

BEFORE THE INDIAN CLAIMS COMMISSION

RED LAKE, PEMBINA AND WHITE EARTH)
 BANDS, ET AL.,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES,)
)
 Defendant.)

Docket No. 18-A

TURTLE MOUNTAIN BAND OF CHIPPEWA)
 INDIANS,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES,)
)
 Defendant.)

Docket No. 113

THE LITTLE SHELL BAND OF CHIPPEWA)
 INDIANS, ET AL.,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES,)
)
 Defendant.)

Docket No. 191

Decided: August 13, 1964

FINDINGS OF FACT ON ATTORNEYS' FEES

On July 29, 1964, a hearing was held before the Commission on the petitions for allowance of attorneys' fees in the above-entitled cases and submitted to the Commission, and the Commission having considered the entire record, including the various contracts of employment of

said attorneys and certain assignments of interests therein, makes the following findings of fact:

1. On April 24, 1964, in compliance with the decision of the Court of Claims, Appeal No. 7-62, this Commission entered an amended final award in these consolidated cases, Docket numbers 18-A, 113, and 191 which in pertinent part reads as follows:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commission that the petitioners herein for and on behalf of and for the benefit of the Red Lake and Pembina Bands, as such bands were constituted and recognized by the United States at the time of the Treaty of October 2, 1863, do have and recover of and from the defendant the sum of \$2,034,889.56, said sum to be divided as follows:

- (1) On behalf of and for the benefit of the Red Lake Band \$1,797,761.74
- (2) On behalf of and for the benefit of the Pembina Band 237, 127.82

Attorneys' Contracts in Docket 18-A

2. The first attorneys' contract with the Red Lake Band was Contract No. 42012 under date of February 13, 1948, between the General Council of the Red Lake Band of Chippewa Indians and Austin L. Lathers, Jay H. Hoag and Clarence G. Lindquist and said contract was approved by the Acting Commissioner of Indian Affairs on April 7, 1948 for a period of ten years. The foregoing contract relationship was continued by Contract No. 600, dated June 12, 1958, as amended, between the Red Lake Band of Chippewa Indians and Austin L. Lathers, Jay H. Hoag and Clarence G. Lindquist, and was approved by the Assistant Commissioner of Indian Affairs on December 30, 1958 for a period of ten years from February 13, 1958.

3. The first attorneys' contract entered into on behalf of the Pembina Band of Chippewa Indians was Contract No. 42223 executed June 21, 1949 between Rossette Villebran and Eugene Brisbois, acting for and on behalf of the Pembina Band of Chippewa Indians, and attorneys H. J. Grannis, Austin L. Lathers, Jay H. Hoag and Clarence G. Lindquist, approved October 19, 1949 by the Assistant Commissioner of Indian Affairs for a period of ten years from October 19, 1949. The foregoing relationship was continued by Contract No. 909, dated June 3, 1960, as amended, between Willie LaFrinies and Jean Strandemo, acting for and on behalf of Pembina Band of Chippewa Indians, and attorneys Clarence G. Lindquist, Jay H. Hoag, Edward L. Gruber and Rodney J. Edwards, duly approved by the Deputy Solicitor of the Department of the Interior on May 16, 1961, for a term of ten years from October 19, 1959.

4. All contracts above described provide for the payment of attorneys' fees in an amount not exceeding ten per centum of the sum or sums recovered or procured through the attorneys efforts for said Indians, but wholly contingent upon recovery.

5. Assignments of Interests in Attorneys' Contracts in Docket 18-A

(a) An agreement dated November 18, 1949, and approved January 27, 1950, by the Assistant Commissioner of Indian Affairs, executed by the persons named below, provided for assignments of interests in Contracts Nos. 42012 and 42223, identified above, and any renewals of those contracts:

G. Arthur Johnson	Verne R. Edwards
Rodney J. Edwards	Ward Winton
Herschel B. Fryberger, Jr.	E. L. Gruber
Paul L. Adams	James J. Fenlon
H. J. Grannis	Austin L. Lathers
Jay H. Hoag	Clarence G. Lindquist
Preston Boyden	George E. McGrath
Patrick A. Burke	

The body of the agreement dated November 18, 1949, lists "Thomas L. St. Germain Heirs" as one of the parties, but none of such heirs executed the agreement and it is not effective as to them.

(b) By assignment dated April 18, 1950 and approved July 13, 1950 by the Commissioner of Indian Affairs, Austin L. Lathers, Jay H. Hoag and Clarence G. Lindquist assigned an interest in Contracts Nos. 42012 and 42223 to Denis McGinn and James R. Fitzharris.

(c) By assignment dated May 22, 1961, duly approved by the authorized officials of the Department of the Interior on December 22, 1962, the said Austin L. Lathers, Jay H. Hoag, Rodney J. Edwards and Clarence G. Lindquist, the contract attorneys under Contracts Nos. 42012 and 42223, as extended, assigned to Marvin J. Sonosky, attorney, ten percent of the fees allowed and paid in Docket 18-A.

(d) By assignment dated July 12, 1954 and approved by the Deputy Commissioner of Indian Affairs on June 5, 1958, Austin L. Lathers, Jay H. Hoag and Clarence G. Lindquist assigned an interest in Contracts Nos. 42012 and 42223 to Ward Winton and Warren Winton.

(e) An agreement approved with reference to Contract No. 42012 on August 31, 1955, and with reference to Contract No. 42223 on April 17, 1956, executed by Austin L. Lathers, Jay H. Hoag, Clarence G. Lindquist

