



The 21st Navajo Nation Council

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FOR IMMEDIATE RELEASE

Council declares executive session on last day of 2010 Fall Session, Navajo Supreme Court disbars Chief Legislative Counsel

"The chief legislative counsel has provided no legal advice, nor issued any chief legislative counsel opinion which contradicts in any fashion the court's order of Friday, Sept. 10"

-- Chief Legislative Counsel Frank Seanez

WINDOW ROCK, Ariz. – On its last day of the 2010 Fall Session, the 21st Navajo Nation Council declared executive session to discuss updates surrounding the criminal summons of council members and Chief Legislative Counsel Frank Seanez's disbarment from the Navajo Nation Bar Association.

An order and writ of prohibition issued by the Navajo Supreme Court on Aug. 18 ordered Mr. Seanez to stop issuing legal opinions and legal advice for the 21st Navajo Nation Council. The order also requested Mr. Seanez to appear before the high court to explain why the court should not take any disciplinary action for his conduct in ignoring court orders.

Specifically, the court had said Mr. Seanez advised Speaker Lawrence T. Morgan in an Aug. 4 memo to ignore its order to reinstate the Commission on Government Development. The high court reinstated the commission in its July 16 "Opinion and Order on Reconsideration, Shirley vs. Morgan," despite the Navajo Nation Council's passage and enactment of Resolution CO-37-07, which dissolved the commission.

In the Aug. 4 memo, Seanez informed Speaker Morgan that the court had exceeded its jurisdiction in its order to reinstate the commission, essentially saying the high court legislated from the bench. Seanez raised numerous concerns in the court's decision because the establishment of a Commission on Government Development is a legislative action, which could only be legally performed by the Navajo Nation Council.

"The mischaracterization of our opinions and the issuance of opinions that contradict are unacceptable for Navajo Nation lawyers and Navajo Nation Bar Association members," said Chief Justice Herb Yazzie. "We have to take action – action that will protect our people. We cannot allow the government's lawyers to give that type of legal advice."

The court said it had the authority to discipline any government lawyer if gross misconduct occurs or when a bar member interferes with the operation or proceeding of any court without deferring to the NNBA.

In his pro se response to show cause, Mr. Seanez explained to the court he was authorized by the Navajo Nation Council to issue legal opinions or legal advice pursuant to the Office of Legislative Counsel Amendments Act of 2010 at the request of any Legislative Branch entity or any elected official.

Mr. Seanez also said his legal advice did not run counter to the Navajo Nation law and that he was not in violation of Title 7 § 206 of the Navajo Nation Code that, "No employee or official of the Navajo Nation, federal or state government shall obstruct, interfere with or control the functions of any Court of the Navajo Nation or attempt to influence such functions in any manner except as permitted by Navajo Nation Laws or regulations or in response to a request for advice or information from the Court."

"The chief legislative counsel has provided no legal advice, nor issued any chief legislative counsel opinion which contradicts in any fashion the court's order of Friday, Sept. 10," Seanez said.

Despite his explanations, the Supreme Court disbarred Mr. Seanez for gross misconduct and conduct unbecoming of an officer of the Navajo court system effective immediately. The court's decision means that Mr. Seanez is no longer able practice law on the Navajo Nation.

In January 2008, Mr. Seanez was recommended by the Intergovernmental Relations Committee for the appointment of Chief Legislative Counsel, which he held until his disbarment. He worked with the Navajo Nation since November 1991.

The court's decision also comes after the Judiciary Committee's unsatisfactory evaluation of probationary Associate Justice Eleanor Shirley, who sat on the bench with the chief justice during Mr. Seanez's disciplinary hearing.

On Aug. 18, the Judiciary Committee passed legislation recommending Navajo Nation President Joe Shirley for the removal of Justice Shirley. To date, President Shirley has yet to execute the committee's recommendation for Justice Shirley's removal, a move the president could possibly delay until the next administration.

Following the adjournment of the 2010 Fall Session, Speaker Morgan announced the agenda for a Navajo Nation Council Special Session on Monday, Oct. 25. The Special Session agenda consists of two pieces of legislation that will address gaming on the Navajo Nation and is when two supplemental appropriations tabled during the regular session could be recalled from table status.

For more information on the Oct. 25 Special Session, please visit www.navajonationcouncil.org.

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