

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA RESERVATION )  
 IN KANSAS AND NEBRASKA, THE IOWA TRIBE )  
 OF THE IOWA RESERVATION IN OKLAHOMA, )  
 ET AL., OMAHA TRIBE OF NEBRASKA, ET AL., )  
 THE SAC AND FOX TRIBE OF INDIANS OF )  
 OKLAHOMA, THE SAC AND FOX TRIBE OF )  
 MISSOURI, THE SAC AND FOX TRIBE OF THE )  
 MISSISSIPPI IN IOWA, ET AL., )

Plaintiffs, )

v. )

Docket No. 138 )

THE UNITED STATES OF AMERICA, )

Defendant. )

ORDER ALLOWING REIMBURSEMENT OF EXPENSES OF THE ATTORNEYS  
FOR THE SAC AND FOX TRIBE OF INDIANS OF OKLAHOMA

HAVING CONSIDERED the application for allowance of unreimbursed attorneys' expenses filed on October 17, 1966, for the law firm of Schiff Hardin Waite Dorschel & Britton, attorneys for the Sac and Fox Tribe of Indians of Oklahoma, by George B. Pletsch, Esquire, a partner in the firm and attorney of record for the said tribe; the amendment and supplement to the application filed for the said firm by Mr. Pletsch on January 29, 1968; the documentation of the claimed expenses that accompanied the original application and the additional documentation of the expenses supplied with Mr. Pletsch's letters dated September 6, 1967, October 23, 1967, and December 9, 1967, and with Mr. Pletsch's explanatory memorandum filed on November 21, 1967; the defendant's responses to the original application and the amendment and supplement to the application filed on December 6, 1966, and September 21, 1970, respectively; the contracts under which the attorneys prosecuted the claims of the Sac and Fox Tribe of Oklahoma; and the remainder of the record herein, the Commission finds as follows:

1. On March 2, 1965, in accordance with an approved compromise settlement between the Sac and Fox plaintiffs and the defendant, the Commission entered a final judgment in this docket in favor of those plaintiffs in the amount of \$1,096,533.42 (15 Ind. Cl. Comm. 42, et seq.). Funds to satisfy the judgment were appropriated by the Act of April 30, 1965 (79 Stat. 81, 108).

2. The original application by the attorney of record prayed for an order allowing reimbursement of expenses in the sum of \$26,727.18. The

amendment and supplement filed on January 29, 1968, so modified the application that it now prays for an order allowing reimbursement of expenses in the sum of \$16,453.41.

3. The defendant's response to the original application submitted a copy of a letter from the Deputy Solicitor, Department of the Interior, dated November 30, 1966, together with a copy of a memorandum dated November 22, 1966, from the Acting Deputy Assistant Commissioner, Bureau of Indian Affairs. The Deputy Solicitor's letter reads in part as follows:

"There are enclosed two copies of a memorandum dated November 22, 1966, from the Acting Deputy Assistant Commissioner which comments upon the expenses claimed. In its report the Bureau raises questions concerning the requests for reimbursement of costs of meals for stenographers when they worked overtime and of taxi fares for individuals who worked overtime. The Bureau also comments on the high cost of duplicating certain documents which was incurred by the attorneys."

4. The defendant's response to the amendment and supplement to the application submitted a copy of a letter dated August 25, 1969, from the Associate Solicitor for Indian Affairs, Department of the Interior, and a copy of a memorandum dated August 15, 1969, from the Acting Deputy Commissioner, Bureau of Indian Affairs and concluded by stating: "The Department of Justice has no objection to the allowance of the claimed expenses if the Commission finds that they are proper and reasonable."

The letter from the Associate Solicitor referred to the memorandum from the Acting Deputy Commissioner of Indian Affairs regarding the amendment and supplement to the application for reimbursement of attorneys' expenses and concluded by stating: "As the Acting Deputy Commissioner notes, this amendment appears to modify the original petition in accordance with our earlier comments."

The memorandum from the Acting Deputy Commissioner, Bureau of Indian Affairs, reads in part as follows:

"Recently, the Indian Claims Commission sent to us an amendment and supplement by which the law firm [Schiff Hardin Waite Dorschel & Britton] modified its original petition and reasonably satisfied the comments made in our former memorandum. Joint charges are allocated so that each case benefiting from the expenditure will bear its fair share of the cost. Expenses not adequately documented are withdrawn. Refunds overlooked in preparation of the original expense petition are deducted and mathematical errors corrected. Costs of meals and taxi fares in connection with stenographic overtime are withdrawn. Also, costs of making copies of documents are reduced or withdrawn where they appeared to be excessive."

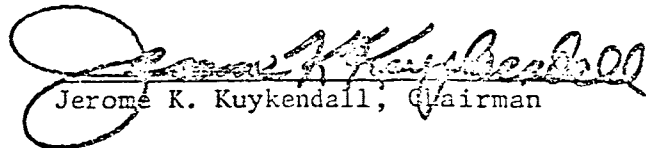
5. A notice of the filing of the attorneys' application for allowance of their reimbursable expenses and of the filing of the amendment and supplement to the application was sent to the Chairman of the Sac and Fox Tribe of Indians of Oklahoma on October 10, 1969. No response to the notice was received.

6. The attorneys' contracts with the Sac and Fox Tribe of Indians of Oklahoma provide for reimbursement of the attorneys' reasonable expenses out of funds recovered for the tribe.

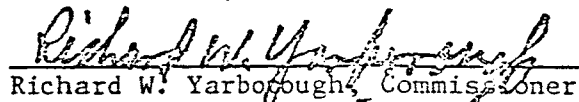
7. All of the expense items included in the total of \$16,453.41 claimed in the amended application are reasonable and properly reimbursable out of the judgment money resulting from the aforementioned final judgment.

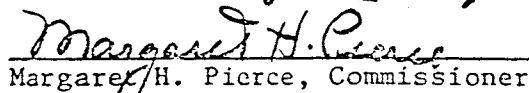
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final judgment entered herein on March 2, 1965, in favor of the Sac and Fox plaintiffs there shall be disbursed to the law firm of Schiff Hardin Waite Dorschel & Britton of Chicago, Illinois the sum of \$16,453.41 as payment in full of the said firm's claim herein for unreimbursed expenses.

Dated at Washington, D. C., this 7<sup>th</sup> day of April 1971.

  
Jerome K. Kuykendall, Chairman

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John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner