LEGISLATIVE SUMMARY SHEET

Tracking No. 0364-19

DATE: November 26, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF LETITIA STOVER AS NAVAJO NATION DISTRICT COURT JUDGE

PURPOSE: This bill will confirm the appointment of District Court Judge Letitia Stover for a two year probationary period. The President of the Navajo Nation shall appoint the 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 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. The Navajo Nation Council shall confirm judicial appointments. 7 N.N.C. § 355 (A).

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: _____
Website Posting Time/Date: 1:58pm 11-27-19
Posting End Date: 12-02-19
Eligible for Action: 12-03-19

Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

(Prime Sponsor)

TRACKING NO. 0364-19

AN ACTION

RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF LETITIA STOVER 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 to recommend the probationary appointment of judges and justices. LOCS-19-18.

C. The Judicial Conduct Commission made its recommendation to the Navajo Nation President for Letitia Stover to be appointed as a probationary judge of the Navajo Nation. JCC-03-19.

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

19-631-01

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. Letitia Stover is an enrolled member of the Navajo Nation and is an applicant for appointment as District Court judge. Ms. Stover's application and qualifications have been reviewed by Judicial Conduct Commission, and she has been interviewed by Judicial Conduct Commission. *See* JCC-03-19, attached hereto as **Exhibit A**.

B. The Judicial Conduct Commission has determined that Letitia Stover meets the qualifications for appointment as Navajo Nation Judge and has recommended her for probationary appointment to the Navajo Nation President. *Id.*

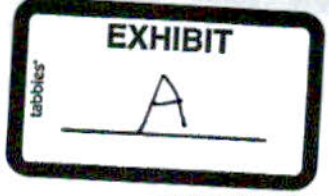
C. The Navajo Nation President has appointed Letitia Stover as Navajo Nation judge, subject to confirmation by the Navajo Nation Council. *See* Appointment Letter and Qualification Documents attached hereto as **Exhibits B** and **C,** respectively.

Section Three. Confirming Probationary Appointment

The Navajo Nation confirms Ms. Letitia Stover 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.* (2009).



JCC-03-19

RESOLUTION OF THE

JUDICIAL CONDUCT COMMISSION

RECOMMENDING TO THE NAVAJO NATION PRESIDENT THE PROBATIONARY APPOINTMENT OF LETITIA STOVER 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 nine 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 September 21, 2019.
E. The Judicial Conduct Commission reviewed the applicant's qualifications for judicial appointment.
F. The Judicial Conduct Commission determines that Letitia Stover 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

A. The Judicial Conduct Commission recommends to the Navajo Nation President that Letitia Stover be appointed as 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 passed by a vote of 2 in favor and 1 opposed this 21st day of September 2019.

Robert Yazzie, *Chairman*
Judicial Conduct Commission

Motion: Manley Begay
Second: Rhonda Tuni



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

November 4, 2019

Letitia Stover
PO Box
Kayenta, AZ 86033

RE: Judicial Appointment

Dear Ms. Stover,

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. Your work with the Navajo courts gives you a perspective of the daily needs of our Navajo People who come to the courts for guidance, we trust you will look to your experience in deciding how best to address the needs of our People. 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.

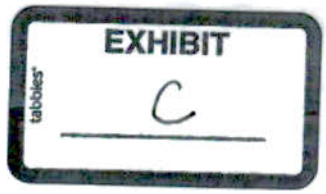
The recommendation will be forwarded to the Navajo Nation Council for final action. We wish you the best. God bless you.

Sincerely,

Jonathan Nez, President
THE NAVAJO NATION

Myron Lizer, Vice President
THE NAVAJO NATION

Letitia Stover



September 25, 2019

Office of the Navajo Nation President and Vice President
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

I am interested in the District Court Judge Position advertised on your website. My resume is attached, and given my experience and capabilities I would appreciate your consideration for this position. I hope to provide you with my personal and professional insight.

I would like to highlight some of my educational experiences to demonstrate my interest in the law. I graduated with an LL.M in the Indigenous Policy and Law Program from the University of Arizona. Previous to receiving my LL.M., I received my J.D. degree at the University of South Dakota School of Law. I also pursued a M.A. in Political Science.

My interest in the judge position stems predominantly from my present position as a staff attorney. I was able to gain insight into the position and learn that it provides a distinctive intellectual challenge and an invaluable inside perspective into how law is interpreted, shaped, and applied on the Navajo Nation. My diverse experience would make me a unique addition. For example, I am a former teacher with a rural upbringing, which helps me bring a different perspective to legal problems than many of my peers. These experiences have been instrumental in my desire to work in the legal field, and more specifically in Indian Country.

I believe I have the skills and experience necessary to succeed as a judge. As a staff attorney I advised the district court judge, provided legal research, advised the court on orders, drafted rules and policies, completed community outreach, and organized court events such as criminal justice summits, legal clinics, Amnesty day. In law school, I participated in several moot court competitions and in the summers I had an opportunity to work for Navajo Hopi Legal Services and Office of Senator McCain where I researched various legal topics. While pursuing my LL.M., I have had the opportunity to write legal memos for the Navajo Nation Supreme Court and assist with summarizing cases to be published in a tribal reporter.

I appreciate your taking the time to review my credentials and experience. Again, thank you for your consideration.

Sincerely,

Letitia Stover,

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Otto Tso, Council Delegate
Navajo Nation Council

From :
Ron Haven, Attorney
Office of Legislative Counsel

Date : November 27, 2019

Re : AN ACTION RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF LETITIA STOVER AS NAVAJO NATION DISTRICT COURT JUDGE

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 19-631-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0364-19_____ SPONSOR: Otto Tso

TITLE: An Action Relating to the Navajo Nation Council; Confirming the probationary appointment of Letitia Stover as Navajo Nation District Court Judge

Date posted: November 27, 2019 at 1:58pm

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.: 0364-19

SPONSOR: Honorable Otto Tso

TITLE: An Action Relating to the Navajo Nation Council; Confirming the probationary appointment of Letitia Stover as Navajo Nation District Court Judge

Posted: November 27, 2019 at 1:58 PM

5 DAY Comment Period Ended: December 02, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	**1) Tyson Yazzie, NNBA Member**
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

12/03/19 8:51 AM

Date/Time

Public Comment for Legislation No. 0364-19: Legislation to Confirm Appointment of Letitia Stover as a District Court Judge

Tyson Yazzie <t @ >

Mon 12/2/2019 1:17 PM

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

To Whom It May Concern:

Through this email, I am writing in **opposition** to Legislation No. 0364-19. My views herein are mine only and do not reflect the views of my employer.

I am a member of the Navajo Nation Bar Association and have been practicing law in the Navajo Nation courts as a prosecutor since 2012. I have not worked with Ms. Stover before. I also do not know her personally. My views and my opposition are based on the experience Ms. Stover conveyed in her letter of interest which is attached to the legislation available on the Navajo Nation Council's website. I believe that Ms. Stover **lacks sufficient *legal* experience** to serve as a District Court Judge. 7 N.N.C. ss 354(A)(4) requires that applicants for District Court Judge have at least four years' direct work experience in a law related area. Here, Ms. Stover's experience is limited primarily to her work as a staff attorney in the Judicial Branch. Ms. Stover lacks litigation experience in the Navajo Nation courts. As you are aware, the Judicial Branch's staff attorney positions are primarily advisory and involve *drafting* decisions for District Court Judges. They only appear before the Navajo Supreme Court in limited instances where a writ is issued against their assigned courts. I believe that our District Court Judges must have actual litigation experience. They should have experience in working through the laws and rules that they ultimately will interpret as a judge. They should have experience in working directly with Navajo people. Indeed, Navajo District Court Judges have many pro se litigants involved in their cases and deal with many varied family issues. With all due respect, a Judicial Branch staff attorney position does not allow for litigation experience and experience working with people directly. Therefore, I strongly urge the Navajo Nation Council to vote against Ms. Stover's appointment as a District Court Judge. I will support Ms. Stover's judicial aspirations after she garners litigation experience, and especially after she experiences working with people directly in a legal capacity.

Thank you for the opportunity to provide this comment.

Respectfully,

Tyson Yazzie

Tyson Yazzie
Post Office Box
Arizona
e-mail |
Cell Phone |