

Navajo Nation Bar Association Bylaws

Table of Contents

- I. Membership
- II. Pro Hac Vice Admission
- III. Fees
- IV. Qualifications for Admission to NNBA
- V. The NNBA Bar Examination
- VI. Requirements for Admission to the NNBA
- VII. Board of Bar Commissioners
- VIII. Officers
- IX. Committees
- X. Mandatory Continuing Legal Education
- X. Amendments

I. Membership

There shall be the following classes of membership:

A. REGULAR MEMBERS are all active members of the Navajo Nation Bar Association, Inc. (NNBA), residing within or outside the Navajo Nation. Except as provided in Section II, only regular members in good standing may appear in the Courts of the Navajo Nation or before any quasi-judicial, administrative or legislative body of the Navajo Nation, or otherwise engage in the practice of law within the Navajo Nation. Regular members are voting members of the NNBA.

1. At the time of admission, each regular member shall declare a district in which he or she shall be enrolled for purposes of Board distribution, voting, and pro bono assignments, based on residence, domicile, or primary place of practice.
2. All regular members must keep the NNBA apprised of any changes in residence, domicile, primary place of practice, contact information, and the judicial district in which the member is enrolled no later than the date on which bar dues must be paid, pursuant to Section III.
3. When a new Navajo Nation judicial district is created, a regular member may transfer to the newly-created judicial district, if it is his or her residence, domicile, or primary place of practice, by providing notice to the NNBA.

B. JUDICIAL MEMBERS are members who are current or retired judges of the Navajo Nation Courts or full-time hearing officers of the Navajo Office of Hearings and Appeals. Judicial members shall also include members in good standing of the NNBA who are active and full-time judges of any state, federal or non-Navajo tribal court during their tenure as judges. Judicial members are non-voting members of the NNBA. Judicial members who retire and wish to take up active membership shall follow the procedures for change of membership status described in subsection D.

C. INACTIVE MEMBERS are those members not actively practicing law in the Courts of the Navajo Nation who wish to maintain their NNBA membership. Inactive members are non-voting members of the NNBA.

D. Members wishing to change membership status or to withdraw from membership shall file a request with the Chair of the Admissions Committee. Members wishing to change their membership status will be assessed a \$30.00 fee. No fee will be assessed for members who are requesting a change to judicial member status.

II. Pro Hac Vice Admission

Order No. SC-CV-19-19

On May 22, 2019, Court issues an order ceasing all acceptance of applications for Pro Hac Vice and issuance of Certificate of Pro Hac Vice.

On May 28, 2021, Court vacates the May 22, 2019 order to the NNBA which ceased acceptance of pro have vice applications and certificates.

Refer to SC-CV-19-19 for more information.

The following provisions shall govern pro hac vice admission to practice in Navajo Courts and other Navajo Nation forums for attorneys who are not members of the NNBA, but who are active members in good standing of the bar of any State.

A. CONDITIONS OF APPEARANCE.

1. A pro hac vice attorney may enter an appearance no more than one time per calendar year in any civil or criminal matter before the Courts or before any quasi-judicial, administrative or legislative body of the Navajo Nation, and otherwise in full compliance with the requirements of this rule. Pro hac vice attorneys shall not be allowed to participate in more than three cases, actions, or proceedings at the same time.
2. Pro hac vice attorneys shall associate with a regular member of the NNBA, in good standing, upon whom notice shall be served, who shall sign the first motion or pleading in the case, action, or proceeding, and who shall continue in the case or proceeding as counsel of record unless another regular member is substituted.
3. The regular member's shall be deemed to have signed all papers and pleadings.
4. Prior to each case, action, or proceeding in which the pro hac vice attorney intends to appear, the attorney shall submit the following to the NNBA:
 - a. A non-refundable fee of \$300.00;
 - b. Current documentation of good standing from the bar of any State in which the pro hac vice attorney is admitted.
 - c. A signed statement that the pro hac vice attorney will comply with the Navajo Rules of Professional Conduct and the Navajo Pro Bono Rules, and will consent to the jurisdiction of the Navajo Nation Courts and the

NNBA Disciplinary Committee with respect to acts and omissions occurring during the pro hac vice attorney's admission under this section.

d. A signed statement that the pro hac vice attorney has not entered a pro hac vice appearance in any other Navajo Nation case, action, or proceeding during the same calendar year and is currently participating in two or less other Navajo Nation cases, actions, or proceedings.

e. Upon receiving the materials required in subsection iv, the Chair of the Admissions Committee will promptly issue the pro hac vice attorney a certificate showing that he or she has complied with the requirements of this section.

B.SEPARATE COMPLIANCE FOR EACH PROCEEDING: A pro hac vice attorney shall comply separately with the above Conditions of Appearance for each case, action, or proceeding in which the pro hac vice attorney intends to appear. For the purposes of this section, appeals (including administrative proceedings), petitions for extraordinary writs, remands, and show cause proceedings are considered a part of the original case, action, or proceeding.

III. Fees

Annual membership dues shall be assessed according to the following schedule:

Regular Members:	\$150.00
Judicial Members:	\$75.00
Inactive Members:	\$85.00

Annual bar dues cover the period of January 1st through December 31st of each year. Members shall pay their annual membership dues to the NNBA by the first Friday in February of each year. Dues submitted by mail must be postmarked by this date. The amount of dues to be paid shall be determined by the member's status as of the date on which bar dues are owed; requests for change of membership status for the new calendar year must be postmarked no later than January 1st.

*** RESOLUTION BY THE BOARD OF BAR COMMISSIONERS NAVAJO NATION BAR ASSOCIATION (APPROVAL OF AMENDMENT TO THE BYLAWS - FEES)**

Initial membership fees for newly admitted members shall be as follows:

Sworn in on or before June 30th:	\$85.00
Sworn in after June 30th:	\$35.00

Failure to pay dues is grounds for suspension from the NNBA. The NNBA administrative office shall report to the President the names and addresses of those members who have failed to pay their annual dues. The President shall then file a Petition for Suspension and proposed Order of Suspension for Non-Payment of Bar Dues with the Navajo Nation Supreme Court and send a

copy of the Petition and proposed Order by certified mail, return receipt requested, to each member affected. The member shall have thirty (30) days after receipt of the Petition to pay the annual dues and a \$30.00 penalty fee, upon receipt of which the President shall file a motion to dismiss the Petition for Suspension. If the annual dues and the penalty fee are not paid within thirty (30) days, and the Order of Suspension is signed by the Supreme Court, a member may be reinstated within one year of the Order upon payment of a \$150.00 reinstatement fee, in addition to annual membership dues for the delinquent year and, if applicable, for the current year.

If a member has been suspended for more than one year from the date of the Order, he or she must reapply to the NNBA for membership, pass the NNBA Bar Examination, and meet all other requirements in Sections IV and V.

IV. Qualifications to take the NNBA Bar Examination

A. QUALIFICATIONS REQUIRED OF ALL APPLICANTS

In order to take the NNBA Bar Examination and subsequently be admitted to membership, a person must:

1. Be at least 21 years of age as of the date when the application is submitted;
2. Complete a current application for membership in the NNBA;
3. Be of good moral character and fit to practice law on the Navajo Nation;
4. Have no conviction of a felony, or equivalent criminal offense, in any jurisdiction;
5. Have no conviction of a misdemeanor offense, or equivalent criminal offense, involving moral turpitude in any jurisdiction; and;
6. Have not been disbarred by any Court or bar association for criminal activity, violation of ethical standards, malpractice, or any other matter concerning personal integrity or violation of standards of practice for the protection of the public, unless the disbarment has been lifted by the Court or bar association that originally imposed it.

B. QUALIFICATIONS REQUIRED OF PERSONS WHO ARE NOT ENROLLED MEMBERS OF ANY INDIAN TRIBE

In order to take the NNBA Bar Examination, a person who is not an enrolled member of a federally recognized Indian tribe of the United States must present proof that he or she:

1. Is a member in good standing of the bar of any State jurisdiction or has taken or applied to take the bar examination of such State; and
2. Is a graduate of an American Bar Association accredited law school.

C. QUALIFICATIONS REQUIRED OF PERSONS WHO ARE ENROLLED MEMBERS OF ANY INDIAN TRIBE

In order to take the NNBA Bar Examination, an enrolled member of a federally recognized Indian tribe of the United States must present proof that he or she:

1. Is enrolled in a federally recognized Indian tribe of the United States;
2. Is a graduate of one of the following:
 - a. An American Bar Association accredited law school;
 - b. An accredited four-year institution (Bachelor's Degree); or
 - c. A paralegal training program, advocacy program, apprenticeship program, or equivalent, which is certified by the NNBA Training Committee.

All non-law school graduate applicants under this subsection C must have taken the NNBA Bar Review course at least once within two years prior to taking the NNBA Bar Examination.

V. The NNBA Bar Examination

A. The NNBA Admissions Committee shall administer the NNBA Bar Examination ("Bar Examination") to qualified applicants twice yearly, in March and in August, in the Window Rock, Arizona area. Announcement of the date, time, and place of the Bar Examination shall be made, and an application packet made available, no less than one hundred and twenty (120) days prior to the date set for the Bar Examination.

B. Any person desiring to take the Bar Examination shall submit to the NNBA a complete application and a non-refundable application fee in the amount of \$100.00, not less than sixty (60) days prior to the date of the Bar Examination.

C. Applicants shall be informed by the NNBA Admissions Committee of their eligibility or ineligibility to take the Bar Examination not less than thirty (30) days prior to the date of the Bar Examination. A determination of ineligibility to take the Bar Examination may be appealed to the Board of Bar Commissioners.

D. The Bar Examination shall be a written test emphasizing Navajo Common Law, the Navajo Nation Code, and Navajo Nation Supreme Court decisions, including the skills required to practice in the Courts of the Navajo Nation. It shall consist of questions covering aspects of the following subjects:

1. Contracts
2. Criminal Law
3. Dinè Bi Beenahaz'áanii (Navajo Fundamental Law)
4. District Court Rules of Civil and Criminal Procedure
5. Domestic Relations (9 N.N.C.)

6. Federal Indian Law
7. Navajo Nation Bill of Rights
8. Navajo Nation Government (2 N.N.C.)
9. Navajo Peacemaking
10. Navajo Property Law – Personal and Real Property
11. Navajo Rules of Evidence
12. Navajo Rules of Professional Conduct
13. Torts
14. Treaty of 1868

E. A passing score for the Bar Examination shall be seventy percent (70%) of all possible points for the Bar Examination.

F. Results of the Bar Examination shall be certified to the Board by the Admissions Committee no more than thirty (30) days after the Bar Examination.

G. Within twenty (20) days after certification of the results of the Bar Examination by the Admissions Committee, the President or Vice-President of the NNBA shall petition the Supreme Court for the admission of all successful examinees, provided that they meet the requirements for admission set forth in Section VI.

H. The Admissions Committee shall promptly notify all applicants of the results of their examinations, as certified by the Admissions Committee to the Board.

I. Any person who does not receive a passing score on the Bar Examination shall have the right to review the examination, his or her examination answers, the model answers, and the score sheet for his or her examination.

J. Within fifteen (15) days after the date of notification of the results of the Bar Examination, any person who did not pass the Bar Examination and who wishes to contest the Admissions Committee's determination shall file a Petition with the Admissions Committee, setting forth in specific detail and with appropriate citation to authority the claimed errors of the Admissions Committee, and how the errors, if corrected, would result in the person receiving a passing score.

1. Within five (5) days of the filing of the Petition, the Chair of the Admissions Committee shall designate two (2) regular members of the NNBA to review the Petition.

2. Within fifteen (15) days of such designation, the designated members of the NNBA shall review the Petition and report back to the Admissions Committee with their recommendations. The scope of the review by the designated members shall be limited to the matters raised in the Petition.

3. Within ten (10) days of the receipt of the reports of the designated NNBA members, the Admissions Committee shall reach a decision on the Petition and promptly notify the petitioner of the Committee's decision. Failure of the

Admissions Committee to reach a decision within ten (10) days shall be considered a denial of the Petition.

4. In the event that the Admissions Committee grants the relief sought by the petitioner, the President or Vice-President shall petition the Supreme Court for admission of the petitioner, provided that he or she meets the requirements for admission set forth in Section VI.

5. Any person whose Petition is denied by the Admissions Committee may appeal the Committee's decision to the Supreme Court within fifteen (15) days after receiving notice of the Committee's decision. A copy of the appeal shall be served on the NNBA, which shall have five (5) days thereafter to submit the entire record to the Supreme Court. The NNBA shall have fifteen (15) days after service of the appeal to file a response with the Supreme Court. Further pleading will be permitted only by leave of the Court.

VI. Requirements for Admission to the NNBA

In order to be admitted to membership in the NNBA, a person must:

- A. Achieve a passing score on the NNBA Bar Examination;
- B. Provide updated or additional application information, including background information and consent for a background check, as required by the Admissions Committee;
- C. If permitted to take the NNBA Bar Examination pursuant to Section IV.B, then provide proof of admission to practice in any state;
- D. Provide proof of residence within, or employment by an organization having a place of business within, the states of Arizona, Colorado, New Mexico, or Utah;
- E. Complete an NNBA-approved course in Navajo law, culture, traditions, and history, prior to or subsequent to the Bar Examination, which course must have been completed within five (5) years prior to admission;
- F. Execute a written pledge that the applicant, if admitted to the privileges of membership, shall at all times comply with the pro bono requirements of the Courts of the Navajo Nation; and
- G. Be admitted by Order of the Supreme Court of the Navajo Nation, upon the filing of a Petition by the NNBA, within five (5) years of passing the NNBA Bar Examination.

VII. Board of Bar Commissioners

The Board of Bar Commissioners (Board) is the governing body of the NNBA and serves as the voice of the NNBA membership, according to the following representation formula. The Board

shall consist of at least one (1) Commissioner from each Judicial District of the Navajo Nation, with the exception that the Judicial District of Ramah shall also include the Districts of Alamo and To'hajiilee; the Judicial District of Chinle shall also include the District of Dzil Yijiin (Pinon); the Judicial District of Shiprock shall also include the District of Aneth; and the Judicial District of Tuba City shall also include the District of Dilkon. Any district having more than fifty (50) regular members shall have one (1) additional Commissioner for each fifty (50) regular members or part thereof. Commissioners must be regular members of the NNBA, in good standing, enrolled in the district which they represent, and shall not be current members of any NNBA standing committee.

Commissioners shall be elected for three year terms. The Board reserves the right to adjust the term length of incoming Commissioners, by written resolution, as necessary to preserve previously established staggered terms.

A. The Board will determine by May 1st of each year if reapportionment is necessary based on the NNBA membership roll. If a district has decreased in membership below an increment of fifty (50) regular members based on the membership roll, that district will lose a Board position upon the expiration of its next Commissioner's term. If a district has increased in membership above an increment of fifty (50) regular members based on the membership roll, that district will gain a Board position in the next Commissioner election.

B. Available Board positions will be announced to the NNBA membership no later than June 1st of each year. Any regular member desiring to run for a seat on the Board may be self-nominated or may be nominated by another regular member, by letter to the President, no later than July 1st. Ballots shall be made available to the NNBA membership no later than July 15th. Each regular member of the NNBA shall vote for the Commissioner(s) representing the district where the member is listed on the NNBA membership roll. All votes must be postmarked or otherwise submitted, according to NNBA instructions, to the NNBA on or before August 1st. Elections shall be by plurality vote.

C. In the event a Commissioner is unable to complete his or her term, the President, with the approval of the Board, shall appoint an interim Commissioner within sixty days (60) after the elected Commissioner resigns or the Board becomes aware the Commissioner cannot serve the remainder of the term. Upon acceptance of the appointment, the interim Commissioner will serve until the next regularly scheduled election, at which time a Commissioner shall be elected to serve the remaining portion of the uncompleted term.

D. The Board shall have four regular meetings per year, scheduled on a quarterly basis: one in March/April; one in June/July; one in September/October; and one in December/January. The September/October meeting shall be designated as the annual meeting of the Board.

E. Special meetings may be called at the discretion of the President of the NNBA. Upon receiving a written request, signed by three (3) or more Commissioners, the President shall call a special meeting.

F. A majority of Commissioners then in office shall constitute a quorum at all meetings. Voting at any meeting shall be by majority vote of those Commissioners in attendance at the meeting or voting by proxy, except for votes on removal or censure of a Commissioner (see Section VII.K) or removal or censure of an Officer (see Section VIII.E).

G. Members of the Board of Bar Commissioners who are unable to be in attendance at a regular or special meeting of the Board may vote at such meeting by proxy, and such proxy shall be counted for purposes of constituting a quorum. Voting by proxy at any meeting of the Board does not constitute attendance at the meeting.

H. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall be used as guidelines to govern the Board meetings, to the extent they are applicable and not inconsistent with these Bylaws and any special rules of order the Board may adopt.

I. Commissioners may participate in a meeting of the Board by means of a conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other at the same time. Such participation shall constitute attendance at the meeting.

J. Minutes of all meetings shall be maintained by the NNBA Secretary or other duly designated person, describing the events of the meeting, starting with a list of attendees, a statement of the issues considered by the participants, and related responses or decisions on the issues.

K. The Board may meet in executive session at any meeting to consider legal, confidential, and personnel matters. The Board's legal counsel may attend executive sessions unless the matter relates to the employment of counsel.

L. For good cause, a Commissioner may be removed or censured by an affirmative vote of two-thirds (2/3) of the disinterested Commissioners in attendance at a regular or special meeting. Discussion pertaining to the removal or censure of a Commissioner shall occur in executive session.

M. Failure of a Commissioner to attend two or more regular meetings of the Board in one calendar year may result in the removal of that Commissioner.

N. Commissioners shall notify the NNBA of any change of mailing address or e-mail address within thirty (30) days after such change.

VIII. Officers

A. The President shall be a regular member of the NNBA in good standing. The President shall be elected for a term of two years. The President shall appoint Committee Chairs and Officers, and may remove Committee Chairs and Officers (except for the Vice-President) at any time, for good cause, with the approval of the Board. The President shall preside at all Board meetings and represent the NNBA at all official functions. The President shall manage the finances of the NNBA, subject to oversight by the Board. The President shall hire and supervise employees of the NNBA, subject to the Board's decision whether to hire for a particular position based upon budgetary considerations. The President shall perform such other duties as the Board may direct.

Presidential candidates may be self-nominated or may be nominated by another regular member, by letter to the current President, no later than July 1st. No later than July 8th, each nominated presidential candidate shall announce a vice-presidential running mate. Presidential candidates and their vice-presidential running mates will be named together on ballots, which shall be made available to the NNBA membership no later than July 15th. Voting members of the NNBA shall vote for the President and Vice-President, as a ticket. All votes must be postmarked or otherwise submitted, according to NNBA instructions, to the NNBA on or before August 1st. Elections shall be by plurality vote.

B. The Vice-President shall be a regular member of the NNBA in good standing. The Vice-President shall serve in the place of the President during any temporary absence of the President. In the event that the President cannot complete his or her term, the Vice-President shall serve as an interim President until the next election cycle, at which point a President shall be elected by the members of the NNBA. The Vice-President shall also serve as parliamentarian and shall perform such other duties as the President may direct.

C. The Secretary shall be a regular member of the NNBA in good standing, who shall be selected annually by the President and confirmed by the Board. The Secretary shall record and maintain official actions of the Board and the NNBA and perform such other duties as the President may direct. The Secretary may delegate any of the above-specified duties to any employees of the NNBA, with the written approval of the President.

D. The Treasurer shall be a regular member of the NNBA in good standing, who shall be selected annually by the President and confirmed by the Board. The Treasurer shall maintain accurate financial records of the NNBA, shall arrange issuance of financial statements and report regularly to the Board with respect to the financial position of the NNBA, and perform such other duties as the President may direct. The President may delegate any of the above-specified duties to qualified consultants, with the approval of the Board.

E. For good cause, any Officer may be removed or censured by an affirmative vote of two-thirds (2/3) of the Commissioners in attendance at a regular or special meeting. Discussion pertaining to the removal or censure of an Officer shall occur in executive session.

IX. Committees

The NNBA shall include the following standing committees: the Admissions Committee, the Disciplinary Committee, the Rules Committee, the Training Committee, the Judicial Evaluation Committee, and the Continuing Legal Education (CLE) Committee. The members of each standing committee shall be members in good standing of the NNBA, but not members who are currently serving on the Board of Bar Commissioners or any other standing committee.

Each Committee Chair shall submit a written Quarterly Report to the President and the Board on the activities and accomplishments of their respective Committees, delivered at least ten (10) days prior to the date scheduled for each regular meeting of the Board. Each Committee Chair shall make a written Annual Report to the NNBA membership, to be delivered at the NNBA Annual Conference.

Committee Chairs may remove a Committee member at any time, subject to approval by the President. Committee Chairs, at a minimum annually, shall conduct a review of the performance of each Committee member. Based upon this review, the Committee Chair shall recommend to the President whether to retain or replace each Committee member. The Committee Chair's review of Committee members' performance shall be conducted no later than thirty (30) days after the Annual Conference. Based upon the Committee Chair's recommendations, the President shall determine whether to retain or replace each Committee member.

The President annually shall conduct a review of the performance of each Committee Chair. Based upon this review, the President shall determine whether to retain or replace each Committee Chair. The President's review of Committee Chairs shall be conducted no later than sixty (60) days after the Annual Conference and shall be submitted to the Board at the Board's annual meeting.

Each Committee Chair shall submit notice to the President and the Board of upcoming Committee vacancies. The NNBA shall provide notice of Committee vacancies to the NNBA membership and solicit letters of interest from regular members.

Any regular member of the NNBA who wishes to fill a Committee vacancy may submit a letter of interest to the President and/or to the Committee Chair. Appointments to fill any Committee vacancies shall be recommended by the President or Committee Chair and confirmed by the Board.

A. Admissions Committee: The Admissions Committee shall have eight (8) members, including the Chair. The Committee shall be responsible for determining the qualifications of applicants for the Bar, administering the NNBA Bar Examination, and processing requests for changes to membership status and requests to withdraw from the NNBA. The Committee may propose appropriate revisions to the qualifications for admission to the Bar and shall establish such written policies and procedures and draft such documents necessary or appropriate to carry out the duties of the Committee.

B. Disciplinary Committee: The Disciplinary Committee shall consist of seven (7) members, including the Chair. The Committee shall hear and decide complaints of

violations by members of the Navajo Nation Rules of Professional Conduct. Decisions of the Disciplinary Committee may be appealed to the Board. The Committee shall regulate the unauthorized practice of law and shall determine appropriate penalties for the same. The Committee shall establish such written policies and procedures and draft such documents necessary or appropriate to carry out the duties of the Committee. The Committee may recommend appropriate changes in the Navajo Nation Rules of Professional Conduct and, upon approval by the Board, shall submit a Petition to the Navajo Nation Supreme Court requesting an Order approving such changes.

C. Rules Committee: The Rules Committee shall consist of five (5) members, including the Chair. The Committee shall regularly review the various Rules of the Navajo Nation Courts, and may propose to the Board amendments to such Rules. Upon approval by Board, the proposed amendments to the Rules shall be submitted to the general membership of the NNBA for comments within a time designated by the Board. After expiration of the comment period, and after final review and vote of the Board, a Petition for an Order approving the recommended amendments to the Rules shall be forwarded to the Chief Justice of the Navajo Nation Supreme Court. The Committee may also issue commentaries concerning application of the Rules. The Committee shall establish such written policies and procedures and draft such documents necessary or appropriate to carry out the duties of the Committee.

D. Training Committee: The Training Committee shall consist of eight (8) members, including the Chair. The Committee shall recommend to the Board minimum standards for paralegal training programs, advocacy programs, apprenticeship programs, or their equivalent, and to approve courses which meet these standards. The Committee shall also administer Navajo Law, Culture, Traditions, and History courses and NNBA Bar Examination review courses. The Committee shall establish such written policies and procedures and draft such documents necessary or appropriate to carry out the duties of the Committee.

E. Judicial Evaluation Committee: The Judicial Evaluation Committee shall consist of five (5) members, including the Chair. The Committee shall solicit judicial evaluations from the NNBA membership. The Committee shall act as the NNBA liaison with the Law and Order Committee of the Navajo Nation Council and the Courts of the Navajo Nation for purposes of evaluating candidates for Judge positions, sitting Judges, and Administrative Hearing Officers. The Committee shall establish such written policies and procedures and draft such documents necessary or appropriate to carry out the duties of the Committee.

F. Continuing Legal Education Committee: The Continuing Legal Education Committee shall consist of five (5) members, including the Chair. The Committee shall oversee continuing legal education (CLE) requirements for the NNBA, including, but not limited to: (1) regularly reviewing and, if necessary, proposing appropriate changes in or revisions to the NNBA CLE Standards to the Board; (2) certifying programs for CLE credit; (3) approving CLE credit for persons who prepare articles or make presentations

at programs; (4) monitoring members' compliance with CLE requirements; and (5) encouraging the provision of low- cost or no-cost CLE programs. The Committee shall establish such written policies and procedures and draft such documents necessary or appropriate to carry out the duties of the Committee.

G. Ad Hoc Committees: The Board may designate ad hoc committees as may from time to time be necessary or appropriate to fulfilling the Board's duties and responsibilities. As to each such ad hoc committee, the resolution of the Board shall identify the name of the Chair; the number of regular members; the identification of or process for selecting regular members; the specific duties and powers of the ad hoc committee; the length of the terms of the Chair and the regular members; and the length of time that the ad hoc committee is authorized to act. Members of the Board or members of other standing committees may also serve as members of ad hoc committees.

X. Mandatory Continuing Legal Education Standards

Please refer Resolution by the Board of Bar Commissioners (Approval of Amendment to the MCLE Standards)

A. Every active member of the Navajo Nation Bar Association, Inc. (NNBA), with the exception of Judicial members, shall attend no less than eight (8) credit hours of approved programs every calendar year, at least two (2) credit hours of which shall be in Navajo Ethics and at least six (6) credit hours of which shall be in Navajo Law **of which up to two (2) credit hours may be replaced with Skills Course(s)**, to fulfill the NNBA Mandatory Continuing Legal Education (MCLE) requirement. The eight (8) credit hours of **approved programming may be attended in person, through online courses** or by listening to audio or video recordings. **No audio or video recordings** from approved programs **may be used for credit hours more than a single time.**

B. Every inactive member of the NNBA seeking to be reinstated to active status shall attend six (6) credit hours of approved programs prior to being reinstated. The credit house shall count towards the hours of MCLE required. Two (2) credit hours of which shall be in Navajo Ethics, and the remaining four (4) hours shall be in Navajo Law.

C. All active NNBA Members shall report their MCLE credit hours earned during the calendar year with the payment of their bar dues. The member's signature on the report shall serve as verification that the member earned credit hours reported. **If an active member of the NNBA fails to submit the NNBA, Inc., Mandatory Continuing Legal Education Form demonstrating compliance with the required MCLE hours for the previous calendar year, including supporting documentation, the NNBA shall assess a late fee of \$100 for every month that the form is not submitted after the deadline for submission, but the total fee shall not exceed \$200. If the active member of the NNBA fails to submit the NNBA, Inc., Mandatory Continuing Legal Education Form within sixty (60) days after the deadline for submission, the member shall be subject to suspension if the fee is not paid. Prior to reinstatement, the member shall be required to demonstrate that he or she has completed the CLE requirements and if the member is out of compliance shall take additional courses to meet both the current and previous year's MCLE requirement. The CLE Committee**

may waive compliance with completion of the MCLE requirement if the member demonstrates on the form good cause, as determined by the committee.

D. On request of the NNBA Continuing Legal Education Committee, members shall provide evidence sustaining their reported MCLE credit hours.

E. To be an approved program for the categories of Navajo Law or Navajo Ethics, the program must be approved by the NNBA Continuing Legal Education Committee.

F. A person preparing an article used in a Program or presenting at a Program may, on application and approval by the NNBA Continuing Legal Education Committee, receive MCLE credit for the article or presentation.

1. In general, an approved article will receive credit hours at the rate of .5 credit hours per page (double-spaced 12 point type) or two (2) credit hours for each credit hour of the presentation. The approval of additional credit hours over this rate shall require a majority vote of the entire CLE Committee, and shall be based upon the complexity of the legal issues addressed in the article or presentation, the thoroughness and comprehensive nature of the article or presentation.

2. Persons seeking credit hours for articles or presentations shall make a written request for approval of the credit hours to the NNBA Continuing Legal Education Committee, providing a copy of the article or presentation outline; the program brochure or agenda; required fees, and such other information as the Committee may require.

G. The eight (8) credit hour requirement is modified for NNBA active members who have not been active members for the full year for which reports are required:

1. If a member has been an active member for six (6) months or more, but less than nine (9) months, the MCLE requirement is one-half of the regular requirement.
2. If a member has been an active member for less than six (6) months, there is no MCLE requirement.

H. Excess credit hours earned during one year may be carried over to the next consecutive year, but shall not be carried over into any other future year.

I. If an active member of the NNBA **submits the NNBA, Inc., Mandatory Continuing Legal Education Form but the NNBA Continuing Legal Education Committee determines that the member has failed** to meet the MCLE requirement, the NNBA Continuing Legal Education Committee **may assist the member to come into compliance with MCLE Requirement but if unable to do so** shall refer the matter to the NNBA **administrative office for suspension**.

J. The NNBA Continuing Legal Education Committee is authorized to develop and implement such regulations, forms, and procedures as may be required to implement the MCLE requirement.

K. The NNBA Board of Bar Commissioners may re-regulate authority with respect to monitoring and enforcing compliance with the MCLE Policy to another Committee of the NNBA.

L. Definitions: For purposes of the MCLE policy:

1. "Navajo Ethics" means the provisions of the Navajo Code of Professional Responsibility as adopted by the Navajo Nation Supreme Court; the Navajo Code of Judicial Conduct, and Navajo Common Law as it affects standards of practice in the Courts of the Navajo Nation, including Navajo principles of respect (k'e) and harmony (hozho).
2. "Navajo Law" means Navajo statutory law, decisional law issued by the Navajo Courts and administrative agencies, and Navajo custom and tradition.
3. A "credit hour" for purposes of MCLE Credit is a sixty (60) minute hour.
4. **"Skills Course" means a course that is directed at training how to practice law including such matters as taking a deposition, best court room practices, motion and brief writing, negotiations, contract and resolution drafting, how to read financial statements and such other legal skills. A Skills Course may be taken through any reputable training program including through State and Navajo Bars, Law Schools, the ABA, or any commercial reputable training program and does not require pre-approval by the CLE Committee.**

M. Amendments: These MCLE Standards may be amended by the NNBA Board of Bar Commissioners upon the recommendation of the NNBA Continuing Legal Education Committee. Amendments to these MCLE Standards are effective upon approval by the NNBA, Inc. Board of Bar Commissioners.

XI. Amendments

These Bylaws may be amended by majority vote of the Board at any regular meeting of the Board.