

BEFORE THE INDIAN CLAIMS COMMISSION

SAC AND FOX TRIBE OF THE MISSISSIPPI IN IOWA, )  
 THE SAC AND FOX TRIBE OF INDIANS OF OKLAHOMA, )  
 AND KENNETH YOUNGBEAR, CHARLES DAVENPORT, )  
 HARRY LINCOLN, ALBERT DAVENPORT, EDWARD DAVENPORT, )  
 PERCY BEAR, COLUMBUS KEAHNA, EDWARD MACK, PAULINE )  
 LEWIS, WILLIAM NEWASHE, AND AMOS BLACK, appearing )  
 as the representatives of and on the relation of )  
 the SAC AND FOX OF THE MISSISSIPPI, and as repre- )  
 sentatives of and on behalf of all the members )  
 thereof, and appearing as the representatives of )  
 and on the relation of the CONFEDERATED OR UNITED )  
 TRIBES OF SAC AND FOX INDIANS, and as representa- )  
 tives and on behalf of all of the members thereof, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Docket No. 219

ORDER ALLOWING ATTORNEYS' FEES

HAVING CONSIDERED the joint application for allowance of attorneys' fees filed on October 15, 1970, for the law firms of Mills and Garrett, and Schiff Hardin Waite Dorschel & Britton, all of Chicago, Illinois, by 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 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; the contracts under which the attorneys served the said tribes; the defendant's response to the application filed on December 11, 1970; and the remainder of the record herein, the Commission finds as follows:

1. On September 29, 1967, a final award was entered herein in favor of the Sac and Fox plaintiffs in the sum of \$899,408.54 (18 Ind. Cl. Comm. 558). Funds to satisfy the award were appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198). The application by the attorneys of record requests allowance of attorneys' fees in the sum of \$89,940.85, comprising 10% of the final award.

2. The representation in this docket of the Sac and Fox Tribe of the Mississippi in Iowa was under two contracts. The first was 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.

3. 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.

4. 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.

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

"Re: Sac and Fox Tribe, et al. v. United States,  
Docket No. 219, before the Indian Claims  
Commission.

"We enclose a copy of a letter from the Associate Solicitor of the Department of the Interior dated December 3, 1970, with a memorandum of November 18, 1970, from the Commissioner of Indian Affairs stating that they have no objection to the allowance of attorneys' fees requested in the above case.

"We know of no objection to the allowance of said fees."


6. A notice of the filing of the application for allowance of attorneys' fees was duly sent on October 20, 1970, to the Chairman of the Sac and Fox Tribe of the Mississippi in Iowa and the Chairman of the Sac and Fox Tribe of Indians of Oklahoma. No response to the notice has been received.

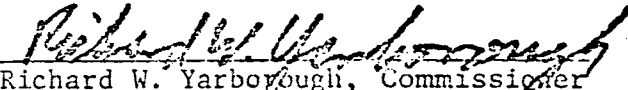
7. The attorneys have rendered valuable legal services in the successful prosecution of the Sac and Fox claims asserted in this docket and they are entitled under the terms of their aforementioned contracts to fees in the requested sum of \$89,940.85.

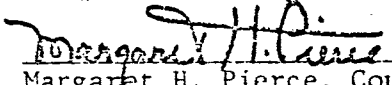
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the aforementioned final award there shall be jointly disbursed to the firms of Mills and Garrett, and Schiff Hardin Waite Dorschel & Britton the sum of \$89,940.85 as payment in full of the attorneys' fees owed for legal services rendered herein in behalf of the Sac and Fox plaintiffs.

Dated at Washington, D. C., this 3<sup>d</sup> day of February 1971.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner