

Navajo Nation Law Hybrid CLE Conference Friday, October 15, 2021

Indian Legal Program / Sandra Day O'Connor College of Law / Arizona State University
Beus Center for Law and Society, Room 240
111 E. Taylor Street, Phoenix, AZ 85004

- Navajo Nation Bar Association has approved this conference for 6 Navajo Law credits and 2 Navajo Ethics credits.
- New Mexico MCLE has approved this conference for 6.0 general credits and 2.0 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.

AGENDA

- 7:30 – 8:20 am **Check-In & Pre-Packaged Breakfast** for in-person attendees
- 8:20 – 8:30 am **Welcome from the Indian Legal Program**
Kate Rosier, Executive Director, Indian Legal Program
- 8:30 – 9:30 am **Navajo Water Update** (1 hour)
Judith Dworkin, Equity Shareholder, Sacks Tierney
Candace French ('17), Attorney, Sacks Tierney

This session will discuss the Navajo stream adjudication and the issues associated with the Gila V claims and the federal reserved water rights applied to Indian tribes.
- 9:30 – 10:30 am **Navajo Gaming Update** – (1 hour)
Stephen Hart, Partner, Lewis Roca LLP
Katherine Belzowski, Acting Assistant Attorney General, Economic Community Development Unit, Navajo Nation Department of Justice
Eric Dahlstrom, Partner, Rothstein Donatelli LLP

This presentation will give an update on the recently approved Arizona gaming compacts and the impact on the Navajo Nation.

10:30 – 10:45 am **Break: 15-minutes.** Online attendees may log off and come back or stay online.

10:45 – 11:45 am **Depositions and Creating a Record** (1 hour)

Jennifer Henry, Former Chief Prosecutor, Navajo Office of the Prosecutor

Thomas Lynn Isaacson, Partner, Mason & Isaacson PA

This skills session will give attendees practical tips on how to take depositions and create a record.

11:45 am – 12:45 pm **Voting Rights and the Navajo Nation** (1 hour)

Torey Dolan ('19), Native Vote Fellow, Indian Legal Program, ASU Law

Jordan Oglesby, Attorney, Navajo Nation Department of Justice

Update on Redistricting, Arizona and New Mexico voting restrictions and the impacts on the Navajo Nation.

12:45 – 1:00 pm **Break:** Online attendees may log off and come back or stay online. Box lunches provided for in-person attendees.

1:00 – 2:00 pm **Developing Energy Projects and Securing Appurtenances in the Navajo Nation, Handling Key Matters Associated with Development and Operation, and Common Misconceptions** (1 hour)

Brian Lewis ('09), Partner, Drummond Woodsum

Michelle De Blasi, Owner/Attorney, Law Office of Michelle De Blasi

Joseph Sarcinella ('09), Partner, Drummond Woodsum and General Counsel for Navajo Power, PBC

Pilar Thomas, Partner, Quarles & Brady, LLP

This panel will cover the legal and regulatory requirements that must be satisfied for site control and use, the requirements and processes to obtain necessary rights-of-way and other rights or permissions associated with a project, and some common misconceptions of industry participants and Navajo Nation stakeholders associated with energy project development and operation that may create inefficiency.

2:00 – 3:00 pm **Navajo Nation Dependency Law** (1 hour)

Raven Attwood ('15), Staff Attorney, Dilkon Judicial District

This session will give an overview of Navajo Nation Dependency Law and discuss the role of NNBA members as pro bono legal counsel and

guardian ad litem.

3:00 – 3:15 pm **Break: 15-minutes.** Online attendees may log off and come back or stay online.

3:15 – 3:45 pm **Conflict of Interest Organization as Client Accepting Appointment: Jurisdiction** (0.5 hour Navajo ethics)

Christopher Channell ('18), Associate, Kewenvoyouma Law, PLLC

The presentation will discuss when a court or administrative body on the Navajo Nation can award attorney's fees. The presentation will discuss the cases and statutes that allow the courts and administrative tribunals to award attorney's fees. The presentation also discuss how the Court's enforce the NNBA Rules of Professional Conduct. The relevant statutes and cases will be referenced and discuss.

3:45 – 5:15 pm **Four Directions Approach Update 2021** (1.5 hours Navajo ethics)

Shawn Attakai ('00), Staff Attorney, Navajo Nation Judicial Branch

Robert Yazzie, Chief Justice Emeritus of the Navajo Nation

In 2019, the NNBA started the *Strengthening the NNBA Bar Exam Project* to make the bar exam more Diné. Emeritus Chief Justice Robert Yazzie incorporated into the bar exam the *Four Directions Approach*, a Pre-Constitutional problem-solving approach used by past Diné Naat'aaniis based on the Fundamental Law. Shawn Attakai, Navajo Judicial Attorney and Hozhóoji Singer, joined the effort and refined the *Four Directions Approach* into a technique to conduct legal analysis based on Diné Bibeelah'áanii. This presentation will provide an update of the *Four Directions Approach* by including a discussion of Diné legal principles fundamental to the development of Navajo legal practice on the Navajo Nation.

5:15 pm **Adjourn**