

LEGISLATIVE SUMMARY SHEET

Tracking No. 0174-18

DATE: May 16, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE CONFIRMING THE APPOINTMENT OF MARVIN BEAUVAIS TO THE NAVAJO NATION LABOR COMMISSION

PURPOSE: This resolution will confirm the appointment of Marvin Beauvais to the Navajo Nation Labor Commission to serve a four (4) year term to commence on the day of his confirmation by the Health, Education and Human Services Committee.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 1:30pm 5/17/18
Posting End Date: 5/22/2018
Eligible for Action: 5/23/2018

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0174-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
CONFIRMING THE APPOINTMENT OF MARVIN BEAUVAIS TO THE NAVAJO
NATION LABOR COMMISSION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A).
- B. The Health, Education and Human Services Committee oversees Navajo Nation efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation and laws. 2 N.N.C. § 400(C)(3).
- C. The Health, Education and Human Services Committee is authorized to appoint two members to the Navajo Nation Labor Commission. 15 N.N.C. § 303(A). *See Also, CJY-42-16*

SECTION TWO. FINDINGS

- A. The Navajo Nation Labor Commission is established to "hear and adjudicate cases as the quasi-judicial hearing body under the Navajo Preference in Employment Act." 15 N.N.C. §302(A).

- 1 B. The membership of the Labor Commission consists of five members. 15 N.N.C.
2 § 303(A). All five members must be licensed by the Navajo Nation Bar
3 Association. 15 N.N.C. § 303(B)(2). Of the five, two members must be state
4 licensed attorneys, in Arizona, New Mexico or Utah. 15 N.N.C. § 303(B)(3).
- 5 C. Two of the members of the Labor Commission are appointed by the Health,
6 Education and Human Services Committee. 15 N.N.C. § 303(A). Three are
7 appointed by the President of the Navajo Nation, with concurrence of the
8 Naabikiyati Committee of the Navajo Nation Council. 15 N.N.C. § 303(A).
- 9 D. The Health, Education and Human Services Committee has appointed Mr. Marvin
10 Beauvais. See Mr. Beauvais's letter of interest at Exhibit A.
- 11 E. Mr. Beauvais meets the qualifications set forth at 15 N.N.C. 303(B)(3) as he is a
12 licensed member of the Navajo Nation Bar Association. See Resume at Exhibit
13 B. .

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15 **SECTION THREE. APPOINTMENT CONFIRMATION**

16 The Health, Education and Human Services Committee hereby confirms the
17 appointment of Mr. Marvin Beauvais to the Navajo Nation Labor Committee. Mr.
18 Beauvais shall serve a 4-year term to commence on the day of his confirmation by the
19 Health, Education and Human Services Committee.

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MARVIN BEAUVAIS
Attorney at Law (admitted to WA and Navajo Nation)

P.O. Box
TubaCity, Arizona 86045

Telephone .



May 15, 2018

Jonathan Hale, Chairman
Health Education and Human Services Committee
P.O. Box 3390
Window Rock, Arizona 86515

Re: Navajo Nation Labor Commission

Dear Mr. Chairman:

My name is Marvin Beauvais and I am a Navajo attorney in good standing licensed in Washington State and the Navajo Nation. I am applying for the consideration of appointment to the Navajo Nation Labor Commission as one of five commissioners required pursuant to CJY-42-16(B).

I currently am and have worked as an employee for the Navajo Nation ascertaining an understanding with the Navajo Preference in Employment Act, human resources and the Navajo Nation's labor practices.

My legal career has been spent practicing in the area of Indian Law. I have dealt with issues pertaining to the Indian Self Determination and Education Assistance Act, Indian Reorganization Act, P.L.280, ICWA, VAWA, TLOA, employment, federal/state/tribal water (treaty) rights, and tribal governance among other things.

I have advised, researched and drafted opinions based on policy, statutes, treaties, procedures and rules in a support of my clients/employers as well as other legal support. I have worked with both state and federal agencies in investigations pertaining to crimes in Indian Country as well as treaty rights. I have worked closely with the U.S. Attorney's Office, FBI, BIA, and local law enforcement in prosecuting crimes in Indian country as a Tribal Prosecutor. I have advised on motions pertaining to evidence, procedure (including testimony), examined witnesses and advised on matters requiring findings of facts/conclusions of law.

I am a highly motivated hard worker and learn quickly. I am attaching my resume along with this letter for consideration. You can reach me at (480) 299-4484 or by email at beauvaislaw@gmail.com. I would appreciate the opportunity to meet with you to discuss my qualifications further. Thank you for taking the time and consideration to review my qualifications.

Respectfully,
/s/ Marvin Beauvais

Marvin Beauvais

Phoenix, Arizona 85339



EXPERIENCE

Navajo Nation

Tuba City, Arizona

Tuba City Judicial District Court Staff Attorney

February 2018-Present

- Reviewed requests for information under the Navajo Privacy Act.
- Provided oral and written legal advice to the Court on complex probate, criminal, civil, quiet title, jurisdiction, labor/employment, and procedural issues.
- Conducted legal research and draft of legal documents in support of the Judge.
- Conducted bill tracking and gave presentations on newly enacted statutes.
- Reviewed policies and procedures for legal opinions.
- Conducted legal education program for pro se individuals.

Navajo Nation

Window Rock, Arizona

Office of Navajo Public Defender Attorney

February 2017-February 2018

- Represented Navajo Nation indigent criminal clients from initial court appointment to finality of case disposition in criminal accusations ranging from public intoxication to homicide.
- Prepared and presented motions and briefs in defense of indigent criminal clients.
- Performed legal research and trial preparation.
- Cooperated and coordinated with tribal and external agencies including the VA health system to get services provided for clients.
- Covered multiple districts (Pinon, Dziłijün, Chinle, Tohajülee, Ramah and Window Rock.)

Kewenvoyouma Law, P.L.L.C.

Phoenix, Arizona

Attorney

July 22, 2016-October 27, 2016

- Engaged in legal research and writing for senior associate and managing partner.
- Reviewed contracts for tribal clients.

Navajo Nation

Dilkon, Arizona

Prosecuting Attorney

January 25, 2016-June 20, 2016

- Represented the Navajo Nation in criminal hearings from initial prosecuting determination to finality of case disposition.
- Investigated case for both adult/juvenile tribal and/or federal prosecutions with tribal law enforcement and FBI.
- Communicated and interacted with opposing counsel in criminal and dependency cases
- Represented the Department of Family Services in Child Dependency (need of care) cases in preparation and attendance of hearings.
- Managed a district with 9 individual chapters.
- Covered other districts for criminal, dependency, and child in need of supervision cases.

Navajo Nation

Window Rock, Arizona

Attorney; Navajo Nation Office of Legislative Counsel

December 2014-December 2015

- Tracked tribal, state, and federal bills in relation to effects to Navajo Nation and for legislation.
- Advised Navajo Nation council committees and commissions during their meetings and legislative sessions.
- Reviewed and drafted legislation on topics like NAHASDA housing; code amendments to personnel policy manual; code amendments to departmental plan of operations; Navajo position on AZ state TPT tax; Navajo position on AZ 1092 AHCCCS waiver; rights of way for power lines.

- Reviewed and drafted lease agreement for the Eastern Navajo Land Commission for the Navajo Land Buy Back Program and Participated in govt.-govt. meeting with Dept. of Interior for Cobell Buy Back Program administered by the Nation.
- Reviewed procurement and service contracts for Legislative Branch departments.
- Reviewed Section 17 corporation Navajo Nation Oil and Gas new/old charter.
- Participated in litigation brief on behalf of the Navajo Nation Council and Legislative Branch in Election case.

Navajo Nation

Window Rock, Arizona

Senior Attorney; Navajo Nation Department of Justice

August 2014–September 2014

- Assigned to the Division of Health and Human Services.
- Reviewed request for services contracts for the Division of Health and Human Services' departments.

Hopi Tribe

Keams Canyon, Arizona

Deputy Prosecutor

August 2013–May 27, 2014

- Represented Hopi in criminal, traffic, minor-in-need-of-care, and juvenile proceedings in tribal court.
- Worked with the U.S Attorney's office, FBI, and local law enforcement in criminal investigations from minor to major crimes where Hopi had concurrent jurisdiction.
- Investigated and prosecuted crimes and violations on the reservation.
- Participated in MDT reviews with the FBI and US Attorney's office for major child crimes.
- Assisted and advised Hopi and BIA law enforcement in prosecution of cases (from investigation, chain of custody for evidence, witness interviews, and follow up.)
- Engaged in motion practice, hearings, plea negotiations, witness interviews, and trial in tribal court.
- Managed office when Chief Prosecutor was out.
- Successfully completed Arizona Prosecuting Attorneys' Advisory Council Trial Advocacy Course.

Confederated Tribes of the Umatilla Indian Reservation

Pendleton, OR

Prosecutor

March 2012–July 2012

- Worked with the CTUIR office of legal counsel in drafting policy, forms and legislation.
- Advised and consulted with the CTUIR Law and Order Committee and Board of Trustees regarding law enforcement issues and policy.
- Worked with the U.S Attorney's office, FBI, and local law enforcement in criminal investigations from minor to major crimes where CTUIR had concurrent jurisdiction.
- Investigated and prosecuted crimes and violations on the reservation, at usual and accustomed fishing/hunting areas and at the casino.
- Participated in crime scene administration and management training taught by the FBI Evidence Response Team.
- Represented CTUIR in criminal, treaty rights, hunting/fishing, traffic, minor-in-need-of-care, and juvenile proceedings in tribal court.
- Assisted and advised CTUIR law enforcement in prosecution of cases (from investigation, chain of custody for evidence, witness interviews, and follow up.)
- Engaged in motion practice, hearings, plea negotiations, witness interviews, and trial in tribal court.
- Managed a Legal Secretary.
- Successfully completed Oregon Department of Justice (Oregon District Attorney's Assoc.) DUII Trial Skills Workshop.

Beauvais Law Office

Spokane, WA

Owner/Attorney

September, 2009–January 2012

- Conflict Defense Counsel in Gila River Indian Community Tribal Court (Sacaton, Arizona) (June 2011–January 2012). I attended hearings in tribal court in Criminal and Youth in Need of Care hearings.
- Practiced Indian Law, Criminal Law, Copyright Infringement and Consumer Protection as a General Practitioner with the following highlights:
- Contracted with the Kalispel Tribe of Indians for contract Tribal Prosecutor services where I investigated causes of actions for criminal, civil, hunting/fishing cases for charging, treaty rights determination, jurisdictional determination, and representation for the Tribe in tribal court. Cases came from the reservation

and the tribal casino/resort. Researched/drafted/argued briefs and memorandums for litigation/trial of criminal cases in tribal court. Attended Washington State Association of Prosecuting Attorney's training sessions which included case updates allowing me to advise/train the tribal officers. Interacted with local, state, and federal agencies on criminal cases involving tribal citizens. Interacted with other tribal and state prosecutors in cases involving jurisdictional questions. Drafted, revised Criminal Procedures Code and Criminal Offenses code (to reflect the new Tribal Law and Order Act.)

- Appointed as a special deputy prosecuting attorney for Pend Oreille County to deal with a conflict DUI case in that county.
- Successfully completed Domestic Violence Instructor Training program through the Department of Homeland Security Federal Law Enforcement Training Center (FLETC).
- Participated as one of nine selected by FLETC as a contractor to revise and develop curriculum for the Domestic Violence Instructor Training Program.

Quinault Indian Nation

Taholah, WA

Prosecutor

July 14, 2008-March 20, 2009

- Investigated causes of actions for criminal, civil, minor in need of care, hunting/fishing cases for charging, treaty rights determination, jurisdictional determination, and representation for the Nation in tribal court.
- Interacted with County and Federal Prosecutors and their law enforcement for criminal investigations.
- Provided hardbook/Westlaw based legal research memorandums pertaining to Indian Civil Rights Act and constitutional questions such as legality of roadblocks by the Nation on roads around the reservation.
- Assisted in advisement of Business Committee about tribal court issues.
- Represented Family Services in minor in need of care child dependency proceedings and assisted with their training.

Spokane County Public Defender's Office

Spokane, WA

Rule 9 Intern

April 14, 2008-May 1, 2008

- Assisted with initial client interviews before pretrial, court appearances for pretrial and show cause.
- Assisted with brief for appeal in Superior Court from District Court.

Sweetser Law Office

Spokane, WA

Rule 9 Intern

Jan 2007-May 2007, Aug 2007-Dec 2007

- Provided legal research and support in Real Estate case, Consumer Protection case, Defamation case, Civil Rights cases (in Federal Court) including preparation for depositions, drafting complaints, drafting motions.
- Investigated products liability action by diligent search to find defective machine in two states allowing reenactment of accident.
- Interacted with county prosecutors for negotiation in motor vehicle violations and negotiated misdemeanor compromises in lieu of formal charging.
- Participated in client interviews, filed new cases with the court, filed ex parte motions, and checkout of cases.
- Provided legal research and support in medical malpractice case which led to expert witness location.
- Drafted Settlement Demands in automobile accident cases.
- Investigated trust responsibility breach by Bureau of Indian Affairs in personal injury action on reservation.

Honorable Judge Kenneth H. Kato (Ret.)

Spokane, WA

Externship Law Clerk in Division III Court of Appeals State of Washington

Aug 22, 2006-Nov 30, 2006

- Analyzed and developed records of proceedings, clerks' papers, and other documents of a criminal case for review by judges.
- Researched legal contentions in case and developed analysis to compare parties' legal positions.
- Wrote opinion on two cases for panel of judges which are unpublished opinions.
- Wrote memorandums pertaining to Motions for consideration of Commissioner's Rulings in a criminal matter, parental rights termination, multiplicity, property easement issues.

Kalispel Tribe

Airway Heights, WA

Law Clerk to David Bonga In-House Counsel

Aug 22, 2006-Nov 30, 2006

- Researched and drafted memorandum of legal issues pertaining to a railroad right of way through part of the tribe's reservation in preparation for discussions with the Bureau of Indian Affairs and current railroad company.
- Researched and drafted memorandum procedure to have tribal trust land turned into new reservation by proclamation from the B.I.A.
- Researched legal issues in dealing with trade tariffs in relation to tribal business.
- Researched and drafted memorandum on issues regarding ADA service animals in relation to tribal facilities.

Navajo Nation Department of Justice

Window Rock, AZ

Legal Clerk in Office of the Attorney General

May 22, 2006-Aug 18, 2006

- Assisted in Amicus Brief collaboration on behalf of the Navajo Tribe in New Mexico Appellate Court, dealing with civil jurisdiction question.
- Drafted internal memorandums (on federal judge recusal and Office of Prosecutor using law enforcement officer language) at the request of the Deputy Attorney General and the Assistant Attorney General of the Tax Unit.
- Conducted research and developed presentations for the Deputy Attorney General regarding the Gaming Enterprise initiative for the tribe.
- Participated in discussion to amend the Tribal Personnel Policies Manual.
- Attended meetings with different legislative oversight committees and researched tribal council resolution (legislative intent) regarding local tribal chapter delegation of power issues.

Robert Fischer Law Office

Spokane, WA

Legal Clerk

June 2004-Aug 2005

- Assisted with ICWA child custody case by researching in Colville Tribal Code, Washington State Law, and Federal ICWA statute.
- Helped prepare for the ICWA case which was heard in tribal court, District Court and went up for 9th Circuit Appellate Court oral argument.
- Conducted law library/Westlaw research for D.U.I. client cases and drafted motions and memorandums in support of suppression.
- Assisted in developing a discovery database in a multi-defendant federal drug conspiracy case by organizing 13,000 documents of discovery and meeting with our investigator to discuss our client.
- Drafted a demand letter and complaint in two personal injury cases for plaintiff client.
- Researched a sentencing evaluation for a federal wire fraud case using the United States Sentencing Guidelines manual.
- Received 40 hours of training in mediation from Fulcrum Dispute Resolution Clinic.

EDUCATION

Gonzaga University School of Law

Spokane, WA

Juris Doctorate, May 12, 2007

Honors and Activities:

- Native American Law Student Association Indian Law Caucus, Advisor, President and Co-Founder
- American Bar Association, Law Student Division 12th Circuit, Lt. Governor of Diversity
- Intellectual Property Law Club, Vice-President
- Indian Law Program Steering Committee, Member
- Gonzaga Law School Service and Leadership Grant, Recipient
- Navajo Nation Scholarship, Recipient
- Northwest Indian Bar Association Scholarship, Recipient
- Washington State Bar Indian Law Division Scholarship, Recipient
- Trial Advocacy Moot Court, Participant
- Color of Justice sponsored by American Association of Women Judges Moot Court, Participant

Northern Arizona University

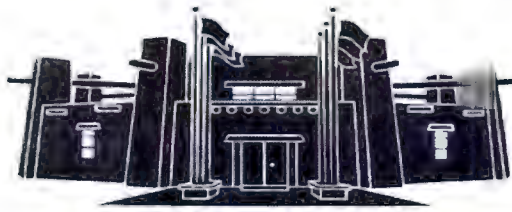
Flagstaff, AZ

B.S. Public Relations, May 2003

Minor: Business Management/Criminal Justice

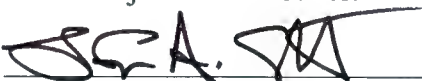
COMMUNITY INVOLVEMENT AND BAR ADMISSIONS

- Licensed to practice in Navajo Nation, Hopi and Washington State (since 2008).
- Speak and understand Navajo.
- Northwest Indian Bar Association, Member at Large and President-Elect (2008-2011), Represented Eastern Washington and assisted with organizing Annual NIBA dinner.
- Spokane County Bar Association Indian Law Section Executive Board Member (2010-2011).
- Washington State Bar Association Committee For Diversity appointed Member (October 2008-2010), assisted with new admittee's reception.
- Minority Bar Association Federal Judicial Evaluation Committee member representing the Northwest Indian Bar Association (2010).
- Spokane County Bar Association Young Lawyer's Division Elected Executive Board Trustee (2009-2010).
- Mentor for Color of Justice program to promote awareness of legal careers to high school students (Oct. 2006).



MEMORANDUM

TO: Honorable Jonathan Hale
23rd Navajo Nation Council

FROM: 
Jennifer A. Skeet, Attorney
Office of Legislative Counsel

DATE: May 16, 2018

**SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND
HUMAN SERVICES COMMITTEE CONFIRMING THE
APPOINTMENT OF MARVIN BEAUVAIS TO THE NAVAJO
NATION LABOR COMMISSION**

Per 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. As with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 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. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0174-18_____ SPONSOR: Jonathan Hale

**TITLE: An Action Relating to Health, Education and Human Services Committee;
Confirming the Appointment of Marvin Beauvais to the Navajo Nation Labor Commission**

Date posted: May 17, 2018 at 1:30pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0174-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Health, Education and Human Services Committee;
Confirming the Appointment of Marvin Beauvais to the Navajo Nation Labor Commission

Posted: May 17, 2018 at 1:30pm

5 DAY Comment Period Ended: May 22, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Assistant
Office of Legislative Services**



Date/Time