

No. SC-CV-58-10

IN THE SUPREME COURT OF THE NAVAJO NATION

In the Matter of Frank Seanez

ORDER

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.

Having heard oral argument in the Order to Show Cause Hearing, and having considered the undisputed facts on the record, the Court enters this written decision pending the Court's final opinion in this matter.

On December 14, 2010, the Acting Chief Legislative Counsel Mariana Kahn issued a legal memorandum "that having a Navajo license [is] a basic qualification of the position of Chief Legislative Counsel" (CLC) and that Mr. Seanez' conduct in signing documents and correspondence as the CLC, "as if he has the active credentials to practice law in the Navajo Nation," constituted the "unauthorized practice of law." *Memorandum to Lawrence T. Morgan, Speaker, by Mariana Kahn, Acting Designated Chief Legislative Counsel*, December 14, 2010. It is undisputed that Mr. Seanez did, in fact, occupy the position of CLC during his disbarment and subsequent suspension, and also that he did, in fact, sign documents and correspondence under the title of CLC and also as "attorney."

This Court FINDS that Frank M. Seanez engaged in the unauthorized practice of law in violation of 7 N.N.C. § 606 during his disbarment and subsequent suspension, by signing himself as the CLC and "attorney" in documents and correspondence issued by the CLC, thereby

impermissibly holding himself out as no less than the legitimate top legal representative of the Council. The Council, which is the Navajo Nation's law-making body, is a "legislative forum" within the meaning of 7 N.N.C. § 606(B).

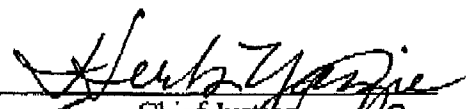
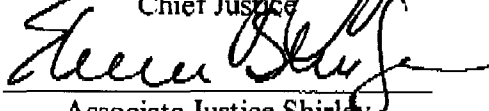
The Court FURTHER FINDS that by his above conduct, Mr. Seanez violated both the letter and the spirit of this Court's October 22, 2010 order of disbarment and subsequent November 24, 2010 order on reconsideration, which converted the disbarment to suspension for reasons of compassion and restoration of governmental harmony, as Mr. Seanez himself requested. Rather than alleviate disharmony, his own conduct has deepened governmental disharmony.

Pursuant to the above findings, the Court has no choice but to HEREBY ORDER reinstatement of the permanent disbarment of Frank M. Seanez effective immediately.

The Court FURTHER ORDERS that Frank M. Seanez is to vacate the position of CLC immediately, if he has not already done so.

Other sanctions as authorized by 7 N.N.C. § 606(C) will be imposed in this Court's forthcoming Opinion, which will include further findings.

Dated this 20th day of January, 2011.


Chief Justice

Associate Justice Shirley