

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0015-25

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Navajo Nation Council; Confirming the Permanent Appointment of the Honorable Victor J. Clyde as Navajo Nation District Court Judge

Date posted: February 12, 2025 at 5:22 PM.

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0015-25

DATE: February 11, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO NAVAJO NATION COUNCIL: CONFIRMING THE PERMANENT APPOINTMENT OF THE HONORABLE VICTOR J. CLYDE AS NAVAJO NATION DISTRICT COURT JUDGE

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

Final Authority: Navajo Nation Council

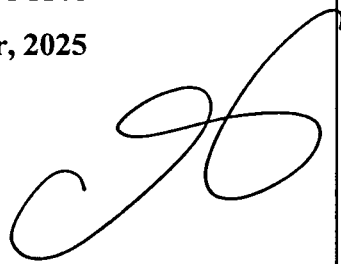
Vote Required: Simple Majority

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 ASD
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. 0015-25
9

10 AN ACTION
11 RELATING TO NAVAJO NATION COUNCIL; CONFIRMING THE PERMANENT
12 APPOINTMENT OF THE HONORABLE VICTOR J. CLYDE AS NAVAJO
13 NATION DISTRICT COURT JUDGE
14

15 **BE IT ENACTED:**

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17 **SECTION ONE. AUTHORITY**

- 18 A. The Navajo Nation established the Law and Order Committee as a Navajo Nation
19 standing committee and as such gave the Law and Order Committee authority to
20 recommend to the Navajo Nation President the permanent appointment of probationary
21 judges. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(10) (2012) *see also* CO-45-12.
22 B. The Navajo Nation Council shall confirm judicial appointments. 7 N.N.C. § 355 (A) and
23 (E) (2009).
24

25 **SECTION TWO. FINDINGS**

- 26 A. On October 22, 2020, the Navajo Nation President appointed and the Navajo Nation
27 Council confirmed Mr. Victor J. Clyde as a Navajo Nation probationary district court
28 judge. See CO-85-20.
29
30

- 1 B. “[A]ll District Court Judges shall be appointed for a probationary period of two years
2 and upon permanent appointment shall serve thereafter during good behavior.” 7 N.N.C.
3 § 355(B)
- 4 C. A probationary...Judge shall not be recommended for a permanent appointment unless
5 he or she has successfully completed a course of training accredited for judges and he or
6 she has received a satisfactory performance evaluation from the Chief Justice and the
7 Law and Order (Judiciary) Committee of the Navajo Nation Council at the conclusion of
8 the probationary...Judge’s two-year probationary term. 7 N.N.C. § 355(C)
- 9 D. On July 25, 2024, Chief Justice JoAnn Jayne provided a satisfactory performance
10 evaluation and recommended Judge Victor J. Clyde for permanent appointment to
11 District Court Judge of the Navajo Nation. See **Exhibit “A”**.
- 12 E. Judge Victor J. Clyde has completed training courses from the National Judicial College
13 for *Virtual Hearing Effective Practices for Tribal Courts*, *Evidence Training*, *Judicial*
14 *Writing*, and *Judicial Discretion and Contempt*, to name a few, along with attending a
15 host of local conferences on legal matters. See **Exhibit “B.”**
- 16 F. “At the conclusion of the two-year probationary term, the Law and Order (Judiciary)
17 Committee shall review the record and qualifications of each probationary...Judge and
18 shall recommend to the President whether or not each probationary...Judge has
19 satisfactorily completed the probationary term and should be appointed to a permanent
20 position. The President shall not appoint to a permanent position any
21 probationary...Judge not recommended by the Law and Order (Judiciary) Committee.
22 The appointments shall be submitted to the Navajo Nation Council for confirmation.” 7
23 N.N.C. § 355(E).
- 24 G. Due to delays caused by the COVID-19 pandemic, Judge Victor J. Clyde’s public
25 hearing and probation evaluations were delayed. In 2023, the Navajo Nation reopened
26 after the COVID-19 crises and the Navajo Nation government implemented measures to
27 resume in person functions. Included in the reopening measures was prioritizing
28 evaluations for the judges.
- 29 H. On October 14, 2024, the Law and Order Committee determined Judge Victor J. Clyde
30 met the qualifications for appointment as a permanent Navajo Nation District Court

1 Judge and forwarded his name to the Navajo Nation President for judicial appointment
2 consideration. See LOCO-03-24.

3 I. On December 13, 2024, the Navajo Nation President recommended to the Navajo
4 Nation Council the permanent appointment of Mr. Victor J. Clyde to be permanently
5 appointed as a District Court Judge. **Exhibit "C."**

6 J. The Navajo Nation finds it in the best interest of the Navajo Nation Judicial Branch that
7 Judge Victor J. Clyde is confirmed for permanent status as a Navajo Nation District
8 Court Judge.

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10 **SECTION THREE. CONFIRMATION AS PERMANENT JUDGE**

11 The Navajo Nation confirms Mr. Victor J. Clyde as a permanent Navajo Nation District
12 Court Judge.

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14 **SECTION FOUR: RECOMMENDATION FOR ADDITIONAL STEP INCREASE**

15 A. The Law and Order Committee recommends that Judge Victor J. Clyde be provided an
16 additional salary step increase, in addition to the two-step increase provided after
17 confirmation as provided in Resolution No. LOCO-08-14, "Amending the Navajo
18 Nation Justices and Judges Salary Schedule."

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

23 C. In evaluating Navajo Nation Justices and Judges for possible step increases, Judge
24 Victor J. Clyde could not be considered for an additional step increase in 2023, due to
25 his probationary status.

26 D. Therefore, the Law and Order Committee recommends that the additional step increase
27 be provided for Judge Victor J. Clyde.

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SECTION FIVE. NAVAJO NATION PRIVACY ACT

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