

**IN THE SUPREME COURT
OF THE
OGLALA SIOUX NATION**

In re: The matter of

CC-2006-632

WILLIAM BIRD NECKLACE

ORDER OF SUSPENSION

The Oglala Sioux Nation Supreme Court convened in the above-entitled matter on the 4th day of May, 2007. The matter before the Court was the Complaint filed by Marilyn White against Mr. Bird Necklace, dated September 29, 2006. Ms. White was present at the hearing, represented by Susan Schrader. Mr. Bird Necklace did not attend and was not present, although the record reflects personal service of the hearing was made upon Mr. Bird Necklace by the Clerk of the Supreme Court on the 20th day of April, 2006.

Rather than attend, Mr. Bird Necklace submitted a two page "Fax" to the Court stating his position with regard to the Complaint filed by Ms. White. Mr. Bird Necklace takes the position that Ms. White's claim is a breach of contract action and must be filed in civil court (lower court) in order to recover.

Legal Counsel for Ms. White states that Ms. White paid Mr. Bird Necklace approximately \$1,400.00 for legal representation and the only legal services provided was the preparation of and the filing of a Protection Order. Legal Counsel argued that Mr. Bird Necklace did nothing further and that was the substance of his representation.

Contrary to Mr. Bird Necklace's position that Ms. White's only remedy is a breach of contract action, Mr. Bird Necklace has failed to grasp the seriousness of his actions by choosing not to participate and defend his representation. When a Tribal Court Advocate charges and accepts a substantial sum of money for legal representation and does not provide a service, there are a number of remedies or options available to the client.

The client may file a civil action for breach of contract; the client may swear out a criminal complaint for theft; or the client may file a complaint against the advocate with the OSN Supreme Court. It is the client who makes the choice of where to file, not the Advocate who took the money and did not perform a service. Mr. Bird Necklace's conspicuous absence from the hearing and futile attempt to shift blame leaves this court with the unmistakable impression that his actions are an attempt to deceive the Court.

The record reflects that Mr. Bird Necklace has attempted to either deceive this Court or perpetuate a fraud upon the client by sending a photocopy of a \$1,000.00 check that he purportedly sent to Ms. White as reimbursement for money given to him. However, Ms. White stated that no such check for reimbursement was ever provided to her and the Court can only assume such action is an attempt to deceive.

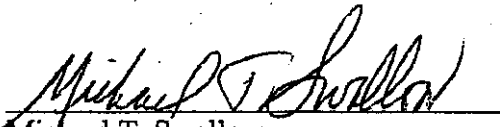
It is the opinion of this Court that Mr. Bird Necklace has breached his duty of loyalty to the client by taking money under the assumption that he will perform a service. The preparation of a Petition for Protection Order does not justify the excessive fee that was charged for that service. Mr. Bird Necklace promised a number of other services that he would provide to the client, but did not produce the work or results promised. Mr. Bird Necklace has benefited to the detriment of Mr. White and has brought the profession of legal advocacy shame. Ms. White is entitled to have her money returned to her. Therefore, based upon the foregoing, it is hereby

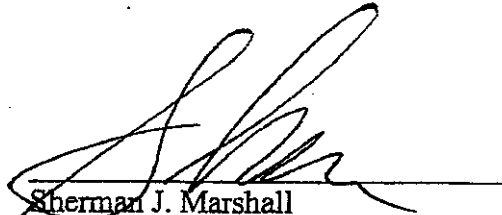
ORDERED, ADJUDGED and DECREED that William bird Necklace is hereby **SUSPENDED** from the practice of law as an advocate in the Courts and Administrative Tribunals of the Oglala Sioux Tribe. The suspension is to take effect immediately and shall continue for a period of six months from the date that Ms. White has been reimbursed the sum of \$1,000.00. Mr. Bird Necklace is further ordered to provide reimbursement to Ms. White through the Clerk of the Supreme Court to adequately insure repayment. It is further

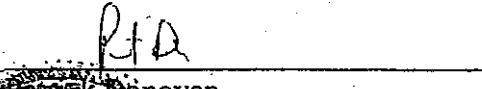
ORDERED, ADJUDGED and DECREED that the Clerk of the Supreme Court shall post this Order of Suspension in the Courts of the Oglala Sioux Tribe to provide Notice to the public.

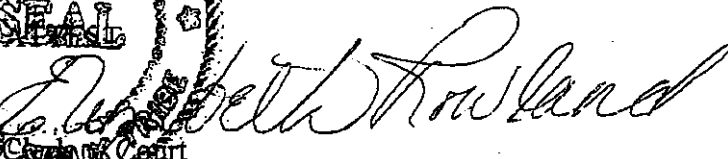
So ordered this 1st day of June, 2007, nunc pro tunc May 4, 2007.

BY THE COURT



Michael T. Swallow
Chief Justice


Sherman J. Marshall
Associate Justice


Patrick Donovan
Associate Justice


Elizabeth Howland
Clerk of Court
OSN Supreme Court

I HEREBY CERTIFY THAT THIS
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL RECORD ON FILE


CLERK OF COURT
SUPREME COURT, O.S.N.

OGLALA SIOUX NATION

PINE RIDGE INDIAN RESERVATION
SOUTH DAKOTA

Elizabeth Rowland, Clerk of the Oglala Sioux Tribal Court, within the Pine Ridge Indian Reservation and keeper of the records, seal and files thereof, do hereby certify the annexed and foregoing to be a true and correct copy of:

In re: The Suspension of William Birdnecklace, CC-2006-632, Order of Suspension, Dated June 1, 2007.
nunc pro tunc May 4, 2007.

And I further certify that I have compared the same with the originals on file and the records of said court in my office and caused the same to be exemplified under the act of Congress.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of said Tribal Court, in my office in the Village of Pine Ridge, in said Pine Ridge Indian Reservation, this 4 day of October, A.D. 2007.

Elizabeth Rowland
Clerk of the Tribal Court

