

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS OF)	
OKLAHOMA, et al., THE SAC AND FOX)	
OF MISSOURI, et al., and SAC AND)	
FOX OF THE MISSISSIPPI IN IOWA,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 95
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING EXPENSES INCURRED BY ATTORNEYS FOR THE SAC AND FOX TRIBE OF INDIANS OF MISSOURI

HAVING CONSIDERED the application for reimbursement of attorneys' expenses in the amount of \$1,310.34 filed on August 20, 1975, by Stanford Clinton, the attorney of record and partner in the firm of Pritzker, Pritzker & Clinton, the expense schedules, vouchers, and other supporting documentation; the response to the application filed on April 13, 1976, by the United States Department of Justice; and the contract under which counsel prosecuted this claim, the Commission finds as follows:

1. Award. On September 25, 1974, the Commission entered a final award in favor of the plaintiff tribe (Sac and Fox Tribe of Missouri) and other plaintiffs in this consolidated case in the amount of \$20,421.78, which represents the amount of the Commission's interlocutory award to plaintiffs of December 27, 1971 (35 Ind. Cl. Comm. 14). Funds to satisfy the award were appropriated by P. L. 94-32, approved June 12, 1975.

2. Attorneys Contracts. The Sac and Fox Tribe of Missouri entered into contract No. I-1-ind. 42262, dated September 3, 1949, with the law firm of Pritzker, Pritzker & Clinton. It was approved on March 8, 1950, by the Department of the Interior for a period of ten years beginning with the date of approval, and subsequently extended until March 8, 1965.

The same parties entered into contract Symbol 14-20-0200 No. 1922 dated April 16, 1965, which was approved on May 7, 1965, for a period of five years. This contract was extended until March 7, 1976. The provision in the contract on reimbursement of attorney expenses provides for reimbursement pursuant to Section 15 of the Act of August 13, 1946 (60 Stat. 1049).

3. Application for Reimbursement of Expenses. In their application of August 20, 1975, petitioners allege that since their engagement as attorneys for the Missouri Sac and Fox they have advanced all of the moneys necessary to pay the reasonable expenses allocable to the Missouri Sac and Fox which have been incurred in the prosecution of the claims which have been filed on their behalf. Petitioners have not received payment for any of the expenses which are the subject of this petition from the said tribe or from any officer or agency of the United States or from any other source.

The expenses listed on Schedule A attached to their petition relate solely to Docket 95. Various expenses have been shared with attorneys for other tribes and some items show a shared cost to reflect these arrangements. The expense items include costs of printing and mailing, xeroxing, telephone tolls, a filing fee, and transportation and related expenses for an oral argument in Washington, D. C.

4. Notification. Pursuant to Rule 34b(c) of our General Rules of Procedure (25 C.F.R. 503.34b(c)), the Clerk of the Commission timely notified the appropriate parties including the tribal client (Missouri Sac and Fox) and the United States Departments of Justice and Interior respecting the filing of the application. The tribal client has filed no response to date.

The Department of Justice responded to the notice on April 13, 1976, stating that it takes no position in respect to the petition.

Enclosed with the response was a copy of a letter dated September 10, 1975, from the Assistant Solicitor, Division of Indian Affairs, U. S. Department of the Interior, transmitting a copy of a memorandum dated September 5, 1975, from the Commissioner of Indian Affairs. The Commissioner was satisfied as to the reasonableness of the total expenses claimed and found that they fell in those categories of expenses proper for reimbursement.

5. Determination of Expenses. Section 15 of the Indian Claims Commission Act (60 Stat. 1049) provides for the reimbursement of attorneys for actual, reasonable expenses incurred in the prosecution of the claim.

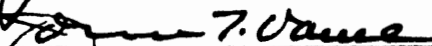
After an examination of the application, the supporting documentation, and the entire record of expenditures incurred by the attorneys in the prosecution of the claim, the Commission concludes that the claimed items of expenses are reasonable and proper expenses of litigation and should be allowed.


6. Conclusion. On the basis of the foregoing findings the Commission concludes that the sum of \$1,310.34 is reasonable and proper for reimbursement.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on September 25, 1974, there shall be disbursed to the law firm of Pritzker, Pritzker & Clinton the sum of \$1,310.34 as full reimbursement for expenditures incurred in the prosecution of this case.

Dated at Washington, D. C., this 13th day of May 1976


Jerome K. Kuykendall, Chairman


John F. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner