

BEFORE THE INDIAN CLAIMS COMMISSION

THE SISSETON AND WAHPETON BANDS	)	
OR TRIBES, ETC.,	)	
	)	
Petitioners,	)	
	)	
v.	)	Docket No. 142
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER AWARDING BALANCE OF ATTORNEYS' FEES

Under the Commission's order of July 19, 1968, \$64,569.28 was withheld from the overall fee award of \$509,757.50 for the purpose of disposing of the fee claims of the heirs of Wesley E. Disney, Esquire and Kelly Brown, Esquire. The Commission now having fully considered the matter and having this day entered additional findings of fact and an opinion, which are hereby made a part of this order, has concluded that:

- 1) under Contract No. 42135 Wesley E. Disney and Kelly Brown performed valuable services in the preparation and the filing of the petition in this case;
- 2) the subsequent withdrawal of attorneys Disney and Brown before final adjudication of the claim in this docket was done with the consent of the tribal petitioners and the approval of the Commissioner of Indian Affairs; and
- 3) neither attorneys Disney nor Brown in their lifetime ever disclaimed any fee interest in this case, and they are entitled under their attorney contract to be compensated for services rendered.

IT IS THEREFORE ORDERED that as compensation for legal services rendered to the tribal petitioners in this case, the balance of the

overall fee that was withheld under the Commission's previous order of July 19, 1968 to wit, \$64,569.28 is awarded to Marvin J. Sonosky, Emerson Hopp, and the heirs of attorneys Wesley E. Disney and Kelly Brown.

Dated at Washington, D. C., this 9<sup>th</sup> day of April, 1969.

John T. Vance  
John T. Vance, Chairman

Jerome K. Kuykendall  
Jerome K. Kuykendall, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner

Margaret H. Pierce  
Margaret H. Pierce, Commissioner

Theodore R. McKeldin  
Theodore R. McKeldin, Commissioner