

APPRENTICESHIP PROGRAM GUIDELINES

**ADMINISTERED BY THE
TRAINING COMMITTEE**

APPROVED BY THE NNBA BOARD OF BAR COMMISSIONERS DECEMBER 2005

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**APPRENTICESHIP PROGRAM
GUIDELINES**

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I. PURPOSE

To establish guidelines for the Apprentice and Supervisor to follow while participating in the Navajo Nation Bar Association, Inc. ("NNBA") Apprenticeship Program.

To regulate the amount of time devoted to each of the twenty-four subject areas that are covered in the NNBA examination.

To provide a uniform standard of training that the Supervisor will provide to the Apprentice.

II. AUTHORITY

NNBA Tribal Advocacy Program is established by authority of By-Laws sections III. C(2)(d) and V(D)(1)(a)

Apprenticeship Program: Each individual must agree to a two year commitment and complete two years of direct supervision with a legal organization under this program. The organization must offer Navajo legal training, provide quarterly written reports and notify the NNBA of the commencement of the two year apprenticeship program training. Upon completion of the two year program, each Apprentice must attend and complete the NNBA Bar Review course.

III. SUBJECTS COVERED IN NNBA BAR EXAMINATION

Torts
 Contracts
 Navajo Uniform Commercial Code (Title 5A, N.N.C.)
 Domestic Relations (Title 9, N.N.C.)
 Indian Child Welfare Act (Statute)
 Federal Indian Law
 Navajo Nation Rule of Evidence (Statute)
 Indian Civil Rights Act (Statute)
 Treaty Of 1868
 Administrative Law
 Navajo Nation Sovereign Immunity Act (Title 1, N.N.C.)
 Navajo Nation Jurisdiction
 Criminal Law (Title 17, N.N.C.)
 Navajo Nation Children's Code (Title 9, N.N.C.)
 District Court Rules of Civil & Criminal Procedure
 Business Associations (Sole Proprietorship, Partnerships & Corporations)
 Model Rules of Professional Conduct
 Navajo Nation Government (Title 2, N.N.C.)
 Navajo Property Law (Personal & Real Property)
 Navajo Employment & Business Preference Law
 Decedent's Estate (Title 8, N.N.C. & Navajo Rules of Probate Procedure)

Navajo Rules of Civil & Criminal Appellate Procedure
Navajo Bill of Rights
Navajo Peacemaking

IV. DEFINITIONS

Navajo Nation Bar Association, Inc. ("NNBA"): The Association was created on October 18, 1978, with the primary purpose of regulating its membership and was incorporated under the Rules of the Navajo Nation in 2003.

Navajo Nation Bar Examination: Is administered in March and August each calendar year. Announcement of the Bar Examination shall be made no less than sixty days prior to the examination date.

Procedural Law: That which prescribes a method of enforcing rights or obtaining redress for their invasion; machinery for carrying on procedural aspects of civil or criminal action.¹

Substantive Law: The part of law which creates, defines, and regulates rights and duties of parties.²

Tribal Court Advocate: A non-licensed attorney who meets the outlined requirement of the NNBA to sit for the Navajo Nation Bar Examination, passes the exam, and maintains his or her membership requirements pursuant to NNBA rules and regulations.

Navajo Common Law: A set of rules adopted by a community which directly relates to a socially acceptable practice and they must be applied with logic in present circumstances.

Disciplinary Action: Adverse action taken by the NNBA against a member of the NNBA or an individual or entity who consents by action or in writing to the jurisdiction of the NNBA.

Criminal History: Applicable Navajo Nation, Federal, state and or individual infractions.

Ethics: The moral principles governing or influencing conduct; the branch of knowledge concerned with moral principles.

Felony: A crime of a graver or more serious nature than those designated as misdemeanors. The federal and many state criminal codes define felony status crimes, and in turn also have various classes of felonies or degrees with varying sentences for each class.

¹ West Publishing Co, Black's Law Dictionary (6th ed. 1990) 1203.

² West Publishing Co, Black's Law Dictionary (6th ed. 1990) 1429.

Misdemeanor: Offenses lower than felonies and generally those punishable by fine, penalty, forfeiture or imprisonment otherwise than in a penitentiary. Under federal law, and most state laws, any offense other than a felony is classified as a misdemeanor.

Malpractice: Professional misconduct or unreasonable lack of skill; failure of one rendering professional services to exercise that degree of skill and learning commonly applied under all the circumstances in the community by the average prudent reputable member of the profession with the result of injury, loss or damage to the recipient of those services or to those entitled to rely upon them.

Supervisor: Attorney or advocate that is directly responsible for the supervision of the Apprentice.

V. COMPUTATION OF TIME

Forty hours of training is required each month. The training should be consistent with the following:

Procedural Law:

Fifteen hours General
Five hours Navajo Law & Customs

Substantive Law:

Fifteen hours General
Five hours Navajo Law & Customs.

Enrollment to the Apprenticeship Program will commence each calendar year in February and July.

VI. QUALIFICATIONS TO PARTICIPATE IN ADVOCACY PROGRAM

Participant must be at least twenty-one years of age.

Must be a member of a federally recognized tribe of the United States of America and must provide proof of membership.

Must be of good moral character, and have personal qualities with which to abide by the oath of office and ethical standards of the Navajo Nation Bar Association, Inc.;

Must have no conviction of a felony, or equivalent criminal offense, in any jurisdiction;

Must have no conviction of a misdemeanor offense, or equivalent criminal offense, involving moral turpitude in any jurisdiction;

Must have not been disbarred by any 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;

It is mandatory that all non-law school graduate applicants under NNBA By-laws III (C)(d) are required to attend the NNBA Bar Review course prior to taking the NNBA Bar Examination.

Participant must sign a two (2) year written commitment to participate in the NNBA Advocacy Program.

- A. If commitment is impossible to complete, the Apprentice must properly withdraw from the program.
- B. If good cause is not given and proper withdrawing procedures are not made, the participant may be precluded from participating in the Apprenticeship Program in the future.

Apprentice shall be under the direct supervision of the supervisor.

VII. APPLICATION

Applications for the Apprenticeship Program shall be submitted to the NNBA, Executive Director.

Qualifications of Supervisor:

The supervisor(s) of the advocacy program shall be a member in good standing of the NNBA. He or she shall have no prior disciplinary actions in the NNBA or any other Bar Association(s). The Supervisor may be disqualified by prior disciplinary history.

The Supervisor shall only train in areas of the law in which he or she is experienced (Primary area of practice). Documentation of Qualification shall be submitted. Because each supervisor may practice in a specific area of law, there may be more than one supervisor. All supervisors should submit the Qualification Form and Affidavit.

VIII. MONITORING AND REPORTING

Quarterly reports on the Apprentice's progress are required and are due on the last Friday of January, April, July and October. If Apprentice is beginning the program in February, the first report is due last Friday in April and if Apprentice is beginning in July, the first report is due last day in October. The quarterly reports are required in order that the Training Committee can confirm that the Apprentice is obtaining proper training.

IX. ADMINISTRATION OF ADVOCACY PROGRAM

Supervisor's Duties:

It shall be the responsibility of the Supervisor of the advocacy program to administer the training.

The Supervisor shall implement a plan of operation setting forth which classes will be taught during the two years. The plan shall include the goal of each class offered, primary focus on procedural and substantive, and Navajo law issues to be addressed. (NNBA-AP-#-Year).

Must complete classes schedule of 40 hours of classes each month as set forth in training requirements. A schedule of training classes shall be provided to the NNBA Executive Director and placed in the participant's permanent file.

Quarterly reports are to be submitted to the NNBA Executive Director to ensure the Participant is being afforded proper training and to monitor the hours attributed to educating the Participant. The reports will be forwarded to the Training Committee for review.

The Supervisor administering the program shall give advance notice to the NNBA if there are any changes in circumstances regarding administration of the advocacy program and proposed alternative plan of administration of the advocacy program. See Amendment to Apprenticeship Program form. Failure to do so will result in disciplinary action by the NNBA. The NNBA may also report such failure to other bar associations in which the Supervisor has membership.

Participant's Duties:

The Participant must give written notice to the NNBA of the two year commitment to the Apprenticeship Program. See Commitment to Apprenticeship Program form NNBA-AP-(#)(YEAR).

Participants may be allowed up to three consecutive years to complete the program depending on whether or not there are extenuating circumstances, in which case the chair of the training committee will review the request for extension. It is the responsibility of the Apprentice to notify the NNBA if there are any circumstances beyond his/her control by submitting a letter to the NNBA. See Request for Extension form.

The Apprentice is required to comply with the Supervisor's testing schedule as submitted by the Supervisor.

The Apprentice is required to perform his/her job functions pursuant to the contract with his or her employer.

The Participant will be allowed to withdraw from the apprenticeship program for the following reasons, and it is his/her responsibility to notify the NNBA as to the reasons for withdrawal:

- A. Death in family; and
- B. Unforeseen/extenuating circumstances.

The Participant will be allowed to request an extension of time, but in no event shall the extension of time exceed one year. Each request will be reviewed on a case-by-case basis.

X. COMPLETION OF APPRENTICESHIP PROGRAM

The supervisor and the apprentice are to inform the NNBA Training Committee, in writing of the completion of the Apprenticeship Program, and the Participant's intent to take the Navajo Nation Bar Exam. Correspondence should be sent to the NNBA Executive Director for forwarding to the Training Committee.

If determined to be ineligible, the apprentice may submit an appeal to the Admissions Committee fifteen days after he or she receives written notification of the denial of his/her application.

**NAVAJO NATION BAR ASSOCIATION, INC.
APPLICATION FOR APPRENTICESHIP TRAINING PROGRAM
FORMS**

**NAVAJO NATION BAR ASSOCIATION, INC.
 APPLICATION FOR APPRENTICESHIP TRAINING PROGRAM
 Form: NNBA-AP-__(20__)**

Participant's Information:

Name of Participant: _____

Address: _____

Telephone: _____

Fax No. _____

Email: _____

Date of Birth: _____

Ethnic Background: _____ Social Security No. _____

Tribal Census No. _____ Highest Grade Completed: _____

Primary Language: _____ Secondary Language: _____

Have you ever been convicted of a felony? If yes, please explain:

Have you ever been convicted of a misdemeanor? If yes, please explain:

Why do you want to participate in the Apprenticeship Program?

**NAVAJO NATION BAR ASSOCIATION, INC.
APPLICATION FOR APPRENTICESHIP TRAINING PROGRAM**

Application of: _____
Form: NNBA-AP-__ (20 __)

Supervisor's Information:

Name of Supervisor: _____

Employer/Firm Name: _____

Address: _____

Telephone No.: _____ Fax No. _____

Email: _____

Type of Organization: Private Government

Area(s) of law that Supervisor will train Apprentice on (please check):

- | | |
|---|---|
| <input type="checkbox"/> Torts | <input type="checkbox"/> Navajo Nation Children's Code (Title 9, N.N.C.) |
| <input type="checkbox"/> Contracts | <input type="checkbox"/> District Court Rules of Civil & Criminal Procedures |
| <input type="checkbox"/> Navajo Uniform Commercial Code (Title 5a, N.N.C.) | <input type="checkbox"/> Business Associations (Sole Proprietorship, Partnerships & Corporations) |
| <input type="checkbox"/> Domestic Relations (Title 9, N.N.C.) | <input type="checkbox"/> Model Rules of Professional Conduct |
| <input type="checkbox"/> Indian Child Welfare Act (Statute) | <input type="checkbox"/> Navajo Nation Government (Title 2, N.N.C.) |
| <input type="checkbox"/> Federal Indian Law | <input type="checkbox"/> Navajo Property Law (Personal & Real Property) |
| <input type="checkbox"/> Navajo Nation Rule of Evidence (Statute) | <input type="checkbox"/> Navajo Employment & Business Preference Law |
| <input type="checkbox"/> Indian Civil Rights Act (Statute) | <input type="checkbox"/> Decedent's Estate (Title 8, N.N.C. & Navajo Rules of Probate Procedure) |
| <input type="checkbox"/> Treaty Of 1868 | <input type="checkbox"/> Navajo Rules of Civil & Criminal Appellate Procedure |
| <input type="checkbox"/> Administrative Law | <input type="checkbox"/> Navajo Bill of Rights |
| <input type="checkbox"/> Navajo Nation Sovereign Immunity Act (Title 1, N.N.C.) | <input type="checkbox"/> Navajo Peacemaking |
| <input type="checkbox"/> Navajo Nation Jurisdiction | <input type="checkbox"/> Fundamental Laws of the Diné |
| <input type="checkbox"/> Criminal Law (Title 17, N.N.C.) | |

Supervisor: Please submit your goal and primary purpose of each class prior to administering the course. If there is more than one supervisor, each supervisor and applicant must sign this form.

Date: _____

Supervisor Signature

Date: _____

Applicant Signature

**NAVAJO NATION BAR ASSOCIATION, INC.
GOAL AND PRIMARY PURPOSE OF CLASS
APPRENTICESHIP TRAINING PROGRAM**

Form: NNBA-AP-___(20___)

Applicant Name: _____

Class: _____

Please list your goal(s) and primary purpose(s) of this class:

Date: _____

Supervisor's Signature

**NAVAJO NATION BAR ASSOCIATION, INC.
APPRENTICESHIP PROGRAM**

AFFIDAVIT OF SUPERVISOR

I, _____, attorney/advocate, depose and state as follows:

I. I am employed with _____ hereafter referred to as the "Organization" at mailing address: _____ and that the organization employs the following individual: _____ hereafter referred to as Apprentice whom our organization would like to have participate in the Navajo Nation Bar Association Apprenticeship Program.

II. I hereby certify that I am a member of and in good standing with the Navajo Nation Bar Association.

III. If applicable, I am also licensed to practice in the following jurisdictions: _____

IV. I hereby certify that I have no current or prior disciplinary actions with the Navajo Nation Bar Association or with any other Bar Associations.

V. I have been practicing in the area of (please list your type of practice):

, for a period of _____ years.

VI. I hereby certify that I shall contact the NNBA, Inc. should there be any changes in the administration of the Apprenticeship Program within 10 days of such action and will provide the NNBA, Inc. with an alternative plan, if needed.

Supervisory Certification

STATE OF _____)
) §§
COUNTY OF _____)

Date: _____

Supervisor Signature

SWORN AND SUBSCRIBED to before me on this _____ day of _____ 200_____.

MY COMMISSION EXPIRES:

Notary Public

Applicant Certification

STATE OF _____)
) §§
COUNTY OF _____)

Date: _____

Applicant Signature

SWORN AND SUBSCRIBED to before me on this _____ day of _____ 200_____.

MY COMMISSION EXPIRES:

Notary Public

NAVAJO NATION BAR ASSOCIATION, INC.
MONITORING AND REPORTING - APPRENTICESHIP TRAINING PROGRAM
QUARTERLY REPORT
Form: NNBA-AP-___(20___)

Name of Participant: _____

Quarterly Report for (circle): January April July October

What subject areas were covered during this quarter?

- | | |
|---|---|
| <input type="checkbox"/> Torts | <input type="checkbox"/> Navajo Nation Children's Code (Title 9, N.N.C.) |
| <input type="checkbox"/> Contracts | <input type="checkbox"/> District Court Rules of Civil & Criminal Procedures |
| <input type="checkbox"/> Navajo Uniform Commercial Code (Title 5a, N.N.C.) | <input type="checkbox"/> Business Associations (Sole Proprietorship, Partnerships & Corporations) |
| <input type="checkbox"/> Domestic Relations (Title 9, N.N.C.) | <input type="checkbox"/> Model Rules of Professional Conduct |
| <input type="checkbox"/> Indian Child Welfare Act (Statute) | <input type="checkbox"/> Navajo Nation Government (Title 2, N.N.C.) |
| <input type="checkbox"/> Federal Indian Law | <input type="checkbox"/> Navajo Property Law (Personal & Real Property) |
| <input type="checkbox"/> Navajo Nation Rule of Evidence (Statute) | <input type="checkbox"/> Navajo Employment & Business Preference Law |
| <input type="checkbox"/> Indian Civil Rights Act (Statute) | <input type="checkbox"/> Decedent's Estate (Title 8, N.N.C. & Navajo Rules of Probate Procedure) |
| <input type="checkbox"/> Treaty Of 1868 | <input type="checkbox"/> Navajo Rules of Civil & Criminal Appellate Procedure |
| <input type="checkbox"/> Administrative Law | <input type="checkbox"/> Navajo Bill of Rights |
| <input type="checkbox"/> Navajo Nation Sovereign Immunity Act (Title 1, N.N.C.) | <input type="checkbox"/> Navajo Peacemaking |
| <input type="checkbox"/> Navajo Nation Jurisdiction | <input type="checkbox"/> Fundamental Laws of the Diné |
| <input type="checkbox"/> Criminal Law (Title 17, N.N.C.) | |

How do you feel the Apprentice is doing?

Do you have any areas of concern?

If so, what are your plans to solve the area of concern?

Date: _____

 Supervisor Signature

Date: _____

 Applicant Signature

NAVAJO NATION BAR ASSOCIATION, INC.
P.O. Box 690
Window Rock, Navajo Nation (AZ) 86515
928.871.2211

AMENDMENT TO APPRENTICESHIP PROGRAM
Form: NNBA-AP-__(20__)

Name of Apprentice: _____

Name of Supervisor: _____

Reason for Amendment: _____

Effective date: _____

Date: _____

 Supervisor Signature

Date: _____

 Applicant Signature