

Navajo Nation Law 2013 CLE Conference

Friday, October 25, 2013

Sandra Day O'Connor College of Law

Arizona State University, 1100 S. McAllister Ave, Armstrong Hall, The Great Hall, Tempe, AZ

CLE 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
- The NNBA CLE Committee approval pending for 8 credit hours, including 2 Navajo Ethics credit hours
- New Mexico MCLE Board has approved this event for 7 general CLE credits and 1 Ethics/Professional Responsibility credit.

AGENDA with summaries

Check-In & Continental Breakfast

8:00 a.m.

Welcome and Introduction

8:25 a.m. – 8:30 a.m.

- **Patty Ferguson-Bohnee, Faculty Director, Indian Legal Program, Sandra Day O'Connor College of Law**
- **Naomi White, Office of the Prosecutor, Gila River Indian Community, (Program Facilitator)**
- **Blessing**

Land Use Planning, Land Withdrawal and Land Clearances (2 Hours Navajo Law)

8:30 a.m. – 10:30 a.m.

- **Raymond C. Etcitty Jr., Chief Operating Office, Navajo Nation Gaming Enterprise**
- **Eunice L. Tso, Owner & President, ETD, Inc**
- **Judith M. Dworkin, Managing Partner, Sacks Tierney P.A.**

Economic development is a primary focus on the Navajo Nation. Effective economic development requires attention be spent on land use planning, land withdrawals and land clearances. This presentation will describe the Navajo laws related to these processes as well as experiences of the speakers. The session will focus on the following topics: (i) The portion of the Local Governance Act related to land use planning. We will discuss the efforts of Navajo Nation Chapters to complete community land use plans. (ii) Land withdrawal is a uniquely Navajo Nation process. We will discuss the process by which land is withdrawn and the obstacles involved in the withdrawal process. (iii) In order to develop land, environmental, archeological and cultural clearances must be completed. We will discuss the Navajo Nation regulations and the process by which the land is cleared.

Morning Break

10:30 a.m. – 10:45 a.m.

Family Law (1 Hour Navajo Law)

10:45 a.m. – 11:45 a.m.

- **Loretta J. Danzuka, Tribal Court Advocate, DNA-People's Legal Services, Shiprock, NM**

This presentation will cover valid marriages, elements to validate a common law marriage, divorces in tribal court, ie...jurisdiction, community property, community debts, child support (how to calculate child support amounts worksheet "A & B"/modifications), standards used in child custody, spousal support, attorney fees and visitation.

Pick-up Lunch

11:45 a.m. – Noon

Lunch Presentation: Navajo Law Update: Key Judicial and Legislative Developments in the Navajo Nation (1 Hour Navajo Law)

Noon – 1:00 p.m.

- **Brian L. Lewis, Attorney, Department of Justice, Navajo Nation**

This presentation will cover and summarize the Supreme Court of the Navajo Nation's opinions published in 2012 and 2013, as well as several of the key legislative actions of the 22nd Navajo Nation Council in 2013. The presentation will have a more in-depth discussion of the Supreme Court of the Navajo Nation's opinions concerning jurisdictional and economic development issues, along with a more detailed discussion of 22nd Navajo Nation Council's legislative actions considered to be more controversial, and those with direct economic development or commercial implications. The presentation will primarily cover the substance of these actions, with notable procedural aspects of the cases and legislative acts being highlighted during the more in-depth portion of the presentation.

Administrative Law (1 Hour Navajo Law)

1:00 p.m. - 2:00 p.m.

- **Richie Nez, Sr., Chief Hearing Officer, Office of Hearings and Appeals, Navajo Nation**

The Office of Hearings and Appeals (OHA) is an administrative hearing tribunal vested with the power to hear a wide range of cases; from elections, land disputes, home site lease disputes, fencing, ethics, special prosecutor referrals on previous elected officials, child support (establishment of paternity and child support payments), tax disputes, denial of licenses for economic activity, and Navajo Nation employee grievance cases. Procedural rules for cases before the OHA differ depending on the type of case being heard. The Navajo Nation Supreme Court has the authority to review all cases and opinions from the OHA if the parties choose to appeal.

Criminal Law (1 Hour Navajo Law)

2:00 p.m. – 3:00 p.m.

- **Kathleen Bowman, Director, Navajo Nation Public Defender's Office**

This presentation will cover how to represent a defendant in a Pro Bono Criminal Case using criminal rules of procedure and Navajo case law to prepare a defense. It will also include information on federal laws if and when appropriate.

Afternoon Break

3:00 p.m. – 3:15 p.m.

Ethics: Navajo Fundamental Law (1 Hour Navajo Ethics)

3:15 p.m. – 4:15 p.m.

- **Justice Raymond D. Austin, Distinguished Jurist in Residence, Indigenous Peoples Law and Policy Program, James E. Rogers College of Law**

This session will focus on frameworks that the Navajo Nation Supreme Court has established to incorporate Navajo Fundamental Law into Navajo court decision-making and litigation in the Navajo Nation courts. The session will also discuss what the Navajo Nation Council might have had in mind when it enacted “The Foundation of the Diné, Diné Law and Diné Government” in November 2002.

Ethics: Ethics in Government (1 Hour Navajo Ethics)

4:15 p.m. – 5:15 p.m.

- **Vernon J. Roanhorse, Executive Director, The Ethics and Rules Office, Navajo Nation**
- **Rodriquez Morris, Presenting Officer, The Ethics and Rules Office, Navajo Nation**

This presentation is intended to aid in the identification, avoidance, and addressing of actual and potential ethical conflicts that an employee or elected member of the Navajo Nation Government might encounter. The training will focus on the different sources of Ethics Laws that those working with the Navajo Government must understand, accompanied by their possible applications. In addition, the session will provide an overview of the approximately 40 civil statutes enforced by the Navajo Ethics and Rules Office.

Adjourn

You are invited to attend the NABA-AZ Scholarship Reception in the Rotunda immediately following the close of the CLE.



For more information on Indian Legal Program news and events, please visit:

ILP Website: www.law.asu.edu/ILP

 <http://newsletters.asucollegeoflaw.com/ilp>  Groups – ASU Indian Legal Program

Email: ILP@asu.edu