



The 21st Navajo Nation Council

Contact: Alastair L. Bitsoi, Public Information Officer

Phone: (928) 871-7228

Cell: (928) 255-2943

Fax: (928) 871-7255

abitsoi@navajo.org

www.navajonationcouncil.org

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FOR IMMEDIATE RELEASE

Judiciary Committee conducts the first formal performance evaluation of Chief Justice, concerns to be addressed

WINDOW ROCK, Ariz. – The Judiciary Committee of the 21st Navajo Nation Council held a special meeting to conduct Chief Justice Herb Yazzie's 2009 performance evaluation in his role as an administrator and chief justice.

The committee highlighted major concerns of the high court's justice and will act according to its oversight authority to address pressing issues within the Judicial Branch. The committee will act to improve personnel issues particularly issues brought forward by the Tuba City District Court's personnel, child custody cases, the new rules for pro se litigation, the lack of disclosure of authors of court opinions, lack of communication, the garnishment act and the intimidation of Navajo Nation Judicial staff.

Chief Justice Yazzie's performance evaluation consisted of his own self-assessment, judicial data, surveys, evaluations, written and oral comments and recommendations from employees and the public, which was accepted as a report, 5-0.

At the Tuba City District Court, Delores Aguirre of the probation services division said efforts to alleviate personnel issues in Tuba City have continued to be a revolving door.

"For over ten years, our complaints were never addressed," Aguirre added. "We talk about k'e at judicial branch conferences but I don't see that with the Tuba City District Court. I am glad to have sat next to the chief justice to address this."

In public comments, one written evaluation said, "I disagree with Mr. Yazzie's ruling of the father who did not pay what was ordered by lower courts. What kind of message are we sending to Navajo fathers when an order of a child support is not honored and vice versa if it is against the mother?"

An attorney from Flagstaff, who also testified in person, reminded the Chief Justice that his decisions affect individuals in pro se litigation and child support cases.

"Today, I hope Chief Justice is listening to these concerns that his decisions affect people in the most intimate ways in family relationships. Those decisions we get back affect my clients, your people, our people," the attorney added. "Before you make another decision think about how it will affect you on the other side. I have to explain the changes in laws to my clients. That's hard. We need to build confidence back and it is strongest in the judicial head."

Another public comment said, "In general, I have found that the Supreme Court under the leadership of Chief Justice Yazzie over the past year has been unpredictable, and several previously settled areas of law have been substantially changed without either adequate notice or adequate briefing."

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Council Delegate Francis Redhouse (Teechospos) also expressed concern and spoke on the importance of the Garnishment Act, which is important Act for the Ethics and Rules Committee to function ethically.

"The Navajo Nation Council passed the law and gave it back to the Judicial Branch for court procedure," Redhouse explained. "Then Ethics and Rules put their blessing on it. Thereafter, the Act went to judges for additional review. And that process there is a duplication of services by the court system."

"In order to have the Ethics and Rules Committee function and be able to secure the misuse of tribal funds and federal funds to be returned back to the Navajo Nation, the Garnishment Act has to work for us," Redhouse added. "It has been lingering the past three to four years. I am hoping the court system can do that so ethics and rules can function effectively."

Another concern the committee pointed out was the response or comments from 13 out of 445 plus members of Navajo Nation Bar Association who evaluated the chief justice. The NNBA members evaluated the justice on integrity, legal ability, communication skills, preparation, and temperament over proceedings, cooperation, attitude and overall judicial performance.

In an effort to alleviate some of the issues, the committee will implement the following recommendations and actions at their next regular meeting on June 3:

- 1) Providing a summary of the positive and negative responses from the public
- 2) Continue to examine the most serious personnel problems and ask for corrective action plans to address those problems
- 3) Expression of no retaliation to employees for their public comments
- 4) Recommend other improvements for Chief Justice for the Judicial Branch

The committee also acknowledged that Chief Justice Yazzie may have way too many responsibilities and may need to redirect some of his authority to the district courts and/or court administrators.

Council Delegate Kee Allen Begay, chairman for the committee, thank those who submitted their public comments and those who made oral public comments and said, "The committee will continue to implement that the Judicial Branch provide quality court service to our Navajo people even if it means the committee needs to make some restructuring according to its oversight authority."

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