

BEFORE THE INDIAN CLAIMS COMMISSION

KLAMATH AND MODOC TRIBES, et al.,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 100-C
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEY'S FEE

HAVING CONSIDERED the application for attorneys' fee filed on December 2, 1975, by the attorney of record for the plaintiff in this docket; the responses to the application filed by the Department of Justice and the Department of the Interior, the contracts of employment under which the plaintiff was represented, and the record of all proceedings in this docket, the Commission finds and orders as follows:

1. Fee Application. The fee application was filed on December 2, 1975, by Angelo A. Iadarola, the attorney of record for the plaintiff in this case who is a partner in the law firm of Wilkinson, Cragun and Barker.

2. Attorneys' Contracts. This claim has been prosecuted under the contracts described in the above application for attorney fee. The current contract 14-20-650, No. 530 has been amended and extended from June 13, 1975, through June 12, 1978, and provides that the attorney shall receive as compensation for services rendered, nine percent of any and all sums recovered for the tribe.

3. Final Award. On October 31, 1975, the Commission approved a compromise settlement of the grazing and rights-of-way claims in this docket and entered a final award in favor of the plaintiff for the amount of \$785,000.

Funds to satisfy the award were appropriated by the Act of December 18, 1975, Public Law 94-157.

4. Amount of Fee Requested. The application for attorney fee requests the sum of \$70,650.00 which is an amount equal to nine percent of the final award entered in this docket. The fee application represents

that no other attorneys have any interest in the fee payable and that no request will be filed for reimbursement of expenses inasmuch as those expenses have been paid by the Klamath Tribe.

5. Notice to Parties and Responses. Notices of the filing of the application for allowance of attorney fee in this docket were mailed on December 2, 1975, by the Clerk of the Commission to the tribal representatives, the Department of Justice and the Department of the Interior. No response has been received to date from the plaintiff.

On January 22, 1976, the Department of Justice filed a response which included a letter dated January 15, 1976, from the Assistant Solicitor, Division of Indian Affairs and a memorandum dated January 8, 1976, from the Commissioner of Indian Affairs, both of which state there is no objection to the allowance of the attorney fee. The Department of Justice takes no position with respect to the allowance of the attorney fee.

6. Fee Determination. The amount claimed is in accordance with the terms of the contract which provide for a fee in the amount of nine percent of the amount recovered. On the basis of all of the foregoing the Commission concludes that an attorney fee in the amount of \$70,650.00 representing nine per cent of the final award is appropriate.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award herein entered on October 31, 1975, there shall be disbursed the sum of \$70,650.00 to Angelo A. Iadarola, attorney of record in this case, for distribution to all parties having an interest in such fee, in full satisfaction of any and all claims for legal services in this sub-docket.

Dated at Washington, D. C., this 4th day of February 1976.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner