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**TOHONO O'ODHAM LEGISLATIVE
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PUBLIC NOTICE

TO: Nation's Members
Nation's Districts
Executive Branch
Judicial Branch
Members of the Public

FROM: /s/ Delma M. Garcia, Chairwoman
Judiciary Committee

CC: Judiciary Committee
Tohono O'odham Legislative Council Representatives

DATE: May 8, 2024

SUBJECT: Notice of 30-Day Second Public Comment Period for Amendments to Nation's Courts and Procedures Law, 6 Tohono O'odham Code Chapter 1

On February 5, 2024, the Judiciary Committee provided notice of a 30-day Public Comment Period for proposed amendments to Section 1103(C) of the Nation's Courts and Procedures Law, 6 Tohono O'odham Code Chapter 1. The Judiciary Committee subsequently revised the proposed amendments in response to the comments received from the public.

The Judiciary Committee is providing notice of a second 30-day period to submit comments on the revised judicial qualification amendments to Section 1103(C) of the Nation's Courts and Procedures Law. The amendments would strengthen qualifications for Nation's full-time judges by requiring that every candidate for appointment "have at least four years of trial and other in-court litigation experience as an attorney or advocate." Also, at least two of the Nation's attorney-judges would be required to "have substantial criminal law experience" in order to meet the requirements of the Indian Civil Rights Act and to ensure criminal court judges have specific experience in criminal law.

Please submit comments in writing on or before June 7, 2024 to Legislative Assistant Julianna Saraficio at Julianna.Saraficio@tonation-nsn.gov. Please contact Judiciary Committee Chairwoman Delma M. Garcia at Delma.Garcia@tonation-nsn.gov with any questions. Thank you.

Attachment: Proposed 2024 Amendments

TOHONO O'ODHAM CODE

TITLE 6 - COURTS

CHAPTER 1 - COURTS AND PROCEDURES

Section 1103 Judges.

(C) Qualifications.

(1) Preference. Preference shall be given to candidates for Judicial Court judge who are qualified, enrolled members of federally recognized Indian tribes, with first preference given to qualified, enrolled members of the Tohono O'odham Nation.

(2) Disqualifications. A person shall not be eligible for appointment as a judge of the Judicial Court if he or she

(a) has been convicted of a felony;

(b) has been convicted of a misdemeanor (other than a non-moving traffic violation or a traffic violation on the Nation that would be a civil offense in the State of Arizona) within the past ten years; or

(c) has been admonished, censured, reprimanded, or disciplined (collectively, "disciplined") in any jurisdiction for a violation of applicable ethical rules or canons applicable to judges, lawyers, or non-attorney legal advocates within the last ten years; provided that the Judiciary Committee is not required to forward an applicant who has been disciplined to the Legislative Council for appointment.

(3) In addition to meeting the requirements of subsection (C)(2), a candidate for Judicial Court judge shall have at least four years of trial and other in-court litigation experience as an attorney or advocate, and:

(a) a candidate ~~for Judicial Court judge~~ who possesses a juris doctorate shall be licensed to practice in any state, be a member in good standing with a state bar association, and have at least three years of experience as a practicing attorney, provided that at least two Judicial Court judges shall satisfy the requirements of this subsection (C)(3)(a) and have substantial criminal law experience consisting of prosecuting or defending both misdemeanor- and felony-level cases for a period of at least five years, to include motion practice and conducting at least 12 jury trials or 50 bench trials as lead counsel;

(b) a candidate ~~for Judicial Court judge~~ who does not possess a juris doctorate but possesses a bachelor's degree shall have at least six years of work experience and training in a judicial or law-related field which provides the desired knowledge, skills and abilities; and

(c) a candidate ~~for Judicial Court judge~~ who is an enrolled member of the Nation and does not possess a bachelor's degree shall possess an associate's degree, and have served as a judge for at least six years or have at least ten years of work experience and training in a judicial or law-related field, provided that not more than two Judicial Court judges shall be appointed pursuant to this subsection (C)(3)(c) and serve on the bench at the same time.