

BEFORE THE INDIAN CLAIMS COMMISSION

THE STILLAGUAMISH TRIBE OF INDIANS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 207
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING ATTORNEY'S FEE

HAVING CONSIDERED the application for allowance of attorney's fee filed on January 22, 1970, by Frederick W. Post, Esquire, attorney of record for the above-named plaintiff in Docket No. 207, in behalf of himself; the contracts under which the attorney served the plaintiff; the defendant's response to such application filed on October 26, 1970; and the remainder of the record herein, the Commission finds as follows:

1. Award. On January 8, 1970, pursuant to an approved compromise settlement between the parties, the Commission entered a final judgment in this docket in the amount of \$48,570.00 in favor of the Stillaguamish Tribe of Indians (22 Ind. Cl. Comm. 361, 371). Funds to satisfy this judgment were appropriated by the Act of July 6, 1970 (84 Stat. 376).

2. Contractual Authority. This claim was prosecuted under various contracts. Contract No. I-1-ind. 42494, dated March 7, 1951, between the Stillaguamish Tribe and the law firm of Post and McLeod composed of Frederick W. Post, Malcolm S. McLeod, and Warren J. Gilbert was approved by the Commissioner of Indian Affairs on July 12, 1951, for a period of five years beginning with the date of approval. Contract No. 14-20-0650-1023, dated December 3, 1957, between the Stillaguamish Tribe and Attorneys Warren J. Gilbert and Frederick W. Post was approved on February 9, 1962, for a period of seven years beginning on July 11, 1956. Contract No. 14-20-0500-2092, dated October 17, 1964, between the Stillaguamish Tribe and Attorney Frederick W. Post was approved on December 7, 1964, for a period of four years beginning on July 12, 1963. An agreement extending the provisions of this contract for a period of five years beginning on July 12, 1967, was approved on November 8, 1967

3. Compensation under the Contracts. The contracts executed in 1951 and 1957 provide that compensation to the attorneys for services rendered by them is wholly contingent upon recovery for the tribe and that the compensation shall not exceed 10 percent of any and all sums recovered for the tribe.

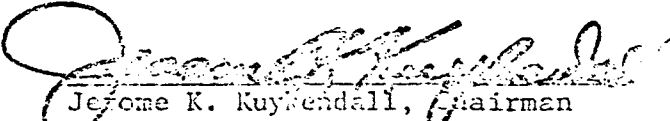
However, the contract executed in 1964, as extended, provides that compensation to the attorneys shall be 10 percent of any and all sums recovered for the tribe. The application requests allowance of compensation in the amount of \$4,857.00 which is 10 percent of the award of \$48,570.00 in favor of the tribe. The amount applied for is in accordance with the provision of the 1964 contract as extended.

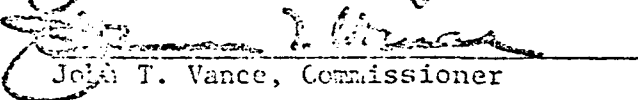
4. Response of Defendant. The defendant's response to this application attached a copy of a letter dated June 15, 1970, from the Acting Associate Solicitor, Indian Affairs, Department of the Interior, and a copy of an accompanying memorandum dated April 16, 1970, in which the Acting Associate Commissioner, Bureau of Indian Affairs, indicated that he had "no objection to allowance of compensation in the amount claimed." The defendant advised, in line with the views expressed in the letter and memorandum, that the Department of Justice "takes no position with respect to the amount of fee which should be awarded."

5. Services. Attorney Frederick W. Post has rendered valuable services in his successful prosecution of the plaintiff's claim in this docket, and he is entitled under the terms of the aforementioned contract currently in effect to an award of fees in the requested sum of \$4,857.00 representing 10 percent of the award to the plaintiff.

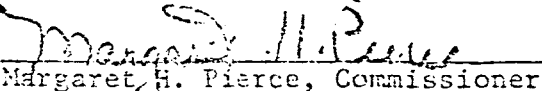
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the aforementioned judgment, there be paid to Frederick W. Post the sum of \$4,857.00 as payment in full of the attorney's fee owed for legal services rendered herein for the Stillaguamish Tribe.

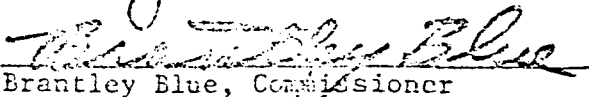
Dated at Washington, D. C., this 3<sup>rd</sup> day of March 1971.

  
 Jerome K. Kuykendall, Chairman

  
 John T. Vance, Commissioner

Richard W. Yarborough, Commissioner

  
 Margaret H. Pierce, Commissioner

  
 Brantley Blue, Commissioner