

BEFORE THE INDIAN CLAIMS COMMISSION

THE MOHAVE INDIANS WHO ARE MEMBERS )  
OF THE COLORADO RIVER INDIAN TRIBES )  
AND OTHERS, )

Plaintiffs, )

v. )

Docket No. 283

THE UNITED STATES OF AMERICA, )

Defendant. )

MOHAVE TRIBE OF INDIANS OF ARIZONA, )  
CALIFORNIA, AND NEVADA; AND OTHERS, )

Plaintiffs, )

v. )

Docket No. 295  
(Consolidated)

THE UNITED STATES OF AMERICA, )

Defendant. )

ORDER ALLOWING ATTORNEY'S EXPENSES

HAVING CONSIDERED the petition for allowance of attorney's expenses filed May 22, 1974, by Raymond C. Simpson, Esq., attorney of record for the plaintiffs in Docket 295; the response from the Department of Justice filed July 31, 1974; the attorney contract under which Mr. Simpson served the plaintiffs; and the supporting documents submitted by Mr. Simpson; the Commission finds:

1. The Award.

On September 26, 1973, the Commission entered an award in favor of the plaintiffs in these dockets in the amount of \$468,358.07. 31 Ind. Cl. Comm. 410, 425.

2. Attorney Contracts.

Our finding of fact No. 5, which accompanied our Order Allowing Attorneys' Fees, 34 Ind. Cl. Comm. 377, 383, entered July 31, 1974, set forth details of the attorneys' contracts and is hereby incorporated by

reference. Mr. Simpson was employed under Contract No. 14-20-0450-5276, dated December 12, 1964, and approved March 23, 1965. This contract is still in effect, and provides for reimbursement of expenses that are reasonable and proper.

3. Attorney Expenses.

This petition by Mr. Simpson requests reimbursement of expenses in the amount of \$5,874.27. Charles M. Wright, attorney of record for the plaintiffs in Docket 283, may submit a separate petition for reimbursement of his expenses.

4. Notice to Parties.

Notices of the filing of this statement of attorney's expenses, with copies of the statement, were mailed by the Deputy Clerk of the Commission on July 9, 1974, to:

- a. Llewellyn Barrackman, Chairman, Tribal Council,  
Fort Mohave Tribe, Box 798, Needles, California  
92363.
- b. Bureau of Indian Affairs, Tribal Operations,  
Washington, D. C.
- c. Department of Justice, Land and Natural Resources  
Division, Indian Claims Section, Washington, D.C.

5. Response of Parties.

No response has been received from Mr. Barrackman or anyone else in behalf of the plaintiffs.

The Department of Justice filed a response to the notice on July 31, 1974. Comments of the Commissioner of Indian Affairs and of the Assistant Solicitor of the Department of Interior for Indian Affairs were enclosed with this response. Objections were raised to two stated expenditures, viz., (a) travel expenditure of \$63.63, dated January 14, 1965, on the ground that it was incurred prior to March 23, 1965, the effective date of Mr. Simpson's contract with the plaintiffs; and (b) valet and laundry charges of \$12.45 between February 22 and March 1, 1968, on the ground that these were for the personal benefit of the one receiving the services, and not proper for reimbursement.

6. Determination of Reimbursable Expenses.

The Commission, after examination of the vouchers and other supporting documents relating to the expenditures claimed by Mr. Simpson in his statement of disbursements as attorney for the Fort Mohave Tribe,

concludes that the expenses claimed should be reimbursed with the following exceptions:

<u>Date</u>	<u>Item Claimed</u>	<u>Amount Disallowed</u>	<u>Reason for Exception</u>																						
A. 1/14/65	\$63.63 for round trip transportation Los Angeles - Phoenix	\$ 63.63	Prior to effective date of attorney contract.																						
B. 1/29/66	\$48.65 for Dining Expense	48.65	Voucher is for drinks, gift shop, and tip, which are not reasonable and proper expenditures for reimbursement.																						
C. 2/22 - 3/1/68	\$859.72 Hotel costs for Mr. Simpson and one witness	279.55	Valet and laundry charges of \$12.45 are disallowed as personal benefits. The following restaurant charges for Mr. Simpson are disallowed as not reasonable and proper:  <table style="margin-left: 40px;"> <tr> <td>2/24</td> <td>\$ 58.97</td> </tr> <tr> <td>"</td> <td>29.16</td> </tr> <tr> <td>"</td> <td>32.60</td> </tr> <tr> <td>2/25</td> <td>10.77</td> </tr> <tr> <td>2/29</td> <td>42.03</td> </tr> <tr> <td>"</td> <td>64.82</td> </tr> <tr> <td>3/1</td> <td>20.30</td> </tr> <tr> <td>"</td> <td><u>8.45</u></td> </tr> <tr> <td>Restaurant</td> <td>267.10</td> </tr> <tr> <td>Valet and laundry</td> <td><u>12.45</u></td> </tr> <tr> <td>Total</td> <td>\$279.55</td> </tr> </table>	2/24	\$ 58.97	"	29.16	"	32.60	2/25	10.77	2/29	42.03	"	64.82	3/1	20.30	"	<u>8.45</u>	Restaurant	267.10	Valet and laundry	<u>12.45</u>	Total	\$279.55
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D. 2/22 - 3/1/68	\$301.77 Dining expenses including Messrs. Barrackman, McCord, Wright, Full, and Myers	84.71	Vouchers have been submitted for five meals at a cost of \$217.06, which we allow. There is no voucher for the balance, and we disallow \$84.71 of the claim for noncompliance with our Regulation 34 b (a).																						

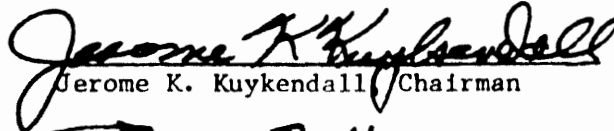
	<u>Date</u>	<u>Item Claimed</u>	<u>Amount Disallowed</u>	<u>Reason for Exception</u>
E.	3/24, 25/68	\$319.20 Air Transp. R.T. Los Angeles to D.C. for hearing	\$ 319.20	Hearing on 3/25/68 was in Docket 295-A, and cost cannot be charged to this award.
F.	3/24, 25/68	\$36.91 hotel costs during time of hearing	36.91	Hearing was in Docket 295- and cost cannot be charged to Dockets 283 and 295.
G.	4/8/68	\$132.19 for hearing transcript	132.19	Voucher shows item charge- able to Docket 295-A.
H.	1/25 - 28/70	\$354.90 Air Transp. R.T., Los Angeles to D.C. for trial	88.72	A longhand note on the voucher recites:  "266.18 { 354.90  3/4 = Fort Mohave 1/4 = ACBMI" We disallow 1/4 of the cost, or \$88.72
I.	1/25 - 28/72	\$119.70 hotel costs in D.C. at time of trial	39.90	A longhand note on the voucher recites: "79.80 F.M. 39.90 ACBMI" We disallow \$39.90.
J.	1/26/70	\$81.25 cost of trans- cript of offset trial	81.25	Item is not supported by a legible voucher, and is disallowed for non-compliance with our Regulation 34 b (a).
K.	11/22/72	\$95 Air Transp., R.T., Los Angeles to Phoenix, and parking	95.00	Voucher shows item chargeable to Docket 295-A
L.	9/10 - 13/73	\$475.27 Air Transp. R.T., Los Angeles to D.C.	60.00	Voucher is for \$415.27, and we approve that amount We disallow the balance.
Total Disallowed =			<u>\$1,329.71</u>	

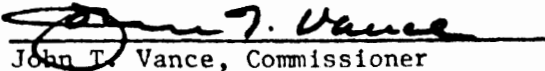
7. Conclusion.

For the above reasons, the Commission concludes that the items detailed above, in the sum of \$1,329.71, must be rejected for reimbursement. After subtracting these rejected expenses from the amount claimed, \$5,874.27, we conclude that expenditures in the sum of \$4,544.56 are reasonable and proper for reimbursement.

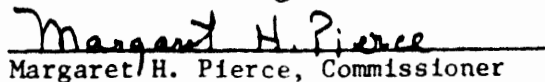
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on September 26, 1973, there shall be disbursed to Raymond C. Simpson the amount of \$4,544.56 as reimbursement in full for his expenditures incurred in prosecuting this claim.

Dated at Washington, D. C., this 14th day of November 1974.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner