

Navajo Nation Law CLE Conference Friday, October 19, 2018

Indian Legal Program / Sandra Day O'Connor College of Law / Arizona State University
Beus Center for Law and Society, Room 644
111 E. Taylor Street, Phoenix, AZ 85004

- Navajo Nation Bar Association has approved this conference for 8 NNBA credits, including 2 Navajo Ethics credits.
- New Mexico MCLE has approved this conference for 6 general credits and 2 Ethics credits.
- State Bar of Arizona does not approve CLE activities, however, this activity may qualify for up to 8 credit hours, including 2 credit hours for Professional Responsibility.
- This event will qualify for 8 MCLE for California, including 1 Legal Ethics credit.

AGENDA

- 7:30 – 8:20 am **Check-In & Continental Breakfast**
- 8:20 – 8:30 am **Welcome from the Indian Legal Program**
Kate Rosier, Executive Director, Indian Legal Program
- 8:30 – 10:00 am **Update on Navajo Nation Law (1.5 hours)**
Navajo Nation Court Update
Derrick Burbank ('05), Staff Attorney, Shiprock Judicial District
Navajo Legislative Update
Candace French ('17), Staff Attorney, Navajo Nation Office of Legislative Counsel
Jasmine Blackwater-Nygren, 2L ASU law student
- 10:00 – 11:00 am **Taking Your Turn: Representing Pro Bono Navajo clients (1 hour)**
Raven Attwood ('15), Staff Attorney, Office of the Navajo Public Defender
The goal of this CLE course is to provide a toolkit for attorneys called upon by mandatory NNBA pro bono requirements to represent clients in

criminal or delinquency cases. The lecture will cover the most common types of cases, the procedural timelines, and common issues they may encounter. Navajo criminal law updates as well as where to find the relevant statutes, case law, and rules of procedure will also be covered. Distinctive points of Navajo law, such as the *Kelly* rule for double jeopardy, will be addressed, as well as particulars of restorative justice in sentencing and deferred prosecution, including options such as Value Life Engagement and Peacemaking.

11:00 – 11:15 am

Morning Break

11:15 – 12:15 pm

The NNBA Rules of Professional Conduct (1 hour Navajo ethics)

Professor Myles Lynk, Professor of Law, Sandra Day O'Connor College of Law

This presentation provides an overview of the changes to the Navajo Nation Bar Association's Rules of Professional Conduct.

12:15 – 12:30 pm

Boxed Lunch Provided

12:30 – 1:30 pm

Eminent Domain in Diné Bikeyah: How To Take Public Property For Public Use (1 hour)

Colin Bradley ('14), Attorney, Bradley Law, PLLC

Edward Hermes ('13), Associate, Snell & Wilmer

This presentation will be about eminent domain on the Navajo Nation. There are many myths surrounding eminent domain on the Navajo Nation, and, indeed, some people do not even believe it exists. We hope to dispel some of these myths by covering the history, statutes, and issues that surround eminent domain on the Navajo Nation. And, finally, we will likely suggest some solutions to its current problems.

1:30 – 2:30 pm

Predatory Lending on the Navajo Nation (1 hour)

Nicholas H. Mattison, Attorney, Feferman, Warren & Mattison

Attorney Nicholas H. Mattison dedicates his Albuquerque, New Mexico law practice to fighting for consumers. His firm, Feferman, Warren & Mattison, brings individual and class action cases against the predatory lenders who take advantage of members of the Navajo Nation. These cases returned millions of dollars to consumers over the past few years. Mr. Mattison's presentation will explore the many varieties of predatory lending taking place on and around the Navajo Nation. He will provide concrete examples of predatory practices he has challenged, and will offer strategies for helping consumers to avoid harmful debt traps. The presentation will cover federal, state, and tribal law that can be used to protect consumers.

2:30 – 2:45 pm

Afternoon Break

2:45 – 3:45 pm

Application of the Native American Child Safety Act in Navajo Nation Family Courts (1 hour)

Christopher B. Chaney, Unit Chief - Criminal Justice Information Law Unit, FBI Office of General Counsel

In 2016, Congress passed the Native American Child Safety Act (NACSA), which in essence requires tribal social service agencies to do background checks of tribal court ordered foster parents. While this law is a federal enactment, it directly impacts attorneys/advocates that represent parents and foster parents, tribal court appointed guardians ad litem, attorneys/advocates advising Navajo Nation Social Services, and proceedings in Navajo Nation Family Court. The presentation will be in a lecture format aided by a Power Point presentation with opportunities for active Q&A interaction with the presenter. Other legal authorities that authorize Navajo Nation government agencies to access FBI maintained criminal history record information for background check purposes will also be discussed.

3:45 – 5:15 pm

***Diné Bi Beehaza'áanii Bitsé Siléí*, What to Do and What Not to Do (0.5 hour Navajo law and 1.0 hour Navajo ethics)**

Robert Yazzie, Chief Justice Emeritus of the Navajo Nation

The examination of *Diné* Fundamental Law as a framework, its meaning and application for purposes of problem solving from the *Diné* understanding and experience will be discussed with emphasis on *Diné Bi Beehaza'áanii Bitsé Siléí*, which means “what is permitted and what is not permitted” that guides conduct and action by *Diné* core value.

5:15 pm

Adjourn