

BEFORE THE INDIAN CLAIMS COMMISSION

SAC AND FOX TRIBE OF THE MISSISSIPPI IN)
 IOWA, THE SAC AND FOX TRIBE OF INDIANS)
 OF OKLAHOMA, AND KENNETH YOUNGBEAR,)
 CHARLES DAVENPORT, HARRY LINCOLN,)
 ALBERT DAVENPORT, EDWARD DAVENPORT,)
 PERCY BEAR, COLUMBUS KEAHNA, EDWARD)
 MACK, PAULINE LEWIS, WILLIAM NEWASHE,)
 AND AMOS BLACK, appearing as the)
 representatives of and on the relation)
 of the SAC AND FOX OF THE MISSISSIPPI,)
 and as representatives of and on behalf)
 of all the members thereof, and appearing)
 as the representatives of and on the)
 relation of the CONFEDERATED OR UNITED)
 TRIBES OF SAC AND FOX INDIANS, and as)
 representatives and on behalf of all)
 of the members thereof,)
)
 Plaintiffs,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 219

ORDER ALLOWING REIMBURSEMENT OF ATTORNEYS' EXPENSES

HAVING CONSIDERED the application for allowance of attorneys' expenses filed on May 7, 1974, for the law firm of Schiff, Hardin and Waite, of Chicago, Illinois, by George B. Pletsch, attorney of record for the Sac and Fox Indian Tribe of Oklahoma, the contracts under which the said firm and its predecessor served the said tribe, the defendant's response to the application and the remainder of the record herein, the Commission finds as follows:

1. Award.

A final award was entered on September 29, 1967 (18 Ind. Cl. Comm. 558), in favor of the plaintiffs herein for the sum of \$899,408.54. Funds to satisfy the award were appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198).

2. Contracts.

The law firm of Pam, Hurd and Reichman (now Schiff, Hardin and Waite) has represented the Sac and Fox Tribe of Indians of Oklahoma

in this docket pursuant to two contracts. Initially, the parties entered into Contract No. I-1-ind. 42249, dated October 29, 1949, which was approved February 13, 1950, for a ten-year period beginning with the date of approval. An extension of this contract for an additional period of five years beginning February 13, 1960, was approved October 3, 1969.

The same parties entered into Contract 14-20-0200 No. 1874, dated December 12, 1964, which was approved on February 15, 1965, for a period of five years beginning with the date of approval. This contract was extended twice for periods of three years each. The last, which was approved on November 17, 1972, extended the contract until February 14, 1976. The contract existing between the parties at the time of the award provided for reimbursement of attorneys' expenses to be determined by the Commission pursuant to Section 15 of the Act of August 13, 1946 (60 Stat. 1049).

3. Application for Reimbursement of Expenses.

On May 7, 1974, the law firm of Schiff, Hardin and Waite, by George B. Pletsch, attorney of record for the Sac and Fox Tribe of Indians of Oklahoma, filed its application for reimbursement of allowable expenses aggregating \$9,909.59. Included in the amount claimed is the sum of \$5,840.35, representing one-half of the sum of \$11,680.35 expended by the plaintiffs for the copying of deeds, microfilming, employment of experts and the printing of findings, briefs and a reply brief. On the basis that the benefit accruing from such expenditure concurrently benefited the Sac and Fox Tribe of the Mississippi in Iowa, the attorneys herein have claimed the remaining cost from the law firm of Mills and Garrett.

Corroborating documentation consisted of a ledger expenses maintained in the course of business supported by Schedule A, receipts, cancelled checks and statements of transportation and travel expenses, and Schedule B, receipts, cancelled checks, invoices and statements of other expenses, delineating the expenses exclusively incurred in the representation of the Oklahoma Sac and Fox Indian Tribe. Review thereof indicates the expenses were reasonable and of a nature likely to occur in the furtherance of a case before the Commission.

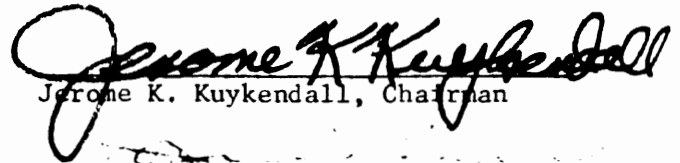
4. Notices.

On May 8, 1974, notice of the filing of the application for reimbursement of expenses was forwarded to Ms. Dora S. Schexnider, Tribal Chairwoman of the Sac and Fox Indian Tribe of Oklahoma, inviting comments and information for the Commission's consideration

in determining the allowable expenses. No reply to this communication has been received. Concurrently the Justice Department and the Bureau of Indian Affairs, Department of the Interior, were informed of the filing of the application. In its reply of June 21, 1974, the Justice Department enclosed a letter from the Office of the Solicitor, Department of the Interior, which incorporated a memorandum from the Acting Deputy Commissioner of Indian Affairs which determined that an audit of general nature had revealed the items of expense, ". . . appear to be reasonable and to fall into categories of expenses that are proper for reimbursement." No comments were made concerning the application by the Justice Department or the Department of the Interior.

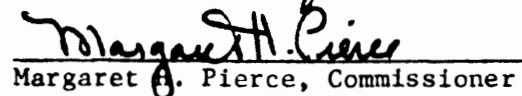
IT IS THEREFORE ORDERED that out of the funds heretofore appropriated to pay the final award herein, the sum of \$9,909.58 shall be disbursed to the law firm of Schiff, Hardin and Waite as full reimbursement to said firm of all its actual expenses incurred in the prosecution of this case.

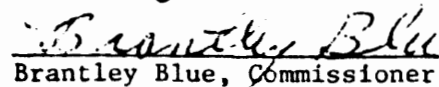
Dated at Washington, D. C., this 9th day of August 1974.


 Jerome K. Kuykendall, Chairman

 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner


 Margaret A. Pierce, Commissioner


 Brantley Blue, Commissioner