

BEFORE THE INDIAN CLAIMS COMMISSION

THE SISSETON AND WAHPETON BANDS)	
OR TRIBES, ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 142
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER AMENDING FINDINGS OF FACT AND
AWARDING BALANCE OF ATTORNEY FEES

In compliance with the April 17, 1970, decision of the Court of Claims, affirming in part, reversing in part and remanding this docket to the Commission for further proceedings, The Sisseton and Wahpeton Bands or Tribes, et al. v. United States, 191 Ct. Cl. 459, 423 F.2d 1386, the Commission, upon its own motion, orders that;

1. Findings of Fact No. 18 and Findings of Fact No. 19, previously entered herein on April 9, 1969, are hereby stricken and the following is substituted in lieu thereof:

- "18. The Commission finds that the legal services in this case were performed by several contract attorneys at different times and under separate contracts. Accordingly, the Commission has jurisdiction, not only to determine whether attorneys Disney and Brown performed any legal services under their attorney contract, but also the value of these services.
19. (a) Based upon the record now before the Commission, it is of the opinion that attorneys Disney and Brown performed valuable legal services under Contract No. 41253 between April 4, 1949, and December 31, 1952, including but not limited to the preparation and filing of the petition, and that such legal services qualify under Section 15 of the Indian Claims Commission Act (60 Stat. 1049, 1053) as '. . . services rendered in prosecuting the claim in question.' The heirs of attorneys Disney and Brown are therefore entitled to a fee of \$32,284.64.

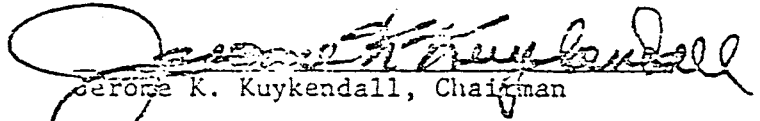
(b) The balance of \$32,284.64 is awarded to Marvin Sonosky and Emerson Hopp as additional compensation for all legal services rendered by them under the attorney contract as set forth in Finding of Fact No. 2 previously entered herein (19 Ind. Cl. Comm. 275-277)."

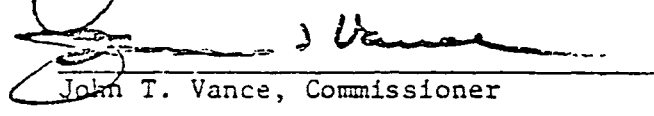
2. All other findings of fact entered herein on April 9, 1969, are recntered and affirmed.

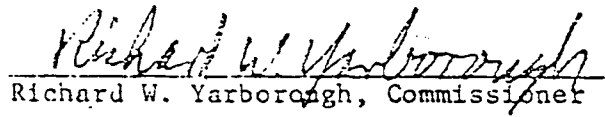
IT IS FURTHER ORDERED that as compensation for legal services rendered to the tribal petitioners in this case, the heirs of attorneys Wesley E. Disney and Kelly Brown shall be awarded the sum of \$32,284.64 out of the balance of the overall fee that was withheld under the Commission's previous order of July 19, 1968; and

IT IS FURTHER ORDERED that the balance of the sum so withheld, to wit \$32,284.64, is awarded to attorneys Marvin J. Sonosky and Emerson Hopp, as additional compensation for services rendered to the tribal petitioners in this case.

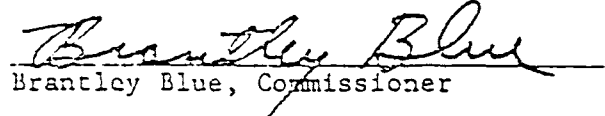
Dated at Washington, D. C., this 21st day of October 1970.


Gerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret J. Pierce, Commissioner


Brantley Blue, Commissioner