‘RULES, RIGHTS, RECORDS & RESPECT’
7:30 a.m. Pastries and coffee

7:45 a.m. WELCOME! OPENING REMARKS
Christopher A. Holland (Sutin, Thayer & Browne)

8:00 - 9:00 a.m.
10 Years Since Vern Lee: Election Regulations and the Navajo Supreme Court
David Jordan
1.0 Navajo Law Credit or General Credit

Mr. Jordan’s presentation will examine the evolution of Navajo election law for the ten years since the Navajo Supreme Court decided the Matter of Vern Lee. It will examine the Navajo “right” to run for office, the Council’s regulations of that right, and the doctrine of reasonableness for evaluating the propriety of such regulations. Special focus will be given to the recent cases on disqualification based upon past criminal behavior (such as in the upcoming opinion for Carolyn Jose), fluency in Deschine, conflicting loyalties such as Grievance of Wagoner and location of residence, which was the topic in Vern Lee. Mr. Jordan will also discuss the issue of when does the disqualification apply — looking at the conflict between Wagoner and Deschine on this topic. Finally, if time permits, he plans to talk about enforcement of election rulings, and discuss the crisis over the Board of Election Supervisors’ refusal to honor the Deschine rulings.

David R. Jordan is the sole shareholder of The Law Offices of David R. Jordan, P.C. in Gallup, New Mexico. He practices in Navajo law, elections law, criminal law, employment law and general civil litigation representing a largely Navajo clientele. He has served as the treasurer and vice-president of the Navajo Nation Bar Association. He has also served as the chair of the
NNBA’s training and admissions committees. In his practice, he has been counsel of record for approximately thirty-six reported Navajo Supreme Court opinions, and he has represented hundreds of clients before the Navajo Nation Labor Commission. Jordan has been a member of the State Bar of Arizona since 1991. He is licensed in New Mexico, and he is admitted to practice in the federal bar in both states. He also practices on theNavajo Nation, the Zuni Pueblo, the Hopi Pueblo, the San Felipe Pueblo, and the White Mountain Apache Tribe. He is admitted to practice in the Federal Court of Appeals for the Ninth and Tenth Circuits. Mr. Jordan was raised on the Navajo Nation in Fort Defiance, Arizona, graduating from Window Rock High School in 1984. He lives in Gallup, New Mexico with his wife and four daughters.

9:00 - 10:00 a.m.
Navajo Nation Privacy and Access to Information Act
Veronica Blackhat, Cherie Espinosa and Kandis Martine
1.0 Navajo Law Credit or General Credit

Presentation on the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. Section 81, et.seq. The presenters will provide an overview of the Navajo Privacy Act and provide information on how best to obtain Navajo Nation records. Basic scenarios will be used to assist in comprehending this seldom-discussed area of the Navajo Nation law.

Veronica Blackhat is Assistant Attorney General with the Natural Resources Unit, Navajo Department of Justice at Window Rock, Arizona. Ms. Blackhat has over sixteen years of experience in working with the Navajo Nation in areas of natural resources, transportation and Indian self-determination. Ms. Blackhat obtained her Bachelor of Science from Eastern New Mexico University and her Juris Doctorate from the University of Wisconsin Law School. She is licensed in New Mexico, as well as, the Navajo Nation.

Cherie Espinosa is a Principal Attorney with the Human Services and Government Unit, Navajo Department of Justice.

Kandis Martine is the Assistant Attorney General with the Navajo Department of Justice in the Human Services and Government Unit. She has been with the Navajo Nation since 2003 and has represented the Navajo Nation Divisions of Social Services and Health, as well as other Navajo Nation Divisions and Programs. Her representation includes intervening in state Indian Child welfare cases all across the Country on behalf of the Navajo Nation. Before Ms. Martine was with the Navajo Nation she worked in the state of Washington as a prosecutor for the Lummi Nation and the Northwest Indian Court System. Ms. Martine obtained her Bachelor of Arts from New Mexico State University and her Juris Doctorate from the University of New Mexico School of Law. She is licensed in New Mexico as well as the Navajo Nation.

Break: 10:00 - 10:10 a.m.
10:10 - 12:10 p.m.
Model Rules of Professional Conduct–Practical Tips for Navajo Practitioners
Steven C. Boos
2.0 Navajo Ethics Credit or General Ethics Credit

Mr. Boos will give a review of 1985 Model Rules currently authorized by the Navajo Nation Supreme Court along with an overview of Disciplinary Committee procedures, including what to expect and what to do when you get a letter from Jay Mason. Additionally, the Disciplinary Committee’s “Top 10” types of complaints will be addressed as well as three practicum questions for group dissection and discussion based on recent cases that have come before the Committee.

Steven C. Boos is a partner with Maynes, Bradford, Shipps & Sheftel in Durango, Colorado. He specializes in Indian healthcare and general litigation for tribal governments, including the Navajo Nation and the Southern Ute Indian Tribe, and has been a member of the NNBA Disciplinary Committee since 1996. He received his J.D. from the University of California at San Francisco, Hastings College of the Law, and his B.A., magna cum laude, from the University of California at San Diego.

12:10 - 12:55 p.m. – LUNCH

12:55 - 1:55 p.m.
Official Misconduct in the Navajo Nation
Mark Lowry
1.0 Navajo Law Credit or General Credit

Navajo ethical and criminal laws provide the means for the Navajo Nation to oversee the conduct of public servants and individuals elected to public office. This presentation will provide an overview of the mechanisms by which Navajo substantive laws provide for the oversight of government officials, and the remedies available to the Navajo Nation to correct the misconduct of governmental employees and elected officials. In the course of this discussion, we will discuss the subject matter jurisdiction of Navajo Courts to address such violations, statutes of limitations that apply to such claims, as well as the outer limits of the kinds of punishment federal law imposes on tribal courts.

After graduating with honors from the University of New Mexico School of Law in 1999, Marc Lowry clerked for the Honorable Richard C. Bosson, Chief Judge for the New Mexico Court of Appeals in Santa Fe, New Mexico and the Honorable James A. Parker, who was then the Chief Judge for the United States District Court for the District of New Mexico. While clerking, Marc was introduced to nearly every aspect of the practice of law, including criminal evidentiary rules, criminal procedural rules as well as the substantive criminal law. In 2003 Marc joined the law firm
of Rothstein, Donatelli, Hughes, Dahlstrom, & Schoenburg as an associate, practicing criminal defense in state and federal courts. In that capacity, Marc spearheaded an effort to reform New Mexico’s grand jury laws, culminating in the New Mexico Supreme Court decision Jones v. Murdoch, 2009-NMSC-002, 145 N.M. 473, 200 P.3d 523, an opinion holding that criminal defendants had a right to present exculpatory evidence to a grand jury. Likewise, in federal court, Marc litigated the right of a criminal defendant to obtain critical discovery that would be necessary to obtaining a new trial in United States v. Velarde, 485 F.3d 553 (10th Cir. 2007). In 2012, Marc became a partner with the Rothstein Donatelli Law Firm, and joined the Firm’s Special Prosecution team that was assigned to investigate and prosecute the misuse of Navajo Nation funds by elected officials.

1:55 - 2:55 p.m.
**Comity and Respect–The Supreme Court’s Views on Navajo Law**
Professor John P. LaVelle

1.0 Navajo Law Credit or General Credit

**Professor LaVelle** will discuss comity and respect for Navajo Nation law and courts in United States Supreme Court (SCOTUS) jurisprudence. He will discuss foundational decisions and the effects on Navajo law. He will also discuss various trends in SCOTUS decisions and the attitudes of sitting justices over the years.

**Professor John P. LaVelle** is a Professor of Law and Regents’ Lecturer at the University of New Mexico School of Law. He received his college degree from Harvard University in 1987 and his law degree from Boalt Hall School of Law at the University of California, Berkeley, in 1990. He began teaching law in 1994 at the University of South Dakota School of Law, and joined the faculty of UNM School of Law in 2002. Since then he has taught a variety of courses in the general curriculum of UNM School of Law as well as in the Law and Indigenous Peoples Program, a specialized certificate-granting program which he formerly directed. Professor LaVelle is an enrolled member of the Santee Sioux Nation and an Associate Justice of his tribe’s highest judicial forum, the Santee Sioux Nation Supreme Court. He has served as a member of the board of authors and executive editors for the 2005 and 2012 editions of Cohen’s Handbook of Federal Indian Law, the comprehensive legal treatise in the field of Indian law. Professor LaVelle is a member of the State Bar of South Dakota and the Bar of the Supreme Court of the United States. He resides in Albuquerque with his husband Monte Deer Carden, an enrolled citizen of the Muscogee (Creek) Nation.

**BREAK: 2:55-3:05 p.m.**
3:05 - 3:35 p.m.

The Indian Child Welfare Act–Practical Guidance for Navajo Practitioners
Terrelene Massey, Amanda Frazier and William Parnall

0.5 Navajo Law Credit or General Credit

The panel will discuss the new Indian Child Welfare Act rules and their effect on Navajo courts, practitioners, and families. The panel will compare the Navajo placement and adoption laws and processes with the new ICWA rules and neighboring states’ processes. The new ICWA rules reinforce the requirement that all state courts in foster-care, termination-of-parental-rights, and adoption proceedings will now be required to ask whether the child is an “Indian child” under the definitions articulated in ICWA and subject to the law’s procedures; prompt notice of involuntary proceedings; and minimizing unnecessary separations of Indian children from their families. Additionally, the rule requires that “active efforts” will replace “reasonable efforts” with the overall goal of reunifying the child with his or her family. The panel will outline the number of adoptions or placements inside and outside the Navajo Nation and the effect on Navajo families. The panel will discuss how these changes will affect the Navajo Nation’s Social Services responsibilities in these cases, the Navajo Nation’s relationship with the state courts and the overall effect on adoptions and placements.

Terrelene Massey is originally from Pinon, Arizona. She is a tribal member of the Navajo Nation. Ms. Massey was appointed by the Begaye/Nez Administration to serve as the Director of the Navajo Nation Social Services Division in May 2015. She is licensed to practice law in the State of New Mexico, and on the Navajo Nation. Prior to her appointment, she was employed as an attorney at Johnson Barnhouse & Keegan, LLP, in Albuquerque. She also served as a staff attorney at New Mexico Legal Aid, Inc., where she provided legal services to low income clients regarding federal Indian law, family law, and tribal law matters. Ms. Massey attained a Juris Doctor from the University of New Mexico School of Law, a Master of Public Affairs from the University of Texas at Austin, Lyndon B. Johnson School of Public Affairs, and a Political Science degree from Arizona State University.

Amanda Frazier is the PQ Special Master for the 2nd Judicial District Court, managing the Court’s existing adult guardianships. Formerly the Director of the Guardianship Project for Advocacy Inc. in Albuquerque, she represented families petitioning for Kinship Guardianship for children in their care, and represented children and parents in the foster care system. Ms. Frazier previously managed the Lawyer Referral for the Elderly Program and began her legal career as an associate at Sutin, Thayer & Browne, where she focused primarily in commercial litigation. She received her J.D. from UNM School of Law and her bachelor's degree from Rutgers University. Ms. Frazier is licensed in New Mexico and the Navajo Nation.

Judge William Parnall was appointed to the Children's Court Division of the Court in November of 2007 after a 30-year practice as a trial attorney in Criminal and Juvenile Defense and Personal Injury. He was appointed by the New Mexico Supreme Court as Co-Chair of the New Mexico Tribal/State Judicial Consortium and still serves on that committee. The purpose of the Consortium
is to foster strong relationships between Tribal and State judges throughout New Mexico. Judge Parnall recently created a Family Reunification Drug Court in the Second Judicial District which provides extra support for families torn apart by drug and alcohol addiction. The goal of the program is to accomplish early reunification when in the best interest of children in order to avoid the trauma of separation from their families in prolonged foster placement.

3:35 - 5:05 p.m.

Civil Litigation in Navajo Courts
Patrick T. Mason
1.5 Navajo Law Credits or General Credits

Bringing or defending a lawsuit in the courts of the Navajo Nation can be a complex proposition. Mr. Mason, the head insurance defense counsel for the Navajo Nation, will lead an active discussion on practical tactics to help you successfully bring or resolve your civil litigation cases in the Courts of the Navajo Nation. He will cover a wide variety of topics including the Navajo Nation Sovereign Immunity Act, the Navajo Nation Privacy Act, Navajo Fundamental Laws applicable to civil cases, 638 Contracts and entities, and other practical areas relevant to civil litigation in Navajo Courts.

Patrick T. Mason is a partner at Mason & Isaacson in Gallup, NM. His areas of practice include Trial Practice; Appellate Practice; Indian/Tribal Law; Insurance Defense Law; Governmental Defense Law; Real Estate Law; Estate Planning Law; Corporate Law; and Partnership Law. He was born in Gallup, New Mexico. He attended Thomas Aquinas College (CA), where he received a B.A. in 2003, and attended St. Johns School of Law (NYC) in 2006, and the University of New Mexico, where he received his J.D. in 2007. Mr. Mason’s extensive community service includes: President of the McKinley County Bar Association; President of the Gallup-McKinley County Chamber of Commerce; President of the Land of Enchantment Opera; State Deputy of the New Mexico Knights of Columbus; Secretary of Gallup Economic Development Corporation; Secretary (Past) of Equal Access to Justice; and a founding member of Excellent Schools New Mexico. He regularly practices civil litigation in the Courts of the Navajo Nation, New Mexico (State and Federal), Colorado (Federal), Utah (Federal), Arizona (State and Federal), the 9th Circuit Court of Appeals, and the 10th Circuit Court of Appeals. He is admitted to the 11th Circuit Court of Appeals, and occasionally engages in civil litigation in other Federal courts such as Florida and New Jersey.