

## BEFORE THE INDIAN CLAIMS COMMISSION

THE PEORIA TRIBE OF INDIANS OF	)	
OKLAHOMA, ON BEHALF OF THE	)	
PIANKESHAW NATION, et al.,	)	
	)	
	)	
	)	
Plaintiffs,	)	
v.	)	Docket No. 99
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING ATTORNEYS' FEES  
AND REIMBURSABLE EXPENSES

HAVING CONSIDERED the applications for attorneys' fees and reimbursement of allowable expenses filed on February 28, 1970, by Jack Joseph, Esquire, the attorney of record of the above-named plaintiffs, in behalf of himself and the law firm of Brown, Dashow, Langeluttig, Arons & Doran; the defendant's response to the said applications, filed on April 27, 1970; the contract under which the attorneys served the said plaintiffs, and the remainder of the record herein, the Commission finds as follows:

1. On February 11, 1970, a final award was entered herein in the amount of \$3,270,400.00 in favor of The Peoria Tribe of Indians of Oklahoma, on behalf of the Piankeshaw Nation (22 Ind. Cl. Comm. 442). Funds to satisfy the award were appropriated by the Act of July 6, 1970 (84 Stat. 376).

2. The attorneys' services in behalf of the plaintiffs were rendered under contract No. I-1-ind. 42129, dated October 18, 1948, which the Peoria Tribe of Oklahoma entered into with the law firm of Brown, Dashow, and Ziedman (now Brown, Dashow, Langeluttig, Arons & Doran). Said contract was approved on December 24, 1948, and had a specified initial term of 10 years beginning with the date of approval. It has been amended and twice extended. The current extension, approved on November 22, 1963, is for a period of 10 years that commenced on December 24, 1963. An amendment approved on November 13, 1969, modified the contract "to show the names of the attorneys-parties" thereto as "Jack Joseph and Brown, Dashow, Langeluttig, Arons and Doran".

3. Said contract, as amended and extended, fixes the compensation of the attorneys at 10 percent of any and all sums recovered through the attorneys' efforts for the Indians. The contract also provides that the attorneys shall be reimbursed from such recovered sums for their reasonable expenses incurred in the prosecution of the claims of the Indians.

4. The attorneys request an award of \$327,040.00 in fees, an amount equal to 10 percent of the aforementioned award to the plaintiffs, and reimbursement of claimed expenses amounting to \$11,508.00.

5. The defendant's response to the attorneys' applications transmitted a copy of a letter, dated April 15, 1970, from the Associate Solicitor, Indian Affairs, Department of the Interior, and a copy of an accompanying memorandum, dated March 26, 1970, from the Acting Associate Commissioner, Bureau of Indian Affairs, and indicates that the "defendant interposes no objection to the allowance of attorneys' fees in the sum of \$327,040, or the allowance of reimbursable expenses in the sum of \$11,508." The letter from the Associate Solicitor refers to advice in the memorandum from the Acting Associate Commissioner, Bureau of Indian Affairs, to the effect that there is no objection to the application for attorneys' fees, since the applicable contract provides for fees in the 10 percent amount requested, and that the items contained in the application for reimbursement of expenses appear to fall within those categories of expenses which are reasonable and proper for reimbursement, and expresses concurrence in the views expressed by the Acting Associate Commissioner.

6. An appropriate notice of the filing of the attorneys' applications was duly sent, on March 2, 1970, to the Chief of the Peoria Tribe of Indians of Oklahoma. No response to this notice has been received.

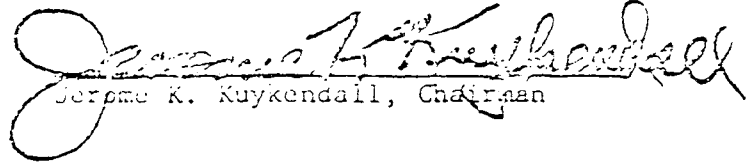
7. The attorneys have rendered valuable legal services in the successful prosecution of the claims asserted herein by the above-named plaintiffs and they are entitled under the terms of the aforementioned contract to an award of fees in the requested amount of \$327,040.00.

8. The attorneys' application for reimbursement of allowable expenses accounts for unreimbursed expenses incurred herein totaling \$11,508.00. All of the expenses included in this total are reasonable and properly reimbursable out of the funds appropriated to satisfy the aforementioned final award.

IT IS THEREFORE ORDERED that out of the funds appropriated to satisfy the final award entered herein on February 11, 1970 (22 Ind. Cl. Comm. 442), there shall be disbursed to Jack Joseph and Brown, Dashow, Langeluttig, Arons & Doran the sum of \$327,040.00 as payment in full of the attorneys' fees owed for services rendered herein by the attorneys for the above-named plaintiffs.

IT IS FURTHER ORDERED that out of the same appropriated funds there shall be disbursed to Jack Joseph and Brown, Dashow, Langeluttig, Arons & Doran the sum of \$11,508.00 as payment in full of their claim herein for unreimbursed expenses.

Dated at Washington, D. C., this 12<sup>th</sup> day of August 1970.

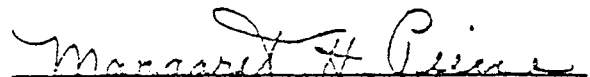
  
Jerome K. Kuykendall, Chairman

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John T. Vance, Commissioner

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Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner