

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA RESERVATION)
 IN KANSAS AND NEBRASKA,)
 THE IOWA TRIBE OF THE IOWA RESERVATION)
 IN OKLAHOMA, ET AL.,)
 OMAHA TRIBE OF NEBRASKA, ET AL.,)
 THE SAC AND FOX TRIBE OF INDIANS OF)
 OKLAHOMA,)
 THE SAC AND FOX TRIBE OF MISSOURI,)
 SAC AND FOX TRIBE OF THE MISSISSIPPI)
 IN IOWA, ET AL.,)

Petitioners,)

v.)

Docket No. 138

THE UNITED STATES OF AMERICA,)

Defendant.)

THE SAC AND FOX TRIBE OF INDIANS OF)
 OKLAHOMA,)
 THE SAC AND FOX TRIBE OF MISSOURI,)
 SAC AND FOX TRIBE OF THE MISSISSIPPI)
 IN IOWA, ET AL.,)

Petitioners,)

v.)

Docket No. 232

THE UNITED STATES OF AMERICA,)

Defendant.)

ORDER ALLOWING REIMBURSEMENT
OF ATTORNEY EXPENSES

The Commission has before it the application of the law firm of Mills and Garrett of 29 South LaSalle Street, Chicago, Illinois, attorneys for the petitioner, the Sac and Fox Tribe of the Mississippi in Iowa, for an order allowing reimbursement of expenses incurred in connection with the prosecution of the claims of the said petitioner in Dockets 138 and 232. A hearing on the said application was held before the Commission on November 3, 1966. The attorneys' fees were previously allowed by our order of May 18, 1965 (15 Ind. Cl. Comm. 378, Docket 138).

It appears that a final judgment was entered herein on March 2, 1965, in favor of The Sac and Fox Tribe of Indians of Oklahoma, The Sac and Fox Tribe of Missouri, and the Sac and Fox Tribe of the Mississippi in Iowa in the amount of \$1,096,533.42. It also appears that the approved contract under which the law firm of Mills and Garrett served the Sac and Fox Tribe of the Mississippi in Iowa provides for reimbursement of the firm out of such recovery of reasonable expenses incurred by it in the prosecution of the said tribe's claims herein.

Immediately before the hearing of November 3, 1966, the said law firm requested that the amount of \$6.01 be added to its application. This amount was expended for telephone toll calls in 1959 and was omitted in error. At the same time, the said firm withdrew from its application certain expense amounts totaling \$55.56 that were inadvertently included, and the amounts of certain other expenses aggregating \$1,962.20 that were incurred in connection with the prosecution of claims of the Sac and Fox Tribe of the Mississippi in Iowa in other dockets than 138 and 232. The last mentioned amounts and their related vouchers are identified as follows:

<u>Voucher</u>	<u>Amount</u>	<u>Relates to:</u>
B-68	\$ 137.82	Iowa valuation research
B-70	26.70	" "
B-72	24.50	Iowa valuation research project
B-75	66.68	Iowa valuation project
B-76	78.53	" "
B-77	85.15	" "
B-78	76.54	" "
B-79	96.55	" "
B-81	3.85	" "

Listing of withdrawn expense amounts, continued:

<u>Voucher</u>	<u>Amount</u>	<u>Relates to:</u>
B-83	4.08	Iowa valuation project
B-84	74.38	" "
B-85	93.00	" "
B-90	40.04	" "
B-93	63.71	" "
B-95	68.67	" "
B-97	57.07	" "
B-100	64.29	" "
B-101	<u>60.80</u>	" "
Subtotal	<u>1,122.36</u>	
B-13	45.00	Docket 153 (represents one-fifth of 225.00 expended for printing petitions on Cession 262)
B-50	400.00	Land valuation research done by Ida Fox
B-51	380.00	" " "
B-94	1.02	Docket 158 (represents one-third of Sac and Fox 50% share of 6.13 expended for Library of Congress microfilm)
B-96	13.82	Docket 158 (represents one-third of Sac and Fox 50% share of 82.91 expended for photostats)
Subtotal	<u>839.84</u>	
Total	<u>\$1,962.20</u>	

The defendant's response to the said application included the observation that an examination of the schedules attached to the application disclosed items of stenographic expenses aggregating \$942.18. It was determined, however, that nearly all of such claimed expense was incurred for stenographic services performed on an overtime basis at other than regular working hours and that all of the remainder was incurred for part time stenographic services

by a person from the outside who was not at the times involved a regular employee of the law firm.

After inclusion of the above mentioned amount of \$6.01, the said application is in the amount of \$13,905.97. The withdrawal of the above mentioned amounts totaling \$55.56 and the above identified expense amounts totaling \$1,962.20 leaves a balance of \$11,888.21. The Commission has found and concluded from the entire record herein that all of such balance, except \$13.07, is properly allowable out of the award herein. The amount of \$13.07 was expended for the work by Royce on Indian land cessions and is regarded as a cost that the attorneys should reasonably be expected to bear.

IT IS THEREFORE ORDERED AND ADJUDGED that out of the above mentioned award of March 2, 1965 there shall be paid the sum of \$11,875.14 to the law firm of Mills and Garrett in payment of reimbursable expenses incurred by the said firm in the prosecution of the said petitioner's claims herein.

Dated at Washington, D. C., this 10th day of November, 1966.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner