

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, THE 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 SAC AND FOX
TRIBE OF OKLAHOMA

Having considered the record in this case and more particularly the petition for allowance of reimbursable expenses filed in this docket on May 20, 1974, by the law firm of Schiff Hardin & Waite, attorneys for the Sac and Fox Tribe of Indians of Oklahoma, one of the plaintiff tribes in this docket, together with supporting schedules, vouchers, and other documentation; the response to said petition filed on July 17, 1974, by the United States Department of Justice, and the contracts under which petitioners prosecuted this claim, the Commission finds as follows:

1. The claims of the Sac and Fox tribes in this docket, which include the Sac and Fox Tribe of Indians of Oklahoma, were completed by the Commission with an entry of a final award in the amount of \$965,560.39 on May 7, 1965 (15 Ind. Cl. Comm. 263 (1965)). Several appeals were taken by plaintiffs in this docket with the Court of Claims ultimately affirming the Commission's conclusions. 195 Ct. Cl. 365 (1971). Funds to satisfy the award were appropriated by the Act of March 21, 1972 (86 Stat. 86).
2. Attorney fees in this docket were approved by order of the Commission dated July 12, 1972 (28 Ind. Cl. Comm. 234).
3. The petitioners' contract currently in effect and valid is numbered Symbol 14-20-0200, No. 1879, and was entered into with the Sac and Fox Tribe of Oklahoma on December 12, 1964, and approved on February 15, 1965. There have been several extensions of this contract, the latest dated November 17, 1972, effective until February 14, 1976. The current

contract provides for the reimbursement of attorney expenses as provided in Section 15 of the Indian Claims Commission Act (60 Stat. 1049).

4. The petitioners request that the Commission enter an order for payment to them of the sum of \$25,355.15 as reimbursement of litigation expenses described in their petition, said payment to be payable out of the final award entered in this docket.

5. The expenses claimed herein include those directly related to the prosecution of this docket and those jointly related to a number of dockets involving the Sac and Fox plaintiffs. Joint expenses have been apportioned and allocated in accordance with procedures established in Docket 138 (25 Ind. Cl. Comm. 215 (1971)), Docket 143 (25 Ind. Cl. Comm. 218 (1971)), Docket 220 (25 Ind. Cl. Comm. 223 (1971)), and Docket 153 (31 Ind. Cl. Comm. 316 (1973)).

6. With regard to the claimed expenses, the Clerk of the Commission has timely notified the appropriate parties, including the petitioners' tribal client herein (Oklahoma Sac and Fox), the United States Department of Justice, and the Bureau of Indian Affairs of the United States Department of the Interior. The tribal client has filed no response to date. On July 17, 1974, the Department of Justice filed a response which included a copy of an examination of the petition herein, made by the Bureau of Indian Affairs of the United States Department of the Interior on June 14, 1974. The Department of Justice has taken no position with reference to the amount claimed in this petition. The Bureau of Indian Affairs, on the basis of its examination of the petition, concluded that the items of expense claimed by the petitioners were supported by documentation and appeared reasonable and proper for reimbursement, with one exception. That exception questioned the reasonableness of an expenditure for meals totalling \$55.58 on June 5, 1971. (This expenditure is dealt with below in finding 7, item A-27.)

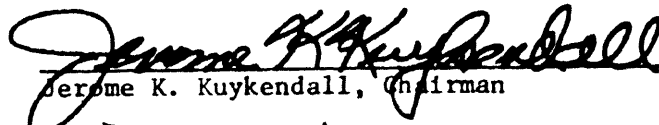
7. Upon a preliminary examination of the petition and supporting record, the Commission informed the petitioners by letter dated September 25, 1974, that the record contained certain deficiencies including minor errors in calculations, expense items not sufficiently supported or explained by vouchers and receipts, and items which do not qualify as allowable expenses under Section 15 of the Act, and Rule 34b(a) of the Commission's General Rules of Procedure (25 CFR 503.34b(a)). On November 5, 1974, petitioning counsel responded to the Commission's letter of September 25, 1974. Petitioners' letter furnished explanations and cited supporting evidence for certain questioned expenditures, and agreed to adjustments to other claimed expenditures in accordance with the Commission's examination. In consideration of said response and the record as a whole, and pursuant to Section 15 of the Act and Rule 34b(a), the Commission finds that the following claimed expenses are disallowed:

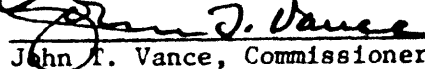
<u>Petition Item</u>	<u>Explanation</u>	
A-1, A-11, A-13 to A-16, A-27, A-30	Errors in calculation; incidental items not adequately documented.	\$ 57.29
A-27	Excessive food charge for a single day reduced by one-half of amount claimed.	27.79
A-48, B-227, C-312 to C-336, inclusive	Expenses incurred after litigation before the Commission with respect to this docket terminated.	<u>276.47</u>
	Total Disallowed, Adjusted, and Withdrawn	\$361.55

8. After deducting the amount of \$361.55, as calculated in finding 7, supra, representing claimed items of expense which are not reasonable and proper expenses of litigation chargeable to the Indians, the total unreimbursed expenses allowable in this petition under Section 15 of the Act is \$24,993.60.

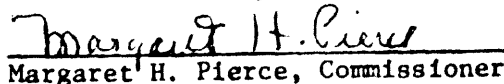
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of May 7, 1965, to the Sac and Fox Tribe of Oklahoma, there shall be disbursed to petitioners, the law firm of Schiff Hardin & Waite, the sum of \$24,993.60 as reimbursement in full of their claim for reimbursable expenses in this docket.

Dated at Washington, D. C., this 22nd day of November 1974.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner