

# JUDICIAL BRANCH OF THE NAVAJO NATION

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### CHIEF JUSTICE OF THE NAVAJO NATION ADMINISTRATIVE ORDER 14-2020

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#### IN THE MATTER OF COURT OPERATIONS IN THE COURTS OF THE NAVAJO NATION DURING THE COVID-19 STATE OF EMERGENCY

The Navajo Nation declared a State of Emergency in response to the growing spread of the coronavirus (COVID-19) in neighboring jurisdictions, authorizing a coordinated response to reduce the risk of exposure to the Navajo People.

With the rising number of confirmed cases in neighboring states, Navajo Nation President Jonathan Nez issued Executive Order No. 001-20, activating an emergency response and implementing protective measures, including travel restrictions, closing government offices, limiting governmental services to essential services, restricting large gatherings, and urging the closure of all school and educational facilities.

With the emerging number of confirmed cases and the spread of the coronavirus in communities within the Four Sacred Mountains, the Navajo Nation issued public health orders mandating a number of public health precautions, including sheltering in place.

The Judicial Branch ordered temporary closure of all courts and court-related services from March 19, 2020 to March 24, 2020, suspending normal operations in preparation for continued essential services to resume with precautionary measures on March 25, 2020.

In the sacred role of *Alqajj' Hashkééjį Naat'ááh*, the leaders of the Judicial Branch are committed to the health and safety of the public and its staff—weighing the rights of each person and the collective rights of the people as recognized under *Diné Bi Beenahaz'áanii*—as it provides essential services and maintains the rule of law. The Court, seeking to provide additional guidance to the courts of the Navajo Nation in light of the evolving public health emergency, and being sufficiently advised, issues the foregoing with Chief Justice JoAnn Jayne, Justice Eleanor Shirley, and Justice Tina Tsinigine concurring:

IT IS ORDERED that all prior orders directed by the Chief Justice since the declaration of this public health emergency shall remain in effect until modified or withdrawn;

IT IS FURTHER ORDERED that all courts and court-related programs of the Navajo Nation shall operate with exterior doors locked at all times, permitting access upon precautionary screening as necessary, utilizing only minimum staff as required to ensure essential services to the Navajo people and to those who utilize our courts;

IT IS FURTHER ORDERED that the Supreme Court, with the exception of rules applicable to statute of limitations, suspends all court rules of procedure for pleading, filing, in-person and other related requirements during this public health emergency to provide courts of the Navajo Nation with discretion to comply with this Order;

IT IS FURTHER ORDERED that all criminal jury trials, dictated by the Navajo Rules of Criminal Procedure, shall be postponed through May 1, 2020. However, upon motion by a party, and being subject to the individual discretion of the presiding judge, a jury trial presently scheduled may proceed so as to avoid serious harm to a defendant's rights guaranteed by the Navajo Bill of Rights. Rules with time limitations, particularly Rules 31(d) and 34(a), may be suspended by declaration of the presiding judge.

IT IS FURTHER ORDERED that there will be no blanket suspensions not already authorized by this Order. The courts of the Navajo Nation are tasked with protecting the individual rights of each person as enumerated in the Navajo Bill of Rights and as recognized under *Diné Bi Beenahaz'áanii*, and with providing a forum for dispute resolution, therefore, the following essential cases or operations may not be suspended. The courts of the Navajo Nation must proceed with the following essential services during this public health emergency:

- (1) All criminal proceedings concerning an incarcerated defendant (i.e., arraignment, bail hearings, revocation hearings, etc.)
- (2) All proceedings concerning detained juveniles, abused or neglected minors (i.e., shelter care hearings);
- (3) Habeas corpus actions;
- (4) Involuntary commitment hearings (i.e., mental health commitments, guardianships, and other civil commitments);
- (5) Extraditions and federal detainees;
- (6) Order to Show Cause proceedings;
- (7) Applications for orders of protection and matters of enforcement; and
- (8) Applications for injunctive relief.

IT IS FURTHER ORDERED that because courts of the Navajo Nation are also tasked with protecting the collective rights of the people to remain safe as recognized by *Diné Bi Beenahaz'áanii*, the courts of the Navajo Nation, upon motion of a party, shall hold proceedings essential to the public health state of emergency, including but not limited to matters addressing violations of quarantines and enforcement of precautionary measures;

IT IS FURTHER ORDERED that all courts of the Navajo Nation shall have the discretion to continue proceedings or conduct proceedings remotely by telephonic or videoconference attendant upon motion of a party or on the court's own motion. Applicable provisions in rules of court procedure concerning continuance, in-person appearance and other requirements may be suspended by declaration of the presiding judge to the extent necessary to facilitate remote appearances and other protective measures during the current public health emergency;

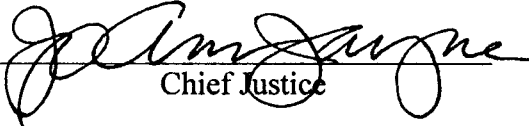
IT IS FURTHER ORDERED that the courts of the Navajo Nation will continue to accept filings by mail, and may accept filings by email or fax for the duration of the current emergency to eliminate in-person filings. If a person is unable to submit a filing by email or fax, such person should call the courthouse for alternative filing instructions. Applicable provisions in rules of court procedure addressing the filing of documents in the courts of the Navajo Nation may be temporarily suspended by declaration of the presiding judge to the extent necessary to permit such filings during the current public health emergency;

IT IS FURTHER ORDERED that the courts of the Navajo Nation shall operate with minimum personnel on-site to effectively provide essential court operations and, where practicable, permit judicial employees to work from home; and

IT IS FURTHER ORDERED that this order shall remain in effect until amended or withdrawn.

IT IS SO ORDERED.

Dated this 24 day of March, 2020.

  
Chief Justice