

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 ATTORNEY EXPENSES

HAVING CONSIDERED the application to fix attorney expenses filed July 12, 1976, by Lawrence C. Mills, Esq., for the firm of Mills and Garrett, attorneys of record for the Sac and Fox Tribe of the Mississippi in Iowa, one of the plaintiffs in this docket, pursuant\* to Section 15 of our act; the response from the Department of Justice; and the entire record relating to expenses in this docket, the Commission finds:

1. The Award. On December 26, 1973, the Commission entered an award in favor of the plaintiffs in this docket for \$1,969,585.00. 32 Ind. Cl. Comm. 320, 398. Congress appropriated funds in payment of the award by the act of December 18, 1975, 89 Stat. 826, which funds were deposited in the United States Treasury.

2. The Attorney Contracts. This case has been prosecuted under the contracts described in the application for reimbursement of expenses. The current contract of the Sac and Fox Tribe of the Mississippi in Iowa with the applicant was approved by the Bureau of Indian Affairs, and identified with Contract Symbol No. 14-20-0350-278. This contract has been extended with the approval of the Bureau of Indian Affairs to April 10, 1977. The contract provides that the applicant is entitled to reimbursement of reasonable expenses incurred in the prosecution of this claim as provided in Section 15 of the Indian Claims Commission act.

3. The Application. In the application the Mills firm requested that we fix a total of \$29,546.06 as reimbursable expenses in this docket. The total requested represents expenses incurred in the prosecution of the claim in this docket between 1953 and the date of final award.

4. Notice to Parties. Notices of the filing of the application, with copies of the petition attached, were mailed by the Clerk of the Commission on July 13, 1976, to the principal chief of the Sac and Fox Tribe of the Mississippi in Iowa, the Department of Interior, and the Department of Justice.

5. Responses. No response has been received from the tribal client. The Department of Justice filed a response December 20, 1976, wherein it took no position on the reimbursement of the expenses. The department enclosed a copy of a December 9, 1976, letter from the Department of the Interior, with copies of a memorandum dated December 6, 1976, from the Bureau of Indian Affairs, showing that the Department of the Interior had no objection to the expenses.

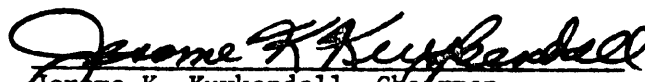
6. Determination of Reimbursable Expenses. The Commission, after an examination of the petition, schedules, and supporting vouchers and documents constituting the application to fix expenses, determined that the applicant is entitled to reimbursable expenses in the amount alleged except for the following:

<u>Item</u>	<u>Explanation</u>	<u>Amount</u>
A-22	The June 9-July 18, 1967 trips to Washington, D. C. by Lawrence Mills included charges other than Indian expense in the amount of	\$ 7.20
A-23	The July 14, 1967, trip to Washington, D. C. by R. J. Garrett, in addition to food charges, included charges for other than Indian expense in the amount of	12.88
B-124	May 19, 1967, luncheon meeting with experts at Chicago Bar Association included charges for other than Indian expense in the amount of	1.80
B-163	September 30, 1971, miscellaneous expenses for L. C. Mills withdrawn by applicant in his letter to the Clerk of the Commission dated December 13, 1976, in the amount of	76.52

7. Conclusion. For the reasons stated above, the Commission concludes that the items excepted to above, totaling \$98.40, are disallowed for reimbursement. The remaining expenses, in the sum of \$29,447.66, meet the requirements of the Commission, and are therefore reasonable and proper for reimbursement.


IT IS THEREFORE ORDERED that reimbursable expenses for the firm of Mills and Garrett be and the same are fixed in the sum of \$29,447.66, and that funds in that amount be disbursed to Mills and Garrett from the funds appropriated to pay the final award as reimbursement in full for expenses incurred in prosecuting Docket 83.

Dated at Washington, D. C., this 31st day of March 1977

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

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Brantley Blue, Commissioner