

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: 2855
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
24th 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.*

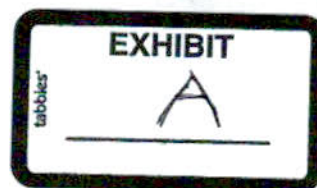
25 E. The Navajo Nation President, after an interview of the applicant, has appointed Judge
26 Tsinigine as Navajo Nation Associate Justice, subject to confirmation by the Navajo
27 Nation Council. *See* Appointment Letter and Qualification Documents attached
28 hereto as **Exhibits B** and **C**, respectively.

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

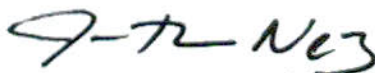
Dear Judge Tsinigine,

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 ▪ Indian Law Certificate ▪ Tribal Law Journal ▪ Law Student Externship – Spring 2006 Navajo Nation Supreme Court	Albuquerque, New Mexico 87131
Summer 2003	University of New Mexico Pre-Law Summer Institute ▪ Federal Indian Law, Top Student Award	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 Tuba City, Arizona
Post Office Box 67 86045
(928) 283-1000

Aug. 2001 – May 2003

Part-time Instructor
Haskell Indian Nations University Lawrence, Kansas
155 Indian Avenue 66045
(785) 749-8404

July 1999 – June 2001

Program Coordinator
Arizona State University Tempe, Arizona
SUMS Institute 85287
Department of Mathematics

Aug. 1993 – June 1999

High School Mathematics Instructor
Tuba City Unified School District Tuba City, Arizona
Post Office Box 67 86045
(928) 283-1000

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 Usinigine

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

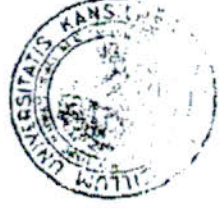
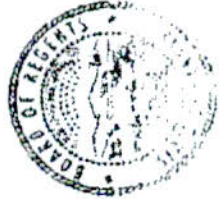
Chair

Richard C. Bledsoe

William D. Bledsoe

John R. Bledsoe

John R. Bledsoe



Richard C. Bledsoe
Chairman

William D. Bledsoe
President

John R. Bledsoe
Dean

John R. Bledsoe
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. ...
President of the Regents
L. J. ...
Secretary of the Regents

Paul Desobry
President of the Regents
Julius ...
Dean of the ...
... ..
Secretary of the Regents

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
Email: rmorris@navajolaw.info

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

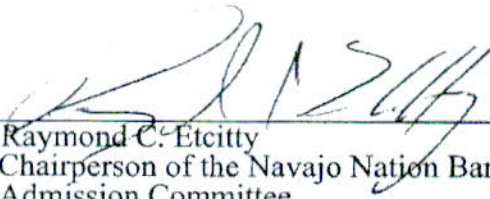
CERTIFICATE OF GOOD STANDING

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 10th 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 14, 2007.

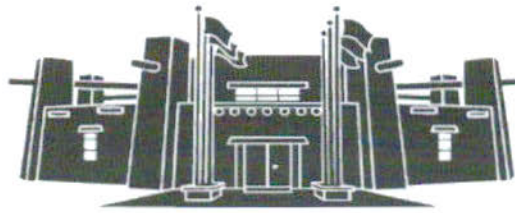
Attest:

Ernestine K. Tsinigine
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.