

David Robert Jordan, Esq.
Curriculum Vitae
March 11, 2009

I. Professional Address

The Law Offices of David R. Jordan, P.C.

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II. Academic Record

Arizona State University

Juris Doctor, Cum Laude, May 1991
Deans Award for Service to Law School, 1991

Arizona State University

Bachelors of Science in Business Management, Cum Laude, May 1988
ASU Man of the Year, 1988
Third in the Nation in Extemporaneous Speaking, National NIET Tournament
1988, College Forensics

III. Employment History

The Law Offices of David R. Jordan, P.C.

President
Formed July 2008

The Law Offices of David R. Jordan, P.C. is a law firm practicing in Gallup, N.M. My practice focuses on representation of corporate clients, commercial litigation, employment law and personal injury litigation. I am member of the State Bar of Arizona, the State Bar of New Mexico and the Navajo Nation Bar Association. A large majority of my work is on the Navajo Nation.

Jordan & Rosebrough, P.C.

President
2003-2008

Jordan & Rosebrough, P.C. was a law firm practicing in Gallup, New Mexico. Our areas of practice included employment, corporate and commercial representation, real property, trusts and estates, commercial litigation, personal injury and medical malpractice. My practice focused on representation of corporate clients, commercial litigation, employment law

and personal injury litigation. Representative clients included Gallup Lumber and Gurley Motor Company.

Titus, Brueckner & Berry, P.C.

Vice President/Director/Shareholder
1989—2003

Titus, Brueckner & Berry, P.C. is a law firm practicing in Scottsdale, Arizona. While I was with this firm, our areas of practice included employment, corporate and commercial representation, securities, real property, trusts and estates and commercial litigation. My practice focused on corporate and commercial representation, securities, real property and commercial litigation. We had a strong securities practice, representing broker-dealers, public companies and defrauded investors. We also represented a number of large homebuilders in the Phoenix area. Representative clients included Hancock Communities, Beazer Homes and Maracay Homes.

While at Titus, Brueckner & Berry, P.C., I also represented the Arizona Department of Insurance in insurance receivership and liquidation matters. In 2002 and 2003, I successfully represented the Insurance Department in a large lawsuit filed by American Bonding Company, an insurance company in rehabilitation against its former officers and its fidelity bond carrier.

On behalf of Westbrook Village Golf Club, the only golf course in Peoria, Arizona, I successfully handled a two-week jury trial against the City of Peoria. The jury verdict required the Court to enter an injunction prohibiting the City of Peoria from allowing flooding over the golf course.

IV. Professional Development

As an attorney, I am constantly required to attend education and to develop my professional skills and standards. Recent highlights of this development include:

- 2009** My term as Chair of the Training Committee expired. Continued lecturing as a presenter for the Navajo Bar Review on employment law and the Navajo Uniform Commercial Code.
- 2008** Resumed my duties as Chair of the Training Committee of the Navajo Nation Bar Association. Organized the Bar Review Course and Traditional Teachings Course. Continued as a presenter for both seminars, lecturing on Navajo employment law at the Bar Review and on Navajo Fundamental Law at the Traditional Teachings course.
- 2007** Presented my paper "*Diné Bi Beenahaz'áanii: The Evolving Role of Fundamental Law in Navajo Jurisprudence*" at the Navajo Nation Bar Conference in Albuquerque, New Mexico. I also continue serve as a lecturer on professional topics such as employment law and torts for various Navajo Nation Bar seminars.
- 2006** Confirmed as the Vice President of the Navajo Nation Bar Association. In that position, I am automatically the chair of the Admissions Committee, which

has the responsibility for preparing and administering the Bar Examination. I taught the "Torts In Indian Country" seminar at the Navajo Nation Bar Conference in June 2006. I also continued to teach the Navajo history course.

2005 Confirmed as the Treasurer of the Navajo Nation Bar Association and as co-chairman of the Navajo Nation Bar Training Committee. In my position with the training committee, I shared oversight with my co-chair on all training for lawyers, advocates and candidates for admission in various areas of legal specialization including, employment law, torts and civil procedure. I also taught a course on Navajo history for the Navajo Culture and Traditions course which is required by the Navajo Supreme Court for all new members to the NNBA. I taught a seminar on arbitrations for the Bar Association in December 2005.

2004 July 27, 2004. Lectured at a Continuing Legal Education seminar sponsored by the Training Committee of the Navajo Nation Bar Association. The Seminar was entitled: "Update on Navajo Law: 2004." My lecture was entitled: "Remedies on the Rez" and focused on how to enforce a judgment on the Navajo Nation.

December 6, 2004. Lectured at a Continuing Legal Education seminar sponsored by the Training Committee of the Navajo Nation Bar Association. The Seminar was entitled: "End of the Year CLE." My lecture was entitled: "'Just Cause' Terminations: When Can an Employee be Fired on the Navajo Nation?" and focused on recent developments in Navajo employment law.

2003 Successfully completed the substantial training requirements for admission to the Navajo Nation Bar Association. Training included unique Navajo laws and traditions. I also passed the bar in New Mexico in 2003.

2002 Successfully completed training in handling all needs of an insurance company in receivership.

2001 Lectured at a Continuing Legal Education Seminar sponsored by the State Bar of Arizona. The seminar focused on handling complex securities litigation.

V. Achievements and Awards

In 2003, I was awarded an "A.V. Rating" by Martindale Hubbell. Martindale Hubbell is a service that publishes addresses and ratings for all attorneys in the United States. The A.V. Rating is the highest rating an attorney can attain. It indicates the highest level of skills and professional ethics.

VI. Professional Licenses and Associations

I am a member of the Navajo Nation Bar, the State Bar of Arizona and the State Bar of New Mexico. I am licensed to practice in all courts on the Navajo Nation, in the States of Arizona and New Mexico and in the Federal Ninth Circuit. I am the chairman of the Navajo Nation Bar Admissions Committee, and I am the Vice-President of the Navajo Nation Bar Association.

VII. Additional Activities, Training and Experience

Appointed as one of the members of the Judicial Selection Committee that resulted in Governor Bill Richardson's appointment of Judge Robert Aragon to the Bench of the Eleventh Judicial Circuit in New Mexico

Gallup Kiwanis Club 2003-2005

Scottsdale Bar Association 1991-2003

Board of Directors for the Scottsdale Bar Association, 2002-2003

Maricopa County Bar Association 1991-2003

Presently studying the Navajo language with a goal of achieving fluency

VIII. Reported Decisions

(1) *Hall v. Watson*, No. SC-CV-52-07, slip op. (Nav. Sup. Ct. February 24, 2009) (Successfully argued that divorce order entered by Navajo Family Court was final despite the fact that property division issues were left unresolved).

(2) *Gishie v. Morris*, No. SC-CV-36-06, slip op. (Nav. Sup. Ct. June 4, 2008) (Successfully argued that the Grazing Committees of the Navajo Nation have jurisdiction over fencing disputes relating to Navajo allotments).

(3) *Cedar Unified School Dist. v. Nav. Nat. Labor Comm'n*, Nos. SC-CV-53-06 and SC-CV-54-06, slip op. (Nav. Sup. Ct. November 21, 2007) (Successfully argued that the Navajo Nation has jurisdiction to regulate state public schools that lease land from the Navajo Nation).

(4) *Thinn v. Navajo Generating Station*, Nos. SC-CV-25-06 and SC-CV-26-06, slip op. (Nav. Sup. Ct. October 19, 2007) (Successfully argued that the Navajo Nation Supreme Court should throw out a lease provision that prohibited the Navajo Nation from regulating the Navajo Generating Station in Page, Arizona).

(5) *Martinez v. Sage Memorial Hospital*, No. SC-CV-47-06, slip op. (Nav. Sup. Ct. August 7, 2007) (Navajo Nation Supreme Court ruled that party had not violated a 360 day filing deadline where the Office of Navajo Labor Relations had subsequently filed its own charge and claim was timely filed within 360 days after the ONLR charge).

(6) *Yazzie v. Navajo Sanitation*, No. SC-CV-16-06, slip op. (Nav. Sup. Ct. July 11, 2007) (Successfully argued that that emotional harm damages are available in Navajo Nation Labor Commission cases. Navajo Nation Supreme Court also ruled and that there is no remedy for sexual harassment under the Navajo Preference in Employment Act).

(7) *Moore v. BHP Billiton*, No. SC-CV-32-05, slip op. (Nav. Sup. Ct. May 14, 2007) (Navajo Nation Supreme Court ruled that participation in employer's voluntary grievance proceeding did not toll statute of limitations).

(8) *Causaus v. Diné College*, No. SC-CV-48-05, slip op. (Nav. Sup. Ct. March 8, 2007) (Navajo Nation Supreme Court ruled that employer could limit damages by issuing amended termination notice based on evidence acquired after termination).

(9) *Toledo v. Bashas' Dine Market*, No. SC-CV-41-05, slip op. (Nav. Sup. Ct., August 16, 2006) (Navajo Nation Supreme Court ruled that employer properly fired employee for sexual harassment despite lack of sexual harassment training).

(10) *Milligan v. Navajo Tribal Utility Authority*, No. SC-CV-31-05, slip op. (Nav. Sup. Ct. March 23, 2006) (Successfully argued that the layoff policy promulgated by Navajo Tribal Utility Authority was invalid because it did not provide sufficient guidance to employees regarding how termination decisions would be made).

(11) *Phillips v. Navajo Housing Authority*, SC-CV-13-05, slip op. (Nav. Sup. Ct., December 8, 2005) (Successfully argued that the sovereign immunity given to Navajo Housing Authority was not retroactive).

(12) *Taylor v. Dilcon Community School*, No. SC-CV-73-04, slip op. (Nav. Sup. Ct. October 7, 2005) (Successfully argued that an employee who did not attend employer's grievance hearing did "fail to exhaust administrative remedies" and did not lose her remedy with the Navajo Labor Commission).

(13) *Kesoli v. Anderson Security Agency*, No. SC-CV-01-05, slip op. (Nav. Sup. Ct. October 12, 2005) (Successfully convinced the Navajo Nation Supreme Court to establish a definition of the term "harassment" under Navajo employment laws and to find that a supervisor who shouted at his employees had harassed them giving his employer "just cause" for his termination).

(14) *Smith v. Navajo Nation Department of Head Start*, No. SC-CV-50-04, slip op. (Nav. Sup. Ct. September 21, 2005) (Navajo Nation Supreme Court established rules for evaluating "just cause" for terminations in the context of violations of personnel manual provisions).

(15) *Beazer Homes Arizona, Inc. v. Goldwater*, 196 Ariz. 98, 993 P.2d 1062 (App. 1999) (Arizona Court of Appeals ruled that Arizona Registrar of Contractors could discipline residential contractors for advertising conducted by licensed real estate brokers notwithstanding the potential dual regulation with the Department of Real Estate).

IX. Professional References

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