

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0014-25

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Navajo Nation Council; Confirming the Permanent Appointment of the Honorable Malcolm Laughing as Navajo Nation District Court Judge

Date posted: February 12, 2025 at 5:20 PM.

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0014-25

DATE: February 11, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO NAVAJO NATION COUNCIL: CONFIRMING THE PERMANENT APPOINTMENT OF THE HONORABLE MALCOLM LAUGHING AS NAVAJO NATION DISTRICT COURT JUDGE

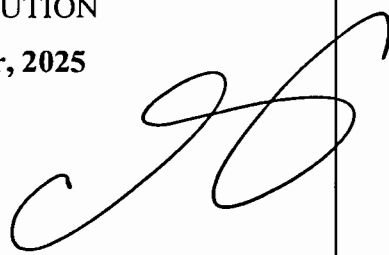
PURPOSE: The purpose of this proposed resolution is to confirm the permanent appointment of the Honorable Malcolm Laughing as Navajo Nation District Court Judge.

Final Authority: Navajo Nation Council

Vote Required: Simple Majority

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

5-DAY BILL HOLD PERIOD
Website Posting Time/Date
Posting End Date: 02-17-25
Eligible for Action: 02-18-25



1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL—Third Year, 2025
3 INTRODUCED BY

4
5 _____
6 Prime Sponsor

7
8 TRACKING NO. 0014-25

9
10 AN ACTION
11 RELATING TO NAVAJO NATION COUNCIL; CONFIRMING THE PERMANENT
12 APPOINTMENT OF THE HONORABLE MALCOLM LAUGHING AS NAVAJO
13 NATION DISTRICT COURT JUDGE

14
15 **BE IT ENACTED:**

16 **SECTION ONE. AUTHORITY**

- 17 A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation
18 standing committee and as such gave the Law and Order Committee authority to
19 recommend to the Navajo Nation President the permanent appointment of probationary
20 judges. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(10) (2012) *see also* CO-45-12.
21 B. The Navajo Nation Council shall confirm judicial appointments. 7 N.N.C. § 355 (A) and
22 (E) (2009).

23
24 **SECTION TWO. FINDINGS**

- 25 A. On December 19, 2019 the Navajo Nation President appointed and the Navajo Nation
26 Council confirmed Mr. Malcolm Laughing as a Navajo Nation probationary district
27 court judge. *See* CD-49-19.
28 B. “[A]ll District Court Judges shall be appointed for a probationary period of two years
29 and upon permanent appointment shall serve thereafter during good behavior.” 7 N.N.C.
30 § 355(B)

- 1 C. A probationary...Judge shall not be recommended for a permanent appointment unless
2 he or she has successfully completed a course of training accredited for judges and he or
3 she has received a satisfactory performance evaluation from the Chief Justice and the
4 Law and Order (Judiciary) Committee of the Navajo Nation Council at the conclusion of
5 the probationary...Judge's two-year probationary term. 7 N.N.C. § 355(C)
- 6 D. On July 25, 2024, Chief Justice JoAnn Jayne provided a satisfactory performance
7 evaluation and recommended Judge Malcolm Laughing for permanent appointment to
8 District Court Judge of the Navajo Nation. See **Exhibit "A"**.
- 9 E. Judge Malcolm Laughing has completed training courses from the National Judicial
10 College for *DUI in Indian Country, Evidence Training, Recusal and Disqualification*
11 and *Presenting Oral Opinions from the Bench*, along with attending a host of local
12 conferences on legal matters. See **Exhibit "B."**
- 13 F. "At the conclusion of the two-year probationary term, the Law and Order (Judiciary)
14 Committee shall review the record and qualifications of each probationary...Judge and
15 shall recommend to the President whether or not each probationary...Judge has
16 satisfactorily completed the probationary term and should be appointed to a permanent
17 position. The President shall not appoint to a permanent position any
18 probationary...Judge not recommended by the Law and Order (Judiciary) Committee.
19 The appointments shall be submitted to the Navajo Nation Council for confirmation." 7
20 N.N.C. § 355(E)
- 21 G. Due to delays caused by the COVID-19 pandemic, Judge Malcolm Laughing's public
22 hearing and probation evaluations were delayed. In 2023, the Navajo Nation reopened
23 after the COVID-19 crises and the Navajo Nation government implemented measures to
24 resume in person functions. Included in the reopening measures was prioritizing
25 evaluations for the judges.
- 26 H. On October 14, 2024, the Law and Order Committee determined Judge Malcolm
27 Laughing met the qualifications for appointment as a permanent Navajo Nation District
28 Court Judge and forwarded his name to the Navajo Nation President for judicial
29 appointment consideration. See LOCO-05-24.
- 30

1 I. On December 13, 2024, the Navajo Nation President recommended to the Navajo
2 Nation Council the permanent appointment of Mr. Malcolm Laughing to be permanently
3 appointed as a District Court Judge. **Exhibit “C.”**

4 J. The Navajo Nation finds it in the best interest of the Navajo Nation Judicial Branch that
5 Judge Malcolm Laughing is confirmed for permanent status as a Navajo Nation District
6 Court Judge.

7
8 **SECTION THREE. CONFIRMATION AS PERMANENT JUDGE**

9 The Navajo Nation confirms Mr. Malcolm Laughing as a permanent Navajo Nation
10 District Court Judge.

11
12 **SECTION FOUR: RECOMMENDATION FOR ADDITIONAL STEP INCREASE**

13 A. The Law and Order Committee recommends that Judge Malcolm Laughing be provided
14 an additional salary step increase, in addition to the two-step increase provided after
15 confirmation as provided in Resolution No. LOCO-08-14, “Amending the Navajo
16 Nation Justices and Judges Salary Schedule.”

17 B. The Law and Order Committee recognizes that Judge Malcolm Laughing was eligible to
18 be evaluated and considered for permanent appointment once he fulfilled his two year
19 probationary period. However, due to delays from the COVID-19 pandemic, Judge
20 Malcolm Laughing’s public hearing and probationary evaluations were delayed.

21 C. In evaluating Navajo Nation Justices and Judges for possible step increases, Judge
22 Malcolm Laughing could not be considered for an additional step increase in 2023, due
23 to his probationary status.

24 D. Therefore, the Law and Order Committee recommends that the additional step increase
25 be provided for Judge Malcolm Laughing.

26
27 **SECTION FIVE. NAVAJO NATION PRIVACY ACT**

28 Confidential information within application documents shall remain protected except
29 upon its authorized disclosure by the appointee. 2 N.N.C. § 81 *et seq.* (2009).