

## BEFORE THE INDIAN CLAIMS COMMISSION

THE CAYUGA NATION OF INDIANS,	)	
PETER BUCK AND STEWART JAMISON,	)	
MEMBERS AND REPRESENTATIVES	)	
THEREOF, THE SENECA-CAYUGA	)	
TRIBE OF OKLAHOMA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 343
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: September 28, 1978

FINDINGS OF FACT AND ORDER ALLOWING ATTORNEYS' FEES

UPON CONSIDERATION of the application for attorneys' fees filed on June 27, 1978, by Paul G. Reilly (attorney of record herein) of the firm Earle & Reilly, attorneys for the plaintiff tribe, the response thereto by the Department of Justice and the Department of the Interior, the attorney contract under which the plaintiff tribe was represented, and the entire record in this docket, the Commission finds as follows:

1. Application for Attorneys' Fees. The application for attorneys fees was filed on June 27, 1978, by Paul G. Reilly, attorney of record for the Seneca-Cayuga Tribe of Oklahoma, plaintiff in this docket. The application is made for an award in the amount of \$7,000.00 for services rendered in this case. The amount requested represents 10 percent of the final judgment entered by the Commission herein.

2. Final Award. On May 11, 1978, the Commission entered a final award in this case in the amount of \$70,000.00 in favor of the plaintiff tribe, 41 Ind. Cl. Comm. 308, 326. The final award was based on the stipulation of parties upon a compromise settlement. Funds to satisfy the judgment were made available pursuant to Public Law 95-240, approved March 7, 1978 (92 Stat. 107, 116).

3. Attorneys' Contracts. Contract No. I-1-ind. 42018, dated March 3, 1947, was entered into between the Seneca-Cayuga Tribe of Oklahoma and the firm of Earle & Reilly, Paul G. Reilly being the attorney of record. This contract, as amended, was approved December 27, 1948. The original term of contract number I-1-ind. 42018 was for 10 years, but it has been extended periodically with a present expiration date of May 10, 1978.

The contract, as amended, and extended, provides for compensation to the firm of Earle & Reilly of 10 percent of any award, as well as reimbursement of reasonable expenses incurred in the prosecution of the claims. (The reimbursement for litigation expenses in pursuing this claim is a matter not under consideration in this application.)


4. Notice to Parties. The Clerk of the Commission sent notices of the filing of the fee application to the plaintiff tribe, the Department of Justice and the Department of the Interior. On July 10, 1978, Mr. Mayo S. Whitecrow, member of the Seneca-Cayuga Tribe of Oklahoma Legal Claims Committee, informed the Commission that the Seneca-Cayuga Tribe of Oklahoma had no objection to the \$7,000.00 fee application.

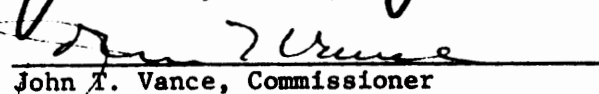
On September 25, 1978, the Department of Justice, taking no position with respect to allowance of attorneys' fees in this case, forwarded to the Commission a letter dated September 15, 1978, from the Associate Solicitor, Division of Indian Affairs, Department of the Interior, and a memorandum dated September 6, 1978, from the Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior. The report of the Deputy Assistant Secretary, with which the Solicitor did not take objection, concluded as follows:

With respect to compensation, contract No. I-1-ind. 42018 provides that the attorneys shall receive 10 percent of the amount recovered for the tribe. The amount claimed is in accord with the terms of the contract, and we have no objection to the allowance of fees in the amount claimed.

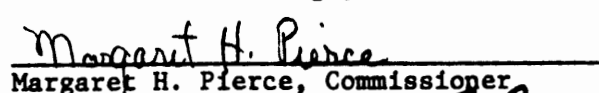
5. Conclusion. On the basis of the entire record in this docket, Section 15 of the Indian Claims Commission Act, and the contract in force between the attorneys and the plaintiff tribe, the Commission concludes that the attorneys herein have earned a gross fee of \$7,000.00, representing 10 percent of the award to the plaintiff.


IT IS THEREFORE ORDERED that there shall be awarded to Paul G. Reilly, for the firm Earle & Reilly, the amount of \$7,000.00. The sum shall represent payment in full of all claims for legal services in this docket.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner