, family and friends celebrate a new baby after one month old. The name of the celebration is "man yue". Eggs are boiled and dyed bright red, a very lucky color. The egg's shape symbolizes enjoying a happy peaceful life. Long noodles are served in hope that the child lives a long life. (Tahe, Rose Ann, Flood, Nancy Bo, and Nelson, Johnathan, 2018).

Japan's celebration of a new baby's arrival is done by receiving a blessing at a Shinto shrine when they are one month old. Later they attend a purification ceremony, the Seven-Five-Three

Festival (Shichi-Go-San). All children who are three, boys who are five, and girls who are seven dress in traditional kimonos and are presented at a shrine. Evil spirits are chase away to invite a happy future. Children each receive a big bag of candy! (Tahe, Rose Ann, Flood, Nancy Bo, and Nelson, Johnathan).

I have been honored a few times, to lead a short celebration of a baby's first laugh which I learned from my mentor my Nalii (Paternal Grandfather) Raymond Jim Redhouse from Teec Nos Pos, Arizona. He is medicine man who performs several types of ceremonies including the Beauty Way, Wind Way, Crystal Diagnostic, Tobacco, Sweat Lodge and Protection Way Ceremonies. The story goes that when White Shell Woman was born and shortly afterwards, she was being carried around among different people. They were concerned that the baby was not smiling or laughing and that prompted them to believe that perhaps there was something wrong with the baby. They each carried around the baby in attempt to make her smile and laugh but to no avail. So the people said, someone go visit Grandma Salt Women and summon her to see the baby. Maybe she will tell us what is wrong with the baby and what needs to be done to make her happy. Grandma Salt Women arrived on a donkey, dismounted and picked up the baby.

Grandma Salt Woman tried to bounce the baby. The baby did not smile or laugh. Grandma then tried to tickle the baby and still yet she did not smile or laugh. Next, Granma tried to make funny faces to the baby. The baby did not smile and looked at grandma with a mean expression. By this time Grandma was beginning to get frustrated, but continued to tickle, make funny facial expressions, and bounced her up and down and urging the baby to laugh. Still, the baby did not laugh. The baby again looked at Grandma with a mean look.

Just when Grandma was about to give up and leave, Grandma Salt Woman remembered she had a small pouch tied to her side. She put her hand in the bag and pinched a small amount of natural

salt out and placed it at the tip of White Shell Woman's tongue. Grandma Salt Woman then went through the same process of attempting to make the baby laugh. Still the baby did not laugh. By this time, the natural salt placed in the baby's mouth had dissolved in her mouth and into her body, Grandma made her last attempt. She put the baby close to her face and said "whoozhy, whoozy. Whoozhy, whoozy." Finally the baby White Shell Woman burst out with a big laugh. The people in attendance were all so happy that there was nothing wrong with the baby and they all celebrated with a big meal. They thanked Grandma Salt Woman and they all thanked each other. Grandma Salt Woman promised that she will dwell at a place call Salt Lake in the southern direction. She said in the future people can come visit her spirit to receive blessings. This is located at a place referred to as Salt Lake East of St. Johns, Arizona and South of Fence Lake, New Mexico. There is a crater there that is hard to find. The people were not like people of today but were deities that live like humans at the time. In this regard, when a baby first laughs, it is a symbolism of the baby being appreciative and thankful to the Holy People that she or he has arrived on Mother Earth completely and safely.

This is the reason that natural salt is used during the celebration of a Baby's First Laugh as described above in my research. Ceremonially, you can also place corn pollen on the seven points of the baby's body signifying that the baby will now be blessed with spiritual items by anointing them at these seven spots on the body throughout their life time. So, today, if you come home and your spouse is so mad at you, do not get into a confrontation, just simply say to him or her, whoozhy, whoozy and whoozhy, whoozy. Your spouse will have no choice but to laugh and return to a state of peace and hózhó.

Conclusion

There are some differences in the exact time a baby first laughs, however, all agree that it is

normally around 2 or 3 months. In all cultures, it starts to develop in babies between 3 and 4 months. "This is explained by Robert R. Provine, PhD, Psychology professor at the University of Maryland, Baltimore County, who is an author of *Laughter: A Scientific Investigation*." (Lamb, Marquerita, n.d.). In Navajo, no matter the months, but normally within the 3 months period, it is immediately celebrated or within a few hours considering giving enough time to announce to the family clan, gather and cook food. So, the teaching is that by the time a baby has their first laugh, the baby is considered to be one year old. This is counting the nine months of gestation. The time period is from the time of conception, birth and the three months after birth. This also sets the precedent that in Diné, one is considered to be a human from the day of conception. This is Diné Natural Law that can't be changed and argued to a human's desire or due to monetary reason. This is my interpretation of human life as shared with me by my mentor. In other cultures, when a fetus is considered to be human changes. Some do not believe it is human at the time of conception. Others believe a fetus is human at various times of gestation. I believe this changes mostly because of monetary reasons. It may be as a result of lawsuits against insurance companies or other entities. Courts decide when a human being is a human depending on the cause of death and the time of death of the fetus favoring the best arguments by the litigants. "Has your baby laughed?" On the Navajo reservation, that's a common question posed to parents who have infants around the age of three months. The first laugh of a Navajo child is a very significant event. It marks the child's final passing from the spirit world to the physical world, meaning he or she is now fully human and present with us. This milestone warrants a party, and what a party it is! (Charles, Mark, May 4, 2012). Dǫ́ bik'ehgo Diyin Nohookáá Diné nihi'doo'niid. In this way we were called the Holy Earth Surface People. Children are precious. Hózhq́ dǫ́

References

Arnett, Jeffery Jenson. (2016) *Human Development: A Cultural Approach -Second Edition*. (pp 171-172) Pearson Education, Inc. or its affiliates.

Wilson, David Sloan. (April 2007). *Evolution For Everyone, How Darwin's Theory can change the way we think about our lives*. Delacorte Press.

Buckley, Francis H.. (2003). *The Morality of Laughter*. The University of Michigan Press.

Take, Rose Ann, Flood, Nancy Bo, Illustrated by Nelson, Jonathan. (2018). *First Laugh, Welcome, Baby!* Charlesbridge.

Porretto, Denise, Parents. (n.d.) *Baby's First Laughs*, Retrieved from <http://www.parents.com/baby/development/laughing/babys-early-laughs/>

Holland, Kimberly, Healthline. (n.d.) *When do babies start laughing?*, Retrieved from <http://www.healthline.com/health/When-do-babies-start-laughing>.

Lamb, Marquerita, Parents. (n.d.) *The sweetest sound, your baby and laughter*. Retrieved from www.parents.com

A Laughing Party. Mark Charles, Calvin Institute of Christian for the study and renewal of worship. May 4, 2012. <http://worship.calvin.edu/resources/resources-library/a-laughing-party/>

Navajos on the East Coast, (July 4, 2013). Retrieved from <http://www.facebook.com/NavajoOnTheEastCoast/posts/101516824644448/>

Baby Center. (2014) *First Laugh Tradition*. BirthClub. Retrieved from http://community.babycenter.com/post/a50149807/first_laugh_tradition

Victor J. Clyde

Miranda Haskie

SOC 225

October 22, 2019

SOC 225: Marriage and Family in a Changing Society (3)

Homework Assignment #3: **Parenting Styles (25 point)**

10/17/19 (in lieu of class)

DUE: October 24, 2019

Parenting styles include authoritarian, laissez-faire parenting, and authoritative.

Authoritarian parenting includes low on emotional nurturing and support but high on parental direction.

Laissez-fair parenting includes allowing children to set their own limits with little or not parental direction.

Authoritative parenting combines emotional nurturing and support with parental direction (Lamanna and Riedmann, 2009, p.274).

1. Write a one-page typed paper, addressing a, b and c.
 - a. Reflect upon the parenting styles you experienced,
 - b. Note similarities / differences between parents (mother and father).
 - c. And reflect on how you feel that you might have influenced parental behaviors / styles.

When I reflect upon my years I spent with my parents, I truly believe that the parenting styles I experienced was a good one and therefore I had a good childhood. I like to reflect on my grandparents who were my legal parents. First, I agree that growing up with married parents is statistically related to better child outcomes as described in the text book. I feel this way because I do think the outcome of my childhood and later on in adulthood is pretty-good-alright. Pretty-good-alright is a phrase I heard growing up and was used to describe something positive. It may not be proper English but it definitely describes my childhood. Perhaps to others my outcome in life may not be acceptable or great to them, but I believe my grandparents parenting styles is what I live by today. The outcome of my life I credit to my supportive grandparents and the consistent discipline they raised me with. My grandparents displayed both high warmth and monitoring. The textbook defines this type of parenting styles to exhibit an authoritative parenting styles.

I grew with strict sets of rules and expectation from both my grandmother and my grandfather. My grandmother assumed the primary responsibility raising me. She was always conscious of age appropriate chores and activities along with formal behavioral expectations. On the other hand, my grandfather expected me to grow up quick and be able to help with household chores of his lifestyle as a rancher. He thought no matter how young I was he expected me to ride a horse, brand cows and to look after our sheep and cattle no matter if I was old enough. He expected me to be a part of doing traditional ceremonies while my grandmother thought I should not be doing some tasks that only adults should be doing. I believe she felt I was not mature enough, mentally and emotionally.

To some degree, I have influenced my grandparent's behavior and styles upon my children. I think I have influenced my parental behavior and style as an authoritative parenting style a little different than my grandparents due to the changes in today's lifestyle. My reflection on this also tells me that my wife's parental behaviors/styles is similar.

Letter
of
Recommendations



CHINLE JUDICIAL DISTRICT
Post Office Box 547
Chinle, Arizona 86503

January 13, 2020

Judicial Conduct Commission
P. O. Box 2891
Window Rock, AZ 86515

The Honorable Law and Order Committee Members
of the 24th Navajo Nation Council
P. O. Box 3390
Window Rock, Arizona 86515

The Honorable Navajo Nation President Jonathan Nez
Post Office Box 7440
Window Rock, AZ 86515

The Honorable Members of the 24th Navajo Nation Council
P. O. Box 3390
Window Rock, Arizona 86515

Re: Letter of Recommendation for Victor J. Clyde

Greetings to you all:

As you all are aware, there are numerous vacant positions for Judges in the Navajo Nation Judicial Branch. It is with great enthusiasm that I submit to you this recommendation letter for Victor J. Clyde. I have known Mr. Clyde for several years and I find him to be an individual who has extensive knowledge of the criminal justice system on the Navajo Nation and in the Courts of the State of Arizona. Currently, Mr. Clyde is working as a Judicial Hearing Officer hearing domestic violence matters in the following Judicial Districts of the Navajo Nation: Chinle, Shiprock, Window Rock, Crownpoint, and Ramah. Mr. Clyde also worked for 17 years as a sitting Judge for the Justice of the Peace in Chinle, Arizona. He has knowledge and experience as a Judge, he understands the roles and responsibilities, he has very good work ethics, and he will bring these qualities to the Navajo Nation Judicial Branch as a Trial Judge.

I observe Mr. Clyde to take great care in the work he is doing, whether it is hearing domestic violence matters or preparing for a presentation. He always has a positive outlook in his work and enjoys helping others. He is committed to the work he does, he is determined to provide the best service to individuals and families, and he works very hard. He gets along with all staff members and helps with any questions they have regarding work.

Mr. Clyde's exemplary qualities in his work product and his strong desire to strive for great outcomes are a great plus for the Navajo Nation Courts. I know Mr. Clyde's upbringing consists of strong teachings of our Navajo lifestyle and it reflects in his work. Incorporating fundamental laws into the cases are strongly encouraged and Mr. Clyde does this very well. He understands the traditional stories and shares them with individuals and families and make them understand the underlining messages.

Mr. Clyde would bring a tremendous amount of professionalism and dedication to the Navajo Nation Judicial Branch and I am pleased to give him my recommendation. He will be a valuable addition to the Navajo Nation Judicial Branch. I am available to answer any questions the hiring committee may have concerning this letter of recommendation. My telephone number at work is (928) 674-2101 and my email address is cynthiathompson@navajo-nsn.gov. Thank you.

Sincerely,


Cynthia Thompson
Trial Judge

Xc: Victor J. Clyde



HON. MICHAEL LATHAM

PRESIDING JUDGE

SUPERIOR COURT OF ARIZONA

APACHE COUNTY

POST OFFICE BOX 667

70 W. 3RD SOUTH

ST. JOHNS, ARIZONA 85936-0667

PHONE: (928) 337-7555 • FACSIMILE: (928) 337-7586

January 14, 2020

To Whom It May Concern:

I am writing this letter on behalf of Judge Victor Clyde, who is currently the Justice of the Peace for the Chinle Justice Court and has applied for a Navajo Nation judgeship.

I have personally known Judge Clyde since 2009 when I began appearing in his court as a Deputy County Attorney. In that capacity, Judge Clyde was always kind and respectful to me as an attorney and worked to ensure justice was accomplished in a fair and impartial way.

I got to know Judge Clyde and his wonderful family even better when I became the Presiding Judge of the Arizona Superior Court in Apache County in 2015. In that capacity I was able to see up close Judge Clyde's dedication to his community and his Navajo culture. I have found Judge Clyde to be a man of honor, who often sacrifices his own personal interests for the benefit of his court and the people he serves. I have had the opportunity to participate in community events with Judge Clyde and have seen the respect and honor he has earned within the community he serves. He has frequently taken the time to explain Navajo cultural references and ceremonies to local and state court officials, which has broadened visitors' appreciation and respect for Navajo culture and Navajo law. Judge Clyde has served on statewide judicial committees and local judicial appointment boards. He has done an amazing job with the extremely limited resources state statutes provide for him and his court. He has served honorably in the position of Justice of the Peace for the Chinle Justice Court for over 14 years and I hate to see him leave our court system. I know, however, that the opportunity to serve the Navajo Nation judicial system is something Judge Clyde would love and would be the perfect culmination of all of his professional experience and personal passion.

Therefore, based on my personal and professional experience, I recommend Judge Victor Clyde without reservation for any available Navajo Nation judgeships.

Sincerely,

Hon. Michael Latham

Presiding Judge

Arizona Superior Court – Apache County

January 15, 2020

Greetings Navajo Nation President, Chief Justice, and Council,

It is with great honor that I recommend Victor Clyde to be appointed as a Navajo Nation Judge. I have known Mr. Clyde since my early days as an educator on the Navajo Nation when I taught and coached at Lukachukai. He and his family reached out to my wife and me to help us get adjusted and welcomed to the Tsaile and Lukachukai communities. Since that time, he has always been a source of knowledge and wisdom to which I can turn to. I have observed Victor Clyde in many different settings and situations over the years, and there are several qualities that stand out and point to him making a very good judge on the Navajo Nation.

Mr. Clyde consistently exhibits integrity and honor toward his family and community. He is involved as a husband and father making sure that his family is always taken care of and focused on the positive areas of life such as tradition, culture, and education. Whether it is taking his family on road trips to different places and cultures of interest or leading a sweat ceremony in his own backyard, Mr. Clyde shows confidence in the way he leads and teaches in the varied settings of this world. The hundreds of wedding ceremonies he has officiated are also testament to his commitment to his people and community. I know of many Dine' men and women who have looked to Mr. Clyde over the years not just for officiating purposes but also to speak wisdom and truth into their lives and relationships.

Mr. Clyde values physical activity, fitness, and being outside in the many beautiful places on the Navajo Nation. It is so important these days more than ever that there are adult role models when it comes to wellness and protecting the environment. I have seen him being a role model during such events as The Chuska Challenge Bike Tour, The Paradise Loop Ride, and the many other hikes and bike rides around his homeland often done with youth learning how to ride bikes and learning the basics of the native fauna and flora. I am now in my second career as a physician, and I see clearly how well Victor understands and values the four areas of wellness: physical, mental/emotional, social, and spiritual.

It is the spiritual aspect of life where Mr. Clyde seems to have a deeper understanding than most. This, in the context of Dine' culture and values, has been an integral part of him being a Navajo Nation Judicial Hearing Officer who is honest, fair, and knowledgeable. Victor is able to relate the Navajo traditions and beliefs to everyday situations along with the understanding of how the different Christian traditions play a role in justice and grace as well. There are many people who will benefit from Victor being a Navajo Nation judge by the way he teaches and reminds people about the rich cultural and spiritual lessons from their own culture while determining justice and fairness based on their choices and the law.

Victor Clyde has served the Navajo Nation as a police officer, a justice of the peace, and as a Navajo Nation Judicial Hearing Officer, as well as volunteered as a Domestic Abuse Case Commissioner. As a friend and someone who has been taught by him in life, I wholeheartedly recommend that Victor Clyde be appointed as a Navajo Nation judge. This will be a blessing on the current and future Dine'.

Thank you for your consideration.

Sincerely,



Jesse Crane, D.O. Board Certified Family Medicine Physician,

Navajo Nation District Court Judge
Window Rock AZ 86515

Dear Navajo Nation District Court Judge Committee,

It is my pleasure to recommend Judge Victor J. Clyde for the Navajo Nation District Court Judge position at Navajo Nation. I serve with Judge Clyde in various elected positions where he has served with honor and distinction. I also know Judge Clyde in his current capacity as the Chinle Justice Court Judge with the Apache County.


Overall, Judge Clyde is a proficient and has good analytical skills. His ethical views demonstrated his ability to review issues confronting the Navajo Nation in an unbiased manner. A detailed judicial understanding of each issue as presented to before him, and decisions based on the merits of each concern. Further, he analyzes the consequences of those issues for regulatory application. He shows both sensitivity and detachment when discussing issue consequences for all.

Judge Clyde is responsible; not only is he accountable for the Chinle District Court, but, also mentors community members and guides them with any issues they may encounter. He is proficient in applying the appropriate research material and analyzing the issue at hand. He is a natural leader who is dependable in providing assistance to colleagues throughout the Navajo Nation.

At a personal level, Judge Clyde is well disciplined and industrious with a pleasant personality. He is unquestionably an exceptional candidate for the Navajo Nation District Court Judge. He has proven himself to have the perseverance and initiative, and the creativity necessary for this position. I would therefore highly recommend Judge Clyde.

If I can be of any further assistance, or provide you with any further information, please do not hesitate to contact me.

Sincerely,



Frank Dayish

January 13, 2020

President and Vice President, Navajo Nation
24th Navajo Nation Council, Navajo Nation
Law and Order Committee, Navajo Nation
Judicial Conduct Committee, Navajo Nation

Re: Letter of Recommendation

Hiring Authority,

Please accept this document as a letter of recommendation for Mr. Victor J. Clyde whom I have worked with on a professional basis and has been a personal acquaintance for the pass 17 years.

Professionally, Mr. Clyde, served in the capacities of Police Officer, District Senior Prosecutor, Apache County Magistrate Judge and Navajo Nation Judicial Hearing Officer. His demeanor is always professional, caring, sincere, and honest to his chosen profession. He has shown utmost respect to citizens and colleagues of all generations. He is an achiever and will conquer goals and tasks assigned to him without any problems. One of his commendable strength is multi-tasking, which is required in all aspects of a position dealing with the public. He always offers to assist and support. I have been able to observe his dedication, motivation, and willingness to be a team player. I have seen him to have high standards of being ethical and having integrity. He conducts himself to have motivation and strong influence to others. He always offers suggestions and recommendations to improve the work site, environment, conditions to higher level of standards. His commitment and dedication is demonstrated and valuable by the people he serves on the Navajo Nation.

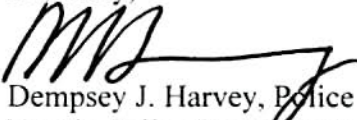
My acquaintances on a personal level with Mr. Clyde is through family celebrations, community events, presentations, and mostly through traditional and Native American Church ceremonies. I have seen him conduct presentations on traditional stories and therapy with significant results and excellent comments. He demonstrates many characteristics, which has made him an influential individual in the community. His role as a spiritual leader has made many positive impacts on the communities. He possesses great teachings and knowledge on the traditional aspects of life and shows a willingness to share this with others which is an importance to our Dine Fundamental Laws. He is hard working, sincere, and professional; in addition, he is highly motivated with strong influence to others. His friendly and caring demeanor is always commendable, always greeting others and having the willingness to help. He is very friendly and caring person, the type of person that would lend a hand and not just observe. He is compassionate with sincere feelings of other's well-beings to open or conclude with traditional greeting. He sparks uplifting pep talks to motivate and energizes others

resulting in happiness. His level of support extends to traditional events and gatherings. He is an achiever and conquers goals without problems. He has shown his eagerness to learn and challenge himself to become an asset to any organization and community.

Mr. Clyde has a positive lifestyle professionally and personally. With this in mind and other characters he possesses, I do not hesitate to write this Letter of Recommendation. I am recommending Mr. Victor Clyde for the position of District Court Judge that he is seeking with Judicial Branch. Thank you for your consideration. Mr. Victor Clyde will be a valuable asset. If you have any questions pertaining to this letter, please feel free to contact me

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dempsey J. Harvey', with a stylized flourish extending to the right.

Dempsey J. Harvey, Police Captain
Navajo Police Department – Headquarters

January 16, 2020

Re: Victor J. Clyde, Applicant, Navajo Nation District Court Judge

Dear Selection Committee,

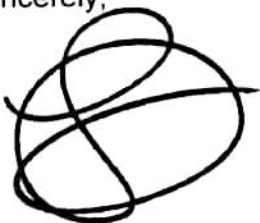
It is with distinct pleasure that I recommend Victor Clyde for Navajo Nation District Court Judge. I have known Victor and his family most of my adult life, over twenty-five (25) years, and know Victor to be hardworking, honest and prayerful.

Victor understands and embodies the Navajo Judicial Branch mission with all of his credentials, wisdom and experience. Victor has always displayed the highest degree of integrity, responsibility and judicial temperament. Victor's work ethics are superior and he has positively proven his ability to analyze complex legal issues and apply the Navajo Law appropriately.

Victor is definitely a leader rather than a follower. In addition to his vast judicial and legal experience, he has established his benevolence and leadership by furthering and teaching his understanding of Diné traditional laws and wisdoms.

In my humble opinion, there is no better candidate to serve as a Navajo Nation District Court Judge.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke, likely representing the name Leo Dayish.

Leo Dayish

Information Technology Specialist

USDOJ|IA|BIE|NM Navajo North

January 27, 2020

Chris P. Benally

Navajo Hopi Legal Services

117 N. Main, Tuba City, Az. 86053

Subject: Letter of recommendation for Victor Clyde

To whomsoever it may concern,

I have known Mr. Victor Clyde for two years, and I met him while I was working for the Navajo Judicial Branch. He was a judicial hearing officer for Domestic Violence Hearings and an Apache County Justice of the Peace, for the State of Arizona. Thereafter, I have attended Navajo Traditional Ceremonies numerous times, with Mr. Clyde.

I have attended Mr. Clyde conduct court. Mr. Clyde is an exceptional person, because not only can he truly relate to those people that are having Court, and sentence them fairly and justly. Not only does he educate those individuals that are having court, but this also extends to those people that are observing from within the audience.

Mr. Clyde is very well versed with western, Bilaganna, both criminal and civil laws and Navajo laws and customs. Additionally, he knows how to speak the Navajo language fluently, not trying to bolster him up on paper, but he truly is one of a kind. He knows many traditional songs without no help, and not stingy with his Navajo knowledge. He has command of our Navajo language, has command of Navajo legal concepts, and has command of Bilaganna legal concepts.

I recommend Mr. Clyde and he will be a GREAT Individual to be a leader to the Navajo People. Adding onto this, Mr. Clyde personal life and professional life should be the epitome of those that are striving to become our Navajo Judges and leaders.

Mr. Clyde understands what our sovereignty means, and will defend it, using our own customs, culture, and our own Navajo Legal concepts, within our own courts. Instead of resorting to how bilaganna's describe us, he has the ability to describe our own legal system using our own customs. Such as the Navajo code talkers, they were not educated with graduate degrees nor in the art of war, but they used our simple language that brought peace back into this world, when all else had failed across this world, literally!

With that, I recommend Mr. Victor Clyde.

Yours sincerely,



Chris P. Benally

Background Check

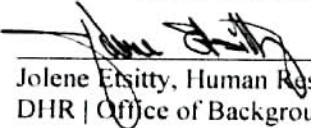
THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : Cheron S. Watchman, Director of Human Resources
Judicial Branch | Administrative Offices of the Courts

FROM : 
Jolene Elsitty, Human Resources Adjudicator
DHR | Office of Background Investigations

DATE : February 6, 2020

SUBJECT : Background Check Determination Notice – Victor J. Clyde
Position #000000, District Court Judge

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. §1153 Major Crimes Act. Based on the information gathered, a suitability assessment has been completed; Mr. Clyde has been determined suitable for the position 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

Writing Exam

IN THE DISTRICT COURT OF THE NAVAJO NATION

JUDICIAL DISTRICT OF KAYENTA, ARIZONA

Mona Gonzales, individually, and as a Personal] **No: KY-CV-00001-2019**

Representative of the Estate of Norma Smith,]

Plaintiff,]

vs,]

ORDER GRANTING

James Begay, in his official and official capacity,] **JOINT MOTION TO DIMISS**

XYZ Insurance Company (XYZ),] **FOR LACK OF JURISDICTION**

The Navajo Nation,]

Kayenta Township,]

Defendants.]

_____]

The Court having received a Joint Motion to Dismiss for lack of jurisdiction from the Defendants, the Navajo Nation and the Kayenta Township, and upon the Court's review makes the following Finding of Facts, Conclusion of Law, and the Order granting or denying the motion.

FINDING OF FACTS

The Petitioner, Mona Gonzales. A Non-Indian, individually, and as a personal representative of the Estate of Norma Smith, filed a wrongful death and personal injury complaint in this Court on January 2, 2019. Norma Smith is part Navajo and enrolled member of the Navajo Nation. Norma Smith is the daughter of the Petitioner, Mona Gonzales.

The Defendant James Begay ("Begay") is an enrolled member of the Navajo Nation. Begay is employed by the Kayenta Township as Community Involvement Coordinator.

On or about February 5, 2018, Begay's supervisor who is the Township's Manager instructed Begay to attend the Economic Summit in Las Vegas, Nevada as part of his employment. Upon instruction to attend the Summit, Begay requested and was given authorization by the Township Manager to use an official Township vehicle to and from Las Vegas. Begay's travel was authorized from February 5 to February 9, 2018.

Begay began his travel to Las Vegas, Nevada on February 5, 2018. Begay took his girlfriend, Norma Smith and her mother, Mona Gonzales and they traveled in the Township's vehicle. Norma Smith and Mona Gonzales took the trip in preparation for an upcoming birthday. Both Smith and Gonzales are not employees of the Township. Smith and Gonzales were not authorized by the Township Manager nor any other Township official to accompany Begay.

On February 8, 2018, Begay and his two passengers left Las Vegas. They drove through the night to get back to Kayenta because Mona Gonzales had various meeting to attend on February 9, 2018. The Court notes that Begay was provided with lodging in Las Vegas for the night of February 8, 2019 by his employer.

Upon traveling back to Kayenta, Begay drove off the roadway and rolled the Township vehicle just west of Kayenta along U.S. Route 160. The accident killed Norma Smith and seriously injured Mona Gonzales.

From this accident, Mona Gonzales, individually, and as a personal representative of the Estate of Norma Smith, filed a suit for a wrongful death and personal injury in this court. Gonzales filed the suit and named defendant James Begay in his official and unofficial capacity, XYZ Insurance Company (XYZ), the Navajo Nation, and the Kayenta Township.

Gonzales is seeking monetary damages. In her suit, she argues that she and the Estate of Norma Smith is entitled to monetary compensation because she and Smith were authorized by Begay to ride in the Township vehicle. Gonzales also argues that Begay was acting within the scope of his employment and authority at the time of the accident.

Gonzales sued the Kayenta Township and the Navajo Nation arguing that The Kayenta Township is a political subdivision of the Navajo Nation. Her justification for monetary damages from the two entities is pursuant to the insurance exception of the Navajo Sovereign Immunity Act. The Township has protections of the Navajo Sovereign Immunity Act pursuant to 1 Navajo Nation Code §§ 551 *et. seq.* The Township is included in the definition of Navajo Nation at 1 N.N.C. § 552(O) (2005 ed.).

In effect at the time of the accident was the Township's insurance policy as managed by XYZ Insurance Company that covered as an additional insured any person who had permission to drive a Township vehicle. XYZ Insurance Policy, Section IV.C.

Also in effect was the Township Travel Policy and Procedures Manual (Manual), which contained a "Disclaimer of Liability" for unauthorized passengers. It states as follow: "An

official or employee on travel status and operating a motor vehicle on official business shall not transport a passenger except when the passenger is a Township official or employee on official business or an individual (not a Township official or employee) conducting official business with the Township.” Section 6.111(A), (Manual).

The Navajo Nation, Kayenta Township and XYZ Insurance Company in their motion to dismiss argues that Begay should have known about the policy in the manual because, Begay was present on the day the Township officials approved the Manual. Additionally, they argue, prior to the accident, the Township issued a memorandum reminding all Township employees, including Begay, that “passengers that are not employed with the Township are not covered by the Township’s insurance should any accidents or incident occur.”

Defendants Navajo Nation and the Township filed a joint motion for lack of jurisdiction asserting Gonzales failed to comply with notice requirement of the Navajo Sovereign Immunity Act.

CONCLUSION OF LAW

The court determines whether in has jurisdiction to decide on the pending motion to dismiss for lack of jurisdiction because the plaintiff failed to comply with the notice requirement of the Navajo Sovereign Immunity Act.

The Court first determines personal jurisdiction over the parties. The defendant James Begay is enrolled member of the Navajo Nation. This court has personal jurisdiction pursuant to 7 N.N.C. § 253 A. 2. (2005) which provides in part:

A. The District Courts of the Navajo Nation shall have original jurisdiction over:

2. Civil Cause of Action. All civil actions in which the defendant: (1) is a resident of Navajo Indian Country; or (2) has caused an action or injury to occur within the territorial jurisdiction of the Navajo Nation.

The Court notes that the complaint for wrongful death and personal injury is a civil cause of action. Navajo Nation Rules of Civil Procedures. Defendant James Begay is an enrolled member of the Navajo Nation and is employed by the Kayenta Township. Begay was the driver of the vehicle that was involved in the accident that killed Norma Smith and injured Mona Gonzales.

The accident occurred west of Kayenta, Arizona along U.S. Route 160 which is a sight within the exterior boundaries of the Navajo Nation. U.S. Route 160 is a federal roadway which runs through the Navajo Nation and is maintained by the state of Arizona.

Therefore, the Court has personal, subject matter and territorial jurisdiction to review, hear and decide on the issue presented.

Defendants move the court to dismiss the cause of action because the Plaintiff failed to comply with notice requirements of the Navajo Sovereign Immunity Act.

The Navajo Nation has created general exceptions to the doctrine that it cannot be sued.

However, the Navajo Nation can be sued in the Navajo Nation Courts when: 1) Suit is explicitly authorized by applicable federal law; 2) suit is explicitly authorized by a Navajo Nation Council Resolution; 3) suit is to compel a Navajo Nation Official to perform his responsibility pursuant to express federal or Navajo Nation Law; 4) suit is against an attorney of the Navajo Nation for malpractice; 5) suit is brought by a Navajo Contractor for breach of a valid contract that is to be performed on the Navajo Nation; and 6) plaintiff's claim is expressly covered, and not excluded,

by commercial liability insurance carried by the Navajo Nation. 1 N.N.C. §§ 554 (B), (C), (F), (G), (H) and (I) (2005 ed.).

The court notes that the Navajo Nation law prohibits a suit against them, but it does give the people of the Navajo Nation the ability to sue the Navajo Nation for wrong and grievance and provides the above mentioned instance of when that is permissible. It is pursuant to these laws of the Navajo Nation that the Petitioner has sought monetary damages on her behalf and on behalf of her deceased daughter. The Navajo Nation provides a remedy to an injured claimant.

The Defendants argue that the same law also state as follow: "A public entity is not liable... for the actions or omissions of public officers, employees or agents which are determined to be contrary to or without authorization or otherwise outside or beyond the course and scope of such officer's, employee's or agent's authority." 1 N.N.C. § 554 (E) (1).

Gonzales argues Begay was acting within the scope of his employment and authority at the time of the accident and therefore, she and Smith were authorized by Begay to ride in the Township vehicle. The Defendant's argue that Begay was not specifically authorized to travel with Gonzales and Smith. Gonzales and Smith are not an official or employee with the Township, and they were not conducting official business with the Township.

The relevant parts of the Navajo Sovereign Immunity Act raised by the Defendant's in their motion to dismiss is at 1 N.N.C. § 555 (A) (2005) (amended by CJA-06-10 on February 13, 2010) provides:

- A. Any person or party desiring to institute suit against the Navajo Nation or any officer, employee or agent of the Navajo Nation as authorized by this subchapter shall, as a jurisdictional condition precedent provide notice to the President of the Navajo

Nation, the Chief Legislative Counsel, and the Attorney General of the Navajo Nation, as provide herein.

1. Such notice shall be sent by registered mail, addressed to the main administrative offices of the President of the Navajo Nation, the Chief Legislative Counsel, and the Attorney General of the Navajo Nation, return receipts requested.

The Defendant's did not argue which parts of the NSIA were amended on February 13, 2010 (see citation provided in the "Supplemental Sheets") which was amended after the date of the accident on February 8, 2018.

The Defendant's Begay and XYZ did not submit any motion or are a part of the motion to dismiss. The Court has jurisdiction to continue with the complaint as to Begay and XYZ pursuant to 7 N.N.C § 253 (A) and (B). (2005) which provides:

- A. Definitions. As used in this Act, the term "person" includes an individual, executor, administrator, or other personal representative, or a corporation, partnership, association or any legal or commercial entity, whether or not a citizen of domiciliary of the Navajo Nation and whether or not organized under the laws of the Navajo Nation. The term includes all person, natural or fictitious, of any kind.

Navajo Fundamental Law, Dine Bi Bee Has Anii which was adopted in 2002 requires due process. Due process in Navajo as it relates to "notice" requires that matters of concern or disputes be resolved to restore harmony or to put someone back in the stage of how things were before an injury or harm occurred. Navajo law has always been practiced and recognized prior to the formal adoption of the Navajo Fundamental Law. Notice is to prevent secrecy or to surprise

anyone. Ta binaahazlaago ba honitii and bayaa tii meaning that dispute or any form of controversy should be talked about and done in an orderly fashion by letting everyone involved know exactly what is to be expected in resolving an issue. The Plaintiff made no arguments as to how and when the Defendants were provided any notice to the Defendants, the Navajo Nation and the Kayenta Township. It is unclear whether the Defendants were served with the notice as provided for by Navajo Rules of Civil Procedure on the Service of Process and if the Defendants were served with a notice of intent to sue pursuant to the Navajo Sovereign Immunity Act.

IT IS THEREFORE ORDERED, for the reasons stated above, the Motion to Dismiss for Lack of Jurisdiction for failure to comply with the notice requirements of the Navajo Sovereign Immunity Act as to the Defendants the Navajo Nation and the Kayenta Township is hereby granted.

THE COURT FURTHER FINDS, that court has personal, territorial and subject matter jurisdiction over the remaining defendants, Begay and XYZ pursuant to 7 N.N.C. § 253 (A). (2005) . The complaint against the Defendant James Begay and XYZ Insurance Company shall be scheduled for a hearing on the merits.

NAVAJO NATION

548

Navajo Nation Council 2020 Fall Session

10/22/2020

03:35:38 PM

Amd# to Amd#	Legislation 0226-20: Confirming	PASSED
MOT Freeland, M	the Probationary Appointment of	
SEC Wauneka, E	Victor Clyde as Navajo Nation	
	District Court Judge	

Yeas : 23

Nays : 0

Excused : 0

Not Voting : 0

Yea : 23

Begay, E	Daniels	Slater, C	Tso, E
Begay, K	Freeland, M	Smith	Walker, T
Begay, P	Halona, P	Stewart, W	Wauneka, E
Brown	Henio, J	Tso	Yazzie
Charles-Newton	James, V	Tso, C	Yellowhair
Crotty	Nez, R	Tso, D	

Nay : 0

Excused : 0

Not Voting : 0

Presiding Speaker: Damon