

# **Navajo Nation Hashkééjį Nahat'á Clerkship Two Year Program**

## **Frequently Asked Questions**

The Navajo Nation Hashkééjį Nahat'á (Judicial Branch) offers two types of clerkship opportunities: clerkships with district courts and with the Supreme Court of the Navajo Nation. In each of these roles, clerks hone their legal research and writing skills, gain valuable experience and insight into the important work of the Navajo Nation courts, and contribute to access to justice for the people we serve. Both clerkships require graduation from an accredited law school as well as admission to the Navajo Nation Bar Association and a state bar (Utah, New Mexico, Arizona or Colorado) within two (2) years of appointment.

### **Duties of Judicial Law Clerks**

The duties and functions of a Navajo Nation Judicial Law Clerk are determined by the employing judge/justice. In most chambers, Judicial Law Clerks concentrate on legal research and writing. Typically, the broad range of duties assigned to a law clerk includes conducting legal research, preparing bench memos, drafting orders and opinions, proofreading the judge's orders and opinions, verifying citations, communicating with counsel regarding case management and procedural requirements, and assisting the judge during courtroom proceedings. Some judges also may assign maintaining chambers library, and other administrative duties to the Judicial Law clerk.

Judicial Law Clerks are expected to work cooperatively with Judicial Branch employees. The appointing judge must be confident in the law clerk's professionalism in interacting with counsel, litigants, and the public. A law clerk is bound by the ethical standards established by the Judicial Code of Conduct and Employee Code of Conduct.

### **Two Year Term Appointment - Navajo Nation District Court Judicial Law Clerkship**

- Fall 2024 – five (5) District Court Judicial Law Clerks will be appointed.
- Fall 2025 – five (5) District Court Judicial Law Clerks will be appointed.

### **Two Year Term Appointment - Navajo Nation Supreme Court Judicial Law Clerkship**

- Fall 2024 – one (1) Supreme Court Judicial Law Clerk will be appointed.
- Fall 2025 – one (1) Supreme Court Judicial Law Clerk will be appointed.

### **Career in Public Service**

Our mission and vision acknowledge our statutory responsibilities. It also acknowledges that our commitment for the efficient, fair, and respectful resolution of conflicts brought before our courts and peacemakers extends well beyond adjudication. Our work extends into the community in the restoration of harmony, rehabilitation of individuals and families, and the protection of the public. As such, the court system is committed to operating with integrity and ensuring that all people who the courts serve are treated with respect and professionalism.

The values and principles expressed in Diné bi beenahaz'áanii guide the Judicial Branch in undertaking our mission. The principles in Diné bi beenahaz'áanii most relevant to the judicial system are:

- (a) That the leaders of our judicial system uphold the values and principles of Diné bi beenahaz'áanii in the practice of peace making, obedience, discipline, punishment, interpreting laws and rendering decisions and judgments;
- (b) That Diné bi beenahaz'áanii is the sanctuary for Diné life, culture, government and sovereignty;
- (c) That Diné bi beenahaz'áanii preserves, protects and enhances certain inherent rights, beliefs, practices and freedoms, including individual and collective rights, and the right and freedom of each Diné to be educated as to Diné bi beenahaz'áanii;
- (d) That the participation in government of our elders and teachers of traditional laws, values and principles is needed to ensure growth of the Navajo Nation;
- (e) That spiritual beliefs and practices of any person must be respected, and the input and contribution of any religion is to be allowed;
- (f) That the practices, principles and values of other societies that are not contrary to the values and principles of Diné Bi Beenahaz'aanii can be incorporated;
- (g) That k'é and the Diné language be taught and preserved;
- (h) That the sacred bond of marriage be protected;
- (i) That every child and elder be respected, honored, and protected from abuse; and
- (j) That the written laws of the Navajo Nation be developed and interpreted in harmony with Diné Common Law.

### *Vision*

It is our vision that the present judicial system, consisting of an adversarial-style tribal court system modeled on Anglo courts, a peacemaking system modeled on Diné original dispute resolution methods, and Probation and Parole Services, will fully embody the values and processes of the Navajo People, including family and clan-centered Navajo values. Our justice system as a whole will truly reflect the heart and soul of the Diné. It will be one that the People can recognize as their own and fully participate in the spirit of nábináhaazláago.

As the Judicial Branch of the Navajo Nation, we are relied on by the Navajo People to resolve conflicts in the furtherance of harmony and public safety. In addition, we preserve Navajo traditions and, thereby, protect the future. The methods we use to resolve conflicts should be the collective heritage of the Navajo Nation. We will work to fulfill our vision and ensure that all Navajos understand the personal stake they have in the continued formation of their justice system.

## *Mission*

The Judicial Branch will provide stability in the Navajo Nation government by providing court, peacemaking, and probation and parole services, to adjudicate cases, resolve disputes, rehabilitate individuals and families, restore harmony, educate the public, agencies, services and other governments in Diné bi beenahaz' áanii, and protect persons and property pursuant to Navajo Nation laws, customs, traditions, and applicable federal laws. Pursuant to Diné bi beenahaz' áanii, the Judicial Branch will carefully develop a justice system that fully embodies the traditional values and processes of the Navajo People.

## **Salary and Benefits**

- Competitive salaries
- Regular work schedule
- 14 paid holidays
- 13 paid vacation days
- Excellent retirement benefits including Navajo Nation Pension and employer match 401(K)
- Comprehensive health insurance
- Professional growth and development

The Navajo Nation Judicial Branch gives preference to eligible and qualified applicants in accordance with the Navajo Preference in Employment Act and Veterans preference policy. A Non-Navajo Spouse is eligible to receive Navajo preference under the Navajo Preference in Employment Act. To receive Non-Navajo Spouse Preference, the following supporting documents are required to accompany the Navajo Nation Judicial Branch employment application: Proof of marriage by a marriage license, proof of residency and spouse's Certificate of Navajo Indian Blood (CNIB). To receive Veteran's Preference, a Form DD214 or DD215 and Application for Veterans Preference must be attached.

## **Qualifications**

By the time of appointment to a law clerk position, the appointee must meet the following requirements:

- From an accredited law school graduate or certified as having completed all law school studies and requirements and merely awaiting conferment of degree; and
- Exceptional research and writing skills.

The Judicial Law Clerk appointee must undergo a criminal background check.

## **Salary**

The hiring judge/justice, as the appointing authority, assigns an appointee's grade and thus sets the salary at the time of appointment. A law clerk's salary depends upon legal work, experience after graduation from law school, bar membership status, and availability of funding.

Grade 67, Step A – Law school graduates with academic excellence and no post-graduate legal work experience.

Grade 67, Steps B-C – One or more years of post-graduate legal work experience and bar membership of a state.

Grade 67, Steps C-E – Two or more years of post-graduate legal work experience and bar membership of a state.

## **Benefits**

### *Two Year Term Appointment*

Judicial Law Clerks serve on an appointment for a limited period not to exceed two years. Judicial Law Clerks are covered by Social Security and are eligible for health, dental, vision and life insurance coverage and participation in supplemental benefit programs after completion of their ninety (90) day introductory status. After successfully completing a Judicial Clerkship and if any attorney positions are available, a Judicial Clerk may transfer to another legal position within the Judicial Branch (demonstrating that they meet the necessary qualifications for the position). The Judicial Clerk will not serve a new probationary period – it will be treated as a promotion within the Judicial Branch.

## **How many Judicial Law Clerks are appointed each year?**

In 2024, there will be five (5) District Court Judicial Clerks and one (1) Supreme Court Judicial Clerks appointed. In 2025, there will be five (5) District Court Judicial Clerks and one (1) Supreme Court Judicial Clerks appointed.

## **Are there any internship or externship positions available with the District Courts or Supreme Court?**

Yes, please see information Navajo Nation Hashkééjį Nahat'á (Judicial Branch) Internship/Externship Program.

## **Application Process**

### **Do I need to submit all parts of my application by the application deadline?**

Yes, clerking applications consist of four parts:

- 1) An application;
- 2) A cover letter, resume, and transcripts;
- 3) Two letters of references; and
- 4) A writing sample (5-7 pages).

### **My grades from my current term of law school will not be available by the deadline. What should I do?**

Please submit an unofficial transcript with your most recent grades of your transcript in a PDF document. Please submit an official transcript as soon as possible after completion of your current term.

## **Interviews**

### **When and where do interviews take place?**

If selected for an interview, an interview panel consisting of a judge/justice and attorney shall be conducted by teleconference. The interviews will last between 20-30 minutes. For calendar year 2024, the interviews will be held in June, 2024. For calendar year 2025, the interviews will be held in March, 2025.

### **What types of questions are asked at the interviews?**

The questions are designed to allow justices/judges to assess your general suitability for the role of a Judicial Law Clerk and the work it entails as well as cover some substantive legal issues.

### **What do courts look for in their Judicial Law Clerks?**

The courts look for candidates with:

- A strong academic record
- Excellent research, writing, and editing skills, preferably demonstrated in an employment setting
- Maturity, good judgment, and the self-confidence to engage with judges in discussions of law
- The ability to work well with a variety of people
- Good time management skills and the ability to adapt to changing deadlines and work flows

The courts may give preference to candidates who can work in both Navajo and English.

### **How do typical clerking experiences at the Supreme Court and the District Courts differ?**

Overall, the two clerkship experiences are very similar: all law clerks attend much of the same orientation training, all clerks work closely with judges by providing research, drafting and editing support, law clerks participate together in most of the educational activities that are offered during the course of the two year period (trainings, seminars, conferences); and all law clerks attend hearings to observe proceedings, in addition to working independently on assignments.

District courts are trial courts and therefore their clerks have more exposure to the fact-finding process. Candidates interested in litigation find a clerkship in a trial court particularly helpful in their understanding of the litigation process. Clerks not only work on reasons for judgement in final dispositions, but also provide support to their judges on interlocutory applications,

sometimes with a relatively fast turnaround. Clerks may be asked to sit in court to observe motion and trial practice such as submission of evidence in the court. Clerks may work closely with judges through the process of producing reasons for judgement, but most work is done after submission has been made by the parties. Each District Court Judicial Clerk works with one to two (1-2) judges based upon the court size and caseload.

The Navajo Nation Supreme Court is the appellate court of the Navajo Nation. Supreme Court Judicial Clerks perform a variety of dedicated research, writing, and editing tasks as well as reviewing trial court records and parties' briefs to assist justices in advance of matters before the Supreme Court and with the preparation of reasons for decisions after hearings. They can expect to participate closely in the decision preparation process. They also assist justices in preparing to hear applications, which requires a high degree of organization and relatively fast turnaround. They may be asked to sit in court to observe hearings. As the Navajo Nation Supreme Court is the rule making body of the Judicial Branch, Supreme Court Judicial Law Clerks may also contribute to updating court rules as well as internal legal reference manuals. The Supreme Court Judicial Law Clerks typically work with all justices on the three-justice panel.

### **What are the benefits of clerking with the Navajo Nation Judicial Branch courts?**

As well as being a highly respected path to becoming a lawyer, clerking provides a unique vantage point from which to observe and learn about litigation. Clerking is an excellent way to further develop legal research and writing skills and to become well versed in court procedures. Clerks work in an environment where they can interact regularly with judges/justices and get to know them and have the opportunity to engage in discussions of legal principles.

The Judicial Branch also offers paid administrative educational leave (four weeks) to take a qualifying state bar (NM, AZ, Utah or Colorado) and one week to take the Navajo Bar within the first year of the Judicial Clerkship program.

### **How are clerks assigned to judges?**

In the District Courts, each clerk is assigned to work for one to two (1-2) judges. Efforts are made to balance workloads and to ensure that each clerk has a chance to work with a judge on various areas of law. In the Supreme Court, each clerk generally works with all justices with efforts to ensure balanced workloads. Each justice is designated as a clerk's principal justice. In creating the clerk-justice pairings, the Court aims to ensure a balanced workload and where possible a complementary matching of interests and backgrounds.

### **Law School Course Selection**

#### **Are there specific law school courses I should take or activities I should participate in to prepare for a clerkship?**

There are no required courses, though clerkship candidates are selected for interview based in part on the courses taken and grades received. Given the nature of the work the Judicial Law

Clerks do, it is expected that they have a good grounding in evidence, civil and criminal procedure, trusts, and family law. Applicants who have successfully completed Federal Indian law classes are preferred. The Supreme Court also prefers applicants who have successfully completed an administrative law course. Advanced legal research and writing courses and activities are also highly recommended.

### **Are there other terms and conditions of employment?**

Once offered a position as a Judicial Law clerk, candidates will sign a conditional offer of employment. In the period between hiring and commencement of the clerkship, candidates are expected to maintain law school grades comparable to those achieved when hired. As final grades become available at the end of each term, candidates are required to submit unofficial copies of transcripts to show their continued academic standing. A formal official transcript is required at the completion of the third year and prior to commencement of the clerkship. Judicial Law Clerks are also required to abide by the Navajo Nation Judicial Branch Code of Conduct, Employee Code of Conduct as well as the Navajo Nation Government and Ethics Law. There are some restrictions on participation in certain activities during the clerkship term as expressed in the Judicial Code of Conduct. These restrictions reflect the need for the law clerks to act in a manner consistent with the impartiality of the judiciary and the need to uphold public confidence in the courts. They are best discussed as needed on a case-by-case basis with principal judge/justice and the Associate Attorney for the Judicial Branch.

### **When does the two-year term employment begin?**

For each cohort, the two-year term will begin in September (2024 and 2025).

### **Whom can I contact for more information?**

If you have any other questions, please contact the Judicial Law Clerk Program advisor at [cespinosa@navajo-nsn.gov](mailto:cespinosa@navajo-nsn.gov).