

BEFORE THE INDIAN CLAIMS COMMISSION

THE MIAMI TRIBE OF OKLAHOMA,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 251-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEE

HAVING CONSIDERED the application for attorneys' fee filed on December 26, 1974, by Edwin A. Rothschild, Esq., attorney of record for Sonnenschein Carlin Nath & Rosenthal (formerly known as Sonnenschein Berkson Lautmann Levinson & Morse), representing the Miami Tribe of Oklahoma, et al., in the above cited docket; the responses of the parties; the contract under which the attorneys served the plaintiffs; and the remainder of the record herein, the Commission finds as follows:

1. Award.

On January 9, 1969, the Commission entered a final award, on the plaintiffs' and defendants' joint motion for the approval of a proposed compromise settlement of the plaintiffs' claims herein, in the sum of \$10,000.00, subject to the terms and provisions set forth in the "Stipulation for Entry of Final Judgment." (20 Ind. Cl. Comm. 236.) Funds to pay the award were appropriated by the Congress in the Act of July 22, 1969 (83 Stat. 49). Authority for expenditure of the judgment funds was provided for by the Act of June 2, 1972 (86 Stat. 199).

2. Attorneys' Contract.

Prosecution of the claim in this proceeding was governed by one contract.

The Miami Tribe of Oklahoma entered into contract No: I-1-ind. 42017, dated January 28, 1947, with the law firm of Sonnenschein Berkson Lautmann Levinson and Morse (now Sonnenschein Carlin Nath & Rosenthal). This contract was approved May 10, 1948, for a period of ten years beginning

with the date of approval. An extension of the contract for a period of five years was approved December 4, 1956. The second extension for an additional period of ten years was approved April 18, 1963. Then, the third extension, which was for a period of five years beginning May 10, 1973, was approved May 23, 1973.

3. Compensation under Contract.

Said contract, as extended, provides that the compensation of the attorneys for services be a fixed 10 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 \$1,000.00 in fees, an amount equal to ten percent (10%) of the amount awarded aforementioned.

5. Response of Defendant.

The defendant's response of February 11, 1975, attached a copy of a letter dated February 4, 1975, from the Assistant Solicitor of the Division of Indian Affairs, and a copy of a memorandum dated January 20, 1975, 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 compensation in the amount claimed." The defendant advised it took no position relative to the petition for allowance of attorneys' fees.

6. Notice to Tribe.

A notice of the filing of the attorneys' application for allowance of their fee was mailed to the Chief, The Miami Tribe of Oklahoma, Miami, Oklahoma, on January 7, 1975. No response to the notice has been received.

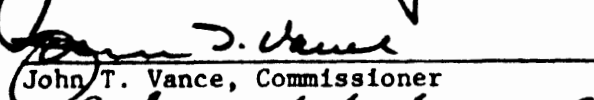
7. Conclusion.

On the basis of the entire record of this docket and considering the responsibilities undertaken, the 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 the plaintiffs rendered valuable service to the plaintiffs in this docket and they are entitled to an award of fees in the requested sum of \$1,000.00, representing 10 percent of the award to the plaintiffs.

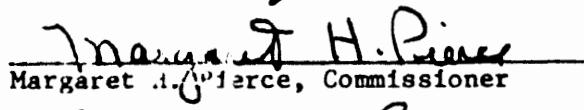
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the award herein, there be paid to Edwin A. Rothschild, attorney of record, for distribution by him to all parties in interest, the sum of \$1,000.00, in full satisfaction for legal services rendered by said attorneys in this case.

Dated at Washington, D. C., this 27th day of February 1975.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret A. Pierce, Commissioner


Brantley Blue, Commissioner