

BEFORE THE INDIAN CLAIMS COMMISSION

THE LOWER SIOUX INDIAN COMMUNITY)	
IN MINNESOTA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 363, Second Claim
)	(1867 Treaty and 1872 Agreement)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEES

HAVING CONSIDERED the applications for allowance of attorneys' fees filed by Marvin J. Sonosky, attorney of record for plaintiffs in this docket; defendant's response to the applications; and the entire record herein; the Commission finds:

1. Award. The Commission entered a final award herein on September 14, 1977, 41 Ind. Cl. Comm. 18, for \$13,129,661, and an additional final award on December 1, 1977, 41 Ind. Cl. Comm. 139, for \$255,273.

2. Attorneys' Contracts. The claim on which the award was granted was prosecuted under Contracts No. 10 and 11, Symbol 14-20-650.

Contract No. 10 is between the Sisseton and Wahpeton Sioux Tribe of South Dakota and Emerson Hopp and Marvin J. Sonosky, approved December 31, 1952, by the Commissioner of Indian Affairs for a term of ten years expiring December 31, 1962, extended for a term of ten years expiring December 31, 1972, by extension approved May 3, 1963, by the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota (19 Ind. Cl. Comm. 275-276, F. 2(a)), and amended and renewed for a term of five years expiring December 31, 1977, by renewal approved June 12, 1975, by the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota.

Contract No. 11 is between the Sisseton and Wahpeton Sioux Tribe of North Dakota and Traynor and Traynor, Emerson Hopp and Marvin J. Sonosky, approved December 31, 1952, by the Commissioner of Indian Affairs for a term of ten years expiring December 31, 1962, extended for a term of ten years beginning January 1, 1963, by extension approved May 1, 1963, by the

Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota (37 Ind. Cl. Comm. 140, F. 2), and amended and extended to December 31, 1977, by extension approved June 12, 1975, by the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota.

3. Compensation Provisions of the Contracts. Each attorneys' contract provides that the compensation for attorneys' services shall be 10 percent of the amount received.

4. Notice to Parties. By letters dated November 28, 1977, and December 16, 1977, the Clerk of the Commission notified the interested parties of the application for allowance of attorneys' fees on the final award and the additional final award respectively. The interested parties notified included:

- a. Mr. Jerry Flute, Chairman
Sisseton-Wahpeton Sioux Tribal Council
of South Dakota
- b. Mr. Vernon Cloud, Secretary
Sisseton-Wahpeton Sioux Tribal Council
of South Dakota
- c. Mr. J. Kenneth Adams, Superintendent,
Sisseton Indian Agency, Sisseton,
South Dakota
- d. Mr. Carl McKay, Chairman
Devils Lake Sioux Tribal Council
- e. Ms. Lillian Mudgett, Secretary
Devils Lake Sioux Tribal Council
- f. Mr. Wayne Trottier, Acting Superintendent
Fort Totten Indian Agency, Fort Totten,
North Dakota
- g. Honorable James W. Moorman, Assistant Attorney
General, Land and Natural Resources Division
U.S. Department of Justice
- h. Honorable Forrest Gerard
Assistant Secretary of the Interior for
Indian Affairs
U. S. Department of the Interior

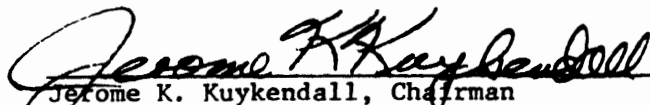
5. Response of Plaintiffs. The plaintiffs have not responded to their attorneys' applications for fees.

6. Defendant's Response. The Department of Justice responded to the attorneys' applications for fees on February 8, 1978, taking no position with reference to the amount of the fees, provided that the total not exceed 10 percent of the amount recovered and the Commission determine that the fees allowed are reasonable for the services rendered. The Justice Department also forwarded correspondence from the Department of the Interior stating that it had no objection to allowance of the fees requested in the applications.

7. Attorney Services. Pursuant to their contract with plaintiffs, the attorneys investigated, filed, and prosecuted in an able and successful manner the claim in this docket, on which plaintiffs have been awarded a total of \$13,384,934. For services rendered in connection with this case the Commission finds that a fee of 10 percent of the recovery, as provided in the applicable contract, is reasonable and just.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of September 14, 1977, and the additional final award of December 1, 1977, in this docket, there shall be distributed to Marvin J. Sonosky, as attorney of record, a total of \$1,338,493 for distribution by him to all persons entitled to share in the fee. This sum shall be payment in full for all services rendered in the prosecution of this claim.

Dated at Washington, D. C., this 9th day of March 1978.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret K. Pierce, Commissioner


Brantley Blue, Commissioner