

# Navajo Nation Law CLE Conference

## Table of Contents

---

<b>Section 1</b>	<b>Conference Faculty Biographies .....</b>	3
<b>Section 2</b>	<b>How the Courts Use Fundamental Law</b>	
	Justin Jones, The Law Office of Justin Jones	
	• Presentation Outline.....	9
<b>Section 3</b>	<b>Implementing Governmental Reform</b>	
	Ed McCool, Navajo Nation Office of Legislative Counsel	
	• Presentation Outline .....	17
	• Resolution of the Navajo Nation Council, 2011 Amendments of Title 2 of the Navajo Nation Code .....	19
<b>Section 4</b>	<b>Navajo-Hopi Little Colorado River Water Rights Settlement</b>	
	Stanley Pollack, Navajo Nation Dept of Justice, Assistant Attorney General, Water Rights Unit	
	• Presentation Handout.....	72
	• Summary of Proposed Agreement .....	79
	• PowerPoint Presentation Handout.....	82
	• Reservation of Colorado River Water from the Arizona Water Settlements Act (AWSA) .....	93
<b>Section 5</b>	<b>Navajo Preference in Contracting</b>	
	Louis Denetsosie, Navajo Nation Oil and Gas Co., Interim President/CEO	
	• Presentation Handout.....	96
<b>Section 6</b>	<b>Ethics – State Practice / Navajo Practice: Is There A Difference?</b>	
	Randolph “Dolph” Barnhouse, Luebben Johnson & Barnhouse LLP	
	• Presentation Outline.....	104
	• Ethics – Economics and Culture Both Put Their Stamp on Ethics Rules in Tribal Courts .....	106
	• “Navaho Ethics in General” from Ladd, John (1957) The Structure of a Moral Code Navajo Ethics. Eugene, OR; Wipf and Stock Publishers pp. 203-06.....	109
	• <i>In re Seanez</i> , SC-CV-58-10, 9 Am. Tribal Law 377(Nav. Sup. Ct. 2011) .....	113
	• State Adoption of the ABA Model Rules of Professional Conduct .....	120
	• Technology and global legal practice - Ethics 20/20: The future of the Model Rules of Professional Conduct .....	122
	• <i>Law Firms And Associations</i> Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law .....	124
	• 17 Navajo Code § 377 – Unauthorized Practice of Law.....	125
	• <b>Arizona</b>	
	○ State Bar of Arizona	
	■ State Bar of Arizona Ethics Opinion 99-13: Is it assisting in the unauthorized practice of law to help your employee/non lawyer work as a tribal advocate?.....	126

▪	Opinion No. 90-19 December 28, 1990; Opinion 90-20: do Arizona or NNBA ethical rules apply when they impose conflicting obligations? .....	131
○	Judicial	
▪	Advisory Opinion 93-02 March 16, 1993: State Judges Serving as Visiting Judges on Indian Tribal Courts .....	140
▪	Advisory Opinion 93-04 September 2, 1993: Effect of Judicial Appointment on Position As Elected Tribal Official .....	141
▪	iii. Advisory Opinion 99-05 October 22, 1999: Propriety of Superior Court Judge Serving As Juvenile Tribal Court Judge .....	142
●	<b>New Mexico</b>	
○	Judicial Advisory Opinion No. 96-04 May 6, 1996: judge serving as tribal court judge pro tem.....	144
○	Judicial Advisory Opinion No. 01-07 October 18, 2001: state court judge also serving as tribal court judge .....	146
○	Judicial Advisory Opinion No. 05-01 Feb. 7, 2005: magistrate judge serving as part time tribal judge .....	147

## Section 7

### Domestic Violence

Levon B. Henry, DNA People's Legal Services

●	Navajo Rules for Domestic Violence Proceedings .....	150
●	Title 9, Navajo Nation Code, CH. 13 Domestic Abuse Protection Act .....	164
●	Domestic Violence Benchbook .....	177
●	Navajo Nation Supreme Court SC-CV-30-07, <i>Bernice Smith v Michael Kasper</i> .....	195
●	Navajo Nation Family Court WR-DV-607-12.....	202

## Section 8

### Navajo Preference in Employment Act / Civil Jurisdiction in Indian Country

Franklin J. Hoover, Mangum, Wall, Stoops & Warden, P.L.L.C.

●	Presentation Handout.....	208
---	---------------------------	-----

## Section 9

### Navajo Special Prosecutor Law

Eric N. Dahlstrom, Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg, L.L.P.

●	Presentation Outline.....	222
●	Navajo Nation Code, Article 6, Special Prosecutor.....	224
●	<i>MacDonald v. Navajo Nation and Rothstein A-CV-32-89</i> .....	231
●	Articles re Appointment of Special Prosecutor .....	243
●	<i>Acothley v Perry</i> SC-CV-08-11 (03-01-2012) .....	255
●	Civil Complaint Alleging Breach of Fiduciary Duty, 07-28-11 .....	276
●	Navajo Nation Dept of Justice Press Release, October 13, 2011.....	312
●	Statement of Louis Denetsosie, June 8, 2012.....	313
●	Navajo Nation Code, Sub Chapter 39 Dept of Justice.....	322
●	<i>Halona v. MacDonald</i> , 1 Nav. R. 189 Jan 1978 .....	332
●	<i>Halona v. MacDonald</i> , 1 Nav. R. 341 May 1978 .....	356
●	<i>Nelson v. Shirley</i> SC-CV-03-10 (01-04-2011) .....	367
●	<i>Tracy v Superior Court of Maricopa County and Navajo Nation</i> 810 P2d 1030.....	391
●	<i>Navajo Nation v. MacDonald</i> , 885 P.2d 1104.....	415

These materials are available to registered attendees in electronic form on the conference website at:

<http://conferences.asucollegeoflaw.com/navajolaw/conference-materials/>

Password is: Navajo