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### **JUDICIAL BRANCH TO PHASE IN RETURN TO FULL CAPACITY**

On July 22, 2020, Chief Justice JoAnn Jayne issued an administrative order adopting a plan for the courts and programs of the Judicial Branch to gradually return to full capacity in phases. The courts and programs will be continuing to provide essential services through electronic and teleconference means for the time being. The courts continue to accept all filings but doors to the courts and programs remain closed to the public until they meet specific data-driven gating criteria. Minimal staffing in the courts and programs will also continue for the time being.

The plan states, “Although there will be a time when litigants and the public can return to the courtrooms for more proceedings, for now, we cannot foresee when that will be.” For now, the courts will continue to offer essential services through remote means.

The Judicial Branch’s reopening plan is called the Roadmap to Full Capacity: COVID-19 Guidelines for the Navajo Nation Judicial Branch. It provides four phases using gating criteria based on public health information from local authorities to expand services until all courts and programs are operating at full capacity. The Roadmap supplements the Continuity of Operations Plan adopted by the Branch on March 27, 2020, which ensured that essential services continued during the public health emergency.

“By working together, we have provided essential services and have increased our ability to hear cases telephonically and in virtual courtrooms,” Chief Justice Jayne noted in the administrative order. “Now, as responsible stewards of our justice system, we develop a strategy to protect public health while getting our branch of government back to full speed and allow each court and program to advance on an appropriate timeline.”

The administrative order notes that the plan is not an immediate return but a slow, careful approach to returning safely to the workplace relying on Navajo cultural methods of problem solving. As part of the administrative order and before entering the first phase, employees of the branch must receive training on how to apply the Roadmap including training on cleaning, use of personal protective equipment, and engineering modifications in the workplace.

When gating criteria is met, a court may submit a plan to proceed to the next phase of reopening. Conversely, if data suggest it is no longer safe to proceed in reopening, the court may need to go back to the previous phase. Each progressive phase moves toward returning to full capacity, which is reflected in the fourth phase where a debriefing and reflection will also take place.

Phase 1 is the most restrictive phase. It prohibits non-essential travel, strongly encourages working remotely and video- and teleconferencing whenever possible, limits gatherings to no more than 10 persons, and requires 6-foot social distancing. Health screenings must also take place before entering a Judicial Branch facility.

Phase 2 relaxes travel restrictions but still encourages remote working. Decisions on adjusting public accessibility to Judicial Branch facilities will be made in consultation with health authorities and health screenings continue. Moderate 6-foot social distancing protocols must still be followed.

Phase 3 shifts toward in-person operations but continues to encourage minimized gatherings and practicing 6-foot social distancing. Health screenings may cease, in consultation with local health authorities. At all phases, Judicial Branch employees are expected to consider health and safety guidance from organizations such as the Centers for Disease Control.

While there is no set date for Judicial Branch courts and program to fully reopen, the priority of the Judicial Branch is protecting the safety of its employees and the public by taking a careful and measured approach while continuing to provide services needed by the Navajo People and mandated by Navajo law.

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