

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACTION

RELATING TO NAVAJO NATION COUNCIL, CONFIRMING LEONARD R.  
LIVINGSTON AS NAVAJO NATION DISTRICT COURT JUDGE

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council shall be the Navajo Nation's governing body. 2.N.N.C. §102(A).
- B. The permanent judge appointment shall be submitted to the Navajo Nation for confirmation. 7 N.N.C. §355(E).
- C. The Navajo Nation first established 7 N.N.C. §355 in the 1985 Judicial Reform Act and last amended the section in 2003. See CD-94-85 and CO-72-03. In appointing Navajo Nation judges and justices, the Navajo Nation did not require the Intergovernmental Relations Committee's approval during this process. See 7 N.N.C. §355.
- D. This proposed confirmation resolution does not require Naabik'íyáti' Committee's approval because the final confirmation decision is with the Navajo Nation Council. *In re: Certified Questions II*, 6 Nav. R. 105, 108-10 (Nav. Sup. Ct. 1989).
- E. Since the final confirmation decision is with the Navajo Nation Council and 2 N.N.C. §164(A)(9) conflicts with 7 N.N.C. §355 and the 1989 Navajo Nation Supreme Court opinion, the final confirmation stays with the Navajo Nation Council.

Section Two. Findings

- A. The Law and Order Committee reviewed the record and qualifications of Probationary Judge Livingston at the end of his two-year probationary term and recommended

Probationary Judge Livingston to the Navajo Nation President for permanent appointment. LOCD-19-15, 23<sup>rd</sup> Navajo Nation Council (Dec. 14, 2015) see also CJA-03-13, 22<sup>nd</sup> Navajo Nation Council (2013). EXHIBIT A.

- B. A permanent judge shall be subject to periodic objective evaluations in accordance with Judicial Performance Evaluation Policies and Procedures approved by the Law and Order Committee. 7 N.N.C. §357 see also 2 N.N.C. §§601(B)(3) and (8).

**Section Three. Appointment of a permanent Navajo Nation District Court Judge**

The Navajo Nation President appoints Leonard R. Livingston as a permanent Navajo Nation District Court Judge. Mr. Livingston's appointment letter and resume are attached as EXHIBIT B.

**Section Four. Confirmation of a permanent Navajo Nation District Court Judge**

The Navajo Nation Council confirms Leonard R. Livingston as a permanent Navajo Nation District Court Judge.

**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 10 in favor and 6 opposed, this 27<sup>th</sup> day of May 2016.



LoRenzo Bates, Speaker  
Navajo Nation Council

6-3-16

Date

Motion: Honorable Jonathan Perry  
Second: Honorable Edmund Yazzie

# NAVAJO NATION

RCS# 476

Special Session

5/27/2016

06:01:13 PM

Amd# to Amd#

Legislation No. 0141-16

PASSED

MOT Perry

Confirming Leonard R.

SEC Yazzie

Livingston as Navajo Nation  
District Court Judge

**Yea : 10**

**Nay : 6**

**Not Voting : 7**

**Yea : 10**

Begay, K  
BeGaye, N  
Chee

Hale  
Jack  
Perry

Slim  
Smith

Tso  
Yazzie

**Nay : 6**

Bennett  
Crotty

Filfred  
Shepherd

Tsosie

Witherspoon

**Not Voting : 7**

Bates  
Begay, NM

Brown  
Damon

Daniels  
Pete

Phelps



LOCD-19-15

RESOLUTION OF THE  
LAW AND ORDER COMMITTEE  
OF THE 23<sup>RD</sup> NAVAJO NATION COUNCIL

Relating to Law and Order, Recommending to the Navajo Nation President the Permanent Appointment of the Honorable Leonard R. Livingston as Navajo Nation District Court Judge

BE IT ENACTED:

**Section One. Findings**

- A. The Navajo Nation established the Law and Order (LOC) as a Navajo Nation standing committee and as such gave LOC authority to recommend to the Navajo Nation President the permanent appointment of probationary judges. 2 N.N.C. §§ 600(A), 601(B)(10)(2012) and 7 N.N.C. §355(D) see also CJA-03-13, 22<sup>nd</sup> Navajo Nation Council, sect. 5, 30 (2013).
- B. Currently, the Judicial Branch has seven vacancies for the Navajo Nation District Court Judge position.
- C. Upon LOC's recommendation, the Navajo Nation President shall appoint a District Court Judge subject to Navajo Nation Council's confirmation, 7 N.N.C. § 355 (E).
- D. On Tuesday, July 14, 2015, LOC held a public hearing in Ramah, New Mexico to review the record and Judge Leonard R. Livingston's qualification. 7 N.N.C. § 355(E) and LOCJY-08-13.
- E. Judge Livingston successfully completed training courses accredited for judges. 7 N.N.C. § 355(C).
- F. On March 9, 2015, Judge Livingston received a satisfactory performance evaluation from the Chief Justice. *Id.*
- G. On July 14, 2015, Judge Livingston received a satisfactory performance evaluation from LOC. *Id.*
- H. LOC determines that Judge Leonard R. Livingston meets the qualifications for appointment as a permanent Navajo Nation District Court Judge.

**Section Two: Recommendation for Permanent Appointment**

The Law and Order Committee recommends to the Navajo Nation President that Judge Leonard R. Livingston be considered for permanent appointment as District Court Judge, subject to the Navajo Nation Council's confirmation. 7 N.N.C. § 355(E).

**Section Three: Directive**

The Office of Legislative Services 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).

**C E R T I F I C A T I O N**

I hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor 0 opposed, this 14<sup>th</sup> day of December, 2015.



Edmund Yazzie, Chairman  
Law and Order Committee  
23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Kee Allen Begay, Jr.  
Second: Honorable Jonathan Perry



# THE NAVAJO NATION

RUSSELL BEGAYE  
JONATHAN NEZ



April 17, 2016

Honorable Leonard R. Livingston

Re: Permanent Appointment as a District Court Judge for the Navajo Nation

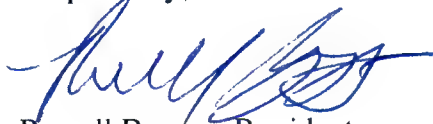
Mr. Livingston:

We are in receipt of the Law and Order Committee of the Navajo Nation Council No. LOCD-19-15 on April 12, 2016. Pursuant to 7 N.N.C. 335 (E), the Law and Order Committee through Resolution No. LOCD-19-15 has found you have completed the probationary term and recommend you to be appointed to the permanent position as a Navajo Nation District Court Judge.

As a Judge, you will be tasked to uphold and protect the laws of the Navajo Nation and exemplify virtues of both honesty and integrity. After review of the performance evaluation submitted by the Judicial Branch and resume, we have confidence that you will meet these standards. Also, remember that you are a servant to the people of the Navajo Nation and I trust you will fulfill your duties and set a standard for others to follow.

Therefore, we are pleased to appoint you as a permanent District Court Judge for the Navajo Nation. Pursuant to 7 N.N.C. 335(E), this appointment is subject to final confirmation by the Navajo Nation Council.

Respectfully,

  
Russell Begaye, President

  
Jonathan Nez, Vice-President



Hon. Leonard R. Livingston

Mobile #

Day Phone:

Email: [LeonardLivingston@navajo-nsn.gov](mailto:LeonardLivingston@navajo-nsn.gov)

**Work Experience:**

**01/31/2013 to present:**

District Court Judge (probationary), Judicial Branch of the Navajo Nation. Preside over civil, criminal & family court cases; provide policy direction & guidance in the operations, management of Judicial Districts, performs other related judicial functions, by designation will hear appellate cases. Assigned consecutively to Shiprock, Pueblo Pintado and Ramah Districts.

**07/01/1991 to 01/30/2013:**

Senior Tribal Prosecutor, Navajo Nation, Dept of Justice, Office of the Prosecutor, Window Rock, AZ 86515 From: 07/1991 to 01/30/2013. Tel: 928.871.6621/7102. Salary; 53,632 PA. Fulltime. Supervisory tribal prosecutor: coordinates, supervises, & manages assigned district offices (Window Rock, AZ; Crownpoint, NM & Kayenta, AZ), prosecute criminal and civil cases in the District Courts of the Navajo Nation (NM, AZ, & UT). Investigate, prosecute & dispose of all criminal cases arising on Navajo Indian reservation, including "Indian Country." Coordinate with federal agencies; U.S. Attorney's Office, FBI, BIA and U.S. Marshalls.

**07/01/1983 to 12/30/2010:**

U.S. Air Force Reserve (Retired), Air Reserve, Air National Guard, NMANG, Kirtland, AFB, NM; AZANG, Phoenix, AZ. From 07/1983 to 12/2010, Grade: E-8, SMSgt. Transferred to USAFR Retired. National defense. World-wide deployable. Honorable discharged.

SNCO (Senior Non-commissioned Officer), Human Resource Advisor (HRA) to Wing Commander, First Sergeant, E-8. Manager/Supervisor. Graduate of USAF SNCO, NCO Academies (Leadership & Management), Gunter Annex AFB, AL; Maxwell AFB, AL.

**09/15/1988 to 12/30/1991:**

Federal Police Officer, GS-05, U.S. Dept. of Interior, Bureau of Indian Affairs, LES (Law Enforcement Services), Phoenix Area Office, Truxton Canon Agency, Peach Springs, AZ. From: 09/1988 to 6/1990. Salary, Fulltime. Appointed as federal police officer on Indian reservations; Hualapai, Havasupai, Prescott Yavapai, Hopi in Northern Arizona. Investigate, apprehend & arrest offenders on Indian reservation, awarded possessed AZ State POST Certification.

**04/09/1978 to 06/30/1983:**

U.S. Coast Guard, active duty, U.S. Dept of Transportation, Washington D.C. From: 04/09/1978 to 06/30/1983. Petty Officer 2<sup>nd</sup> Class, military duty, national defense, law enforcement of laws & treaties, SAR. World-wide deployable. Honorable discharged.

**Education:**

"The Certificate in Judicial Development Tribal Judicial Skills," the National Judicial College, Reno, NV 98557 awarded October 30, 2014.

"Certificate of Completion of 48 hours of Navajo Peacemaking training for Tribal Judges," Peacemaking Program, Window Rock, AZ 86515. Gloria Benally, Coordinator, Roger Begaye, Training Manager.

B.S. degree, Criminal Justice, May 1988, Northern Arizona University, Flagstaff, AZ 86001. A.A. degree, Criminal Justice, July 1986, University of New Mexico Gallup Branch campus, Gallup, NM 87301.

**Professional Association:**

2013-15, Judicial membership, Navajo Nation Bar Association Inc., Post Office Box 690, Window Rock, Arizona 86515. Tel: 928.871.2211.