

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
TRIBAL COURT**

**Civil Division**

Court Mailing Address:  
7500 Odawa Circle  
Harbor Springs, MI 49740  
Court Telephone No. (231) 242-1462

**Case No. C-185-0713**  
Honorable Timothy P. Connors

The People of the Little Traverse Bay Bands of Odawa Indians  
**Petitioner,**

v.

S. Garrett Beck  
**Respondent,**

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Bryan T. Newland (P70992)  
**Attorney for Petitioner**  
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**Opinion and Order Granting LTBB's Request for Relief on S. Garrett Beck's Citation for Contempt**

**Overview**

On March 24, 2014 S. Garrett Beck was found in contempt of Court for repeated violations of his duty of candor to the tribunal. As relief, LTBB seeks suspension of Mr. Beck's and his affiliates' privilege to practice law in the LTBB court. In addition, the Tribal Court seeks reimbursement for actual attorney fees paid in litigating same. For the reasons stated herein, LTBB's request for Relief is **granted**.

**Legal Authority for Relief Requested  
Revocation of Privilege to Practice Law**

The practice of law in the LTBB court is a privilege, not a right. This is similar to the privilege afforded attorneys in State Courts, and as noted previously requires the duty of candor as a condition precedent.

**WOTCL Sec. 9.105 (3) requires:**

Taking of an oath to uphold the constitution and laws of the Little Traverse Bay Bands of Odawa Indians, maintaining due respect for the Tribal Court, and employing, in his/her conduct and duties, the highest degree of ethical and moral standards with which the legal profession is charged.

The Navajo Nation describes this as a privilege: eg In the Matter of Frank Seanez, No. SC-CV-8-10 at 2 (Navajo Nation S. Ct. 2010) (“Admission to practice law before the Courts of the Navajo nation is a privilege not a right.”)

As the ABA notes “since the court has the exclusive responsibility to license lawyers, it has the sole authority to remove the license.” ABA Model Rules for Lawyer Disciplinary Enforcement, Commentary to Rule 10 (2002).

**Award of Attorney fees**

While Mr. Beck initially posited that there is no legal basis for an award of attorney fees in a civil contempt hearing in either Michigan or Tribal Law, ultimately it was admitted that neither statement is accurate. Germane to this action is LTBB Chapter 3, Rules of Civil Procedure, RULE XXIII Section 4 which states in pertinent part:

- Attorney’s or advocate’s fees shall be awarded when provided by statute.
- Attorney’s or advocate’s fees may be awarded at other times in the Court’s discretion.

Such a provision should come as no surprise to an attorney practicing in State Courts. MCR 2.114 (E) requires a sanction including reasonable attorney fees against both a party and their attorney when they file a pleading that is not well grounded in fact or warranted by existing law. The parties agree that the court should use *Smith v Khouri*, 481 Mich 519 (2008) as persuasive authority for determining the amount of a reasonable attorney fee, should the court be inclined to grant one. There the court noted:

...a trial court should begin its analysis by determining the fee customarily charged in the locality for similar legal services... This number should be multiplied by the reasonable number of hours expended in the case... The number produced by this calculation should serve as the starting point for calculating a reasonable attorney fee.

## **Findings of Facts Revocation of License**

Through his attorney, Mr. Beck concurs that his name should be withdrawn from the approved list of attorneys to practice law in the LTBB Tribal Court. He cannot concur with a finding of suspension as he is concerned as to how it might affect his status in the State Court.

Mr. Beck's choice of litigation style necessitated continuous, prolonged and through legal attention to the case. He changed attorneys, requested adjournments, made arguments not well grounded in fact or existing law, promulgated innuendo and accusation about the competency and character of judicial officers, and displayed an ongoing contempt for candor or respectful discourse.

While he would assert the opposite:

"Mr. Beck, who's been practicing law..before this honorable court for the last ten years, has been respectful." (Transcript 10/04/2013 Show Cause Hearing)

...his theme was to attack the tribunal who sought accurate information before granting his request for sanctions on an in pro per litigant:

The case is about "an overzealous Tribal Judge who doesn't really appreciate corporate law."

Mr. Beck's own motion, before he had the temperance of a fellow member of the bar to represent him, hurled invectives as follows (taken from his 8/12/2013 pleading):

- Mr. Anstey has perpetrated a fraud upon the court at the Chief Judge's behest
- The Court has engaged in felonious and unethical conduct.
- The findings of the court are based on bias, the court's illegal acts, and false affidavits flowing from the illegal acts.
- The chief judge has engaged in unethical conduct in her replacement of the appointed judge and counsel for the court and that her conduct severely calls to question the impartiality of the appointed judge and counsel.
- That the conduct of the chief judge and the court staff violates and makes a mockery of the traditions, culture and heritage of the Odawa people.

## **Award of Attorney Fees**

### **Rule IX Section 1. states that:**

- Every action shall be prosecuted in the name of the real party in interest.

In this case, the Tribe is the real party in interest. Their attorney testified that the value of his legal services in this case was in the amount of \$14,780.00. His hourly rate is \$200.00 per hour in Indian Country. His Law degree is from Michigan State. He worked for three years in the Department of Interior, has been in private practice, serves as an adjunct professor and as a Chief Judge in a Tribal Court. His contract with LTBB was a flat fee of \$5,000.00, although his contract allowed him to seek more if he was successful in the litigation.

## Decision

Mr. Beck's license to practice law in the LTBB Tribal Court is **REVOKED**. Mr. Beck consistently demonstrates disregard for candor, forthrightness or integrity in communications and advocacy. Because his underlying contempt charges involved the use of shell corporations to disguise this behavior, any current or future affiliates of Mr. Beck should also be denied the privilege to practice law in the LTBB court. Certainly if a Judge in the future feels that Mr. Beck has demonstrated adequate remorse for his actions, they would be free to reinstate him.

Mr. Beck's actions have also resulted in a real cost to the LTBB Tribe. While this court finds that the actual cost of the litigation as to the attorney representing the Tribe is the amount requested, and the actual cost is a reasonable attorney fee, the actual and reasonable cost to the Tribe, the real party in interest is \$5,000.00. Judgment against Mr. Beck and in favor of LTBB is awarded in the amount of \$5,000.00 together with any additional costs, interest or attorney fees as provided by applicable law.

Such a determination does not necessarily preclude Mr. Newland from filing a separate cause of action for the balance of his actual fees against Mr. Beck, pursuant to his contract with LTBB, if such an action is otherwise legally viable.

12-29-2014

Date

Timothy P. Connors

Little Traverse Bay Bands of Odawa Indians  
Judge Pro-Tem