

BEFORE THE INDIAN CLAIMS COMMISSION

THE SENECA-CAYUGA TRIBE OF OKLAHOMA,	)	
AND PETER BUCK, STEWART JAMISON,	)	
RUBY CHARLOE, DAVID CHARLOE AND	)	
LEWIS WHITEWING, MEMBERS AND	)	
REPRESENTATIVES THEREOF,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket Nos. 341-A and 341-B
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING ATTORNEYS' FEES

Having considered the application for attorneys' fee filed on July 14, 1975, by Paul G. Reilly, attorney of record for plaintiffs, on behalf of the law firm of Earle & Reilly, the defendant's response filed on August 1, 1975, the contract of employment under which the attorneys served, and the entire record of all proceedings in this docket, the Commission finds and orders as follows:

1. Award. On June 11, 1975, the Commission entered a final award in favor of the plaintiffs in the amount of \$42,021.12, plus interest at the rate of 5% on the principal amount of \$6,013.49 from January 1, 1972, until paid. 36 Ind. Cl. Comm. 170, 180.

2. Contractual Authority and Compensation. This claim has been prosecuted pursuant to attorneys' contract dated March 3, 1947, made between the law firm of Earle & Reilly and the plaintiffs. That contract, bearing symbol number I-1-ind. 42018, was approved by the Commissioner of Indian Affairs, Department of the Interior on May 10, 1948, for a period of 10 years beginning with the date of approval. Several extensions of contract No. 42018 have been negotiated by Paul G. Reilly, surviving partner of the firm of Earle & Reilly, and have been duly approved by the Department of the Interior. The last extension was approved for a period of 5 years commencing on May 10, 1973. An assignment by the law firm of Earle & Reilly of a one-fourth interest in the contract to the law firm of Meighan and Necarsulmer was approved on February 16, 1956.

Contract 42018 provides that compensation to the attorneys is wholly contingent upon recovery and fixed at ten (10) percentum of any and all sums recovered through the efforts of the contracting attorneys.

3. Fee Application. The application by Paul G. Reilly, attorney of record, is made pursuant to the terms of the approved attorneys' contract and requests allowance of attorneys' fee in the amount of \$4,305.61. This amount represents 10 percent of the principal sum of \$42,021.12, plus 10 percent of \$1,035.45 which counsel herein has calculated as the amount of interest accrued on \$6,013.49 from January 1, 1972, to June 11, 1975, the date of the final award.

4. Notice to Parties. A notice of the filing of the application for the allowance of attorneys' fee in these cases was mailed on July 16, 1975, by the Clerk of the Commission to the representative of the plaintiff tribe, the Department of Justice, and to the Commissioner of the Bureau of Indian Affairs, Department of the Interior. No response from the plaintiffs has been received by the Commission.

The defendant's response of July 31, 1975, included copies of a letter from the Assistant Solicitor for Indian Affairs and a memorandum of the Commissioner of Indian Affairs indicating that the fee claimed was in accordance with the terms of the contracts and no objection was interposed to the allowance thereof.

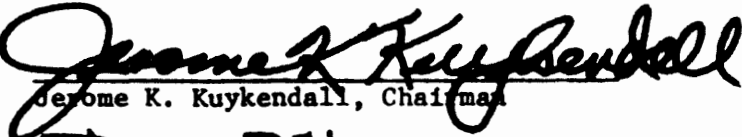
5. Attorneys' Services. The attorneys herein, in discharge of their contractual obligations, rendered valuable services to their client in the successful prosecution of the claims presented in Dockets 341-A and 341-B, and they are entitled, pursuant to Section 15 of the Indian Claims Commission Act and the terms of the aforementioned contracts, to the attorneys' fee determined below.

6. Amount of Fee. As indicated in finding 3, supra, counsel requested a fee in the amount of \$4,305.61, which amount includes interest accrued to the date of the final award. The final award entered on June 11, 1975, provides for interest at the rate of 5 percent per annum on the total unpaid principal of \$6,013.49 from January 1, 1972, until paid. We are advised that the payment date was December 22, 1975, and that the total amount that became payable on the award herein to the plaintiffs on that date was \$43,215.58. The requested attorneys' fee of \$4,305.61 is not in excess of 10 percent of such total amount and the attorneys are entitled to receive such fee.

IT IS THEREFORE ORDERED that out of funds appropriated to pay the final award to the plaintiffs herein, there shall be disbursed to Paul G. Reilly, on behalf of the law firm of Earle & Reilly, the sum of \$4,305.61. Said sum is subject to distribution to participating

attorneys in accordance with their respective interests therein, and shall represent payment in full for all services rendered in the prosecution of the claims under Dockets 341-A and 341-B.

Dated at Washington, D. C., this 29th day of December 1975

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

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Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner