NAVAJO NATION BAR ASSOCIATION, INC.
BOARD OF BAR COMMISSIONERS MEETING

Friday, January 13, 2017, 10:00 AM - 3:00 PM MST
Kerrigan Office Building—St. Michaels, Navajo Nation (Arizona)

PROPOSED AGENDA

Meeting called to Order by President Lawrence Ruzow @ 10:15 am

Roll Call: Commissioners:

Mariana Kahn, CH	Present
Cassie Fleming, CR	Proxy to: Mariana Kahn
Dorothea Denetsosie, KY	Present via telephone
Patricia Williams, ART	Present via telephone
	Later: Proxy to Mariana Kahn
Esther Keeswood, SR	Proxy to: Michelle Dotson
Cecelia Sloan, TC	Proxy to Cecelia Sloan
Dennis Glanzer, TC	Present
Colin Bradley, WR	Present via telephone
	Later: Proxy to Mariana Kahn
Michelle Dotson, WR	Present
Phefelia Johnson, WR	Proxy to: Michelle Dotson

QUORUM (6 required) 6 present + 4 proxies = 10 BOBC attending

Officers:

Lawrence Ruzow, NNBA President	Present
Casey Watchman, Vice President	Present
David Jordan, Secretary	Present
Michael Barthelemy, Treasurer	Present via telephone
NNBA Adm. Staff: LaVerne Johnson, NNBA Manager	Present

Guests:

Gertrude Lee, Navajo Nation Chief Prosecutor
Paul Spruhan, Training Committee
Ray Etsitty (on the telephone), Admissions Committee
Ethel Branch, Navajo Nation Attorney General
Kathy Bowman, Navajo Nation Public Defender
Dolph Barnhouse (on the telephone), Judicial Evaluation Committee
Judith Dworkin (on the telephone), CLE Committee
Farin Begay, IT Professional

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Committee Chairs absent:
Patterson Joe, Rules Committee
Jay Mason, Disciplinary Committee

I. **Invocation - Larry Ruzow**

II. **Adoption of Agenda for Board Meeting: [x]Regular; [ ]Special; [ ]Annual**

Motion to approve. Patricia Williams Second: Michelle Dotson Vote: 8-0

III. **Reports**

A. Treasurer's Report—Financial Statements; 2017 Budget-M. Barthelemy

We are in a strong financial position. 2016 year-end report given by Mr. Barthelemy and is attached. 2017 budget draft is also attached.
Possible 2017 Material expenses: Waiting for a proposal from Goodmans, to redesign offices. Second, cost to revamp website.

Motion to approve report: Dennis Glanzer Second: Michelle Dotson Vote: 10-0

B. Bar Manager's Report—Office Remodeling; Bank Accounts; Website-LaVerne Johnson

Bar Manager delivered her report, which is attached.

C. President's Report—Perry Yazzie Appeal (Executive Session)-Larry Ruzow

Moved to executive session.

D. Committee Reports –Committee Chairs/Representatives

Paul Spruhan, Training Committee, verbal report given summarizing the attached written report.
Judy Dworkin, CLE Committee, verbal report given summarizing the attached written report.
Ray Etcitty, Admissions Committee, verbal report given summarizing the attached written report.
Dolph Barnhouse, Judicial Evaluations, verbal report given summarizing the attached written report.

There was discussion of encouraging new people to serve on committees. Perhaps at the annual meeting. There was also discussion as to the effectiveness of the Judicial Evaluation Committee given lack of membership response to questionnaires. There is a difference of opinion on what it should be doing.

For two additional committees, the chairs did not attend the meeting, but reports were submitted and are attached.

Rules Committee, Report attached
Disciplinary Committee, Report attached

IV. Old Business

A. Approve Minutes of October 3, 2016 Meeting

Motion: Mariana Kahn Second: Michelle Dotson Vote: 10-0

B. Approve Minutes of October 17, 2016 Telephonic Meeting

Motion: Dennis Glanzer Second: Michelle Dotson Vote: 10-0

V. New Business

A. Making membership information available to other members and public

Presentation by Patty Williams, has an unavailable opposing counsel. Looked at NM, UT and AZ. In NM, may not opt out. AZ, must disclose contact information. Publish address and malpractice coverage. Same in Utah. Can get info online. What contact information would be published? In NM bar, you can mail someone, email someone or call someone. Don't we have a directory? Only for members. Public should be able to call people who hold a public license. If there are after hours calls, you can inform the caller to call during business hours. Something like Arizona may be the best, where your public information is listed by default, and you must demonstrate a justification to be listed by showing good cause.

Motion: The NNBA shall make active member information available to public, with a minimum of at least name, mailing address, telephone number and email address, with an option for the members to opt out for good cause shown. The membership will be given notice of the resolution with a time to opt out by showing just cause to the president or his designee before the contact information is made public.

Motion to approve: Patricia Williams Second: Mariana Kahn Vote: 10-0

B. Proxy voting

By Casey Watchman. We do public service for the bar membership. We are required to be here unless good cause shown. Prefer to see faces here instead of proxies. Using proxies denies members their representation. We should discuss limiting or eliminating proxies.

We should also discuss meeting on weekends to make it easier to attend meetings.

Existing rule: Bylaws III(E):

> Members of the Board of Bar Commissioners who are unable to be in actual attendance at a meeting of the Board may vote at such meeting by proxy, and such proxy shall be counted for purposes of constituting a quorum. No member shall vote by proxy at more than three (3) meetings of the Board in one calendar year. Voting by proxy at any meeting of the Board does not constitute actual attendance at the meeting. Failure of a member of the Board of Bar Commissioners to actually attend three consecutive meetings of the Board in one calendar year may result in the removal of the member from the Board of Bar Commissioners by the Board.

We are exempt from pro bono service by our BOBC offices. When you vote by proxy, you are not present or serving the NNBA. Sometimes there are emergencies. Not every BOBC member is treated as exempt. The NNBA could require BOBC members to give a reason. Suggestion to limit proxies to one regular meeting a year. By Patricia Williams, when I give proxy, it is with instructions. Other bylaws may also need to be examined. If we do not give proxies, may not have quorum. BOBC members who are not attending meetings may need to be replaced.

C. Discussion of limited membership for law school graduates employed by Navajo Nation

Presentation by Gertrude Lee, Navajo Nation Chief Prosecutor. Written proposal is attached. Difficulty in hiring prosecutors, and then having to wait for them to become members of the NNBA. Request to issue a limited license. Presentation by Kathy Bowman, Navajo Nation Public Defender. Many vacant positions. Recruitment is difficult due to housing. New hires can wait an entire year to obtain state license and then NNBA license. Presentation by Ethel Branch, Navajo Nation Attorney General. Communities are suffering in absence of ability to place bar members in positions expeditiously. Public gets frustrated, and crimes are not reported.

President Ruzow suggested expanding it to DNA and NM Legal Aid. Suggestion to send it to committees to review wording. Swearing in happens only two times a year. Should be done more often. Final authority to create a new category of admissions lies with the Supreme Court.

<u>Motion to refer to all committees and return comments by 3/1/17:</u> Michelle Dotson <u>Second:</u> Dennis Glanzer <u>Vote:</u> 9-1

D. New website proposal

Presentation by Farin Begay. Website is outdated. Mr. Begay maintains website and security of system. Website uses an older, non-secure html language. Pages are non-automated, static. Hosted by Fatcow. Powerpoint will be provided to BOBC members and officers. We will move the website, but retain the same name. navajolaw.info website is available now. It would take a week to go live. It would cost a little over $500 to change over, and $26 a month for webhosting services. Mr. Begay charges $40 a visit.

Motion to approve up to $750 to change website per Mr. Begay's proposal: Mariana Kahn Second: Dennis Glanzer Vote: 10-0

E. Discussion with Committee Chairs and Members

Addressed above.

F. Consider Changing Banking to First American Credit Union

Is more convenient, because it is in Window Rock. We can table it, and look at fees. We can table to compare fees to what we are paying Bank of America.

G. Approving Location for Annual Conference—June 8 and 9, 2017

Twin Arrows is the only venue available on the Navajo Nation. President recommends it. Treasurer says it is good for costs. It is within the Four Sacred Mountains. It seems that we owe information to them. Twin Arrows was looking at the 2015 information. This is a completely new activity, because we have different activities. Proposed cost: $29,908.

Motion to approve Twin Arrows Navajo Casino Resort as the 2017 site for Annual Bar Conference on June 8 and 9: Dennis Glanzer Second: Dorothea Denetsosie Vote: 10-0

H. DNA and NMLA Board Vacancies

No responses for either position. We will table this. Bar Manager will readvertise.

I. Discussion of possible bylaws change re: committee members' terms

We will first determine if there is interest in taking the committee positions.

J. NNBA Personnel (Executive Session)

Motion to go into executive session: Michelle Dotson Second: Dennis Glanzer Vote: 10-0
Motion to leave executive session: Dennis Glanzer Second: Mariana Kahn Vote: 10-0

VIII. Next Regular Commissioners' Meeting DATE: April 21, 2017

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IX. Adjournment @ 2:26 pm

Motion to adjourn: Dennis Glanzer Second: Michelle Dotson Vote: 10-0