

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA RESERVATION)	
IN KANSAS AND NEBRASKA, THE IOWA TRIBE)	
OF THE IOWA RESERVATION IN OKLAHOMA,)	
et al., THE SAC AND FOX TRIBE OF)	
INDIANS OF OKLAHOMA, THE SAC AND)	
FOX TRIBE OF MISSOURI, SAC AND FOX)	
TRIBE OF THE MISSISSIPPI IN IOWA,)	
et al.,)	
)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 135
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING REIMBURSEMENT OF EXPENSES OF THE ATTORNEYS FOR
THE IOWA TRIBE OF THE IOWA RESERVATION IN KANSAS AND NEBRASKA

Having considered the record in the case and more particularly the application to fix reimbursable expenses entitled Petition of Attorneys for Iowa Tribe of Iowa Reservation in Kansas and Nebraska for Reimbursement of Expenses, filed June 14, 1973, by the law firm of Dykema, Gossett, Spencer, Goodnow and Trigg, Esqs., attorneys for the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, one of the plaintiff tribes herein, together with its supporting schedules, vouchers and documentation; the defendant's response to the application; and the contracts under which applicant prosecuted this docket, the Commission finds as follows:

1. The Commission, on May 7, 1965, entered a final award in the amount of \$633,193.77 jointly in favor of the Iowa Tribe of the Iowa Reservation in Oklahoma, and the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, joint successors to the Iowa Tribe or Nation. 15 Ind. Cl. Comm. 248.
2. On appeal, the Court of Claims on March 17, 1967, remanded the case to the Commission. 179 Ct. Cl. 8, 383 F2d 991. Cert. denied, 389 U.S. 900 (1967).
3. The Commission on remand reconsidered the evidence and rendered a second decision on December 10, 1969, reaffirming its original award. 22 Ind. Cl. Comm. 232. The Court of Claims affirmed this award on July 14, 1971. 195 Ct. Cl. 365.

4. Congress appropriated funds to satisfy the final award of December 10, 1969, by act of March 21, 1972, 86 Stat. 86, at which time the funds were placed to the credit of the appropriate tribes in the Treasury of the United States.

5. The Commission, by order of March 28, 1973, approved attorney fees in the amount of \$63,319.38, as prayed for by applicant jointly with counsel for the Iowa Tribe of the Iowa Reservation in Oklahoma.

6. Applicant requests that reimbursable expenses due them be fixed at the sum of \$13,132.46, plus payment of an additional \$1,127.30 out of the funds payable to the Iowa Tribe on the Docket 135 judgment as reimbursement of miscellaneous expenses incurred by applicants which were not properly chargeable to specific dockets (See United States v. Miami Tribe, 200 Ct. Cl. 64 (1972), aff'g Docket 251-A, 26 Ind. Cl. Comm. 303 (1971)), or a total of \$14,259.76.

7. The Clerk of the Commission timely notified appropriate parties, including applicant's tribal client, the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, and the defendant United States and its Bureau of Indian Affairs. The defendant United States, on behalf of its Bureau of Indian Affairs, filed a response August 30, 1973, taking no position on fixing any particular expense in the application. The tribal client has filed no response to date.

8. Applicant's employment contract is valid. The provision of the contract relating to reimbursement of expenses provides for reimbursement of reasonable expenses incurred by applicant in the prosecution of the claim.

9. After deducting \$9.76 for one item, covered by Voucher I-56, which was erroneously included and has been withdrawn by applicant herein, expenses allowable amount to and are fixed at \$14,250.00

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of December 10, 1969, there shall be disbursed to applicant Dykema, Gossett, Spencer, Goodnow and Trigg, Esqs., the sum of \$14,250.00, as reimbursement in full of their claim for reimbursable expenses in this last docket, as well as all other dockets in which the Dykema firm has represented the Kansas and Nebraska Iowa in proceedings before the Commission.

Dated at Washington, D. C., this 5th day of December, 1973.

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner