

BEFORE THE INDIAN CLAIMS COMMISSION

THE OTTAWA TRIBE AND GUY JENNISON,)
 BRONSON EDWARDS AND GENE JENNISON,)
 As Representatives of THE OTTAWA)
 TRIBE,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 303

ORDER ALLOWING ATTORNEY FEES

Upon consideration of the motion for an allowance of an attorney fee in Docket No. 303, the Commission finds:

1. That the attorneys' services were rendered under a contract between Guy Jennison, Chief; Fred King, Vice Chief; Bronson Edwards, Secretary; and Gene Jennison, Councilman, acting for and on behalf of the Ottawa Tribe of Oklahoma, and the law firm of Harrison, Thomas, Spangenberg and Hull, dated March 7, 1949, and approved by the Acting Commissioner of Indian Affairs on July 14, 1949. That on April 28, 1964, an agreement constituting an amendment to the foregoing attorneys' contract was entered into between the Ottawa Tribe of Oklahoma and the law firm of Harrison, Thomas, Spangenberg and Hull, consisting of Allan Hull, Craig Spangenberg and William K. Thomas, surviving partners, with William K. Thomas as administrator of the estate of Marvin C. Harrison, deceased, having a pecuniary interest in any reimbursement of any expenses and receipt of fees on behalf of the estate of the former partner, Marvin C. Harrison, attorneys for said tribe, whereby the March 7, 1949 contract was amended with respect to reimbursable attorneys' expenses, changes in the make-up of the law firm and said contract as amended was extended to July 14, 1974, which amendments and extension thereof were approved by the duly authorized representative of the Secretary of Interior on May 26, 1964.

2. That said attorneys' contract, as amended and extended, provides that the compensation of the attorneys for the services rendered is to be wholly contingent upon a recovery by the tribe and that said attorneys "shall receive as such compensation ten per centum (10%) of any and all sums recovered or procured, through efforts, in whole or in part for said Indians, whether by award of the Indian Claims Commission, suit, action

of any department of the government, or of the Congress of the United States, or otherwise, plus reasonable expenses incurred in the prosecution of the claims."

3. That the amended final award was entered in the above-entitled case on February 11, 1965, adjudging that petitioners should recover the sum of \$368,039.55, together with interest on \$30,603.94 thereof at 4 per cent per annum from March 22, 1934. The interest awarded, computed to February 11, 1965, the date of the entry of the amended final award, amounts to \$37,812.86, making the total award \$405,852.41.

4. That an attorney fee in the amount of 10% of the final award of \$405,852.41, or \$40,585.24, is presently due and payable to the law firm of Harrison, Thomas, Spangenberg and Hull and William K. Thomas, as administrator of the estate of Marvin C. Harrison, deceased, the former partner of said law firm.

IT IS THEREFORE ADJUDGED AND ORDERED that the sum of \$40,585.24 be paid out of said judgment funds, if and when they are deposited in the United States Treasury to the credit of the petitioning Indian Tribe, to Harrison, Thomas, Spangenberg and Hull and William K. Thomas, as administrator of the estate of Marvin C. Harrison, deceased.

Dated at Washington, D. C., this 14th day of May, 1965.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner