

BEFORE THE INDIAN CLAIMS COMMISSION

THE OTTAWA TRIBE and GUY JENNISON,)	
BRONSON EDWARDS and GENE JENNISON,)	
AS REPRESENTATIVES OF THE OTTAWA)	
TRIBE,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 305
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEE

HAVING CONSIDERED the application for attorneys' fee filed June 18, 1974, by Allan Hull, Esq., attorney of record for Guy Jennison, Bronson Edwards and Gene Jennison, representing the Ottawa Tribe of Indians in the above cited docket, on behalf of himself and other attorneys having a pecuniary interest in the fee; the contracts under which the attorneys served the plaintiffs; the defendant's response to the said application, dated July 7, 1974; and the remainder of the record herein, the Commission finds as follows:

1. Award.

On April 25, 1973, a final award was entered herein which ordered, inter alia, that the plaintiffs on behalf of the Ottawa Tribe of Indians have and recover from the defendant the sum of \$80,585.76 (30 Ind. Cl. Comm. 208). Funds to pay the award were appropriated by the Congress in the Act of January 3, 1974 (87 Stat. 1071).

2. Attorneys' Contract.

The claim herein was prosecuted under Contract No. I-1-ind. 42181, dated March 7, 1949, between Guy Jennison, Fred King, Bronson Edwards and Gene Jennison, representing the Ottawa Tribe of Indians, and the law firm of Harrison, Thomas, Spangenburg and Hull (now Hull and Mishne). The contract was approved on July 14, 1949, for a two-year period beginning with the date of approval. A five-year extension of this contract beginning July 14, 1959, was approved on July 28, 1959. Another extension was later approved on May 26, 1964, extending the terms of the contract for a period of ten years beginning on July 14, 1964, wherein it was stated, inter alia, that William K. Thomas was administrator of the estate of former partner Marvin C. Harrison, deceased, having an interest in any fees on behalf of the estate of said Marvin C. Harrison.

3. Compensation under Contract.

Said contract provides that the compensation of the attorneys for services be a fixed ten percent of any and all sums recovered through the attorneys' effort for the Indians.

4. Application.

The application by the attorney of record requests an allowance of \$8,058.57 in fees, an amount equal to ten percent (10%) of the amount awarded aforementioned.

5. Response of Defendant.

The defendant's response of August 1, 1974, attached a copy of a letter dated July 18, 1974, from the Acting Associate Solicitor for Indian Affairs, and a copy of a memorandum, dated July 2, 1974, in which the Acting Deputy Commissioner of Indian Affairs, indicated the fee claimed was in accordance with the terms of the contract and that the Bureau had ". . . no objection to allowance of attorneys' fee in the amount claimed". The defendant advised that it concurred in this conclusion.

6. Notice to Tribe.

A notice of the filing of the attorneys' application for allowance of their fee was mailed to the Superintendent, Miami Agency, Miami, Oklahoma, on June 25, 1974. No response to the notice has been received.

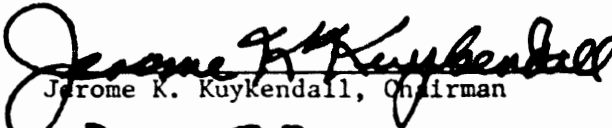
7. Conclusion.

On the basis of the entire record of this docket and considering the responsibilities undertaken, the difficult problems of fact and law involved, the contingent nature of the compensation, the award obtained, and all the appropriate factors pertinent to the determination of attorneys' fees under the standards established by the Indian Claims Commission Act, the Commission concludes that the attorneys for plaintiffs rendered valuable service to the plaintiffs in the successful prosecution of their claim in this docket, and they are entitled to an award of fees in the requested sum of \$8,058.57, representing ten percent of the award to the plaintiffs.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the award herein, there be paid to Allan Hull, attorney of record, on behalf of all contract attorneys having an interest in the fee of this case, for distribution by him to such attorneys in accord with their respective

interests, the sum of \$8,058.57, in full satisfaction for legal services rendered by said attorneys to the plaintiffs.

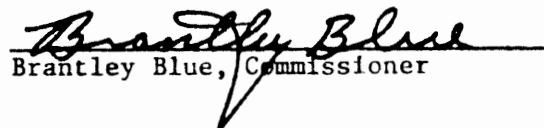
Dated at Washington, D. C., this 4th day of September 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner