

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE  
PROBATIONARY APPOINTMENT OF MALCOLM LAUGHING 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 Malcolm Laughing to be appointed as a probationary judge of the Navajo Nation. JCC-01-19.
- 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 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'iyáti' Committee, unless the amendments enacted herein for the context of previous law indicates otherwise. See CO-45-12.

**SECTION TWO. FINDINGS**

- A. Malcolm Laughing is an enrolled member of the Navajo Nation and is an applicant for appointment as District Court Judge. Mr. Laughing's application and qualifications have been reviewed by the Judicial Conduct Commission, and he has been interviewed by the Judicial Conduct Commission. See JCC-01-19, attached hereto as **Exhibit A**.
- B. The Judicial Conduct Commission has determined that Malcolm Laughing meets the qualifications for appointment as Navajo Nation Judge and has recommended him for probationary appointment to the Navajo Nation President. *Id.*
- C. The Navajo Nation President has appointed Malcolm Laughing 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 Mr. Malcolm Laughing 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).

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the 24<sup>th</sup> 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 18 in Favor, and 01 Opposed, on this 19<sup>th</sup> day of December 2019.

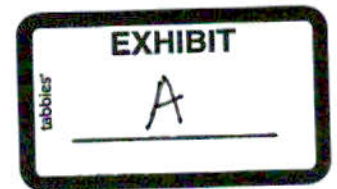
  
Honorable Seth Damon, Speaker  
24<sup>th</sup> Navajo Nation Council

12/27/19  
DATE

Motion: Honorable Daniel E. Tso  
Second: Honorable Mark A. Freeland

Speaker Seth Damon not voting





JCC-01-19

**RESOLUTION OF THE  
JUDICIAL CONDUCT COMMISSION**

**RECOMMENDING TO THE NAVAJO NATION PRESIDENT THE PROBATIONARY  
APPOINTMENT OF MALCOLM LAUGHING 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 the 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 Judicial Conduct Commission reviewed the applicant's qualifications for judicial appointment.
- D. The Judicial Conduct Commission determines that Malcolm Laughing 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 Malcolm Laughing 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 3 in favor and 0 opposed this 5<sup>th</sup> day of June 2019.



Robert Yazzie, Chairman  
Judicial Conduct Commission

Motion: Judy Apachee  
Second: Manley Begay

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



November 4, 2019

Malcolm Laughing  
PO Box  
Window Rock, AZ 86515

RE: Judicial Appointment

Dear Mr. Laughing,

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 history gives you the unique perspective of the needs of our Navajo People as they navigate the judicial system and we hope you will use this experience in your decision making. 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,

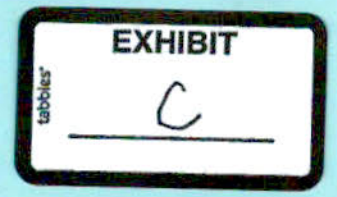
A handwritten signature in black ink that reads "Jonathan Nez".

Jonathan Nez, President  
THE NAVAJO NATION

A handwritten signature in black ink that reads "Myron Lizer".

Myron Lizer, Vice President  
THE NAVAJO NATION





# Employment Application

220

**NAVAJO NATION**

12/19/2019

**SPECIAL SESSION**

06:40:23 PM

Amd# to Amd#

Legislation No. 0365-19

**PASSED**

MOT Tso, D

Confirming the Probationary

SEC Freeland, M

Appointment of Malcolm Laughing  
as NN District Court Judge

**Yea : 18**

**Nay : 1**

**Excused : 0**

**Not Voting : 4**

**Yea : 18**

Begay, E

Freeland, M

Stewart, W

Tso, E

Begay, P

Halona, P

Tso

Walker, T

Brown

James, V

Tso, C

Wauneka, E

Crotty

Nez, R

Tso, D

Yellowhair

Daniels

Smith

**Nay : 1**

Charles-Newton

**Excused : 0**

**Not Voting : 4**

Begay, K

Henio, J

Yazzie

Slater, C

**Presiding Speaker: Damon**