

**A-CV-41-92**

**SUPREME COURT OF THE NAVAJO NATION**

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**In Re: The Model Rules of Professional Conduct**

**ORDER**

**Before YAZZIE, Chief Justice, and AUSTIN, Associate Justice.**

**James Jay Mason, Esq., Gallup, New Mexico, for the Petitioner Navajo Nation Bar Association Disciplinary Committee.**

**This matter having come before the Court upon the Petition of the Navajo Nation Bar Association Disciplinary Committee to adopt the Model Rules of Professional Conduct, the Court being fully advised in the premises, and good cause appearing, therefore,**

**It is ORDERED as follows:**

- 1. The Model Rules of Professional Conduct of the American Bar Association dated August 1984, are adopted by this Court as the ethical rules which govern the Navajo Nation Bar Association, with the exceptions noted below:**
  - a. Failure to comply with an agreement which settles a bar complaint.**
  - b. Failure to cooperate with the Disciplinary Committee.**

- c. Failure to answer a complaint filed with the Disciplinary Committee.

2. Rule 8.4 of the Model Rules is amended as follows:

It is professional misconduct for a lawyer to:

- a. Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
- b. Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.
- c. Engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
- d. Engage in conduct that is prejudicial to the administration of justice.
- e. State or imply an ability to influence improperly a government agency or official.
- f. Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
- g. Fail to comply with an agreement which settles a bar complaint, including one which requires some affirmative action with respect to the complaint such as payment or

repayment of monies.

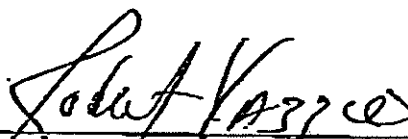
- h. Engage in any conduct that adversely reflects on his or her fitness to practice law.
- i. Fail to cooperate with the Disciplinary Committee of the Navajo Nation Bar Association.

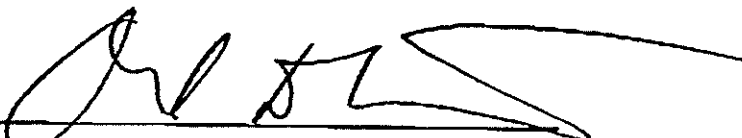
- 1) Failure to respond to a Disciplinary Complaint within the allotted time will result in the allegations of said complaint being deemed admitted.

3. Rule 8.6 is added as follows:

The Disciplinary Committee of the Navajo Nation Bar Association shall not consider any complaint which is presented after (5) years from the date that the complainant knew or should have known of the alleged unethical conduct.

Filed this 17th day of May, 1993.

  
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 Chief Justice of the Navajo Nation

  
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 Associate Justice