

BEFORE THE INDIAN CLAIMS COMMISSION

THE KICKAPOO TRIBE OF KANSAS, THE)	
KICKAPOO TRIBE OF OKLAHOMA, THE)	
KICKAPOO NATION, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 193
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING REIMBURSEMENT OF ATTORNEY'S EXPENSES

HAVING CONSIDERED the application for reimbursement of expenses filed June 18, 1974, by Allan Hull, attorney of record for the plaintiffs; the record in this docket; and the attorneys' contracts of employment; the Commission finds that:

1. The Award. The Commission entered a final award of \$540,000 to the plaintiffs on February 29, 1968, 19 Ind. Cl. Comm. 37. Funds were appropriated to satisfy this award by the Act of July 9, 1968, 82 Stat. 307.
2. The Attorneys' Fee. The Commission approved an attorneys' fee of \$54,000 by order of March 18, 1970, 22 Ind. Cl. Comm. 466.
3. Notice to the Parties. By letters dated June 25, 1974, the Deputy Clerk of the Commission notified the interested parties of the application for reimbursement of expenses.
4. Response of Parties. The plaintiffs have not responded to this notice. The defendant, on behalf of its Bureau of Indian Affairs, filed a response on August 22, 1974. The Acting Deputy Commissioner of Indian Affairs stated that the claimed expenses appear to be reasonable and they appear to fall within categories proper for reimbursement. He also stated that the cancelled checks and ledger entries do not usually identify the services and goods purchased, and that various items were of such a nature that an invoice or receipted bill could have been obtained.

5. The Attorney Contracts. The Kickapoo Tribe of Kansas is represented by the law firm of Harrison, Thomas, Spangenberg & Hull under contract No. 14-20-0200-1900, approved April 9, 1965, and extended 10 years from March 14, 1969.

The Kickapoo Tribe of Oklahoma is represented by the law firm of Harrison, Thomas, Spangenberg & Hull under contract No. 14-20-0200-1899, approved April 8, 1965, and extended 10 years from December 28, 1968.

Both plaintiffs were previously represented by other groups of attorneys under earlier contracts. These facts are more fully set forth in paragraph 2 of our order allowing attorneys' fee, supra, and are incorporated herein by reference.

The attorneys' contracts with the plaintiffs provide for reimbursement of reasonable expenses incurred in prosecuting the claims, provided they are itemized, verified, accompanied by proper vouchers, and approved by the Indian Claims Commission.

6. Determination of Reimbursable Expenses. The Commission, after examination of the vouchers and other supporting documents relating to the expenditures claimed by Mr. Hull in his application for reimbursement of expenses as attorney for the plaintiffs, concludes that the expenses claimed should be reimbursed with the following exceptions:

<u>Voucher No.</u>	<u>Date</u>	<u>Item Claimed</u>	<u>Disallowed</u>	<u>Reason for Exception</u>
2.	3/13/63	\$58.78 to Rochmes for research & LD Tel.	\$ 9.68	Voucher states: Dkt. 193 - \$49.10 Dkt. 315 - 9.68
3.	11/2/64	\$5.72 - Ohio Bell	5.72	Check is for \$159.61. No indication the \$5.72 only is for Dkt. 193
5.	2/4/66	\$2.25 - Rochmes - Cab fare	.75	Hull check to Rochmes is for \$2.25, but Rochmes bill is for \$1.50
16.	10/9/67	\$6.98 - Rochmes, night work, meals	6.98	No indication away from home. This is non-reimbursable per policy statement No. 102

<u>Voucher No.</u>	<u>Date</u>	<u>Item Claimed</u>	<u>Disallowed</u>	<u>Reason for Exception</u>
17.	10/16/67	\$9.79 - LD calls	\$ 9.79	Voucher indicates charge to "318" and not to "193"
18.	October	\$1.20 - Xerox (Ledger sheet)	1.20	Voucher does not indicate this is for Dkt. 193
22.	1/8/68	\$.52 - Xerox (Ledger sheet)	.52	Voucher does not specify for Dkt. 193, nor is there a receipt
23.	1/22/68	\$40.54 - Ohio Bell - LD calls	40.54	Longhand note shows "Kickapoo 40.54," but does not give Dkt. No., nor to whom, nor when.
25.	1/30/68	\$58.26 Allan Hull - hotel	.40	Vouchers are for Mr. Hull - \$38.30 J. & Gordon Wahpepa, \$19.56. Total \$57.86
28.	2/20/68	\$8.36 - LD calls	8.36	Longhand note states "Kickapoo 8.36," but does not indicate whom calls were to, nor date, nor if for Dkt. 193
29.	3/5/68	\$6.24 - Xerox (Ledger sheet)	6.24	Ledger does not indicate what docket item is for
31.	4/5/68	\$5.08 - Xerox (Ledger sheet)	5.08	Ledger does not indicate any Dkt. No.
32.	4/19/68	\$19.25 - Ohio Bell - LD calls	19.25	Longhand note shows "Kickapoo 19.25," but does not show who called, nor date, nor Dkt. No.

<u>Voucher No.</u>	<u>Date</u>	<u>Item Claimed</u>	<u>Disallowed</u>	<u>Reason for Exception</u>
35.	1/29/74	\$.90 - Ohio Bell - LD calls	\$.90	This was after the award, and not for prosecuting the claim
Total Disallowed			\$115.41	

7. Conclusion. For the above reasons, the Commission concludes that the claimed items detailed above, in the sum of \$115.41, must be disallowed. Accordingly, from the amount of expenses claimed, \$1,154.39, the Commission concludes that expenditures in the sum of \$1,038.98 are reasonable and proper for reimbursement.

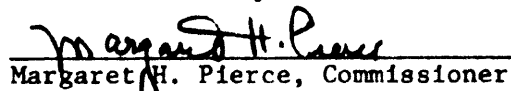
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on February 29, 1968, there shall be disbursed to Allan Hull the amount of \$1,038.98 as reimbursement in full for his expenses incurred in prosecuting this claim.

Dated at Washington, D. C., this 26th day of December 1974.


Jerome K. Kuykendall, Chairman

John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner