

SC-SP-03-94

SUPREME COURT OF THE NAVAJO NATION

In The Matter Of
Permitting Law Students To Practice
Before The Courts Of The Navajo Nation.

ORDER

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

This matter having come before the Court upon its own motion and finding that procedures need to be established to permit law students to practice before the courts of the Navajo Nation, and good cause appearing, it is therefore ORDERED as follows:

1. **Purpose:** The law student practice program is established to permit law students to practice before Navajo Nation courts to gain trial experience and to become familiar with Navajo Nation laws and Navajo court rules and procedures. The law student practice program requires that a law student be supervised by a member of the Navajo Nation Bar Association (NNBA) and that the following conditions be fulfilled in order to protect the interests of the parties involved.

2. **Sponsoring Agency:** Law students shall be permitted to practice law in the Navajo Nation courts only with the following agencies:

(a) Navajo Nation Department of Justice including the Office of the Prosecutor, Public Defender Office, Navajo-Hopi Legal Services Program and any other office designated by the Attorney General of the Navajo Nation;

(b) Office of Legislative Counsel, Navajo Nation Legislative Branch and any other office designated by the Chief Legislative Counsel;

(c) Navajo Nation Judicial Branch;

(d) D.N.A. People's Legal Services, Inc. or any other non-profit legal services program located contiguous to the Navajo Nation.

3. **Program Requirements:** The law student practice program requires:

(a) A certified supervising attorney to supervise the law student's activities;

(b) Approval by the Dean or faculty of the law school in which the law student is enrolled;

(c) A law school clinical program administered by an ABA accredited law school, and such law school shall have malpractice coverage satisfactory to the courts of the Navajo Nation or which satisfies state malpractice law

provisions for clinical law school programs;

4. **Law Student Eligibility:** In order to practice in the Navajo Nation courts, a law student must:

(a) Be enrolled and in good standing at an ABA accredited law school;

(b) Have completed legal studies of at least two semesters or the equivalent if the law school operates on a non-semester basis or if the law school clinical program requirements have been satisfied;

(c) Be certified, by either the dean or a faculty member of the law school as designated by the dean, as being of good character, competent legal ability and qualified to provide legal representation. A certification issued by the law school shall be valid for one semester unless otherwise limited by the law school.

5. **Supervising Attorney:** The supervising attorney shall meet the following requirements:

(a) Be a member in good standing of the NNBA or a clinical law school professor admitted to practice law in any state court;

(b) Assume personal professional responsibility for the quality of the law student's work;

(c) Guide and assist the law student in preparation of a case before the courts of the Navajo Nation;

(d) Sign all documents filed by the law student with the Navajo Nation courts;

(e) Appear with the law student before the Navajo Nation courts when necessary to assure competent legal services and be available for consultation at any other time when the law student appears in court;

(f) File with the Navajo Nation courts written consent to supervise the law student; and

(g) Be prepared to supplement any written or oral statements made by the law student to Navajo Nation courts or to opposing counsel.

6. **Written Consent of Supervising Attorney:** The supervising attorney shall file a notification of law student practice with the Navajo Nation Supreme Court Clerk, which shall include: (1) the name and address of each law student; (2) a certification that the law student has satisfied the clinical law school program requirements; (3) a copy of the law school dean or faculty member's certification of approval; (4) written consent from the supervising attorney of each law student's entry of appearance; and (5) written notice at the commencement of each law student's practice. The supervising attorney's written consent and the law student's entry of appearance shall be filed with the

Navajo Nation Supreme Court Clerk and shall be served on all interested parties. The Navajo Nation Supreme Court may withdraw an individual law student's authorization to practice without cause and, in such cases will provide that notice of such withdrawal to the supervising attorney and the law school dean.

7. Scope of appearance of law student practitioner: After the notification of law student practice and the supervising attorney's written notification have been filed with the Navajo Nation Supreme Court Clerk, and upon the filing of an entry of appearance, a law student may appear in any court of the Navajo Nation. A law student may appear in court to provide legal representation in matters including but not restricted to trials, sentencing, and appeals. The law student may appear in the Navajo Nation courts without a supervising attorney after the supervising attorney has initially appeared before the court with the law student. The law student may participate in other activities related to a matter under the direction of the supervising attorney.

8. Judicial and Legal Clerks: The law student practice program shall not restrict the services of a judicial law clerk.

Filed this 20th day of January, 1995.

Robert Yazzie

Chief Justice of the Navajo Nation

Wayne Cadman S.

Associate Justice