

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE NATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 248
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

Decided: June 27, 1966

FINDINGS OF FACT AS TO ALLOWANCE OF ATTORNEYS' FEE

Application having been filed on May 26, 1966, by the attorneys of record for the Seminole Nation, Roy St. Lewis and Paul M. Niebell, for allowance of attorneys' fees in the above-entitled cause, and the defendant having responded on June 17, 1966, by letter stating that it has no information to indicate that the requested ten percent fee is improper and, accordingly, takes no position with reference to such claim, this Commission makes the following findings of fact:

1. That the original contract was entered into between the Seminole Tribe of Indians in the State of Oklahoma acting for and on behalf of the Seminole Tribe of Indians of Oklahoma and Roy St. Lewis, attorney, on October 6, 1947, approved by the Acting Commissioner of Indian Affairs on December 8, 1947 (Contract No. I-1-ind. 42277); that said contract was for a period of ten (10) years from the date of approval; that a second contract was executed by the same parties on August 25, 1959 (Amended Contract 14-20-0650 No. 803); that this contract was approved by the Acting Secretary of the Interior on

November 28, 1960; that this contract was similar to the original contract and for a period of ten years from date of approval.

2. That Roy St. Lewis, the original attorney of record in this claim, associated with him Paul M. Niebell; that this association under the terms and conditions of Contract No. 803 was approved on July 12, 1963, by letter from the Area Director of the Bureau of Indian Affairs.

3. That both the original contract and second contract, together with amendment, provided that compensation paid to the attorney of record should be wholly contingent upon recovery for the Seminole Tribe, and in no event should such compensation exceed ten percent of all sums recovered for the Seminole Tribe.

4. That such amounts as were authorized by resolution of the Seminole Council, and approved by the Commissioner of Indian Affairs to reimburse the attorney for actual expenses incurred in the prosecution of this claim were expended out of Seminole tribal funds during process of the litigation. Accordingly, no claim has been filed herein for such expenses.

5. On November 9, 1965, the Commission entered an order in favor of the plaintiff awarding final judgment in the amount of \$63,680.00, with the proviso that assertions of offsets against the Seminole Nation should be postponed to other Seminole claims.

6. In consideration of the services rendered by the attorneys in the prosecution of this claim, the relatively long period of

litigation, the resulting award, and in accordance with the standards pertaining to prosecution of similar claims in courts of law, the Commission finds that the said attorneys are entitled to receive the full ten percent of the award as provided in Section 15 of the Indian Claims Commission Act and the attorneys' contracts herein.

7. The Commission finds that the sum of \$6,368.00 constituting 10% of the award made to the Seminole Nation by this Commission be awarded to Roy St. Lewis and Paul M. Niebell as compensation for services rendered as contract attorneys, and it will be so ordered.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner