

Navajo Nation Bar Association, Inc.
Admissions Committee Policies and Procedures
(Approved November 18, 2016)

The following Policies and Procedures of the Admissions Committee have been promulgated and were approved in accordance with the Bylaws of the Navajo Nation Bar Association, Inc. (NNBA). These Policies and Procedures are developed for internal operations necessary to carry out the duties of the Admissions Committee.

I. Admissions Committee

According to Section IX.A. of the NNBA Bylaws, the NNBA Admissions Committee shall have eight (8) members, including the Chair, who must be approved by the Board of Bar Commissioners. The Admissions Committee shall be responsible for determining the qualifications of applicants for the Bar, administering the NNBA Bar Examination (Bar Exam), and processing requests for changes to membership status and requests to withdraw from the NNBA, as set out by the NNBA Bylaws. The Committee may propose appropriate changes in or revisions of the qualifications for admission to the Bar.

II. Chair of the Admissions Committee

The Chair shall have authority to delegate to other members of the Admissions Committee the responsibility of supervising, scheduling or performing other work of the Committee including but not limited to: 1) qualifying applicants to take the Bar Exam; 2) drafting Bar Exam questions; 3) administering the Bar Exam; 4) qualifying successful examinees to be admitted to the Bar; 5) drafting other documents relevant to the business of the Admissions Committee; 6) running errands on behalf of the Admissions Committee; 7) attending meetings of the Bar Association; and 8) acting as liaison to the Board of Bar Commissioners or other Standing Committees of the NNBA.

III. Bar Office and Staff of the NNBA

The Office of the NNBA is located in the Karigan Professional Complex, Suite 116A, 100 Mt. Taylor Rd., Hwy 264, St. Michaels, Arizona 86511. Other current contact information for the NNBA office and the Staff of the NNBA is:

LaVerne Johnson
Association Manager
Navajo Nation Bar Association, Inc.
Post Office Box 690
Window Rock, Arizona 86515
928-871-2211 D
928-871-2229 F
nnba@navajolaw.org
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The Staff of the NNBA shall assist the Admissions Committee in its work and shall have all those duties set forth in the Job Description approved for them by the President of the Bar Association.

IV. Qualifying Applicants to Take the Bar Exam

The Admissions Committee shall qualify applicants to take the Bar Exam in accordance with Section IV of the NNBA Bylaws.

The Chair, with the cooperation and assistance of the NNBA Staff, shall review all application materials received and shall keep a spreadsheet compiling data on the application materials submitted by all Bar Exam applicants, including but not limited to:

- Form A – Petitioner’s Application
- Form B – Petitioner’s Affidavit
- Form C – Letters of Recommendation
- Form D – Authorization and Release
- Form E – Character and Fitness Report
- Form F – Employment Reference Confirmation
- Certificate of Completion for approved Traditional Teachings and Navajo Culture Course
- Proof of enrollment in a federally recognized Indian Tribe of the United States (if applicable)
- \$100.00 Application Fee, or as provided by the most recent NNBA Bylaws, recorded by date and check number
- \$200.00 Bar Review Fee, or as provided by the most recent NNBA Bylaws, recorded by date and check number (required of all non-law school graduates who have not taken the NNBA Bar Review course at least once within two years prior to taking the NNBA Bar Exam)
- Certificate of Attendance of Bar Review (required of all non-law school graduate applicants under Section IV.C., who must have taken the NNBA Bar Review course at least once within two years prior to taking the NNBA Bar Exam)
- Applicant contact information
- Other supporting documentation

The Chair, with the cooperation and assistance of the other members of the Admissions Committee, shall review all application materials received and shall determine which applications are complete by the date and time set by the Admissions Committee. The Chair shall send letters to applicants informing them whether or not they are qualified to take the Bar Exam based on the completeness of their applications and based upon the other qualifications required of all applicants to take the Bar Exam in accordance with Section IV of the NNBA Bylaws.

V. Applications to Take the Bar Exam

Applications to take the Bar Exam shall be completed and application fees shall be submitted in accordance with Bar Exam Application Instructions adopted by the Admissions Committee.

VI. Confirming the Completeness and Timeliness of Bar Exam Applications

A completed Bar Application (Form A) and associated application Forms B through F, all other supporting documentation, and the required application fee, shall be delivered to the NNBA office by the date and time set by the Admissions Committee (Navajo Nation time) in Bar Exam Application Instructions adopted by the Admissions Committee.

If an applicant fails to submit the non-refundable application fee or any of the required documentation so that they are not received in the NNBA office by the date and time set by the Admissions Committee, his or her application will be deemed incomplete and the application will be denied. The Admissions Committee in its sole discretion, without further rights of appeal of the applicant, may waive the completeness and timeliness requirements for submission of the Forms and other supporting documentation if the applicant demonstrates to the Committee's satisfaction that he or she has exercised good faith and due diligence in requesting completed Forms and other supporting documentation from third-parties who have been dilatory or unresponsive to applicant's repeated requests for submission of such completed Forms and other supporting documentation. Waiver of any aspect of the completeness and timeliness requirements for submission of the Forms and other supporting documentation shall not be deemed a subsequent waiver of the same or any other requirement, nor a waiver of the strict completeness and timeliness requirements for submission of the Forms and other supporting documentation.

It is the applicant's responsibility to know the qualifications required of applicants according to Section IV of the NNBA Bylaws and to submit a completed application, supporting documentation, and the required application fee in a timely manner. Neither the NNBA nor any of its employees or representatives are responsible for assisting the applicant prepare or submit his or her application. The Staff of the NNBA shall date stamp all applications, supporting documentation, and application fees received and shall record on a spreadsheet all materials upon receipt.

No member of the Admissions Committee nor the Staff of the NNBA shall alter any application or supporting document submitted for any reason. If there is a question or concern regarding the content, completeness or timeliness of any application or supporting document submitted, the matter shall be brought to the attention of the Chair who shall seek to resolve any problem or issue related to the content, completeness and timeliness of the application or supporting document in his or her discretion, or as appropriate, by a vote of the Admissions Committee.

All applications and supporting documentation, including incomplete applications, become the property of the NNBA. The application fee is non-refundable and will not be applied toward future applications, except upon a written request for such an

accommodation submitted by the applicant, good cause for and approval of such a request having been determined by a majority vote of the Admissions Committee. The applicant must submit a new application, supporting documentation and application fee for each examination, except upon a written request for such an accommodation submitted by the applicant, good cause for and approval of such a request having been determined by a majority vote of the Admissions Committee.

VII. Voting by the Admissions Committee

Some matters are required to be submitted to the Admissions Committee for decision by a motion, second and majority vote in these Policies & Procedures. Other matters may be submitted to the Admissions Committee for decision by a motion, second and majority vote in the discretion of the Chair. Such matters shall be submitted to the Admissions Committee for decision at a meeting of the Admissions Committee (which may include attendance in person, by telephone, or by proxy) or by email. The Admissions Committee shall be authorized to make and vote on motions only when a quorum of Committee members, defined as five or more members, are present (either in person, by telephone, by proxy, or by email).

Matters that should be voted upon by the Committee shall be initiated by a motion made by any member of the Committee, not including the Chair, and any second to that motion shall be made by any member of the Committee, not including the Chair. Although the Chair of the Committee shall not make a motion, nor second a motion, he or she may solicit the Committee members for a motion, second and vote on a particular issue or matter for decision by the Admissions Committee and may cast a vote on the motion as an otherwise regular voting member of the Admissions Committee. The vote of a majority of Admissions Committee members then present (either in person, by telephone, by proxy, or by email) shall control the outcome of any motion.

VIII. Bar Exam Topics

The topics of Bar Exam questions shall be chosen by members of the Admissions Committee from the list of twenty-five (25) areas of law outlined in Section V.D. of the NNBA Bylaws, subject to approval by the Chair. The Chair shall assure that topics are chosen by members of the Admissions Committee from the twenty-five (25) areas of law in such a way that each area of law is periodically covered on the Bar Exam.

IX. Drafting Bar Exam Questions

The Bar Exam may consist of essay, short answer, multiple choice, or true and false questions. Questions to be administered on the Bar Exam shall be drafted in accordance with Formatting Rules for Drafting Bar Exams adopted by the Admissions Committee.

From among the twenty-five (25) areas of law outlined in Section V.D. of the NNBA Bylaws, each member of the Admissions Committee shall select and report to the Chair the topic on which he or she intends to base a Bar Exam question, subject to approval by the Committee Chair. Depending on its length and complexity, each Bar Exam question

shall be weighted for a commensurate amount of time to complete the question and number of points allocated for that question.

X. Schedule for Drafting Bar Exam Questions

Bar Exam questions shall be drafted, reviewed and finalized in accordance with the Schedule for Drafting Bar Exam Questions adopted by the Admissions Committee. Each member of the Admissions Committee shall provide an Answer Key and/or Sample Answers for the question that he or she drafts.

The Bar Exam shall consist of a morning and an afternoon session, each four hours long. The examinees shall be allowed four hours in which to complete the Bar Exam questions distributed in the morning session and four hours to complete the Bar Exam questions distributed in the afternoon session. The total possible points for the questions distributed in the morning and afternoon sessions of the Bar Exam shall be four hundred (400) points each, or a total of eight hundred (800) points. In accordance with Section V.E. of the NNBA Bylaws, a passing score for the Bar Exam shall be seventy percent (70%) of all possible points, or 560 of 800 possible points.

XI. Administration of the Bar Exam

The Admissions Committee shall administer the Bar Exam in accordance with Sections V.A. through D. of the NNBA Bylaws.

In accordance with Section V.A. of the NNBA Bylaws, the Admissions Committee shall administer a Bar Exam to qualified applicants twice yearly, in March and August, at such times and places as the Admissions Committee may designate. The Bar Exam shall be administered in the Window Rock/St. Michaels, Arizona area at an available location deemed most suitable by the Chair. Announcement of the date and place of any Exam shall be made no less than one hundred and twenty (120) days prior to the date set.

Each applicant shall be required to take the Bar Exam at the place and on the date designated unless a written request for special accommodation is submitted by the applicant, and good cause for and approval of such a request is determined by a majority vote of the Admissions Committee.

Any written request for special accommodations related to the administration of the Bar Exam shall be submitted to the NNBA Office not less than thirty (30) days prior to the date on which the Bar Exam is to be administered unless the applicant requesting special accommodation demonstrates good cause by submission of documentary evidence of emergency circumstances.

In accordance with Section V.C. of the NNBA Bylaws, applicants shall be informed of their eligibility to take the Bar Exam not less than thirty (30) days prior to the date of the Bar Exam. A determination of ineligibility to take the Bar Exam may be appealed to the Board of Bar Commissioners in accordance with Section V.C. of the NNBA Bylaws.

Examinees shall handwrite their answers to each Bar Exam question in Blue Book answer books, unless a written request for special accommodation was timely submitted by the applicant and approved by a majority vote of the Admissions Committee. If such a request is granted, then the Admissions Committee shall make arrangements for the Bar Exam to be administered and proctored on the same date but in a separate room.

Each examinee shall produce to the proctor a valid form of photo identification verifying they are eligible to take the Bar Exam before they enter the Bar Exam room. Bar Exam questions, Blue Books, scratch paper and pencils are distributed to examinees on the morning and afternoon sessions of the Bar Exam. In order to preserve confidentiality, each examinee shall identify himself or herself on each Blue Book answer book by the last four digits of his or her social security number ONLY.

Each applicant must return their respective Bar Exam questions, Blue Books (used and unused), scratch paper (used and unused) and pencils to the proctor at the conclusions of the morning session and afternoon session of the Bar Exam.

XII. Proctoring of the Bar Exam

At least one representative of the Admissions Committee shall proctor the morning and afternoon sessions of each Bar Exam. The Chair shall identify the proctors for each Bar Exam. Newly appointed members shall be assigned to proctor the first Bar Exam after their placement on the Admissions Committee.

In the event any member of the Admissions Committee is unable to proctor the Bar Exam as identified by the Chair, this member shall secure another member of the Admissions Committee or the NNBA in good standing to proctor the Bar Exam in his or her place. This member shall not be excused from service but rather shall be assigned to proctor at the next scheduled Bar Exam.

XIII. Grading the Bar Exam

After the Bar Exam is completed, the proctors shall collect and retain the completed Blue Books and questions for safe-keeping and shall deliver them to the Staff of the NNBA no later than the next regular business day. The Staff of the NNBA shall sort the Blue Books by question number, scan or photo copy each Blue Book, and mail or hand-deliver the Blue Books to the corresponding member who drafted each question.

The Staff of the NNBA shall also distribute to members of the Admissions Committee a Grade Sheet listing the last four digits of the social security numbers of each examinee. Each member of the Admissions Committee shall grade the answers contained in Blue Books for the particular question he or she drafted according to the Answer Key and/or Sample Answers that were approved by the Committee.

The Admissions Committee shall grade the Bar Exam in accordance with Sections V.E. and F. of the NNBA Bylaws.

The Chair shall set a deadline to complete the grading of the Bar Exam questions in order that results of the Exam be certified to the Board of Bar Commissioners by the Committee no more than thirty (30) days after date of the Bar Exam, in accordance with Section V.F. of the NNBA Bylaws.

Upon certification of results, the Chair shall send letters to the examinees informing them whether they passed or failed the Bar Exam, in accordance with Section V.H. of the NNBA Bylaws.

XIV. Processing Petitions Appealing Non-Passing Scores on the Bar Exam

The Admissions Committee's decision on a petition contesting the Admissions Committee's determination of a non-passing score shall be subject to appeal in accordance with Sections V.I. and J. of the NNBA Bylaws.

The review of petitions contesting the Admissions Committee's determination of a non-passing score shall be limited to the grading of answers which are the subject of specifically identified challenges raised in the petition. There shall be no adjustment of grades for any answers which are not the subject of challenges raised in the petitions.

XV. Determining Whether Successful Examinees Meet Requirements for Admission to the NNBA

The Admissions Committee shall determine whether successful examinees meet the requirements for admission to the NNBA in accordance with Sections VI.A., B., C., D., E., and F. of the NNBA Bylaws. The Chair shall promptly notify the President, Vice President, and Staff of the NNBA which successful examinees meet the requirements for admission to the NNBA.

XVI. Petition for Admission to the NNBA

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

The President or Vice-President of the NNBA shall prepare and file with the Navajo Nation Supreme Court a Petition for an applicant's admission to the NNBA, Inc. 1) after the Admissions Committee, pursuant to Section V.F. of the NNBA Bylaws has certified to the Board of Bar Commissioners that the applicant successfully passed the Bar Examination and 2) when the Admissions Committee has determined that the Applicant meets all other qualifications for admission as set forth in Section VI. of the NNBA Bylaws.

In Paragraph 1 of its Order of June 6, 2003, the Navajo Nation Supreme Court provides that it "shall administer oaths to the newly-admitted Navajo Nation Bar Association members, on June 10th and November 4th, at 10:00 A.M. ..., unless otherwise formally modified." For those successful examinees who cannot be admitted to the Bar at the

regularly scheduled Swearing-In Ceremony held by the Navajo Nation Supreme Court due to a reason approved by the Admissions Committee after an applicant's written request at least ten (10) days in advance of the scheduled swearing in, then Paragraph 2 of the Navajo Nation Supreme Court's Order of June 6, 2003, provides alternatively that: "Oaths shall continue to be available at other times at the discretion of the Chief Justice and upon petition by the Navajo Nation Bar Association." Therefore, for good cause shown and pursuant to Paragraph 2 of the Navajo Nation Supreme Court's Order of June 6, 2003, the President or Vice-President of the NNBA may petition the Navajo Nation Supreme Court to schedule a hearing to administer oaths on an alternate day.

XVII. Inquiries Related to Work of the Admissions Committee

The Chair, or his or her designee, shall respond to inquiries related to the work of the Admissions Committee including but not limited to qualifications for the Bar Exam, members' status, members' good standing, and members' reinstatement.

XVIII. Processing Requests for Certificates of Good Standing and Change of Status

Requests for Certificates of Good Standing and Change of Status shall be processed by the Chair or any other member of the Committee to whom the Chair delegates this work in accordance with the following requirements:

A. Certificates of Good Standing

Upon request by an NNBA member for a Certificate of Good Standing, the Chair or the Staff of the NNBA should issue the Form titled **REQUEST FOR CERTIFICATE OF GOOD STANDING** in .pdf format so that it cannot be altered.

A Certificate of Good Standing may issue to an NNBA member upon receipt of the following:

- A fee if the NNBA Bylaws so provide;
- Confirmation from the records of the Staff of the NNBA and/or the CLE Committee that the NNBA member is current in his or her CLE credits (6 hours of Navajo Law, including 2 hours of Ethics, or as then required by the CLE Committee);
- Confirmation that the NNBA member is current in his payment of NNBA dues, including past years' dues. Issuance of the Certificate of Good Standing shall be conditioned upon payment of all dues that are in arrears; and
- Confirmation from the NNBA Disciplinary Committee that the NNBA member is not currently subject to disciplinary action. Any disciplinary complaints that have been filed against the NNBA member that remain

unresolved do not disqualify the NNBA member from the receipt of a Certificate of Good Standing.

Upon receipt of this information, the Chair can then issue a Certificate of Good Standing. The Certificate of Good Standing should state the date on which the NNBA member was admitted to practice before the courts of the Navajo Nation. Records of this date of admission are available from the Staff of the NNBA.

Copies of the Certificate of Good Standing should issue to the NNBA member, his or her designated recipient, and the Staff of the NNBA for record-keeping.

B. Change of Membership Status - Transfer to Inactive Status

Upon request by an active NNBA member for a transfer to inactive status, the Chair or the Staff of the NNBA should issue the Form titled **REQUEST FOR TRANSFER TO INACTIVE STATUS AND CERTIFICATE** in .pdf format so that it cannot be altered.

The NNBA member's request for transfer to inactive status can be approved upon receipt of the following:

- A \$30.00 fee or as provided in the most recent NNBA Bylaws.
- Confirmation that the NNBA member is current in payment of NNBA dues, including past years' dues. Approval of a transfer to inactive status shall be conditioned upon payment of all dues that are in arrears.
- Certification by the NNBA member that:
 1. There are no cases pending in any courts of the Navajo Nation for which he or she is counsel or counsel of record;
 2. He or she has fulfilled all ethical or legal obligations incurred by him or her as an active member of the NNBA toward all clients he or she has represented, agreed to represent, or was ordered to represent pursuant to his or her membership to practice law before the courts of the Navajo Nation;
 3. He or she has fulfilled all ethical or legal obligations incurred by him or her as an active member of the NNBA toward all courts and administrative tribunals of the Navajo Nation;
 4. He or she has fulfilled all ethical, legal and financial obligations incurred by him or her to the NNBA; and

5. He or she is not making this request to transfer to inactive status as a means, whether in whole or in part, to evade his or her duty to provide Pro Bono Services to the courts of the Navajo Nation either in pending or future cases before those courts.

Upon receipt of this information, the Chair puts the request for a transfer to inactive status to a vote of the Admissions Committee.

If approved, the Chair or his or her designee should issue a letter to the NNBA member acknowledging the change to inactive status, with a copy of the letter provided to the Staff of the NNBA for record-keeping.

C. Change of Membership Status - Reinstatement to Active Status

Upon request by an inactive or judicial NNBA member for a reinstatement to active status, the Chair or the Staff of the NNBA should issue the Form titled **CERTIFICATION FOR REINSTATEMENT TO ACTIVE STATUS** in .pdf format so that it cannot be altered.

An NNBA member's request for reinstatement to active status can be approved upon receipt of the following:

- A \$30.00 fee or as provided by the most recent NNBA Bylaws;
- Confirmation that the NNBA member is current in payment of NNBA dues, including past years' dues. Approval of a reinstatement to active status shall be conditioned upon payment of all dues that are in arrears.
- Confirmation that the NNBA member is current in CLE credits, supported by documentation.
- Copies of current Certificates of Good Standing for any jurisdiction other than the NNBA in which the NNBA member is licensed
- Certification by the NNBA member that:
 1. He or she has complied with the NNBA Mandatory Continuing Legal Education Standards section B. and has produced documentation confirming the same.
 2. His or her transfer to inactive status was not the result of any disciplinary action by the NNBA.
 3. There are no disciplinary actions pending against him or her before the NNBA or any Bar Association of which he or she is a member.

4. He or she has not been the subject of any disciplinary action by any jurisdiction during the pendency of that individual's inactive status with the NNBA as established by the individual providing copies of current Certificates of Good Standing for any jurisdiction other than the NNBA in which this individual is licensed.
5. If he or she has been the subject of disciplinary action, submission of a statement identifying the relevant jurisdiction and stating the nature of the complaint and the result of that disciplinary action. If there has been no disciplinary action, the NNBA member is to write "NONE".
6. He or she has read and agrees to comply with the Pro Bono Rules of the Navajo Nation Courts.

The Chair or his or her designee shall confirm that the NNBA member is not barred from practice in the Navajo Nation.

Upon receipt of this information, the Chair puts the request for reinstatement to active status to a vote of the Admissions Committee.

If approved, the Chair or his or her designee should issue a letter to the NNBA member acknowledging the change to active status, with a copy of the letter provided to the Staff of the NNBA for record-keeping.

IXX. Communicating and maintaining a relationship with Bar Staff, officers, members of the Board of Bar Commissioners, and other Committee Chairs

The Chair shall strive to maintain a business-like and productive working relationship with the NNBA President, Vice President, administrative staff, other officers of the NNBA, and other Chairs of the NNBA Standing Committees. The Chair shall strive to be readily available to the Staff of the NNBA, members of the Admissions Committee, and general members of the NNBA for performing the above-described duties.

XX. Amendments

These Policies and Procedures may be amended from time to time by majority vote of the Admissions Committee.