

BEFORE THE INDIAN CLAIMS COMMISSION

THE BLACKFEET AND GROS VENTRE TRIBES)
 OF INDIANS, Residing upon the)
 Blackfeet and Fort Belknap)
 Reservations in the State of)
 Montana,)
 Plaintiffs,)
 v.)
 THE UNITED STATES OF AMERICA,)
 Defendant,)
 THE ASSINIBOINE TRIBES OF INDIANS,)
 Residing upon the Fort Belknap)
 and Fort Peck Reservations,)
 Montana, and THE SIOUX TRIBE OF)
 THE FORT PECK RESERVATION,)
 Montana,)
 Intervenor.)

In the Matter of Petition
 for Attorney Fees for Services
 to The Intervenor Sioux
 Docket No. 279-A

Decided: *Apr. 30, 1969*

FINDINGS OF FACT ON ATTORNEY'S FEES FOR SERVICES TO THE SIOUX TRIBE OF THE FORT PECK RESERVATION, INTERVENOR

The Commission having considered the petition for allowance of attorney's fees for services to the intervenor Sioux Tribe of the Fort Peck Indian Reservation, Montana (hereinafter "intervenor Sioux"), the response of the defendant, and the evidence in support of the petition, including the entire record and all proceedings in this case, makes the following findings of fact:

1. Award. On August 23, 1968 the Commission entered a final award in favor of the intervenor Sioux in the sum of \$1,161,354.40.

2. Contractual authority. The claim of the intervenor Sioux in Docket No. 279-A was prosecuted under Contract No. 14-20-0650-1136 between Marvin J. Sonosky on the one part and three distinct tribal entities, namely the intervenor Sioux, the Assiniboine Tribe of the Fort Peck Reservation and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, acting through the Fort Peck Tribal Executive Board, on the other. The contract was duly approved December 19, 1962 by the Assistant Commissioner of Indian Affairs for a period of five years from the date of approval.

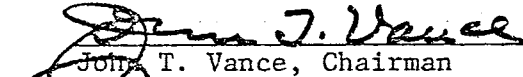
By extension approved September 12, 1967 by the Acting Area Director, Billings, Contract No. 1136 was extended for a period of two years expiring December 18, 1969.

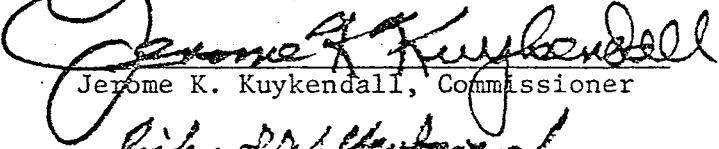
3. Compensation under the contract. Contract No. 1136 provides for a fee of not to exceed 10 percent of the recovery and a retainer of \$2,500 chargeable against the contingent fee. The retainer of \$2,500 was paid to the petitioner attorney by the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, as distinguished from the intervenor Sioux and the intervenor Assiniboine Tribe. The petitioner attorney has repaid the \$2,500 to the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and the Fort Peck Indian Agency has advised that the \$2,500 has been credited to the trust account of those tribes.

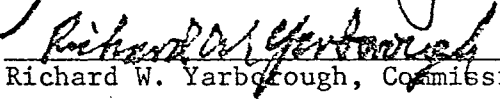
4. Services. The petitioner attorney has rendered valuable legal services in successfully establishing the right of the Sioux to intervene some 12 years after the time for filing claims under the Indian Claims

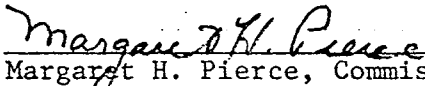
Commission Act had expired and in successfully prosecuting the claim of the intervenor Sioux to an award. Tested by the standards fixed in Section 15 of the Act (25 U.S.C. 70n), including those obtaining for prosecuting similar claims in courts of law, and considering the complex and contingent nature of the claim and the result obtained, the petitioner attorney earned, and is entitled to, an attorney's fee of \$116,135.44, representing ten percent (10%) of the award to the intervenor Sioux.

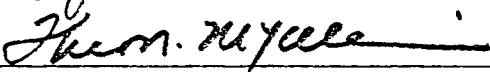
Dated at Washington, D. C., this 30th day of April, 1969.


John T. Vance, Chairman


Jerome K. Kuykendall, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Theodore R. McKeldin, Commissioner