

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 October 9, 1970, for the law firms of Schiff Hardin Waite Dorschel & Britton, Mills and Garrett, and Pritzker, Pritzker & Clinton, all of Chicago, Illinois, by George B. Pletsch, Esquire, a partner in the firm of Schiff Hardin Waite Dorschel & Britton and attorney of record for the Sac and Fox Tribe of Indians of Oklahoma; Lawrence C. Mills, Esquire, a partner in the firm of Mills and Garrett and attorney of record for the Sac and Fox Tribe of the Mississippi in Iowa, and Stanford Clinton, Esquire, a partner in the firm of Pritzker, Pritzker & Clinton and attorney of record for the Sac and Fox Tribe of Missouri in Kansas; the contracts under which the attorneys served the said tribes; the defendant's response to the application filed on December 24, 1970; and the remainder of the record herein, the Commission finds as follows:

1. On February 4, 1970, the Commission entered a final award in this docket which provided, among other things, that the "plaintiff Sac and Fox Nation shall have and recover from defendant as a final judgment \$10,601,282.66" (22 Ind. Cl. Comm. 385, 415). The Sac and Fox tribes named above are successors in interest to the said nation (7 Ind. Cl. Comm. 98, 99, finding of fact 3). Funds to satisfy the final judgment 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 \$1,060,128.27, comprising 10% of the final judgment.

2. The representation herein of the Sac and Fox Tribe of Indians of Oklahoma was initially under contract No. I-1-ind. 42249 that the

tribe entered into on October 29, 1949, with the law firm of Pam, Hurd & Reichmann, a predecessor firm of Schiff Hardin Waite Dorschel & Britton. This contract was approved on February 13, 1950, and had a specified term of 10 years commencing with its approval date. An extension of the contract for an additional period of 5 years commencing on February 13, 1960, was approved on October 3, 1960. On December 12, 1964, the Sac and Fox Tribe of Indians of Oklahoma entered into a new contract with the law firm of Schiff Hardin Waite Dorschel & Britton. This contract, assigned No. 14-20-0200-1879, was approved on February 15, 1965. It had a specified term of 5 years commencing on its approval date and continued with certain changes the provisions of the original contract. An extension of contract No. 14-20-0200-1879 for a period of 3 years beginning on February 15, 1970, was approved on February 11, 1970.

3. The representation herein of the Sac and Fox Tribe of the Mississippi in Iowa was initially under contract No. I-1-ind 42274 that the tribe entered into on March 31, 1950, with the law firm of Dempsey, Mills & Casey, a predecessor firm of Mills and Garrett. This contract was approved on August 29, 1950, and had a specified term of 10 years beginning with its approval date. An extension of the contract for an additional period of 5 years commencing on August 29, 1960, was approved on August 29, 1960. On March 12, 1965, the Sac and Fox Tribe of the Mississippi in Iowa entered into a new contract with the law firm of Mills and Garrett. This contract, assigned No. 14-20-0350-278, was approved on July 23, 1965. It had a specified term of 5 years commencing on its approval date and continued with certain changes the provisions of the prior contract. An extension of contract No. 14-20-0350-278 for a period of 3 years ending on July 22, 1973, was approved on January 12, 1968.

4. The representation herein of the Sac and Fox Tribe of Missouri in Kansas was initially under contract No. I-1-ind. 42262 that the tribe entered into with the law firm of Pritzker, Pritzker and Clinton on September 3, 1949. This contract was approved on March 8, 1950, and had a specified term of 10 years beginning with its approval date. An extension of the contract for an additional period of 5 years beginning on March 8, 1960, was approved on August 19, 1960. On April 16, 1965, the same parties entered into a new contract. This contract, assigned No. 14-20-0200-1922, continued the relationship between the parties that was brought into being by the prior contract. Contract No. 14-20-0200-1922 was approved on May 7, 1965, and had a specified term of 5 years beginning on March 8, 1965. An extension of this contract for a period of 3 years that began on March 8, 1970, was approved on March 30, 1970.

5. Each of the aforementioned contracts specifically provides for compensation to the attorneys in the amount of ten percent (10%) of any and all sums recovered for the Indians.

6. The defendant's response to the application by the attorneys of record reads in part as follows:

"There are enclosed a copy of the letter of December 4, 1970, from the Associate Solicitor, Department of the Interior, and of the memorandum of November 17, 1970, from the Commissioner of Indian Affairs indicating that the requested Sac and Fox attorneys' fees of \$1,060,128.27 are in accordance with their contract requirements and that they have no objection to the allowance thereof. Accordingly, defendant interposes no objection to the attorneys' fees as requested."

7. A notice of the filing of the application for allowance of attorneys' fees was mailed on October 9, 1970, to the Chairman of each of the three Sac and Fox tribes named above. No response to the notice has been received.

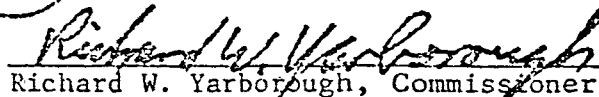
8. The attorneys have rendered valuable legal services to their clients in the successful prosecution of the Sac and Fox claims asserted in this docket and they are entitled under the terms of their aforementioned contracts to fees in the requested sum of \$1,060,128.27.

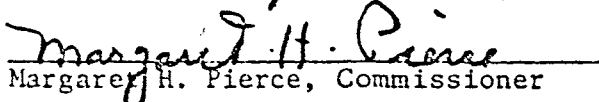
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the aforementioned judgment in favor of the Sac and Fox Nation there shall be jointly disbursed to the firms of Schiff Hardin Waite Dorschel & Britton, Mills and Garrett, and Pritzker, Pritzker & Clinton the sum of \$1,060,128.27 as payment in full of the attorneys' fees owed for legal services rendered herein in behalf of the Sac and Fox plaintiffs.

Dated at Washington, D. C., this 27th day of January 1971.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner

Brantley Blue, Commissioner