

No. SC-CV-58-10

IN THE SUPREME COURT OF THE NAVAJO NATION

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In the Matter of Frank Seanez

**SECOND ORDER TO SHOW CAUSE  
AND ORDER TO CEASE AND DESIST**

Before YAZZIE, Chief Justice, and SHIRLEY, Associate Justice.

An original action concerning Mr. Frank Seanez, a practitioner and member of the Navajo Nation Bar Association.

Levon B. Henry, Tohatchi, Navajo Nation, for Respondent.

This matter is before the Court on a *Notice* filed by the Navajo Nation Chief Prosecutor that “alleges that former Chief Legislative Counsel Frank Seanez continues to practice law and receive his full salary” despite this Court’s disbarment of Mr. Seanez from October 22, 2010 through November 24, 2010, and subsequent suspension on November 24, 2010. In support of the Chief Prosecutor’s allegation, the Court received a memorandum dated December 8, 2010 sent to Charles Long, Chief of Staff, Office of the Speaker, by Frank M. Seanez, who identified himself as “Chief Legislative Counsel” with an attached proposed legislation and summary sheet for the Navajo Nation Council’s consideration, indicating that he continues to draft or approve of proposed legislation and render legal services to the Council, contrary to his suspension from the practice of law. *Exhibit 1*. The Court also received timesheets for pay periods ending October 22, 2010 through December 31, 2010 (wherein Mr. Seanez claimed 80 hours per pay period) and copies of direct deposit slips for the same period, not only suggesting Mr. Seanez received the salary of a duly-licensed attorney, but that he draws the same salary he received as Chief Legislative Counsel, contrary to his suspension. *Exhibit 2*.

Jurisdiction over the practice of law within the Navajo Nation, previously set forth in our October 22, 2010 opinion in this matter, are incorporated herein by reference. *See In re Seanez*, No. SC-CV-58-10, slip op. at 1-2 (October 22, 2010).

Pursuant to 7 N.N.C. § 606(B), only persons who are members in good standing of the Navajo Nation Bar Association shall provide legal services within the territorial jurisdiction of the Navajo Nation. Persons who are not members in active status and in good standing of the Navajo Nation Bar Association and who provide legal representation or other legal services within the territorial jurisdiction of the Navajo Nation, and who are not duly associated with members in good standing of the Navajo Nation Bar Association, shall be deemed to be conducting the unauthorized practice of law, and shall be subject to civil and/or criminal sanctions under Navajo Nation law.

Upon Mr. Seanez' request for reconsideration of his permanent disbarment, this Court's reconsidered its decision and reduced his disbarment to suspension under the premise that Mr. Seanez was in compliance with the Court's order enjoining him from the practice of law. The filing of the Chief Prosecutor's *Notice* and the supporting exhibits are of grave concern to this Court.

You, Frank M. Seanez, are therefore commanded, immediately, to desist and refrain from providing legal services until further order of this Court.

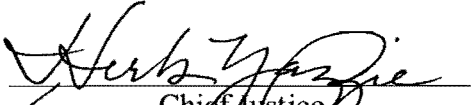
You, or your counsel, may respond to the *Notice* and this *Order* by 10:00 a.m., January 19, 2011.

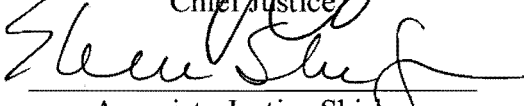
It is further ordered that you show cause before the Navajo Nation Supreme Court, at 10:00 A.M., January 20, 2011, at a location in Window Rock to be announced later, why this

Court should not hold you in direct contempt for engaging in the unauthorized practice of law, and take disciplinary action per 7 N.N.C. § 606, including reinstatement of your disbarment.

Furthermore, pursuant to a lawyer's professional responsibility to report any misconduct, *see Rule 1.6 of the Navajo Rules of Professional Conduct*, the principal attorney for the Office of the Legislative Counsel is ORDERED to appear and explain to the Court the continued employment of Mr. Seanez in the same position and drawing the same pay as "Chief Legislative Counsel," which pursuant to 2 N.N.C. § 963 is a Navajo Nation governmental position of a duly-licensed lawyer.

Dated this 10<sup>th</sup> day of January, 2010.

  
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Chief Justice

  
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Associate Justice Shirley