

JUDICIAL CONDUCT COMMISSION

Rules and Procedure

Aadahwiint'íídóó Nihwiit'aah Bik'íyáátih Yik'idéez'í'ígíí

(Diné Version)

Judicial Conduct Commission

Yoolkááldéé' díkwíidi shíí bąąh Sá ná'oogąą'go Hastóí dóó Sáanii binahagha', bi'oodlą' dóó baáne' bee daaszi'ęę t'úi binahji' nákéé' nahane', nahaghá dóó na'nitin danlįigo díshjįidi bee hoogááldóó bee hoot'ih.

Níłch'i Diyin Yábiyiji' dóó Nahasdzáán bikáa'ji' bee haz'ánii yee hahodiilaalá; Naaki danláago biką'ii dóó bi'áadii alch'i' naazláago, al'ındaagish dóó alch'i' háadaadzigo niiniláálá. Jįhooanaa'úi dóó t'ée'honaa'úi alkéé' naa'ashgo adinidíin dóó chahaheel náhoodleelgo, ında binahji' háanibas dóó dah néitįihgo oochiil bee bééhózingo niiniláálá, níłtsą biką' níłtsą bi'áad alch'i' naazláago dóó bee hahodít'ęigo al'aan ánáá'níıldóó nanise' al'ąą' áat'eel Tó Altah Naashchiin danlįigo nahasdzáán bikáa'ji' naaltin.

Náasgoo dóó nee'niji' bee hwiináádóó bee hoogáál dóó alhii' háa'ayoolchiil dóó Sá bee bii' ná'iildééh dooleelgo niilyáálá. Nanise' dóó bee'ináanii hólóę dooleelgo éi biniinaa éi Nahasdzáán, Tó, Níłchi dóó Kọ' yee hináago niilyáálá.

Ni'haltso hoolyéédéé' dóó haz'áádéé' éi dził leezh bił ha'aznánęę éi Ni'halgaiji' t'áa dį'go diyingo haz'áágóo hooghan nilįigo ninályáago dził bee hadahodidzaa. Dził Ná'oodił dóó Dził Ch'óol'í'í éi ha'a'ahjigo ch'é'ętiin siléii nilįigo niilyáálá. T'áa dį'góo dził dadiyini nidaahya'ígíí éi Naha'tá Dziil danlįigo bee daaszi'.

“Sis Naajini, Yoolgai Dziil, Dził Nant'áii, Sa'ąh Naaghéi Bik'eh Hózhóón nilįigo biyi'dóó Nitsáhákees hazlį',”

Tsoodził, Dootł'izhii Dziil, Dził Nant'áii, Sa'ąh Naaghéi Bik'eh Hózhóón nilįigo biyi'dóó Nahat'á hazlį',”

Dook'o'oostíid, Diichił Dziil, Dził Nant'áii, Sa'ąh Naaghéi Bik'eh Hózhóón nilįigo biyi'dóó Iná hazlį',”

Dibéntsaa, Bááshzhinii Dziil, Dził Nant'áii, Sa'ąh Naaghéi Bik'eh Hózhóón nilįigo biyi'dóó Sihasin hazlį',”

Dził Ná'oodilii, Yódi Dziil, Dził Nant'áii, Sa'ąh Naaghéi Bik'eh Hózhóón Dziil nilįigo biyi'dóó Tsodizin hazlį',”

Dził Ch'óol'í'í, Nitł'iz Ataas'úi Dziil, Dził Nant'áii, Sa'ąh Naaghéi Bik'eh Hózhóón nilįigo biyi'dóó Sin hazlį'.”

Kót'éigo dahazlǫ́'ígíí biniinaa éí hooghan haz'áádóó Nahat'á hadahaazlá, tsodizin dóó sin bee bil hahodít'éigo atsijí' danlǫ́igo nahaghá bii' naazlá.

Nahat'á siláhágíí binahjí' éí hastóí naat'áanii nídaadleel dóó ndant'áago yee naat'áanii nídaadleel. Nahat'á niilyáhágíí binahjí' éí Nihookáá' Diyin Dine'é /Bíla'ashdla'ii nilǫ́inii be'iina' bitsé siléii nilǫ́igo yidísin, yee tsodilzin dóó yik'ehgo nahasdzaán yikáa'gi hiná.

1. Definitions

A. "Chair" shall mean the Chair of the Judicial Conduct Commission.

B. "Chief Justice" shall mean the Chief Justice of the Navajo Nation or his or her designee.

C. "Commission" shall mean the Judicial Conduct Commission.

D. "Complaint" shall mean a written statement alleging a violation of the Navajo Nation Code of Judicial Conduct, Personnel Rules for Judges & Justices, and/or any other Navajo Nation laws or policies that set standards of ethics and conduct for Judges.

E. "Law and Order Committee" shall mean the Law and Order Committee of the Navajo Nation Council.

F. "Judge" shall mean judge or justice of the courts of the Navajo Nation.

G. "Peacemaking" shall mean *hózłóji naat'aah*.

G. "Referral" shall mean the document or set of documents forwarded by the Chief Justice or the Law and Order Committee to the Judicial Conduct Commission for review under these rules and procedures.

H. "Referring Party" shall mean the Chief Justice or the Law and Order Committee.

2. Adoption of Forms by Commission

The Commission may designate the use of such forms as it deems necessary and proper to carry out its duties regarding any matter within its purview.

3. Complaints

A. Complaints shall be filed with the Office of the Chief Justice, with the exception that complaints against the Chief Justice shall be filed with the Law and Order Committee. Only written complaints signed by the complainant(s) will be reviewed.

B. Complaints filed with the Chief Justice will be handled in accordance with Section XI of the Personnel Rules for Judges and Justices (adopted by JCJA-02-03 on January 7, 2003).

4. Referrals

A. Referrals to the Commission can only be made by:

1. The Chief Justice; or
2. The Law and Order Committee when a complaint has been filed against the Chief Justice or a complaint forwarded by the Law and Order Committee regarding a probationary Judge.

B. All referrals shall be filed directly with the Chair of the Commission or the Vice Chair if the Chair is unavailable.

C. All referrals to the Commission shall be in writing, signed by the referring party, and contain the following information:

1. The name of the subject Judge and the name of the Court to which he or she is assigned.
2. The subject complaint, if any, including the complaining party's name, address, and telephone number.
3. A brief statement of the issue or issues to be addressed by the Commission.
4. With respect to a referral alleging a pattern or practice by a Judge, any prior complaints and a statement of corrective measures previously taken concerning such pattern or practice.
5. Any other information the referring party deems relevant to the Commission's review.

5. Initial Conference and Planning

A. The Commission shall hold an initial conference within fifteen (15) business days of receiving a referral. The initial conference may take place by video conference, teleconference, or in person.

B. During the initial conference, the Commission shall review the referral and accompanying materials and develop a plan to address the referral which may include the assignment of tasks, development of timelines and meeting schedules, and identification of resources needed to complete its review.

6. Investigation by the Commission

A. When deemed appropriate and necessary, the Commission shall conduct its own investigation which may include talking with the complainant and other witnesses, informal conferences with the subject Judge, reviewing court files, and/or requesting the production of necessary records and documents.

B. When deemed appropriate and necessary, the Commission may share the results of the investigation with the referring party, complaining party, and subject Judge.

7. Failure to uphold, restore, and strengthen hózhó náhoodleel

A. The Commission recognizes the duty owed to the Diné under Diné Bi Beenahaz'áanii. If the Commission finds the subject Judge engaged in unethical or improper behavior in violation of the Navajo Nation Code of Judicial Conduct, Personnel Rules for Judges & Justices, or any other Navajo Nation laws or policies that set standards of ethics and conduct for Judges, the Commission shall engage in baayati' with the subject Judge and, if necessary and appropriate, the complaining party. The Commission may consult with a traditional practitioner affiliated with Peacemaking, the Medicine Men's Association or the Diné Haatalii Association.

B. Any resolutions and agreements made during this process shall be documented and shared with the referring party.

8. Disciplinary and Corrective Action

A. When the Commission determines that disciplinary or corrective measures are necessary, the Commission shall recommend to the Chief Justice one or more of the following Hashkééjii doo K'é bíl naazt'ijii ach'i'yati':

- a. Private admonition, reprimand or censure;
- b. Public reprimand or censure;
- c. Imposition of limitations or conditions on duties;
- d. Retirement;
- e. Suspension (with or without pay);
- f. Removal;
- g. Other remedies, including interim remedies, as deemed appropriate by the Commission.

B. All recommendations for disciplinary and corrective action shall be supported by findings of fact and conclusions of law.

9. Findings and Recommendations

A. The findings and recommendations of the Commission shall be sent to the referring party.

B. Recommendations of suspension or removal shall be sent to the Chair of the Law and Order Committee and to the Chief Justice with a copy to the subject Judge.

C. The referring party may implement the recommendations of the Commission or elect to set a meeting with the Commission for further clarification.

10. Final Report and Follow up

A. A final report, including final recommendations and findings, shall be sent to the referring party.

B. A follow up meeting shall be scheduled between the referring party and the Commission to determine if further review is necessary.

11. Appeal

There shall be no appeal of a recommendation by the Commission.

12. Quorum

No business shall be conducted unless there is a quorum of the Commission present. A quorum shall be three (3) members.

13. Decision

The Commission shall operate by baayat'i and the goal of reaching a consensus in making its recommendations.

14. Conflicts of Interest

A. Commissioners are expected to perform their duties and responsibilities with no influence of conflicts of interest.

B. If a Commissioner believes that he or she may have a possible conflict or the appearance of a conflict, he or she shall immediately disclose the conflict and recuse himself or herself.

C. If a Commissioner, subject Judge, complaining party, or referring party believes a conflict or an appearance of a conflict may affect the decision making ability of a Commissioner, the Commissioner may be excused by majority vote of Commissioners.

D. If the conflict of interest results in the Commission not being able to make a quorum, the Chair shall seek alternate Commissioners from the appointing body of the excused Commissioners.

15. Confidentiality

All records relevant to the referral, complaint, proceedings and meetings shall comply with the Navajo Nation Privacy Act, 2 N.N.C. § 81 et seq.