

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)	
OF OKLAHOMA, et al.,)	
)	
THE SAC AND FOX TRIBE OF MISSOURI,)	
et al.,)	
)	
THE SAC AND FOX TRIBE OF THE)	
MISSISSIPPI IN IOWA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 83
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEES

HAVING CONSIDERED the application for attorneys' fees filed on January 15, 1976, by the attorneys of record for the plaintiffs 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 plaintiffs were 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 January 15, 1976, by the following attorneys on behalf of their respective law firms in which they are partners:

(a) George B. Pletsch, Attorney of Record for the Sac and Fox Tribe of Indians of Oklahoma, on behalf of the firm of Schiff, Hardin & Waite;

(b) Lawrence C. Mills, Attorney of Record for the Sac and Fox Tribe of the Mississippi in Iowa, on behalf of the firm of Mills and Garrett;

(c) Stanford Clinton, Attorney of Record for the Sac and Fox Tribe of Missouri, on behalf of the firm of Pritzker, Pritzker & Clinton.

2. Attorneys' Contracts. This case has been prosecuted under the contracts described in the application for allowance of fees. The current contract of the Sac and Fox Tribe of Indians of Oklahoma with the attorneys

for that tribe is Contract No. 14-20-0200-1879. This contract has been amended and extended to the current expiration date of February 13, 1979, and provides that the attorneys shall receive as compensation for services rendered, ten percent of any and all sums recovered for the tribe. The current contract of the Sac and Fox Tribe of the Mississippi in Iowa with the attorneys for that tribe is Contract No. 14-20-0350-278. This contract has been amended and extended to expire on April 10, 1977, and provides that the attorneys shall receive as compensation for services rendered, ten percent of any and all sums recovered for the tribe. The current contract of the Sac and Fox Tribe of Missouri with the attorneys for that tribe is Contract No. 14-20-0200-1922. This contract has been amended and extended to March 8, 1976, and provides that the attorneys shall receive as compensation for services rendered, ten percent of any and all sums recovered for the tribe.

3. Final Award. On December 26, 1973, the Commission entered a final award in favor of the plaintiffs for the amount of \$1,969,585. Funds to satisfy the award were appropriated by the Act of December 18, 1975. (89 Stat. 826).

4. Amount of Fee Requested. The application for attorneys' fees jointly requests the sum of \$196,958.50, which is an amount equal to ten percent of the final award entered in this docket.

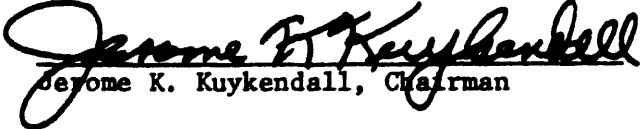
5. Notice to Parties and Responses. Notices of the filing of the application for allowance of attorneys' fees in this docket were mailed on January 26, 1976, by the Clerk of the Commission to the tribal representatives, the Department of Justice and the Department of the Interior. No response has been received to date from the plaintiffs.

On April 22, 1976, the Department of Justice filed a response which included a letter dated April 12, 1976, from the Assistant Solicitor, Division of Indian Affairs and a memorandum dated April 5, 1976, from the Commissioner of Indian Affairs, both of which state there is no objection to the allowance of attorneys' fees. The Department of Justice takes no position with respect to the allowance of attorneys' fees.

6. Fee Determination. The attorneys performed valuable legal services for the plaintiffs in the prosecution of this claim for additional compensation for lands in Missouri, Illinois and Wisconsin, including an appeal to the United States Court of Claims which affirmed the final award entered by the Commission in this case. The amount claimed is in accordance with the terms of the contracts which provide for a fee in the amount of ten percent of the amount recovered. On the basis of all of the foregoing the Commission concludes that an attorneys' fee in the amount of \$196,958.50, representing ten percent of the final award, is a reasonable fee for legal services in this case.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award herein entered on December 26, 1973, there shall be disbursed the sum of \$196,958.50 jointly to the firms of Schiff Hardin & Waite, Mills and Garrett, and Pritzker, Pritzker & Clinton, attorneys of record in this case, in full satisfaction of any and all claims for legal services in this case, to be distributed by the law firms to the participating attorneys in accordance with whatever interest they may have therein.

Dated at Washington, D. C., this 7th day of May 1976.


Jerome K. Kuykendall, Chairman

John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner