

LEGISLATIVE SUMMARY SHEET

Tracking No. 0156-22

DATE: September 12, 2022

AN ACTION

**RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE
PROBATIONARY APPOINTMENT OF CECELIA TALLMAN AS NAVAJO
NATION DISTRICT COURT JUDGE**

PURPOSE: This resolution, if approved, will confirm the probationary appointment of Cecelia Tallman as Navajo Nation District Court Judge.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 3:33 pm; 09-13-22
Posting End Date: 09-18-22
Eligible for Action: 09-19-22

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24TH NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0156-22

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI'
COMMITTEE, AND THE NAVAJO NATION COUNCIL; CONFIRMING THE
PROBATIONARY APPOINTMENT OF CECELIA TALLMAN AS NAVAJO
NATION DISTRICT COURT JUDGE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Law and Order Committee as a Navajo Nation standing committee and as such gave the Law and Order Committee authority to recommend to the Navajo Nation President the permanent appointment of probationary judges. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(IO).
- B. Pursuant to 7 N.N.C. § 355 (A), the President of the Navajo Nation shall appoint the Chief Justice, Associate Justices, and District Court Judges with confirmation by the Navajo Nation Council from among those applicants recommended by the Law and Order [Judiciary] Committee of the Navajo Nation Council.
- C. Pursuant to 7 N.N.C. § 355 (A), the President of the Navajo Nation shall appoint the Chief Justice, Associate Justices, and District Court Judges with confirmation by the

Navajo Nation Council from among those applicants recommended by the Law and Order [Judiciary] Committee of the Navajo Nation Council.

D. The probationary term for District Court Judges.... shall be two (2) years from the date of confirmation by the Navajo Nation Council. 7 N.N.C. § 356 (A).

E. The Law and Order Committee delegated its responsibility and authority to the Judicial Conduct Commission to screen applicants and to recommend the probationary appointment of judges and justices. LOCS-19-18.

F. The Judicial Conduct Commission made its recommendation to the Navajo Nation President for Cecelia Tallman to be appointed as a probationary judge of the Navajo Nation. JCC-03-22.

G. The Law and Order Committee has oversight over the administration of justice on the Navajo Nation. 2 N.N.C. §600 (C)(1)

H. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council that considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

I. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

SECTION TWO. FINDINGS

A. Cecelia Tallman is an enrolled member of the Navajo Nation and is an applicant for appointment as a probationary Navajo Nation District Court judge.

B. The Navajo Nation President appointed Cecelia Tallman as a probationary Navajo Nation District Court judge, subject to confirmation by the Navajo Nation Council. See Appointment Letter **EXHIBIT A**.

C. The Judicial Conduct Commission reviewed Mr. Tallman's application, qualifications, and conducted an interview.

D. The Judicial Conduct Commission has determined that Cecelia Tallman meets the qualifications for appointment as a probationary Navajo Nation District Court Judge and has recommended her for probationary appointment. See JCC-03-22, attached hereto as **EXHIBIT B**.

1 **SECTION THREE. CONFIRMATION PROBATIONARY APPOINTMENT**

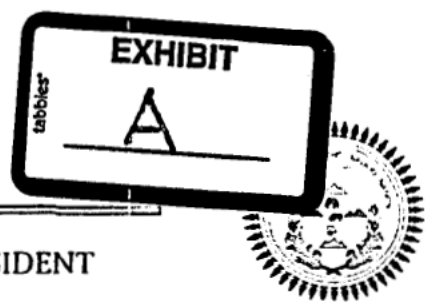
2 The Navajo Nation Council hereby confirms Ms. Cecelia Tallman as a probationary Navajo
3 Nation District Court Judge.

4
5 **SECTION FOUR. NAVAJO NATION PRIVACY ACT RESTRICTIONS**

6 Confidential information within application documents shall remain protected. Access to
7 protected documents, will be made available to authorized persons pursuant to 2 N.N.C. § 81
8 el seq., and therefore will not be publicly posted.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



August 30, 2022

Cecelia Tallman
PO Box
Tuba City, AZ 86045

RE: Judicial Appointment

Dear Ms. Tallman,

Thank you for your interest in serving as a Navajo Nation District Court judge. There are many fine Navajo judges who have come before you and we trust you will uphold the honor of the Navajo courts they have built over the decades. We appreciate the time you spent with us talking about your interest and experience in the legal system. Your work history gives you the unique perspective of the needs of our Navajo People as they navigate the judicial system and we hope you will use this experience in your decision making. Based on our discussion with you and review of your résumé it is our pleasure to recommend your appointment as a judge of the Navajo courts.

The recommendation will be forwarded to the Navajo Nation Council for final action. We wish you the best. God bless you.

Sincerely,

A handwritten signature in black ink that reads 'Jonathan Nez'.

Jonathan Nez, President
THE NAVAJO NATION



Resolution No. JCC-03-2022

**RESOLUTION OF THE
JUDICIAL CONDUCT COMMISSION**

**Recommending to the Navajo Nation President that
Cecelia Tallman Meets all the Qualifications for Appointment
as a Navajo Nation Probationary District Court Judge**

WHEREAS:

1. The Law and Order Committee of the Navajo Nation Council has the power to accept applications for all judge positions and to determine the most qualified applicants for judge positions. 2 N.N.C. § 601(B)(7) and 7 N.N.C. § 355(A).
2. The Law and Order Committee recommends to the Navajo Nation president the most qualified candidates for appointment as probationary judges. 2 N.N.C. § 601(B)(7)(a). The president's appointment of a probationary judge is subject to confirmation by the Navajo Nation Council. 2 N.N.C. § 601(B)(7)(b).
3. On September 17, 2018, the Law and Order Committee delegated its power to accept applications for judge positions and to determine the most qualified applicants for judge positions to the Judicial Conduct Commission. Law and Order Committee Res. No. LOCS-19-18 (Sept. 17, 2018).
4. On September 17, 2018, the Law and Order Committee also delegated to the Judicial Conduct Commission its power to recommend to the Navajo Nation president all candidates for appointment as probationary Navajo Nation judges. Law and Order Committee Res. No. LOCS-19-18 (Sept. 17, 2018).
5. Pursuant to these delegations of power, the Judicial Conduct Commission has reviewed and determined the qualifications of Ms. Cecelia Tallman, who applied for a position as a Navajo Nation district court judge.
6. Pursuant to these delegations of power, the Judicial Conduct Commission also evaluated Ms. Cecelia Tallman's legal writing and analysis and interviewed her on August 6, 2022.
7. The Judicial Conduct Commission makes the following findings on Ms. Cecelia Tallman's qualifications based on her application materials, writing and analysis, and interview:
 - a. She earned a bachelor's degree from Northern Arizona University;
 - b. She has over fourteen years of legal work experience as an advocate with the Navajo Nation Public Defender's Office. This work includes use of or knowledge of Navajo Nation, state, and federal laws. She also has over seventeen years of experience working with the Navajo Nation courts (including judges and court staff) as a paralegal, court clerk, and probation officer;

c. She is able to speak both Navajo (fluently) and English and has practical knowledge of Diné Fundamental Laws; and understands K'ee, the Navajo clan system, traditional ceremonies, and the traditional Navajo lifestyle; she has an excellent understanding and knowledge of Navajo customary laws and their application in the courts;

d. She has demonstrated good writing style and analytical ability;

e. She has demonstrated good managerial and supervisory abilities to perform the duties of a district court judge;

f. She is a member in good standing of the Navajo Nation Bar Association; and

g. She has met all the qualifications set forth at 7 N.N.C. § 354(A)(1) – (14).

8. The Judicial Conduct Commission is satisfied that Ms. Cecelia Tallman meets the qualifications for judicial appointment that are set forth at 7 N.N.C. § 354(A)(1) – (14) and should be recommended to the Navajo Nation president as qualified for appointment as a Navajo Nation probationary district court judge.

THEREFORE, IT IS RESOLVED:

The Judicial Conduct Commission recommends Ms. Cecelia Tallman to the Navajo Nation president as qualified for appointment as a Navajo Nation probationary district court judge.

CERTIFICATION

I certify that the foregoing Judicial Conduct Commission resolution was duly considered and adopted at an official meeting at which a quorum was present, on this 11th day of August 2022, and the same was adopted by a vote of 3 in favor, 0 opposed, and 1 absent or abstaining.



Robert Yazzie, Chairman
Judicial Conduct Commission

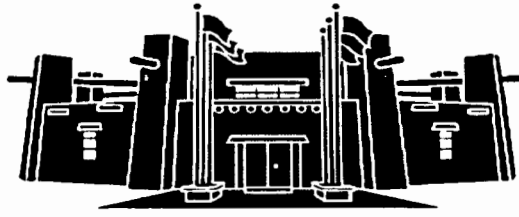
Motion: Manley Begay

Second: Rhonda Tuni

Application
of
Cecelia Tallman

Navajo Nation
District Court Judge

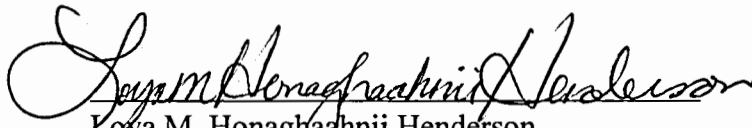
CONFIDENTIAL



MEMORANDUM

TO: 24th Navajo Nation Council Delegate

FROM:


Loya M. Honaghaahnii Henderson
Office of Legislative Counsel

DATE: Sept. 12, 2022

SUBJECT: **AN ACTION RELATING TO THE NAVAJO NATION COUNCIL; CONFIRMING THE PROBATIONARY APPOINTMENT OF CECILIA TALLMAN AS NAVAJO NATION DISTRICT COURT JUDGE**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0156-22_

SPONSOR: Otto Tso

TITLE: An Action Relating to Law and Order Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Confirming the Probationary Appointment of Cecelia Tallman as Navajo Nation District Court Judge

Date posted: September 13, 2022 at 3:33PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0156-22

SPONSOR: Honorable Otto Tso

TITLE: An Action Relating to Law and Order Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Confirming the Probationary Appointment of Cecelia Tallman as Navajo Nation District Court Judge

Posted: September 13, 2022 at 3:33 PM

5 DAY Comment Period Ended: September 18, 2022

Digital Comments received:

Comments Supporting	1) Kathleen Bowman
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Alice Huskie 2) Daniel B. Watts



**Legislative Tracking Secretary
Office of Legislative Services**

September 19, 2022; 10:00 AM
Date/Time

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

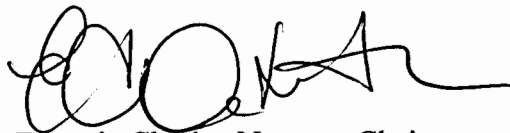
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0156-22: An Action Relating to Law and Order Committee, Naabik'iyati' Committee, and the Navajo Nation Council; Confirming the Probationary Appointment of Cecelia Tallman as Navajo Nation District Court Judge – Sponsor: Honorable Otto Tso

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendment:

And thereafter refer to Naabik'iyati' Committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eugenia Charles-Newton', with a long horizontal flourish extending to the right.

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: September 26, 2022

Main Motion:

Motion : Honorable Vince James
Second : Honorable Otto Tso
Vote : 3-0-2

LAW AND ORDER COMMITTEE

**Regular Meeting
September 26, 2022**

Legislation No. 0156-22: An Action Relating to Law and Order Committee, Naabik'iyati' Committee, and the Navajo Nation Council; Confirming the Probationary Appointment of Cecelia Tallman as Navajo Nation District Court Judge – Sponsor: Honorable Otto Tso

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Vince James

Second: Honorable Otto Tso

Vote: 3-0-2

Yea: Honorable Vince James/Honorable Eugene Tso/Honorable Otto Tso

Nay:

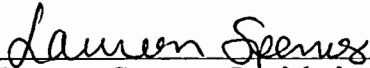
Not Voting: Honorable Eugenia Charles-Newton, Chairwoman

Excused: Honorable Edmund Yazzie

Absent: None



Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0156-22

SPONSOR: Honorable Otto Tso


TITLE: An Action Relating to Law and Order Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Confirming the Probationary Appointment of Cecelia Tallman as Navajo Nation District Court Judge

Posted: September 13, 2022 at 3:33 PM

5 DAY Comment Period Ended: September 18, 2022

Digital Comments received:

Comments Supporting	1) Rosa Maria Cortez
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

October 12, 2022; 4:29 PM
Date/Time



THE NAVAJO NATION

OFFICE OF NAVAJO PUBLIC DEFENDER

P.O. Box 3210
Window Rock, Arizona 86515
Ph: (520) 871-6370 • 6374
Fax: (520) 871-7630
(928)

September 20, 2022

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, Arizona 86515

Re: Legislation No. 0156022
Appointment of Cecelia Tallman as Navajo District Judge

Dear Executive Director:

This letter is on behalf of and in support of the appointment of Cecelia Tallman as a Navajo Nation District Court Judge. My name is Rosa Maria Cortez, Senior Attorney for the Office of Navajo Public Defender. Our address is P.O. Box 3210, Window Rock, Arizona 86515. Email address is: rosacortez@navajo-nsn.gov.

It has been my privilege to know and work with Ms. Tallman for over ten (10) years. I know her to be a very hard and dedicated Advocate for her clients. She has taught me many things about the traditional and fundamental law of the Diné. She has demonstrated total devotion by serving in the best legal interest of her people. She is a skilled legal analyst, she speaks fluent Navajo in court and to her clients and witnesses. This is critical and important to carry on the traditional values and teachings of the Diné in the legal arena. In addition, it is essential in order to communicate and represent her clients in a meaningful manner. Ms. Tallman is a well-rounded person, who is also a single mother, with grown children and grandchildren. She is inspirational and possesses wisdom and understanding.

I hope you will approve her nomination and appoint her as a Navajo District Court Judge. In doing so you and those who come before her will be well served. Thank you for your consideration.

Sincerely,

Rosa Maria Cortez
Attorney at Law