

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0128-18

**DATE:** April 3, 2018

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; APPOINTING AND CONFIRMING THE APPOINTMENT OF CALVIN LEE TO THE NAVAJO NATION LABOR COMMISSION

**PURPOSE:** If approved, this resolution will appoint and confirm Mr. Calvin Lee to the Navajo Nation Labor Commission for a four year term.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0128-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;  
APPOINTING AND CONFIRMING THE APPOINTMENT OF CALVIN LEE TO THE  
NAVAJO NATION LABOR COMMISSION

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and is authorized to appoint two of the members of the Navajo Nation Labor Commission. 2 N.N.C. § 400(A) and 15 N.N.C. § 303(A).

**SECTION TWO. FINDINGS**

A. The Navajo Nation Labor Commission is established to "hear and adjudicate cases as the quasi-judicial hearing body under the Navajo Preference in Employment Act." 15 N.N.C. §302(A).

B. The membership of the Navajo Nation Labor Commission consists of five members. 15 N.N.C. § 303(A). All five members must be members of the Navajo Nation Bar Association in Good standing. 15 N.N.C. § 303(B). Two of the Commission members shall be licensed to practice law in Arizona, New Mexico, or Utah. *Id. See also* CJY-42-16.

1 C. "The Commission shall consist of: (2) two members appointed by the Health,  
2 Education, and Human Services Committee of the Navajo Nation Council and (3)  
3 three members appointed by the President of the Navajo Nation with the  
4 concurrence of the Naabik'íyáti Committee of the Navajo Nation Council." 15  
5 N.N.C. § 303(A). *See also* CJY-42-16.

6 D. Mr. Calvin Lee is a licensed member of the Navajo Nation Bar Association and is  
7 licensed to practice in the State of New Mexico. *See* Letter of Interest and  
8 Résumé attached hereto as **Exhibits A** and **B**, respectively.  
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10 **SECTION THREE. APPOINTMENT AND CONFIRMATION BY THE**  
11 **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE**

12 The Health, Education, and Human Services Committee of the Navajo Nation  
13 Council hereby appoints and confirms Mr. Calvin Lee to the Navajo Nation Labor  
14 Commission for a four-year term beginning on the date of confirmation.  
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FROM THE DESK OF  
**CALVIN LEE, JR., ATTORNEY**

Gallup, NM 87301  
Telephone  
Fax

October 27, 2017

Jonathan L. Hale, Chairperson  
Health, Education and Human Services Committee  
P.O. Box 3390  
Window Rock, Arizona 86515

Re: Letter of Interest (NNLC)


Dear Mr. Chairperson:

I am submitting this letter of interest for appointment to the Navajo Nation Labor Commission. I am a Navajo attorney with familiarity with Navajo labor practices, employment, human resources, and the Navajo Preference in Employment Act.

I have practiced law for fourteen (14) years in the Courts of the Navajo Nation, the State of New Mexico and several other courts throughout Indian Country. I have never been subject to disciplinary action in any jurisdiction. Finally, I am in good standing with both the Navajo Nation bar association and the State of New Mexico bar association.

My references are contained on page 2 of my resume. I would be grateful if the HEHSC would extend to me an appointment to the Commission. Feel free to contact me at [Calvin@Indianlaw.mobi](mailto:Calvin@Indianlaw.mobi) or call me at

Best regards,

  
\_\_\_\_\_  
Attorney

attachment



# CALVIN LEE, JR. ESQ.

Gallup, New Mexico 87301

Home: - Cell -

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## REFERENCES

Michael Everett, Ph. D, Statistics; NAIHS-retired. Rio Rancho, NM  
Maureen S. Moore, Esq. Employment law specialist & writer, Taos, NM  
Milton Bluehouse Sr., former President, Navajo Nation, Ganado, AZ.

<http://www.indianlaw.lawyer> <http://www.indianlaw.mobi>  
<http://www.Linkedin.com/in/indianlaw.lawyer>

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## SUMMARY

Logical and resourceful Attorney who effectively anticipates and evaluates legal issues to protect clients and resolve cases. Ambitious Lawyer bringing extensive in-house counsel and law firm experience in a wide variety of disciplines, with emphasis in federal Indian law and business law. Team-oriented Lawyer who works to increase understanding and proficiencies in all areas of legal practice. Communicates with empathy and compassion while consistently exhibiting a professional work ethic. Highly accomplished Attorney with broad legal knowledge who has provided counsel to government and private organizations for 14 years. Thorough in analyzing statutes, ordinances and data.

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## SKILLS

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|--|---------------------------------------|
| • Legal Research using Lexis Advance             | • Proficient in Office 365 Cloud apps |
| • Proficient in case management & cloud software | • Business & Regulatory matters       |
| • Local government & tort defense                | • LLCs and Estate planning            |
| • Insurance defense & co-counsel                 | • Land use laws and litigation        |
| • Complex litigation & legal writing             | • Creditor representation             |
| • Family law                                     | • Legal project management            |
|  | • Personal injury & wrongful death    |
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## WORK HISTORY

06/2011 to Current **Attorney at Law**

***C.J. Lee & Associates P.C. – Gallup, NM***

- Licensed in the State of New Mexico, federal district of NM and Tenth Circuit, Navajo Nation, Jicarilla Apache, MHA and Hopi Nations..
- Assertive performer effectively leveraging technology with law practice.

- Clear and persuasive writing and oral skills that correctly narrow the focus of the argument.
- Ability to handle complex issues within short time frames.
- Organized, able to take all steps necessary to protect client interests.
- Providing legal counsel in estate planning and business planning for entrepreneurs and Indian organizations.
- Practicing land use and complex litigation for tribal clients.
- Currently providing legal counsel to Navajo Chapter governments & enterprises using the latest legal research and cloud software.

01/2007 to 06/2011 **Legislative Counsel**

***The Navajo Nation – Window Rock, AZ***

- Provided research and drafting of legislation, legal memoranda and correspondence for the oversight committees of the Legislative Branch.
- Previously served as counsel to the Commission on Navajo Government Development and assisted local government units (Chapters) with technical assistance pertaining to local governance and development of government reform measures.

01/2004 to 01/2006 **Associate General Counsel**

***Navajo Housing Authority – Window Rock, AZ***

- Provided legal counsel for all housing, employment, construction and contract matters.
- Represented the authority in eviction, insurance, tort, mold, and regulatory matters in court or mediation.
- Developed and reviewed policies including employment & procurement.
- Appeared in state & tribal courts including the District of NM Bankruptcy court.

01/2004

**Assistant Public Defender**

***State of New Mexico – Santa Fe, NM***

- Provided criminal representation for juveniles in the 1st Judicial District, Rio Arriba and Santa Fe counties.
- Panel member for Juvenile Drug Court and primary attorney for all drug court cases.
- Conducted legal research and investigation and participation in several task forces.
- Represented juveniles in disciplinary hearings before school authorities.

01/2002 to 01/2003 **Managing Attorney**

***DNA Peoples Legal Services – Window Rock, AZ***

- Managing attorney for several legal staff.
- Oversaw litigation and caseload management including conflicts and enforcement of Legal Services Corporation policies.



- Cases included consumer, family law, public benefits and employment matters.
- Analyzed & argued several jurisdictional and full faith and credit issues.
- Administrative management of file reviews, community education, training of staff and evaluating personnel.
- Practiced in New Mexico district courts and co-counseled on Arizona cases.

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## EDUCATION

2002

**J.D.: Specializing in federal Indian Law and Natural Resources**

***UNM School of Law - Albuquerque, NM***

- Dean's list 2000 & 2001
- Certificate in Federal Indian Law
- Tribal Law Journal

1992

**Bachelor of Arts: Computer Science**

***Fort Lewis College - Durango, CO***

- 3.0 GPA
- Minor in Mathematics
- Coursework in Business Management and Commercial Real Estate

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## ACCOMPLISHMENTS

- Serving McKinley County bar association & Veterans legal clinics plus Pro bono.
- Won dozens of replevin cases for major banks, i.e., US Bank and Ditech LLC.
- Of Counsel for Rose L. Brand & Associates P.C. and their many international banking clients.

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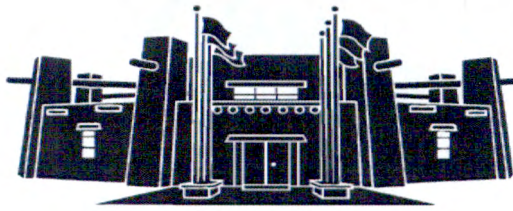
## AFFILIATIONS

- American Bar Association - Section of Litigation member
- Veterans Administration certified legal counsel
- Avvo - Top Contributor - 7.1 rating

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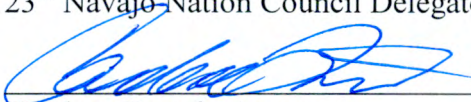
## CERTIFICATIONS

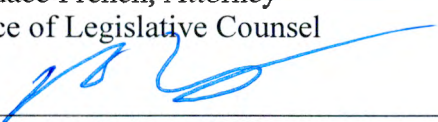
- National Institute of Trial Advocacy - Building Trial Skills (2003)
- National Institute of Trial Advocacy - Depositions (2014)



## MEMORANDUM

TO: Honorable Jonathan Hale  
23<sup>rd</sup> Navajo Nation Council Delegate

FROM:   
Candace French, Attorney  
Office of Legislative Counsel

THRU:   
Ron Haven, Principal Attorney  
Office of Legislative Counsel

DATE: April 3, 2018

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; APPOINTING AND CONFIRMING THE APPOINTMENT OF CALVIN LEE TO THE NAVAJO NATION LABOR COMMISSION

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as “Primary Sponsor” and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0128-18\_\_\_\_\_ SPONSOR: Jonathan Hale

**TITLE: An Action Relating to Health, Education and Human Services Committee;  
Appointing and Confirming the appointment of Calvin Lee to the Navajo Nation Labor  
Commission**

***Date posted: April 11, 2018 at 2:46pm***

**Digital comments may be e-mailed to comments@navajo-nsn.gov**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0128-18**

**SPONSOR: Honorable Jonathan L. Hale**

**TITLE: An Action Relating To Health, Education and Human Services Committee; Appointing and Confirming the appointment of Calvin Lee to the Navajo Nation Labor Commission**

**Posted: April 11, 2018 at 2:46pm**

**5 DAY Comment Period Ended: April 16, 2018**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing (2)</b>	<b>1. Lawrence A. Ruzow, member NNBA 2. Robert Salabye, President; Winslow Indian Health Care Center</b>
<b>Inconclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Legislative Secretary II  
Office of Legislative Services**

4/17/2018 9:07am  
\_\_\_\_\_  
**Date/Time**

# Legislation--0128-18: HEHSC--Navajo Nation Labor Commission--Calvin Lee

Lawrence Ruzow <laruzow@gmail.com>

Fri 4/13/2018 8:01 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Levon B. Henry <levonhenry@navajo-nsn.gov>;

**Good Morning:**

**I am writing to comment on Proposed Legislation 0128-18 which, if approved by the HEHSC, would confirm Attorney Calvin Lee (also known as Calvin Lee, Jr.) as a member of the Navajo Nation Labor Commission.**

**These comments are my personal opinions and are not offered on behalf of any present or past client or employer.**

**I was one of Mr. Lee's opposing counsels a couple of years ago in a civil action and had a number of interactions with Mr. Lee.**

**Initially, I would note that he does come from a distinguished Navajo "legal family." His father Calvin F. Lee, Sr. is a well-regarded Navajo Court Advocate and has served as a Community Services Coordinator. His sister Gertrude Lee is the Navajo Nation Chief Prosecutor and is generally regarded as doing a good job in a very difficult position.**

**My concerns about Calvin Lee, Jr. go to the question of whether he has the judicial temperament needed by members of the Labor Commission. As you know, the Labor Commission is the Navajo Nation's "Labor Court" and in addition to good legal skills and a knowledge about human nature, members of the Commission need to have judicial skills.**

**Judicial skills require a commitment to such Navajo values as k'e, hozho and justice. Unlike a lawyer, a Navajo judge (like all judges) must have no biases and show no favoritism. I think the HEHSC needs to look closely at Mr. Lee's past to determine if his personality and character are consistent with the requisite Navajo skills and values that a person needs to serve on the Labor Commission.**

**On Mr. Lee's website (<https://federalindianlawyer.com/calvin-lee/>) he writes, "Mr. Lee and his staff have an unparalleled commitment to protecting the rights and interests of Native Americans." This is a fine thing for a lawyer representing Navajos in courts and before administrative agencies.**

**It is not, however, an appropriate approach for a commissioner that has to rule in the many Labor Commission cases that involve non-Native American entities. The Labor Commission is committed to "equal justice under law," and, at least from his website, it is not clear that Mr. Lee would have such a commitment were he to be confirmed as a Commissioner. ("To none will we sell, to none deny or delay, right or justice.")**

**I also note that in Mr. Lee's LinkedIn profile he states that his Navajo Language ability is "elementary proficiency." While Mr. Lee should be commended for his candor and honesty, does the HEHSC think it would be better to have a Commissioner who is proficient in Navajo?**

**If you have any questions on these comments, please let me know.**

**Respectfully,**

**Lawrence A. Ruzow  
Member, NNBA**

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January 19, 2018

Sent Via Email (comments@navajo-nsn.gov) and Certified Mail

Executive Director  
Office of Legislative Services  
P. O. Box 3390  
Window Rock, Navajo Nation 86515

Re: Proposed Legislation 0128-18 confirming Attorney Calvin Lee, Jr. as a Member of the Navajo Nation Labor Commission

Dear Executive Director:

We are writing to comment on proposed Legislation 0128-18, which would confirm attorney Calvin Lee, Jr. as a member of the Navajo Nation Labor Commission. These comments are based on the Winslow Indian Health Care Center's ("WIHCC") experience with Mr. Lee in a civil action brought against WIHCC in 2014.

There is a notable difference between the skill set and demeanor required of a practicing attorney and a member of the Labor Commission, which is essentially a quasi-judicial forum. In the uniquely Navajo setting of resolving employment disputes under the Navajo Preference in Employment Act before the Labor Commission, fundamental law and our values of k'ě, and hozho must be observed and practiced. In our experience, Mr. Lee does not practice or conduct himself consistent with traditional values and/or beliefs. We have further observed him to have very limited proficiency in the Navajo language. Mr. Lee's father, a respected Court Advocate, had to speak and interpret for his son, Calvin Jr., when the hearing officer in our civil action required that portions of the proceedings be conducted in Navajo. Certainly, it is critical that members of the Labor Commission be fluent in our Navajo language, and practice our respected traditional values and beliefs.

Thank you for the opportunity to submit comments on proposed legislation No. 0128-18. We are available to provide further elaboration on our comments above at your request.

Sincerely,

Robert Salabye  
President

Copies: WIHCC Board Members  
Sally N. Pete, CEO, WIHCC  
Jonathan Hale, Chairman, HEHSC  
HEHSC Members

HEHSC COMMITTEE REPORT

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;


LEGISLATION NO. 0128-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPOINTING AND CONFIRMING THE APPOINTMENT OF CALVIN LEE TO THE NAVAJO NATION LABOR COMMISSION.

**Sponsor:** *Honorable Jonathan L. Hale;*

Has had under consideration and report the same with the recommendation that Legislation 0128-18 is ***Tabled with a directive.***

**Respectfully Submitted,**

  
\_\_\_\_\_  
Norman M. Begay, Vice-Chairperson  
Health, Education and Human Services Committee

**Dated:**      **May 29, 2018**

**Main Motion**

Motion by: Honorable Nelson S. BeGaye

Seconded by: Honorable Nathaniel Brown

Vote: \_\_ in favor; \_\_ Opposed; Vice-Chairperson Not Voting

***TABLING MOTION:***

Table Legislation with a directive. Request a "Certificate in Good Standing" from the Navajo Nation Bar Association.

Motion by: Honorable Steven Begay

Seconded by: Honorable Amber Kanazbah Crotty

Vote: 5 in favor; 00 opposed; Not Voting: Pro Tem Vice-Chair Norman M. Begay

Yeas: J.L. Hale; S. Begay; N. BeGaye; N. Brown; A.K. Crotty

Nays: None

Absent (excused):

Yeas:

Nays:

HEHSC COMMITTEE REPORT

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0128-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPOINTING AND CONFIRMING THE APPOINTMENT OF CALVIN LEE TO THE NAVAJO NATION LABOR COMMISSION.

**Sponsor:** *Honorable Jonathan L. Hale;*

Has had under consideration and reports the same with the recommendation and final authority of appointment, that Legislation 0128-18 **FAIL**.

Respectfully Submitted,

  
\_\_\_\_\_  
Norman M. Begay, Vice-Chairperson  
Health, Education and Human Services Committee

**Dated:** June 6, 2018

**Main Motion**

Originally established on May 29, 2018

Motion by: Honorable Nelson S. BeGaye

Seconded by: Honorable Nathaniel Brown

Re-establish the Main Motion in the absence of original main motion holders (June 6, 2018).

Motion by: Honorable Jonathan L. Hale

Second by: Honorable Steven Begay

Vote (Taken on June 6, 2018): 0 in favor; 3 Opposed; Not voting: Vice-Chairperson Norman M. Begay; N. BeGaye; N. Brown

Absent (excused): N. BeGaye; N. Brown

**TABLING MOTION: May 29, 2018**

Table Legislation with a directive. Request a "Certificate in Good Standing" from the Navajo Nation Bar Association.

Motion by: Honorable Steven Begay by: Honorable Nathaniel Brown

Vote: 5 in favor; 00 opposed; Not Voting: Pro Tem Vice-Chair Norman M. Begay

Yeas: J.L. Hale; S. Begay; N. BeGaye; N. Brown; A.K. Crotty

Nays: None

TAKEN UP FROM THE TABLE (Standing Committee Rules #18.E.) MOTION:

Motion by: Honorable Jonathan L. Hale

Second by: Honorable Steven Begay



Vote: 03 in favor; 0 opposed; Not Voting: Pro Tem Vice-Chair Norman M.  
Begay; N. BeGaye; N. Brown  
Absent (excused): N. BeGaye; N. Brown

Motion by: Honorable Jonathan L. Hale  
Second by: Honorable Steven Begay  
Vote: 00 in favor; 3 opposed; Not Voting: Pro Tem Vice-Chair Norman M.  
Begay; N. BeGaye; N. Brown  
Absent (excused): N. BeGaye; N. Brown