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Navajo Nation Council confirms appointment of three probationary district court judges

WINDOW ROCK – The 22nd Navajo Nation Council on Wednesday confirmed the appointment of three probationary Navajo Nation district court judges during the final day of the Winter Council Session this past week. With the appointments, three of five vacancies for district court judges have been filled.

“There has been a shortage of judges on our Navajo Nation and a backlog of cases,” said Council Delegate Edmund Yazzie (Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake,



L-R: Leonard Livingston, Council Delegate Russell Begaye, Victoria R. Yazzie, Council Delegate Edmund Yazzie, and Roy Tso, Jr. Background: Speaker Johnny Naize.

Thoreau), prior to the confirmation voting by the Council. “Once confirmed, these individuals can start working for our people - the victims who have suffered from the hands of criminal activity.”

Receiving confirmation as probationary district court judges were Roy Tso, Jr., Victoria R. Yazzie, and Leonard Livingston. All will serve a probationary two-year term, as mandated by Navajo law.

The Law and Order Committee initially determines the qualifications of all applicants for judgeships through a thorough screening process, according to 2 N.N.C. §601(B)(7)(a) and 7 N.N.C. §355(A). Those that are deemed qualified are forwarded to the President for appointment, which are then subject to confirmation by the Navajo Nation Council.

“We want good, qualified judges sitting on our benches,” said Council Delegate Russell Begaye (Shiprock) who explained that the applicants were screened through an interview panel with questions posed by the Law and Order Committee, of which he is also a member.

Applicants were also subject to complete a written test designed to demonstrate the applicant’s legal knowledge and writing skills, among other requirements, Delegate Begaye said.

Legislation No. 0493-12, confirming Leonard Livingston as probationary district court judge, was sponsored by Delegate Yazzie. Livingston, who has a background in law enforcement, has worked as a prosecutor for the Navajo Nation and served thirty years of military duty in the U.S. Air Force.

Delegate Begaye sponsored the two legislations to confirm the appointments of Roy Tso, Jr. and Victoria R. Yazzie, (Legislation No. 0486-12 and Legislation No. 0487-12, respectively).

Roy Tso, Jr. was appointed on the basis of his varied experiences in child support enforcement and social work, and completed stints with DNA People's Legal Services and the Gallup Magistrate Court, where he served as a judge. Tso also worked as a district prosecutor on the Navajo Nation.

Victoria R. Yazzie's appointment came on the basis of her 22 years of experience with the Navajo Office of the Prosecutor. Yazzie also possesses a degree in criminal justice.

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), during confirmation dialogue on the floor, requested for each of the judgeship appointees to communicate and follow-up with prosecutors in cases that involve young people, and ensure that police officers complete their records in a timely manner.

"Most [cases] get thrown out because police officers don't get their paperwork done in three weeks. And so, the chance or the opportunity to make change for a young person never comes before a U.S. judge," Delegate Witherspoon explained.

Ensuring that judges incorporate basic Navajo philosophical concepts of self-identity and identity through k'é (kinship relations) was important to Council Delegate Elmer Begay (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone), who asked appointees how they intended to restore peace and harmony to Navajo families through their decisions.

When it was his turn to talk, Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) said as probationary district court judges, the work and decisions of each appointee will have a significant impact on the lives of Navajo people.

"If we put the wrong judge in, we have hurt Navajo people. That's how I look at this," said Delegate Tsosie. "That's why I feel it is very important that you, as judges, do your job and do what is right. Your job is to bring harmony back to our communities based on the Navajo laws we have."

Immediately following their confirmation by the Navajo Nation Council, the new probationary district court judges were sworn in by Navajo Nation Supreme Court Associate Justice Eleanor Shirley on the Council Chambers floor.

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