

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA RESERVATION )	
IN KANSAS AND NEBRASKA, ET AL., )	
	)
THE SAC AND FOX TRIBE OF INDIANS OF )	
OKLAHOMA, ET AL., )	
	)
Plaintiffs, )	
	)
v. )	Docket No. 153
	)
THE UNITED STATES OF AMERICA, )	
	)
Defendant. )	

ORDER ALLOWING ATTORNEYS' FEES

HAVING CONSIDERED the joint application for allowance of attorneys' fees filed on July 21, 1970, for the law firm of Dykema, Wheat, Spencer, Goodnow & Trigg of Detroit, Michigan (the Dykema firm) and the law firm of McCarter & English of Newark, New Jersey, by Brian Sullivan, Esquire, a member of the Dykema firm and the attorney of record for the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska (the Iowa Tribe of Kansas and Nebraska) and Nicholas Conover English, Esquire, a member of the firm of McCarter & English and the Attorney of Record for the Iowa Tribe of the Iowa Reservation in Oklahoma (the Iowa Tribe of Oklahoma); the defendant's response to the application dated October 14, 1970; the contracts under which the attorneys served the aforementioned tribes; and the remainder of the record herein, the Commission finds as follows:

1. A final award in favor of the Iowa Nation in the amount of \$2,783,700 was entered in this docket on February 4, 1970 (22 Ind. Cl. Comm. 385). Funds to satisfy this award were appropriated by the Act of July 6, 1970 (84 Stat. 376). The application by the attorneys of record requests allowance of attorneys' fees in the sum of \$278,370 comprising 10% of the said final award.

2. The representation herein of the Iowa Tribe of Kansas and Nebraska was initially under a contract, No. I-1-ind. 42192, that the tribe entered into with the law firm of Dykema, Jones & Wheat (now Dykema, Wheat, Spencer, Goodnow and Trigg) on May 24, 1949. This contract was approved on September 8, 1949, and has a specified term of 10 years beginning with its approval date. An extension of the contract for a period of five years beginning on September 8, 1959, was approved on

June 22, 1959. On September 30, 1964, the same tribe entered into a new contract, No. 14-20-0200-1857, with the Dykema firm which continued in effect essentially the same terms and conditions that had been in effect under the prior contract. The new contract was approved on December 24, 1964, and has a specified term of 5 years commencing with the expiration of contract No. 1-1-Ind. 42192 on September 7, 1964. An extension of contract No. 14-20-0200-1857 for a period of 10 years beginning on September 8, 1969, was approved on September 12, 1969.

3. The representation herein of the Iowa Tribe of Oklahoma was under contract No. 1-1-Ind. 42016 that the tribe entered into with the law firm of McCarter, English & Studer (now McCarter and English) on February 14, 1947. This contract was approved on May 10, 1948, and had a specified term of 10 years beginning with its approval date. An extension of the contract for a period of 5 years beginning on May 10, 1958, was approved on March 17, 1958. Another extension for a period of 10 years beginning on May 10, 1963, was approved on May 23, 1963.

4. All of the aforementioned contracts provide for compensation of the attorneys in the amount of 10% of any and all sums recovered by them for the Indians.

5. The defendant's response of October 14, 1970, to the joint application enclosed a copy of a letter dated September 30, 1970, from the Associate Solicitor, Indian Affairs, Department of the Interior, and a copy of an accompanying memorandum dated September 18, 1970, from the Commissioner of Indian Affairs, and concluded with the observation that: "These officials of the Department of the Interior indicate [in the said letter and memorandum] that the attorney fees of \$278,370 are in accordance with the terms of the contract and make no objection thereto. Accordingly defendant interposes no objection to the allowance of the attorney fees as claimed."

6. Notices of the filing of the joint application for allowance of attorneys' fees were sent on August 31, 1970, to the Chairman of the Executive Committee of the Iowa Tribe of Kansas and Nebraska and the Chairman of the Business Council of the Iowa Tribe of Oklahoma. No response to either notice was received.

7. The attorneys have rendered valuable legal services to the Iowa Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma in the successful prosecution of the Iowa claims asserted herein, and they are entitled under the terms of the aforementioned contracts to fees in the requested sum of \$278,370.00.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on February 4, 1970, in favor of the Iowa Nation (22 Ind. Cl. Comm. 385), there shall be disbursed to the law firm of Dykema, Wheat, Spencer, Goodnow & Trigg of Detroit, Michigan, and the law firm of McCarter & English of Newark, New Jersey, the sum of \$278,370.00 as payment in full of the attorneys' fees owed for services rendered herein by the attorneys for the Iowa Tribe of Kansas and Nebraska and the Iowa Tribe of Oklahoma.

Dated at Washington, D. C., this 10<sup>th</sup> day of November 1970.

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Jerome K. Kuykendall, Chairman

*John T. Vance*  
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John T. Vance, Commissioner

*Richard W. Yarborough*  
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Richard W. Yarborough, Commissioner

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Margaret H. Pierce, Commissioner

*Brantley Blue*  
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Brantley Blue, Commissioner