

Diné Justice

The Official Newsletter of the Judicial Branch of the Navajo Nation

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Facilities construction priority list approved

The Law and Order Committee on July 29, 2013, approved the judicial/public safety facilities construction priority listing for fiscal years 2013 and 2014.

The approved priorities include facilities at: (1) Chinle, (2) Dilkon, (3) Pinon, (4) Kayenta, (5) Shiprock, (6) Fort Defiance, (7) Ramah, (8) Aneth, (9) Alamo, and (10) Pueblo Pintado.

Chief Justice Herb Yazzie and John Billison, Division of Public Safety director, signed a recommendation on

June 18, 2013, for priorities, which states, that "the sequence of construction of Judicial/Public Safety facilities can be modified by the timing of the approval of financing and upon the shovel and construction readiness of each project."

According to the Judicial/Public Safety Facilities Fund Management Plan, the Law and Order Committee is to approve priority listings every two years.

Cont'd. on p. 7

INSIDE THIS ISSUE:

Judicial districts	2
Highlights from the FY 2013 3rd quarter	3
Meet new employees	4-5
Peacemaking Program update	8

Students intern at Navajo Nation Supreme Court

The Supreme Court hosted three interns over the summer. Law students Brandon Bitsui, Benjamin Pachito and Neomi Gilmore learned first-hand about the Navajo justice system during their internships.

Bitsui attended high school in St. Michaels and is a student at the University of New Mexico School of Law. During his internship, he assisted with a project to compile a glossary for the upcoming Navajo Reporter Volume 9.

"I've always been interested in Navajo government but I never understood it—the inner working," Bitsui said.

He has now learned about how the Judicial Branch works, he added.

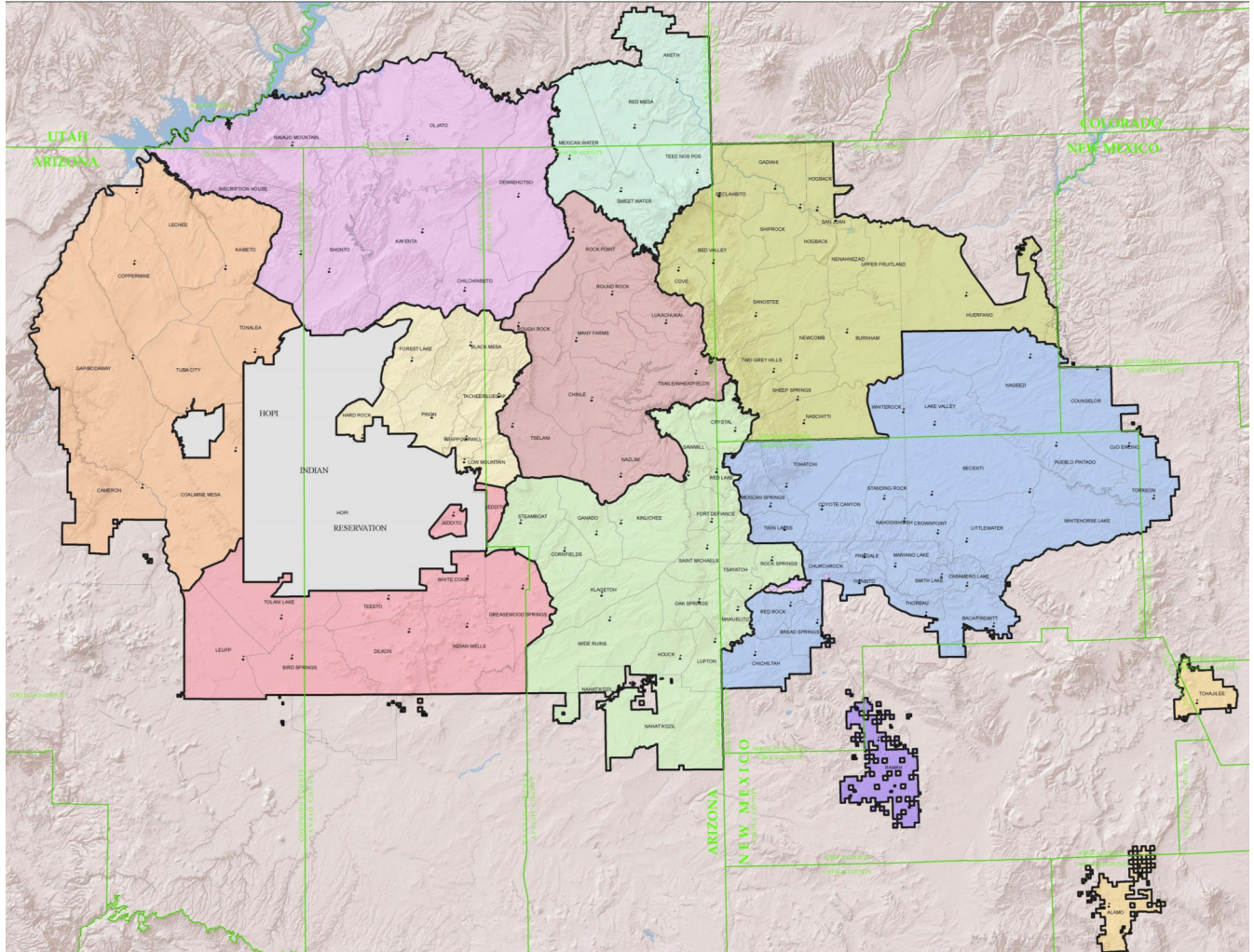
Pachito, a Luiseno Indian, will be attending George Washington University

Cont'd. on p. 7



Brandon Bitsui (left) and Benjamin Pachito (right) interned at the Navajo Nation Supreme Court during their summer break.

Judicial districts



The Navajo Nation Judicial Branch has been decentralizing services since 1988 when judicial districts were established at Chinle, Crownpoint, Kayenta, Ramah, Shiprock, Tuba City and Window Rock. The Alamo and To'hajiilee satellite courts became a judicial district in 2006. The following year, more districts were created at Dilkon and Aneth. More recently, in 2012, the Dził Yijiin Judicial District, located in Pinon, Arizona, was established.

There are now 11 judicial districts serving the people of the Navajo Nation. Furthermore, the branch is planning to create a new district at Pueblo Pintado, New Mexico, to serve people in the Eastern Agency.

The Peacemaking Program has been decentralized from its inception with peacemakers chosen by chapters themselves. There are approximately 200 peacemakers that

are able to provide traditional dispute resolution services within local schools and communities.

The Judicial Branch continues to review and fine tune decentralization efforts, including the need for uniform forms, application of uniform procedures and centralized training. Judicial Branch staff members have also begun meeting to make proposals that would further localize services. One such proposal is to purchase and implement software that would enable the branch to take online payments for court fines and fees. Many members of the public have asked for this service and we will be taking steps to make this a reality. Another proposal is to have forms from the judicial districts available for download online. These are only two examples. More proposals are expected.

Cont'd. on p. 7

Quarterly report highlights

Highlights from the Judicial Branch Fiscal Year 2013 3rd Quarterly report

Four work sessions with Judicial Branch personnel have been held to propose amendments to Title 7 of the Navajo Nation Code to improve operations and services. Staff attorneys, judges, court administrators, Peacemaking Program staff and executive staff have attended sessions to review and provide input on Title 7 revisions.

A two-day work session to review and update the Judicial Branch strategic plan was held. Staff conducted a Strength-Weakness-Opportunities-Threats analysis and discussed priorities for the branch. More sessions are expected to finalize an updated strategic plan.

Senior probation officer Harmon Mason and the Chief Probation Officer participated in the Policy Academy for Alternative Incarceration in Chandler, Arizona. The pilot project will identify and address the need for alternative incarceration for mentally incapable inmates/defendants, juveniles, and overall inmates who are in custody.

The senior probation officers and the Chief Probation Officer have been meeting periodically to develop an ongoing probation structure, process, and procedures as regional supervisors, provide technical assistance, and address other administrative matters. Working out the inconsistencies helped find alternative solutions to suit the needs and use for probation officers.

Aneth probation officer Bettina Norton was assigned additional duties to fulfill the vacant resource coordinator position to continue efforts of the current pilot project under the Aneth Community Court Innovation grant. She has been receiving clients for intake, making appropriate referrals, and coordinating family engagement to assist family members through rehabilitative services.

Alamo/To'hajiilee probation officer Lauren Billy has been assigned to take care of probation/parole services at both To'hajiilee and Alamo Courts. Officer Billy is reorganizing and restructuring the case management for To'hajiilee Probation and Parole Services. Reviewing and updating cases have been her primary focus until all cases are back in order and accounted for.

Chinle probation officer Bernita Dalton has been active in the community Saving Our Students committee. The committee is in the process of planning an annual conference on fatherhood which focuses on youths and their families. Chinle Probation Services provides support and assistance toward this conference and committee every year.

Shiprock probation officers Marvin Pete and Lucy Yesslith attended sex offender meetings in Farmington hosted by the New Mexico Federal Probation Officers. Collaboration and initiatives are in progress to assist one another to assure that all sex offenders are registered. Continual collaborative meetings are scheduled.

Shiprock probation officer Janice Harvey assisted a minor respondent with admission into Job Corps while under probation supervision. Officer Harvey is assisting the minor utilize appropriate life skill tools at the office for admission. The minor child is currently waiting for acceptance into the Job Corps program.

By invitation from the National Indian Child Welfare Association, Chief Justice Herb Yazzie gave a presentation on "Role of Leaders to Safe Guard Children in Tribal Communities" during the ICWA Conference in Tulsa, Oklahoma.

Chief Justice Yazzie participated in the meeting on Native American Traditional Justice Practices. The U.S. Department of Justice Access to Justice Initiative and U.S. Department of the Interior Bureau of Indian Affairs co-sponsored expert group meetings on use of traditional Native American justice practices to respond to criminal and delinquent behavior.

On May 22, 2013, Tuba City Judicial District staff attorney Tina Tsinigine participated in a meeting of the County Board of Supervisors in Flagstaff, Arizona. Ms. Tsinigine and court administrator Gary Krcmarik and Judge Howard Grodman from Coconino County Superior Court presented on how services are coordinated and efforts in working together. Coconino County Supervisor Lena Fowler facilitated the meeting.

The Tuba City Judicial District sponsored the Criminal Justice Summit on April 19, 2013, and June 21, 2013, with Judge Allen Sloan facilitating the meetings. Groups in attendance included law enforcement, corrections, courts, probation/parole services, peacemaking, social services, local schools, and other service providers that have an interest in delivery of services by the justice system. With collaborative efforts, the group hopes to continue work on identifying ways to share and streamline existing processes to better serve the community.

Child Support Enforcement in Tuba City requested to conduct administrative hearings at the Tuba City Judicial District Court where it provides a more structured and secured place for clients. Two administrative hearings were held during this reporting period and all went well.

Cont'd on p. 6



Chief Justice Herb Yazzie and Associate Justice Eleanor Shirley administered oaths of office to three newly elected chapter officials, four grazing officials, ten school board members, Board of Election Supervisors, four farm board members, six newly admitted Navajo Nation Bar Association members, one new prosecutor and nine newly commissioned McKinley County sheriff deputies. Here, the NNBA members take the oath.

Meet new employees

Community Development Specialist



Johansen LaPahe is the new Community Development Specialist with the Peacemaking Program.

Johansen LaPahe was on the job for only a few weeks when he was asked to provide the prayer for the Navajo Nation Council's commencement of the summer session on July 15, 2013.

LaPahe sang the Beauty Way Mountain Song before offering an invocation for the leadership.

LaPahe was a natural choice to help open the Council session. Originally from Whippoorwill Springs, LaPahe grew up traditionally and is the son of the late long-time Navajo Nation Council Delegate Tom LaPahe.

"I encouraged the delegates to keep our people and communities as a priority. That's what my late dad stood on, so I try to carry that on," he said.

LaPahe has the opportunity to do that as the Community Development Specialist under the Peacemaking Program, a position that is funded through the Peacemaking Toward Asset-Building in Navajo Nation Rural Communities grant. He is currently helping to assemble an advisory committee to identify youth and families in remote communities where peacemaking can be of service.

LaPahe has also been attending conferences throughout the Navajo Nation in his capacity as Community Development Specialist. "Whatever little knowledge I have, I try to apply that to teaching our youth. I really believe I have found my place here with this project," he said. ●

Grants Administrator

The Grants Administrator position was created in the FY 2013 budget to help carry out the Judicial Branch's strategic plan. Due to the branch anticipating getting less funds, a Grants Administrator was hired to solicit more funding through grants and to manage the grants that the branch receives.

The position was placed under the Office of Special Projects and Raquel Chee began work as the Grants Administrator in March 2013. In the 3rd quarter of FY 2013, Chee submitted grant proposals for the Peacemaking Program under the Technology Commercialization and Innovation Program and for

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Raquel Chee is the Grants Administrator with the Administrative Office of the Courts.

Meet new employees

Care Coordinator

David Singer has been a social worker for two decades and now is using his expertise to help the Alamo/To'hajiilee Judicial District establish its Healing to Wellness Court.

The Healing to Wellness Court is a pilot project funded through a three-year grant that the judicial district was awarded from the U.S. Department of Justice. The Wellness Court utilizes a multidisciplinary approach to treatment for participants involved in substance abuse.

Singer, as the Care Coordinator, is assisting with developing a plan of operation for the Wellness Court and a hand book for participants. He is also beginning collaborations with service providers in the communities of Alamo and To'hajiilee.

The Healing to Wellness Court recently received its first referral. Clients get referred through the court during sentencing when they are given the option of participating in treatment.

Singer said that it will take about one year to complete treatment through the four-level system. "At the end, if they complete the treatment, there are incentives. They graduate and are given some recognition through the community," he said.

Singer said that substance abuse and recidivism are big issues in the communities, but the monitoring and treatment aspects of the Healing to Wellness Court could help participants stop using alcohol or drugs and stop ending up back in court.

"The To'hajiilee and Alamo Navajo communities are thrilled that they are being supported by the Judicial Branch's initiative to address drug and alcohol abuse. This is the first time that they will be fully engaged in solving problems that have plagued this area. David is a wonderful resource and addition to our staff," said Alamo/To'hajiilee Judicial District Court Administrator Regina Roanhorse. ●



David Singer is the new Care Coordinator for the Alamo-To'hajiilee Judicial District's Healing to Wellness Court.

Grants Administrator cont'd

the Navajo Nation Integrated Justice Information Sharing Project under the Justice Assistance Grant.

Chee also attended training to receive her grants management certification and obtained approval for an extension on grants for NNIJISP and the Peacemaking Program.

Chee works closely with the Director of Special Projects and the Senior Budget Analyst to ensure that grants are in compliance with tribal and federal policies and regulations.

Chee said her goals are to effectively manage the

grants the Judicial Branch has, comply with all deliverables, and sustain programs that have been created by looking for other grants.

The branch currently has six grants. Three are for the Peacemaking Program including Navajo Peacemaking Youth Education and Apprenticeship Project, Peacemaking Toward Asset-Building in Navajo Nation Rural Communities grant and the Navajo Nation Juvenile Diversion to Alternative Sentencing grant. The branch also has grants for the Healing to Wellness Court and a teen court. Finally, the branch manages a grant for the Navajo Nation Integrated Justice Information Sharing Project. ●

Quarterly report highlights

Cont'd from p. 3

Staff attorney Tsinigine provided six pro se trainings in Tuba City for individuals who want to file pro se packets with the court.

On April 5, 2013, Aneth Judicial District staff attorney Glen Renner presented on domestic abuse proceedings in Navajo courts to social workers and victim advocates in Blanding, Utah. The training was sponsored by the Utah Domestic Violence Council, a state-wide domestic violence coalition.

Staff attorney Renner attended meetings and work sessions for the Title 17 Sentencing Review Task Force. She conducted public hearings during the week of May 13-17, 2013, in Tuba City, Chinle, Fort Defiance, Crownpoint, and Shiprock to collect public comments on the Title 17 revisions. Following the public hearings, a radio call-in program on KTNN was conducted the evening of May 30, 2013. Thereafter, Ms. Renner presented a status report to the Law and Order Committee on June 17, 2013, with a final report to be presented to the oversight committee within the next quarter.

Pro-se workshops were held on April 12 and June 14, 2013, by staff attorney Renner wherein 17 participants attended the workshops. The workshop's instructions helped educate participants on the process and filing of pro-se petitions as well as explain various pro-se petitions available through the Aneth Judicial District.

The Dził Yijiiin Judicial District court administrator has been involved in various meetings with local chapter officials and other departments to acquire modular buildings from the Pinon Unified School District. The district is awaiting inspection of the building and a final report by Navajo Nation Design and Engineering Services. In the meantime, the Dził Yijiiin staff remains housed on the Pinon Community School campus.

Dził Yijiiin Judicial District Court Judge Victoria Yazzie and court clerk/acting court administrator Shirley Leonard met with Chinle law enforcement, prosecutor, public defender, and social services to discuss rendering services and defining processes for cases filed with the judicial district.

During this quarter, the total number of walk-in clients assisted by the court clerks at the Window Rock Judicial District was 2,921 (April = 897, May = 996, June = 1,028). Walk-in clients requested information regarding cases, arraignment checks, explanation of forms and procedures, payment of fines and fees, document requests forms, etc.

A total of 12,877 pages were scanned by workforce employee Pasqulita Bowman at the Window Rock Judicial District. After training by WRJD staff and orientation by information data technician Teresa Sagina, Ms. Bowman began archiving closed cases. To date, she has rescanned 1,332 pages (2002 family cases) and 11,545 pages (2003 family cases).

Use of the Shiprock Judicial District Court video conferencing equipment for arraignment proceedings and other hearings has been implemented between the Shiprock Department of Corrections and Aneth Judicial District. The Shiprock Judicial District Court is also using the equipment to conduct hearings.

Ramah Judicial District Court staff maintained daily logs, which reflected that 434 people signed in for services. There were 1,413 in/out telephone calls 604 incoming/outgoing faxes. The court bailiff's security report reflected that within 31 days, 374 people were served and no pocket knives and/or other deadly weapons were confiscated.

The Ramah Judicial District Court staff provided a docket to court staff three months in advance of scheduled hearings and prepared daily updates for the judge. The court shared court schedules with other departments for information purposes. A bench warrant inventory is currently in progress with assistance by a clerk from the Ramah Navajo Department of Law Enforcement. The inventory includes verifying bench warrant records of the courts against bench warrants on file with Ramah Detention Section. The court clerks maintained a bench warrant list and updated it daily with Ramah Navajo Department of Law Enforcement.

The Alamo/To'hajiilee Judicial District is working to create and distribute a Violence Against Families Act bench card to judges and staff attorneys. The district began a review of existing bench cards from other jurisdictions to aid in the drafting and editing of the bench card for the Judicial Branch.



June 21, 2013—Alamo/To'hajiilee Judicial District Court staff serve lunch to attendees of the 2013 Justice Day celebration at the To'hajiilee Court.

The Alamo/To'hajiilee Judicial District celebrated the creation of the Navajo courts in conjunction with a kickoff event for the Tribal Youth Program during the 2013 Justice Day on June 21, 2013. There was a fun walk in the morning where t-shirts, aprons, and other materials were given to the participants. Overall, it was a great day for all youth and adults in the communities of Alamo and To'hajiilee. Over 180 people attended throughout the day with the fun walk, lunch, and tours of offices and court building.

The Alamo/To'hajiilee Judicial District court staff met with local prosecutor Cathy J. Begay through resource meetings and developed an action plan to engage Crownpoint law enforcement officers in order to increase services through the prosecutor, courts, and drug courts, and to improve the referral system. The group came to an important agreement that more referrals need to be generated with increased police presence since they are the first responders.

The Alamo/To'hajiilee Judicial District worked with To'hajiilee behavioral health services on environmental strategies and supported their efforts to start a crisis intervention team and a mental health first aid training. The staff assisted with the 2nd Annual Young Women's Conference at the Laguna reservation in partnership with Laguna providers as well as spring break prevention activities and their summer program. ●

Branch news

Facilities construction

Cont'd. from p. 1

In other Committee news

The hearing rules for the evaluation of the performance of probationary judges and justices was also approved by the Law and Order Committee on July 29, 2013.

The hearing rules have now been updated to include probationary justices and to reflect the change of the oversight committee to the Law and Order Committee.

A hearing is held for probationary judges and justices upon completion of a two-year probationary term.

On June 25, 2013, the Law and Order Committee passed two separate legislations to recommend Malcolm P. Begay for the positions of district court judge and associate justice of the Navajo Nation Supreme Court. After committee approval, the recommendations are then forwarded to the President of the Navajo Nation for consideration of appointment. ●

Judicial districts

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In order to maximize delivery of services to the people, it is necessary for the branch to have safe and efficient facilities for the public and staff. Several judicial districts require new facilities, including Window Rock and Kayenta. Additionally, the Administrative Office of the Courts, which provides administrative support for all Judicial Branch districts and programs, has been occupying rental space since December 2007 and is in need of a permanent facility.

Finally, the Supreme Court has never had a facility. Staff and justices are located in two separate office locations in different parts of Window Rock and there is no hearing room for cases. The Navajo Nation remains in need of a Supreme Court facility. ●

Supreme Court interns

Cont'd. from p. 1

in the fall.

"I learned my professors are right when they say writing is the most important thing," Pachito said.

Gilmore, originally from Twin Lakes, N.M., was instrumental in bringing the Supreme Court to the University of Idaho Law School to hold a hearing on March 21, 2013. She subsequently applied to intern at the Supreme Court and was accepted for a four-week internship. Gilmore had also completed an externship with New Mexico Legal Aid during her summer break.

Gilmore worked on conducting research during her internship, particularly looking into civil rules. She also had the opportunity to attend a Supreme Court hearing.

She learned there is a difference between Navajo Nation laws, Fundamental Law and the laws of the state and federal government. She also learned that the Navajo court system is not entirely adversarial.

"I really like the peacemaking aspect. I find that interesting. It seems that's a developing area of the law that other jurisdictions could learn from," Gilmore said.

What she enjoyed with this internship was hearing people speak Navajo during proceedings. "It makes me feel proud and happy I can hear my own language in hearings," she said. She added that she also liked that the Chief Justice and

Associate Justice were very open and approachable during hearings. "They listen to the individuals, to try to make a really good decision for the parties themselves and to make good precedent," she said.

Gilmore further said she would like to return to work on the Navajo Nation in the future. She is interested in practicing health and education law.

"I'd also like to try to continue hosting youth events to educate young Native American children to continue with their education past high school," she said. ●



Judicial Branch of the Navajo Nation

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Peacemaking Program quarterly update

Álchíní BâNdashni'á, Diné family group conferencing, services are being provided using life value engagement services. This quarter, the districts provided 151 services specifically related to children, 213 youth services, and 7 follow-up services. The program provided traditional teaching services in Nábináhaazláago á'ch'i' yáti' (Life Value Engagement) to 624 youth and 150 adults.

The program staff participated in the 11th Annual Community Education Conference in Nenahnezad, New Mexico, sponsored by the Shiprock Peacemaking Services. Chief Justice Herb Yazzie, Associate Justice Eleanor Shirley, and Miss Navajo Nation gave speeches. There were presentations on gang issues, fundamental laws, and how to properly introduce yourself in the Navajo tradition. Information booths were set up by Girl/Boy Scouts of America, Diné College, San Juan College, Navajo Election Administration and Peacemaking Program.

The traditional Diné researcher provided information on the Navajo Peacemaking Youth Education Apprenticeship Project and gave an overall review on the history of the project, its current status, and future plans during a Saving Our Students Criminal Justice meeting in Chinle, Arizona. Various programs and entities were represented at this meeting, including Chinle Unified School District, Chinle Judicial District, Chinle Behavioral Health Services, Rough Rock Community School and more. Based on the presentation, the program received positive feedback and has requested for additional information in working with the youth. They also expressed interest in the curriculum program and working with statistics on the success rate.



June 13, 2013—Chief Justice Herb Yazzie addresses the 11th annual Community Education Conference.

The program provided services as part of the Navajo Peacemaking Youth Education and Apprenticeship Project at Seba Dalkai Community School, Indian Wells School, Whitehorse High School, Shiprock Consolidated Schools (Nenahnezad, Naschitti, Newcomb, Shiprock, and Kirtland), Borrego Pass Community School, Magdalena Schools, Grey Hills High School, and Pinon High School. Services included life value engagement, teaching traditions to students for individual engagement, and peacemaking sessions for students and their families. The program continues to recruit schools and work on getting memoranda of agreements in place at Leupp High School, Indian Wells School, Crownpoint High School, Pine Hill High School, and Tuba City High School.

Traditional program specialist Elaine Henderson provided information and a morning snack for the 2013 Youth Cultural Festival on June 12, 2013, with the theme of "My Language, My Teachings Are My Protection." ●



June 12, 2013—Youth at the 2013 Youth Cultural Festival visit the Peacemaking Program information booth.

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