

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- First Year, 2015

AN ACTION

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO
NATION COUNCIL, APPOINTING ETHEL BILLIE BRANCH AS NAVAJO NATION
ATTORNEY GENERAL

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation President recommends a person as the Navajo Nation Attorney General. 2 N.N.C. § 1962(B).
- B. The recommended Navajo Nation Attorney General serves at the Navajo Nation Council's pleasure. *Id.*
- C. The Navajo Nation Council gave the Law and Order Committee legislative oversight over the Navajo Nation Department of Justice. 2 N.N.C. § 601(C)(2) see also CJA-03-13, 22nd Navajo Nation Council (2013).
- D. A proposed resolution requiring final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. § 164(A)(9).
- E. The Navajo Nation Council appoints the Navajo Nation Attorney General at the recommendation of the Navajo Nation President. 2 N.N.C. §1962(B).
- F. The Navajo Nation Attorney Generals' duties, responsibilities and authority are found at 2 N.N.C. § 1963.

Section Two. Recommendation of the Navajo Nation Attorney General

The Navajo Nation President recommends Ethel Billie Branch as the Navajo Nation Attorney General. Ms. Branch's appointment letter and resume are attached as EXHIBIT A.

Section Three. Appointment of the Navajo Nation Attorney General

1. The Navajo Nation Council appoints Ethel Billie Branch as the Navajo Nation Attorney General.
2. Ms. Branch's appointment shall be effective upon the Navajo Nation Council's approval. 2 N.N.C. § 1962(B).
3. Ms. Branch's term shall be concurrent with the Navajo Nation President's term. *Id.*

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 0 opposed, this 23rd day of July 2015.


Seth Damon, Pro Tem Speaker
Navajo Nation Council

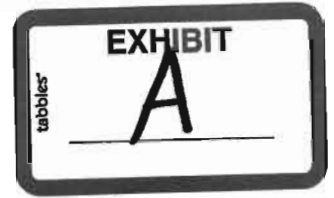
07/28/15
Date

Motion: Honorable Lee Jack, Sr.
Second: Honorable Davis Filfred



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ



May 18, 2015

Ethel Branch
2502 Boyer Avenue East
Seattle, WA 98102

Re: Appointment as Attorney General

Dear Ms. Branch:

This memorandum serves to appoint you as the Attorney General of the Navajo Nation. This appointment shall take effect on Tuesday, May 12, 2015 at 12:01 p.m. and is subject to confirmation by the Navajo Nation Council.

Your duties are outlined in 2 N.N.C §1961-1965. You shall be responsible for the administration and management of the Navajo Department of Justice and its departments and programs, and the supervision of all personnel. This includes ensuring compliance with all applicable Navajo Nation laws and policies.

You shall be compensated at the negotiated salary. During this appointment, you will report to the Chief of Staff, President Begaye and Vice President Nez, until confirmation by the Navajo Nation Council.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russell Begaye".

Russell Begaye, President
NAVAJO NATION

A handwritten signature in cursive script, appearing to read "Jonathan Nez".

Jonathan Nez, Vice President
NAVAJO NATION

ETHEL BILLIE BRANCH

EDUCATION

HARVARD LAW SCHOOL, J.D., June 2008

Honors: Zuckerman Fellow, for commitment to public service
Nationbuilding Fellow, for research on tribal governance
Activities: Environmental Law Review, Senior Editor, Article Editor, Submissions Editor
International Law Journal, Subciter
Native American Law Students Association, President
Research Assistant to Professor Kevin Washburn
Research Assistant to Professor Joseph Singer

HARVARD KENNEDY SCHOOL, M.P.P., June 2008

Activities: From Harvard Square to the Oval Office: A Political Campaign Practicum

HARVARD UNIVERSITY, A.B. *cum laude* in History, June 2001

Honors: Stride Rite Scholar, for commitment to community service
Foundation Award for Interracial and Intercultural Relations
Chief Manuelito Scholar
Thesis: *From the Line to the Hoop: Harvard's History through Native Eyes*
Activities: Native Americans at Harvard College, Co-chair
Founding Director of Achieve, Phillips Brooks House Association

BAR MEMBERSHIPS

Washington Bar Association, November 2013

Oregon Bar Association, November 2009

Arizona Bar Association, February 2009

Navajo Nation Bar Association, November 2008

COMMUNITY ACTIVITIES

Grand Canyon Trust Board Member, Flagstaff, Arizona (February 2012-present)

Seattle Human Rights Commission, Seattle, Washington (September 2013-present)

EXPERIENCE

KANJI & KATZEN, PLLC, Seattle, WA October 2012-present **Associate**

Advocate for the protection of tribal sovereign authority and treaty rights through high stakes litigation and sovereign-to-sovereign negotiations. Arbitrated on behalf of a tribe to protect over a half-billion dollars in withheld gaming exclusivity fee payments from being remitted to a state where exclusivity was breached (the parties settled less than a month after the arbitration hearing). Represented a tribe in negotiations with a state regarding the proper basis for calculating gaming revenue share payments. Represented a tribe in negotiations with the Internal Revenue Service related to federal attempts to tax land-based tribal revenues allocated to tribal members on a per capita basis. Represented a tribe in blocking a proposed dock project that threatens adverse

impacts to tribal treaty resources. Represent a tribal lead administrative trustee engaged in a seven-trustee CERCLA natural resources damages claim (work centers on the protection of treaty shellfish harvest rights). Represent a tribe in negotiating special Army Corps permit conditions for a state cleanup. Additional work consists of conducting legal, financial, and trial expert research; preparing comments on development projects; drafting memos and letters; assisting with hearing-related matters (such as exhibit collection, preparation, and management); and engaging with experts and clients.

SEATTLE HUMAN RIGHTS COMMISSION, Seattle, WA
Co-Chair

June 2014-present

Lead a team of 15 commissioners who advise the Mayor and City Council on advancing human rights in the City of Seattle, and who serve as an administrative appellate body for labor and civil rights cases referred to the Seattle Office of Civil Rights. Individual work centers on the advancement of indigenous human rights. Recently played an integral role in advancing the City's recognition of the second Monday of October as Indigenous Peoples' Day. Currently lead a national boycott against the corporate sponsors of the Washington, D.C. N.F.L. team and a statewide effort to prompt public comments on the State of Washington's proposed new water quality standards that will have a disproportionate adverse effect on tribal subsistence fish consumers.

INDIAN LAW RESOURCE CENTER, Washington, DC
Attorney

October 2011-August 2012¹

Advanced the implementation of the U.N. Declaration on the Rights of Indigenous Peoples in the United States and the Americas by educating tribal leaders, law students, legal professionals, and scientists on the Declaration and the creative ways it can be used to fossilize soft human rights principles into enforceable laws and policies. Drafted memos, news articles, and letters raising awareness on the issue of violence against Native women as an international human rights violation. Assisted in an initiative to secure and strengthen indigenous human rights safeguards for multilateral development bank-financed projects by editing materials produced by staff attorneys.

ORRICK, HERRINGTON & SUTCLIFFE, LLP, Portland, OR
Public Finance Associate

October 2008-June 2011²

Drafted borrowing documents to facilitate tax-exempt financings for tribes, states, and local governments in conduit financings, revenue bond issues, general obligation bond issues, and loans. Drafted and reviewed resolutions, statutes, memos, contracts, offering documents, opinions, and rating presentations primarily for tribal clients. Served as bond counsel to the Navajo Nation and helped the Nation secure its first bond rating (investment grade), refinance its Fire Rock Navajo Casino, finance its additional casino projects, and issue the first tribal general obligation bond (\$60,000,000) governed by tribal law and enforceable in tribal courts (issue was awarded the 2011 Native American Finance Officers Association Deal of the Year Award). Assisted with the first Tribal Economic Development Bond issue and assisted with an over half billion dollar refinancing for a tribal casino project. Coordinated pooled issuer document review by 23 associates and paralegals in six offices on a \$1.2 billion Build America Bond issue.

PATTON BOGGS, LLP, Washington, DC
Summer Associate

Summer 2007

Identified investment incentives related to tribes in the Tax and Indian chapters of the United States Code. Conducted a survey of tribal telecommunications regulations. Drafted a memo on how to enforce a tribal corporation's \$2.1 million judgment against an out-of-state corporation. Reviewed a Draft Environmental Impact Statement for a tribe's land-into-trust application.

¹ This gap in my resume exists because Kanji & Katzen, PLLC allowed me the flexibility to spend time with my family on the Navajo Nation before I moved to Seattle from D.C.

² This gap in my resume exists because the Indian Law Resource Center kindly allowed me three months to study Spanish in Spain.

SNELL & WILMER, LLP, Phoenix, AZ**Summer 2007****Summer Associate**

Drafted a tribal film ordinance; researched a project's potential Environmental Impact Statement challenges; and wrote memos on the soundness of investing in a specific tribal casino and the instances in which tribal judgments will be enforced in state courts.

UNITED STATES DEPARTMENT OF JUSTICE, Washington, DC**Summer 2006****Appellate Section Legal Intern, Environment and Natural Resources Division**

Drafted an appellate brief relating to a tribal membership dispute that addressed issues of tribal subject matter jurisdiction and tribal and federal sovereign immunity for a case argued and won in the Ninth Circuit Court of Appeals. Wrote a motion to the D.C. Circuit Court of Appeals for summary affirmance on a *res judicata*-barred tribal membership dispute.

UNITED STATES SENATE, Washington, DC**Summer 2005****Legal Intern for Senator Byron L. Dorgan, Committee on Indian Affairs**

Researched and drafted memos on the Indian Gaming Regulatory Act, the Indian Healthcare Improvement Act, and the Native American Graves Protection and Repatriation Act. Provided legal and policy analysis of *Cobell v. Norton*. Advised on hearings and legislation addressing teen suicide and education in Indian country.

ARIZONA STATE UNIVERSITY (ASU), Tempe, AZ**January 2003-August 2003****Program Coordinator, Center for Indian Education**

Collaborated with local education experts to create programs of study for Navajo teachers earning degrees in Education and Bilingual Education. Designed admissions program for participants and collaborated with admissions and financial aid officers to ensure admission of and adequate financing for selected participants. Coordinated with professors at ASU to provide courses on the Navajo Nation.

DINÉ SOUTHWEST HIGH SCHOOL, Seba Dalkai, AZ**September 2001-July 2002****Headmistress and Dean of Humanities**

Managed daily operations and finances of a small, newly-established public charter school on the Navajo Nation. Taught World History and Language Arts courses for regular education and special education students. Applied for and secured school's first Impact Aid funding. Created and implemented special education program. Oversaw implementation of E-Rate grant proposal.

NAVAJO NATION, Window Rock, AZ**August 2001****Administrative Assistant, Environmental Protection Agency**

Reviewed and corrected financial details for a \$51,275 settlement disbursement. Combined regulations of three law enforcement agencies in draft regulations for new unit of tribal EPA Enforcement Officers.

EXECUTIVE OFFICE OF THE PRESIDENT, Washington, DC**June 2001-October 2002****Udall Intern, Council on Environmental Quality**

Drafted a 15-page legislative analysis of the Pacific Salmon Recovery Act and designed and conducted a survey on National Environmental Policy Act (NEPA) proficiency among tribes.


INTERESTS

Mentoring youth and young lawyers, advancing human rights and social justice, tracking politics, cycling, running, yoga, hiking, traveling, and exploring.



MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council Delegate

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

DATE: June 30, 2015

SUBJECT: OLC Service Request Number 15-491-1: AN ACTION RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL, APPOINTING ETHEL BILLIE BRANCH AS NAVAJO NATION ATTORNEY GENERAL

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

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

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