

BEFORE THE INDIAN CLAIMS COMMISSION

THE CONFEDERATED TRIBES)	
OF THE COLVILLE RESERVATION,)	
ET AL.,)	
)	
Petitioners,)	
)	
v.)	Docket 181-A and
)	Docket 181-B, Consolidated
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEE

Upon consideration of the petition of the attorney of record for the petitioners in Docket Nos. 181-A and 181-B for an allowance of an attorneys' fee in said dockets; the defendant having had a copy of the petition served on it and no objection thereto was entered, and having considered the entire record in the case, the Commission finds:

1. The final judgment in Docket Nos. 181-A and 181-B was entered September 7, 1967, awarding to the Confederated Tribes of the Colville Reservation on behalf of the petitioners in said dockets the sum of \$3,500,000.00.

2. The attorneys' contract with the Confederated Tribes of the Colville Reservation was entered into November 28, 1949, and approved by the Commissioner of Indian Affairs under date of April 13, 1951, and, as subsequently amended and extended, is currently in effect. The attorneys who are now parties to said contract, as amended, are Lyle Keith and Patrick H. Winston of Spokane, Washington, and I. S. Weissbrodt, Abe W. Weissbrodt, and Morton Liftin of Washington, D. C. Also, attorneys David Cobb and James E. Curry of Washington, D.C., were formerly parties to said contract. The said attorneys' contract, by its terms, fixes the amount of the attorneys' fee. Thus, paragraph 6 of said contract stipulates that the attorneys shall receive as compensation a fee of ten (10) per cent of the recovery. It is further provided in the contract that there shall be deducted from the fee so calculated the amount of annual retainers paid to the attorneys under the contract.

3. From the inception of the aforesaid Attorneys' Contract with the Confederated Tribes of the Colville Reservation to March 1, 1960, retainer fees had been paid to the attorneys in the total amount of \$30,000.00. Said \$30,000.00 was deducted from the attorneys' fee awarded to the attorneys by order entered March 1, 1961, in connection with a recovery made in Docket No. 181. Subsequently, between the period March 1, 1960 to July 12, 1961, a retainer fee in the amount of \$3,000.00 was paid to the

attorneys under said Attorneys' Contract, and said \$3,000.00 was deducted from the attorneys' fee awarded to the attorneys in Docket No. 180-A pursuant to order entered by the Commission on July 12, 1961. Subsequently, during the period from July 12, 1961 to July 9, 1965, retainer fees in the amount of \$12,000.00 were paid to the attorneys under said Attorneys' Contract and said \$12,000.00 was deducted from the attorneys' fee awarded to the attorneys in Docket Nos. 161, 222 and 224 pursuant to order of the Commission entered on July 9, 1965. Since July 9, 1965, additional retainer fees have been paid to the attorneys in the total amount of \$6,000.00, which amount has not yet been deducted from any recovery.

4. The application for attorney fees is made by I. S. Weissbrodt, attorney of record for the petitioners in Docket Nos. 181-A and 181-B. The application is made on behalf of all contract attorneys having an interest in the fee in the aforesaid two dockets, for all attorneys' services rendered therein, all the contract attorneys having reached among themselves an amicable understanding as to the division of the fee. An award of attorneys' fee is requested in the amount of \$350,000, being ten (10) per cent of the aggregate recovery, subject to the deduction of \$6,000 in retainer fees heretofore paid under the approved attorneys' contract with the Confederated Tribes of the Colville Reservation. A statement has been filed with the Commission signed by each of the contract attorneys and appropriately notarized, whereby each of them having an interest in the fee joins in said request that the award of the fee be made to I. S. Weissbrodt, the attorney of record for the petitioners in Docket Nos. 181-A and 181-B.

IT IS THEREFORE ORDERED AND ADJUDGED that from the appropriation of \$3,500,000.00 made by Congress to satisfy the award of this Commission in the amount of \$3,500,000.00 entered in this matter September 7, 1967, there shall be paid to I. S. Weissbrodt the sum of \$344,000.00, as the attorneys' fee owing as a result of this litigation.

Dated at Washington, D. C., this 29th day of September, 1967.

/s/ Arthur V. Watkins
Arthur V. Watkins, Commissioner

/s/ Wm. M. Holt
Wm. M. Holt, Commissioner

/s/ T. Harold Scott
T. Harold Scott, Commissioner