

BEFORE THE INDIAN CLAIMS COMMISSION

THE OSAGE NATION,)	
)	
Plaintiff,)	
)	Docket Nos. 105, 106, 107
v.)	and 108
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: May 26, 1971

FINDINGS OF FACT ON AWARD OF ATTORNEYS' FEE

On February 17, 1971, counsel for the plaintiff, the Osage Nation or Tribe of Indians of the State of Oklahoma, filed herein an application for allowance of attorneys' fee, together with statements by Paul M. Niebell, Esquire, Delmas E. Martin, Esquire, George E. Norvell, Esquire and Warren S. Watkins, Esquire, outlining in detail legal services performed in successfully formulating, prosecuting and settling the claims of the Osage Nation in the above-numbered dockets. Having considered the said application and statements; the defendant's response to the application, filed on March 15, 1971; the contracts of employment under which the attorneys served the Osage Nation; and the evidence in support of the application, including the entire record and all proceedings in the dockets involved herein, the Commission makes the following findings of fact:

1. Award. On September 15, 1970, in consonance with an approved compromise settlement agreement between the parties, the Commission entered a final judgment herein in the sum of \$13,250,000.00 in favor of the Osage Nation (23 Ind. Cl. Comm. 492). Funds to satisfy the judgment were appropriated by Public Law 91-665, approved January 8, 1971 (84 Stat. 1981).

2. Contractual Authority. The representation herein of the Osage Nation was under three formal contracts.

(a) The first of these contracts, assigned No. I-1-ind. 42443, was entered into by the Osage Tribe of Indians of Oklahoma on January 15, 1951, with Delmas E. Martin and George E. Norvell of Tulsa, Oklahoma and Guy Martin of Washington, D. C. This contract was approved on April 11, 1951, and had a specified initial term of 5 years beginning with its date of approval. An extension of its term for an additional 2 years beginning on April 11, 1956, was approved on April 26, 1956.

(b) The second contract, assigned No. 14-20-0650-0545, was entered into by the Osage Tribe of Indians of Oklahoma on March 3, 1958, with Delmas E. Martin and George E. Norvell of Tulsa, Oklahoma. It was approved on June 9, 1958, for a period of 5 years beginning on April 11, 1958. Mr. Guy Martin was not named as an attorney party in this contract or in the third contract mentioned next below.

(c) The third contract, assigned No. 14-20-0406-0012, was entered into by the Osage Tribe of Indians of Oklahoma on May 23, 1963, with Delmas E. Martin and George E. Norvell of Tulsa, Oklahoma, Warren S. Watkins of Claremore, Oklahoma, and Paul M. Niebell of Washington, D. C.

