



Contact: Karen Francis, *Government Relations Officer*
Office of the Chief Justice
JUDICIAL BRANCH OF THE NAVAJO NATION
Office: 928-871-6920
Email: karenfrancis@navajo-nsn.gov
<http://www.courts.navajo-nsn.gov>

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NAVAJO NATION AWARDED \$31 MILLION IN LITIGATION REGARDING JUDICIAL SERVICES

The Navajo Nation won a significant victory against the U.S. Department of Interior and was awarded more than \$31 million in its litigation against the federal government for lack of sufficiently funding judicial services through contracting under the Indian Self-Determination and Education Assistance Act of 1975. The judgment is for the Navajo Nation’s claims in funding for its judicial services in the amounts of \$15.7 million (plus interest) for Calendar Year 2015 and \$15.6 million (plus interest) for Calendar Year 2016. The claims for Calendar Years 2017, 2018, 2019 and 2020 were denied but are appealable.

The Nation's judicial system is funded in part by a contract through the Indian Self-Determination and Education Assistance Act. The contract funding is awarded through an annual funding agreement that is submitted each year to the Department of Interior.

The Nation had argued that because its annual funding agreement was deemed to be approved in the amount of \$17,055,517 for Calendar Year 2014 in a judgment issued in June 2020 by the U.S. District Court for the District of Columbia, that amount was the new funding floor for the subsequent years. The Nation has continued to submit proposed annual funding agreements each year for at least \$17,055,047. The District Court agreed for Calendar Years 2015 and 2016 but not for Calendar Years 2017-2020. The memorandum opinion in *The Navajo Nation v. U.S. Department of Interior, et al.*, was issued on March 21, 2022, by U.S. District Judge Tanya S. Chutkan.

In April 2021, the Navajo Nation established the Hashkééjį Nahat’á Béeso Bá Hooghan for the funds awarded under the litigation. The legislation stated, “The Navajo Nation recognizes that a fully funded, independent judiciary and peacemaking system is necessary to protect the sovereignty of the Navajo Nation and respects the expertise of the Judicial Branch leadership to identify the priorities for expending the funds awarded by the federal court through *Navajo Nation v. Department of Interior, et al.*, no. 14-cv-1909 (TSC) as well as the funds from any subsequent awards or settlements.” This legislation sets obligations on how the funding may be expended to provide services to the people and the Judicial Branch takes its fiduciary duties with great caution and care in determining how these funds will be used to improve the Judicial Branch by revitalizing its core as a Navajo justice system.

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