

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0009-20

**DATE:** January 9, 2020

**TITLE OF RESOLUTION** - AN ACTION RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF HON. TINA TSINIGINE AS ASSOCIATE JUSTICE OF THE NAVAJO NATION SUPREME COURT

**PURPOSE:** This resolution, if approved, will confirm the probationary appointment of Hon. Tina Tsinigine as Associate Justice of the Navajo Nation Supreme Court.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2800  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 11/18/20  
Eligible for Action: 11/19/20

Naabik'iyáti Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2020



(Prime Sponsor)

TRACKING NO. 0009-20

AN ACTION

RELATING TO, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;  
CONFIRMING THE PROBATIONARY APPOINTMENT OF HON. TINA TSINIGINE  
AS ASSOCIATE JUSTICE OF THE NAVAJO NATION SUPREME COURT

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 probationary appointment of an Associate Justice of the Supreme Court. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(7)(a).
- B. The Law and Order Committee delegated its responsibility and authority to the Judicial Conduct Commission to screen applicants and to recommend the probationary appointment of judges and justices. LOCS-19-18.
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). Pursuant to 2 N.N.C. § 164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council must be assigned to the Naabik'iyáti' Committee before it is considered by the Navajo Nation Council.

1 D. The Judicial Conduct Commission made its recommendation to the Navajo Nation  
2 President for Tina Tsinigine to be appointed as a probationary Associate Justice of the  
3 Navajo Nation Supreme Court. JCC-05-19.

4 E. The President of the Navajo Nation shall appoint the Chief Justice, Associate Justices,  
5 and District Court Judges with confirmation by the Navajo Nation Council from  
6 among those applicants recommended by the Law and Order [Judiciary] Committee  
7 of the Navajo Nation Council. The Navajo Nation Council shall confirm judicial  
8 appointments. 2 N.N.C. § 601 (B)(7)(b), 7 N.N.C. § 355(A).

9  
10 **Section Two. Findings**

11 A. The Supreme Court of the Navajo Nation shall consist of the Chief Justice of the  
12 Navajo Nation and two Associate Justices of the Supreme Court. 7 N.N.C. § 301(A).

13 B. The Chief Justice and the Associate Justices of the Supreme Court, and all District  
14 Court Judges shall be appointed for a probationary period of two years and upon  
15 permanent appointment shall serve thereafter during good behavior. 7 N.N.C. §  
16 355(B).

17 C. Hon. Tina Tsinigine, currently a Navajo Nation District Court judge, is an enrolled  
18 member of the Navajo Nation and is an applicant for appointment as Associate  
19 Justice. Judge Tsinigine's application and qualifications have been reviewed by  
20 Judicial Conduct Commission, and she has been interviewed by Judicial Conduct  
21 Commission. *See* JCC-05-19, attached hereto as **Exhibit A**.

22 D. The Judicial Conduct Commission has determined that Judge Tsinigine meets the  
23 qualifications for appointment as Navajo Nation Associate Justice and has  
24 recommended her for probationary appointment to the Navajo Nation President. *Id.*

25 E. The Navajo Nation President, after an interview of the applicant, has appointed Judge  
26 Tsinigine as Navajo Nation Associate Justice, subject to confirmation by the Navajo  
27 Nation Council. *See* Appointment Letter and Qualification Documents attached  
28 hereto as **Exhibits B** and **C**, respectively.

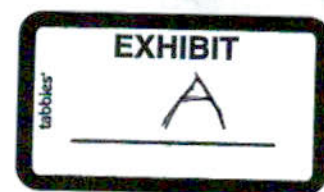
1       **Section Three. Confirming Probationary Appointment**

2           The Navajo Nation confirms the Honorable Tina Tsinigine as a probationary  
3 Associate Justice of the Navajo Nation Supreme Court for a period of two years from the  
4 date of this confirmation. 7 N.N.C. § 356(A).

5  
6       **Section Four. Navajo Nation Privacy Act**

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





JCC-05-19

**RESOLUTION OF THE  
JUDICIAL CONDUCT COMMISSION**

**FORWARDING TO THE NAVAJO NATION PRESIDENT NAMES OF APPLICANTS  
FOR ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE NAVAJO NATION**

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY.**

- A. Navajo Nation Supreme Court Justices 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.
- C. The Navajo Nation President makes appointments for judge and justice positions, subject to confirmation by the Navajo Nation Council.

**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 has been a vacant Associate Justice position since October 2010. Two applicants have applied for this vacancy.
- B. The applicants took the writing test as required by Title 7.
- C. The Judicial Conduct Commission conducted the interview of the applicants on December 7, 2019.
- D. The Judicial Conduct Commission reviewed the applicants' qualifications for judicial appointment.

**SECTION THREE. RECOMMENDATION FOR PROBATIONARY APPOINTMENT**

- A. The Judicial Conduct Commission recommends to the Navajo Nation President the following names of applicants for Navajo Nation Supreme Court Associate Justice (in order of the interview):
  - 1. Tina Tsinigine

**SECTION FOUR. DIRECTIVE.**

The Judicial Branch Office of Human Resources shall immediately submit to the Navajo Nation President all documents provided by the applicants recommended for the Associate Justice position. 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 passed by a vote of 2 in favor and 0 opposed this 8th day of December 2019.

A handwritten signature in black ink, appearing to read "Robert Yazzie", with a stylized flourish at the end.

Robert Yazzie, *Chairman*  
**Judicial Conduct Commission**

Motion: Manley Begay  
Second: Judy Apachee

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



January 6, 2020

Hon. Tina Tsinigine  
PO Box  
1



RE: Associate Justice Appointment

Dear Judge Tsinigine,

Thank you for your interest in serving as an Associate Justice for the Navajo Nation Supreme Court. Throughout its 60 years the Navajo Nation Supreme Court has had many fine Justices who paved the road in protecting the Nation's sovereignty, jurisdiction, and authority; it is a valued Navajo institution. We would like to ensure the Supreme Court carry on its role with well-qualified jurist who regard the court decisions of the past while guiding the Nation in the future.

We appreciate the time you spent with us talking about your interest and experience in the legal system. Your time as a District Court judge gives you the experience of knowing the issues brought by our People and the court's process and procedures that will help you in deciding cases that will guide the Nation in the future. Based on our discussion in which we talked about your life growing up on the Nation, your commitment to our Navajo culture and tradition, your educational experience in acquiring your college degree and law school degree, and your 11 years of work with the courts we believe you have the qualifications, the broad experience, and the fortitude to recommend your appointment as an Associate Justice of the Navajo Nation Supreme Court.

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

Sincerely,

  
Jonathan Nez, President  
THE NAVAJO NATION

  
Myron Lizer, Vice President  
THE NAVAJO NATION



Tina Tsinigine



### **Current Position**

Oct. 2017 – Present	Navajo Nation Judge Kayenta Judicial District Post Office Box 2700	Kayenta, Arizona 86033
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### **References**

Roderick Begay	Navajo Nation Assistant Attorney General
Glen Renner	Aneth Judicial District Staff Attorney, Retired (2019)
Lavonne K. Yazzie	Kayenta Judicial District Court Administrator
Katherine Sisulak	Student Services Manager, Scottsdale Community College

### **Certificates**

2008 – Present	State Bar of Arizona	Active Member
2008 – Present	Navajo Nation Bar Association	Active Member

### **Education**

Aug. 2004 – May 2007	University of New Mexico School of Law Juris Doctorate <ul style="list-style-type: none"><li>▪ Indian Law Certificate</li><li>▪ Tribal Law Journal</li><li>▪ Law Student Externship – Spring 2006 Navajo Nation Supreme Court</li></ul>	Albuquerque, New Mexico 87131
Summer 2003	University of New Mexico Pre-Law Summer Institute <ul style="list-style-type: none"><li>▪ Federal Indian Law, Top Student Award</li></ul>	Albuquerque, New Mexico 87131



Aug. 2001 – May 2003	University of Kansas Masters of Arts Indigenous Nations Studies	Lawrence, Kansas 66045
Jan. 1993 – May 2001	Arizona State University Undeclared Graduate Student	Tempe, Arizona 85287
Jan. 1989 – Dec. 1992	Arizona State University Bachelor of Arts Mathematics	Tempe, Arizona 85287
Aug. 1985 – Dec. 1988	Mesa Community College Liberal Arts	Mesa, Arizona 85201
Aug. 1981 – May 1985	Tuba City High School Diploma	Tuba City, Arizona 86045

### **Past Employment**

Aug. 2008 – Oct. 2017	Staff Attorney Tuba City Judicial District Post Office Box 725 (928) 606-0999	Tuba City, Arizona 86045
Sept. 2007 – July 2008	Associate Attorney Navajo Hopi Legal Services Post Office Box 2990 (928) 283-3300	Tuba City, Arizona 86045
Aug. 2007 – Dec. 2007	Part time Instructor Dine' College Post Office Box 1716 ▪ Navajo History	Tuba City, Arizona 86045
Summer 2005/2006	Law Student Intern Navajo Hopi Legal Services Post Office Box 2990 (928) 283-3300	Tuba City, Arizona 86045
Jan. 2004 – Aug. 2004	Part-time Instructor Dine' College Post Office Box 1716 (928) 283-5113 ▪ Mathematics ▪ Literature	Tuba City, Arizona 86045

Sept. 2003 – May 2004

Substitute Teacher

Tuba City Unified School District  
Post Office Box 67  
(928) 283-1000

Tuba City, Arizona  
86045

Aug. 2001 – May 2003

Part-time Instructor

Haskell Indian Nations University  
155 Indian Avenue  
(785) 749-8404

Lawrence, Kansas  
66045

July 1999 – June 2001

Program Coordinator

Arizona State University  
SUMS Institute  
Department of Mathematics

Tempe, Arizona  
85287

Aug. 1993 – June 1999

High School Mathematics Instructor

Tuba City Unified School District  
Post Office Box 67  
(928) 283-1000

Tuba City, Arizona  
86045

# Arizona State University

Greeting to all to whom these Letters shall come

The Arizona Board of Regents

by virtue of the authority vested in it by law and  
on recommendation of the University Faculty does hereby confer on

**Ernestine Usinimine**

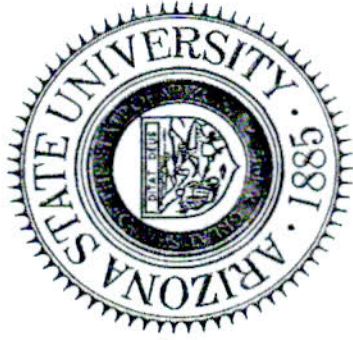
who has satisfactorily completed the Studies prescribed therefor  
the Degree of

**Bachelor of Arts**

with all the Rights, Privileges and Honors thereunto appertaining

In Witness whereof the Seal of the University is hereto affixed

Done at Tempe, Arizona, this eighteenth day of December,  
one thousand nine hundred and ninety-two.



*F. L. Connelley*

Governor of Arizona

*Chas. F. L.*

President of the University

*James H. Denny*

President of the Board

*Louise Alma Denny*

Registrar of the University



# The University of Kansas

By the authority of the Board of Regents of the State of Kansas and  
upon the recommendation of the Faculty of the

## Graduate School

confers upon

**Ernestine K. Uimigine**

the degree of

**Master of Arts**

Indigenous Nations Studies

with all its rights, privileges, and responsibilities.

Given under the seal of the University of Kansas  
this eighteenth day of May, two thousand and three.

State Board of Regents

*John B. DeLong*

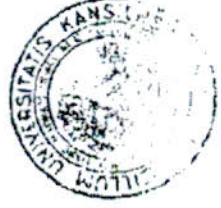
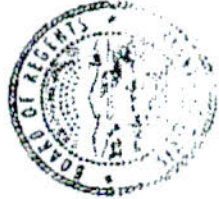
Chair

*Richard C. Bledsoe*

*William D. Bledsoe*

*John R. Bledsoe*

*John R. Bledsoe*



*Blair*  
Registrar

*Blair*  
Registrar

*William D. Bledsoe*  
Dean

*Ernestine K. Uimigine*  
University Registrar

# The University of New Mexico

has conferred upon

**Ernestine Kay Osinigine**

the degree of

**Juris Doctor**

with all the rights and privileges appertaining to that degree,  
in testimony whereof the Regents of the University upon recommendation  
of the Faculty have granted this diploma bearing the seal of the University  
this twelfth day of May, two thousand and seven.

*John W. H. H.*

Deut of the Regents

*L. J. H. H.*

clary of the Regents

*Thos. Ducentro*  
President of the University

*Julius H. H.*  
Dean of the Faculty

*L. J. H. H.*  
Secretary of the University

TROY EID  
PRESIDENT

LAVERNE GARNENEZ  
VICE-PRESIDENT

Julia Garnenez  
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](mailto:YOLANDA@NAVAJOLAW.INFO)  
Email: [rmorris@navajolaw.info](mailto:rmorris@navajolaw.info)

WEBSITE: [HTTPS://WWW.NAJOLAW.INFO](https://www.navajolaw.info)

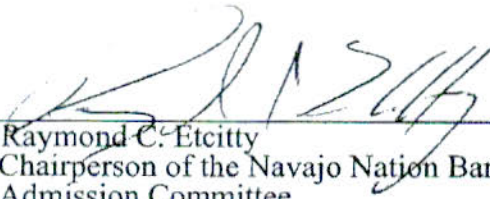
CERTIFICATE OF GOOD STANDING

IN THE MATTER OF:

**Tina Tsinigine**

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 5th day of November, 2007. The above-named person is an active member in good standing with the Navajo Nation Bar Association.

Dated at this 10<sup>th</sup> day of September 2019.

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

(Seal)





**Supreme Court of the Navajo Nation**  
**Ernestine K. Tsinigine**

having exhibited in the Supreme Court of the Navajo Nation satisfactory evidence of good moral character and the qualifications of practice law, is 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 after this seal of the Supreme Court at Window Rock, Navajo Nation, (Arizona),

November 2007

Attest:

*Benjamin K. Bates*  
Benjamin K. Bates, Supreme Court Clerk

*Herb Yazzie*  
Chief Justice Herb Yazzie



MEMBER ► Tina Tsinigine

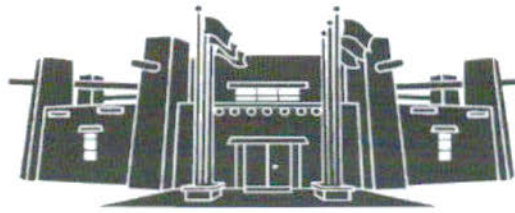
BAR NO. ► 026011

STATUS ► Judicial

YEAR ► 2019








## MEMORANDUM

**To :** Honorable Edmund Yazzie, Delegate  
24th Navajo Nation Council

**From :**   
Ron Haven, Office of Legislative Counsel  
Office of Legislative Counsel

**Date :** January 9, 2020

**Re :** AN ACTION RELATING TO NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF HON. TINA TSINIGINE AS ASSOCIATE JUSTICE OF THE NAVAJO NATION SUPREME COURT

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge. Also, the Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 300, 501 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker. If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. To ensure compliance with Navajo Nation *Privacy Act* (2 N.N.C. §81 *et seq.*), the application and related documents will be provided by Judicial staff upon bill consideration. You may contact me at (928) 871-7166. Thank you.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0009-20

SPONSOR: Honorable Kee Allen Begay Jr.


TITLE: An Action Relating to Naabik'íyáti and the Navajo Nation Council; confirming the Probationary Appointment of Hon. Tina Tsinigine as Associate Justice of the Navajo Nation Supreme Court

Posted: January 13, 2020 at 3:30 PM

5 DAY Comment Period Ended: January 18, 2020

Digital Comments received:

Comments Supporting	1) Lawrence Ruzow 2) Tina Tsinigine, Ramah Chapter
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Legislative Tracking Secretary  
Office of Legislative Services

1/20/20 1:40 pm

Date/Time

## 09-20--Appointment of Tina Tsinigine as Associate Justice--Navajo Nation Supreme Court

Lawrence Ruzow <laruzow@gmail.com>

Tue 1/14/2020 6:15 AM

To: comments <comments@navajo-nsn.gov>;

Good morning:

These comments represent my personal opinion and not those of any past or present employer or client.

The selection of the Hon. Tina Tsinigine to be an Associate Justice of the Navajo Nation Supreme Court is an excellent choice.

Judge Tsinigine has always worked tirelessly to bring justice to all Navajos and educate the Navajo Public on how to utilize the Courts of the Navajo Nation to resolve disputes. She certainly stands for and has worked to achieve "justice for all."

In addition, the approval of Justice Tsinigine's appointment will mean that the long-standing vacancy on the Supreme Court will, at last, be filled. This vacancy has impaired Navajo Justice and damaged the reputation of the Navajo Nation simply by its duration--even though Chief Justice Jayne and Associate Justice Shirley (with the assistance of District Judges appointed to serve with them on specific appeals) have certainly done all in their power to keep the Supreme Court functioning, even though it has not been a "full strength" for years.

I hope the Navajo Nation Council gives quick approval to Justice Tsinigine's appointment.

Larry  
Lawrence A. Ruzow  
602-826-6281

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