

BEFORE THE INDIAN CLAIMS COMMISSION

THE STOCKBRIDGE MUNSEE COMMUNITY,)	
THE STOCKBRIDGE TRIBE OF INDIANS)	
AND THE MUNSEE TRIBE OF INDIANS)	
BY ARVID E. MILLER AND FRED L.)	
ROBINSON,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 300
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEE
AND REIMBURSABLE EXPENSES

HAVING CONSIDERED the application for allowance of attorneys' fee and reimbursement of expenses filed April 29, 1974, by Marvin S. Chapman, attorney of record, in behalf of the law firm of Aaron, Aaron, Schimberg and Hess, the contract attorneys for the plaintiffs in this docket; the plaintiffs' response to the application filed May 20, 1974; the defendant's response filed June 24, 1974; the contract under which the attorneys served the plaintiffs; and the remainder of the record herein; the Commission finds:

1. Award. The Commission entered a final award of \$4,203.09 to the Stockbridge Munsee Community on May 30, 1973, 30 Ind. Cl. Comm. 372. Funds were appropriated to satisfy this award by the Act of January 3, 1974, 87 Stat. 1071.

2. Attorneys' Contract. The Stockbridge Munsee Community entered into a contract with the law firm of Aaron, Aaron, Schimberg and Hess on March 24, 1951, under which the law firm prosecuted this claim. Marvin S. Chapman, the attorney of record, is a member of this law firm. This contract is identified as Contract No. I-1-ind. 42601; it was approved by the Acting Commissioner, Bureau of Indian Affairs, on August 7, 1951, and was for a period of ten years from that date.

On May 22, 1961, this contract was extended by the Deputy Solicitor, Department of the Interior, for five years from August 7, 1961. On November 15, 1966, it was extended by the Acting Area Director, Minneapolis Area Office, Bureau of Indian Affairs, for five years from August 7, 1966. On September 9, 1971, the contract was extended for an additional five years, to expire August 6, 1976.

This contract provides that the attorneys will advise and represent the plaintiffs in investigating, formulating, filing, and prosecuting claims of the tribe against the United States growing out of any treaty executed prior to January 1, 1839, or arising otherwise prior to that date. It further provides that the attorneys will receive a contingent fee of 10 percent of all amounts recovered, and that they shall also be reimbursed for moneys reasonably expended in prosecuting the claims.

3. Attorneys' Fee and Expenses Requested. The attorneys request allowance of a fee of \$420.31. This is 10 percent of the final award, which is the fee provided for by the contract. They also request reimbursement of expenses incurred by them in prosecuting this claim in the sum of \$815.91.

4. Notice to Parties. By letters dated April 29, 1974, the Deputy Clerk of the Commission notified the interested parties of the application for attorneys' fee and reimbursement of expenses.

5. Response of Parties. The Tribal Chairman of the Stockbridge Munsee Community responded by letter dated May 14, 1974, received May 20, 1974. He did not question the requested fee or expenses, although he did question the non-allowance of interest on the award.

The defendant, on behalf of its Bureau of Indian Affairs, filed a response on June 24, 1974. The Acting Deputy Commissioner of Indian Affairs stated that the total of expenses claimed is reasonable, the items generally are adequately supported, and they fall within categories of expenses proper for reimbursement. He further noted that the requested fee is 10 percent of the award, and is provided for by the contract.

6. Attorney Services. Pursuant to their contract with the plaintiffs, the attorneys investigated, filed, and prosecuted the claim in this docket, on which plaintiffs have been awarded the amount of \$4,203.09. For services rendered in connection with that award, the attorneys are entitled to a fee in the requested amount of \$420.31. The claimed expenses of the attorneys in the amount of \$815.91, are reasonable and proper for reimbursement. The sum of these two amounts is \$1,236.22.

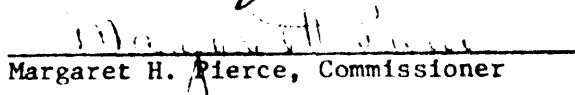
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of May 30, 1973, there shall be disbursed to Marvin S. Chapman, in behalf of the law firm of Aaron, Aaron, Schimberg and Hess, the amount of \$1,236.22. This amount shall be payment in full for all services rendered and all moneys expended in prosecuting this claim.

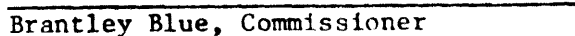
Dated at Washington, D. C., this 31st day of July 1974.


Jeyome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner