

## BEFORE THE INDIAN CLAIMS COMMISSION

THE MIAMI TRIBE OF OKLAHOMA, also known	)	
as THE MIAMI TRIBE, ET AL.,	)	Docket No. 253
	)	
Plaintiffs,	)	
	)	
IRA SYLVESTER GODFROY, WILLIAM ALLOLLA	)	
GODFROY, JOHN A. OWENS, on relation of	)	
THE MIAMI INDIAN TRIBE AND MIAMI TRIBE	)	
OF INDIANS, and each on behalf of others	)	Docket No. 131
similarly situated and on behalf of	)	
THE MIAMI INDIAN TRIBE and various bands	)	
and groups of each of them, comprising	)	
the MIAMI TRIBE AND NATION,	)	
	)	
Plaintiffs,	)	
	)	
THE PEORIA TRIBE OF INDIANS OF OKLAHOMA	)	
and AMOS ROBINSON SKYE on behalf of the	)	Docket No. 314-D
WEA NATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
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 October 5, 1970, by Jack Joseph, Esquire, attorney of record for the above-named plaintiffs in Docket No. 314-D, in behalf of himself and the law firm of Brown, Dashow, Langeluttig, Arons & Doran; the contract under which the attorneys served the said plaintiffs; the defendant's response to the said applications, filed on January 6, 1971; and the remainder of the record herein, the Commission finds as follows:

1. On January 8, 1970, an amended final award was entered herein which ordered, inter alia, that the Peoria Tribe of Indians of Oklahoma, et al., plaintiffs in Docket No. 314-D, have and recover of and from the defendant the sum of \$1,209,900.00 (22 Ind. Cl. Comm. 92, 179). Funds to satisfy this award were appropriated by Public Law 91-665, approved January 8, 1971.

2. The attorneys' services in behalf of the plaintiffs in Docket No. 314-D were rendered under contract No. I-1-ind. 42129 which the Peoria Tribe of Oklahoma entered into on October 18, 1948, with the law firm of Brown, Dashow, and Ziedman (the predecessor of Jack Joseph and the firm of Brown, Dashow, Langeluttig, Arons & Doran). The contract was approved on December 24, 1948, and had a specified initial term of 10 years beginning with its approval date. 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 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 for their reasonable expenses incurred in the prosecution of the claims of the Indians.

4. The applications by the attorney of record request an award of \$120,990.00 in fees, an amount equal to 10 percent of the aforementioned award to the plaintiffs in Docket No. 314-D, and reimbursement of claimed expenses totaling \$4,730.29.

5. The defendant's response to the applications reads in part as follows:

"In Peoria Tribe of Indians of Oklahoma on behalf of the Wea Nation v. United States, Docket No. 314-D, before the Indian Claims Commission, the attorney of record for the petitioners filed petitions for fees and reimbursement for expenses.

"We asked the Solicitor of the Department of the Interior for his Department's views as to those petitions. Enclosed is a copy of the memorandum dated November 18, 1970 from the Commissioner of Indian Affairs to the Solicitor of the Department of the Interior. Likewise enclosed is a copy of the letter dated December 8, 1970 from the Associate Solicitor to Assistant Attorney General Shiro Kashiwa. As indicated by the enclosures the Department of the Interior concluded that the fees and expenses are unobjectionable.

"The defendant interposes no objection to the fees and expenses as claimed."

6. An appropriate notice of the filing of the applications for attorneys' fees and reimbursement of allowable expenses was duly sent on October 7, 1970, to the Chief of the Peoria Tribal Council. No response to this notice has been received.

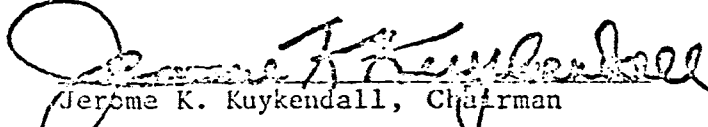
7. The attorneys have rendered valuable legal services in their successful prosecution herein of the claims asserted by the above-named plaintiffs in Docket No. 314-D and they are entitled under the terms of their aforementioned contract to an award of fees in the requested amount of \$120,990.00.

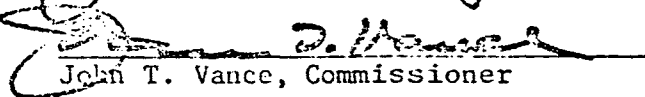
8. The application by the attorney of record for reimbursement of allowable expenses accounts for unreimbursed expenses incurred herein totaling \$4,730.29. All of the items of expense included in this total are reasonable and properly reimbursable out of the funds appropriated to satisfy the aforementioned final award.

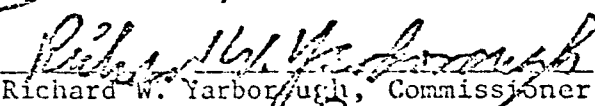
IT IS THEREFORE ORDERED that out of the funds appropriated to satisfy the above-mentioned final award to the Peoria Tribe of Indians of Oklahoma, et al., plaintiffs in Docket No. 314-D, there shall be disbursed to Jack Joseph and Brown, Dashow, Langeluttig, Arons & Doran the sum of \$120,990.00 as payment in full of the attorneys' fees owed for legal services rendered herein for the said plaintiffs.

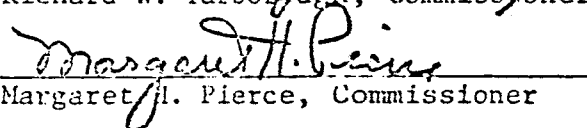
IT IS FURTHER ORDERED that out of the same appropriated funds there shall be disbursed to Jack Joseph and Brown, Dashow, Langeluttig, Arons & Doran the sum of \$4,730.29 as payment in full of their claim herein for unreimbursed expenses.

Dated at Washington, D. C., this 27<sup>th</sup> day of January 1971.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

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Brantley Blue, Commissioner