

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 MISSIOURI, THE )  
 SAC AND FOX TRIBE OF THE MISSISSIPPI )  
 IN IOWA, ET AL., )

Plaintiffs, )

v. )

THE UNITED STATES OF AMERICA, )

Defendant. )

Docket No. 138

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

HAVING CONSIDERED the application for allowance of unreimbursed attorneys' expenses filed on December 20, 1968, for the law firm of Pritzker, Pritzker & Clinton, attorneys for the Sac and Fox Tribe of Missouri, one of the plaintiffs herein, by Stanford Clinton, Esquire, a partner in the firm and attorney of record for the Sac and Fox Tribe of Missouri; the documentation of the claimed expenses, including relevant documentation of shared expenses previously submitted with the expense applications of attorneys for other plaintiffs herein, and the additional documentation of some expense amounts supplied for examination in June of 1971, by Louis L. Rochmes, Esquire, an associate of Pritzker, Pritzker & Clinton in the prosecution of the claims of the Sac and Fox Tribe of Missouri; the defendant's response to the application filed on May 7, 1971; the contracts under which the attorneys prosecuted the claims of the Sac and Fox Tribe of Missouri; and the remainder of the record herein, the Commission finds as follows:

1. On March 2, 1965, in accordance with an approved compromise settlement agreement between the Sac and Fox plaintiffs and the defendant, a final judgment was entered 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 attorneys' application requests an order allowing reimbursement of expenses totaling \$7,477.46 out of the judgment funds.

3. The defendant's response to the application transmitted, with other papers, a copy of a memorandum dated April 18, 1969, from the Acting Deputy Commissioner of the Bureau of Indian Affairs reporting on an examination of the application and the papers filed with it, and requested that consideration be given to the views expressed in the memorandum on the evidence to support some of the claimed expenses.

After explaining that the Bureau's examination was of a general nature and not a detailed or comprehensive audit, the memorandum observed, among other things, that "Due to lack of itemization and explanations, we are unable to determine whether many of the items fall into those categories which are reasonable for reimbursement."

More than 75 percent of the total of the expenses listed in the application consisted of amounts disbursed to Louis L. Rochmes and other attorneys as payment of the Missouri Sac and Fox portions of litigation costs shared with counsel for other plaintiffs in this docket, and, in the case of certain valuation costs, the Otoe and Missouri plaintiff in Docket No. 11-A. Explanations, itemizations and evidence not furnished by Mr. Clinton as to the need for and the payment of such shared costs to those who supplied the materials or rendered the services involved were available to the Commission in papers supporting prior expense applications filed herein by the attorneys for the Iowa, Omaha and other Sac and Fox plaintiffs, and in papers furnished for the Commission's examination during June 1971, by Mr. Rochmes. For example, a complete itemized documentation of shared valuation costs aggregating \$15,956.53 was submitted as exhibits numbered 2 and 2-A to the expense application of the attorney of record for the Omaha plaintiffs in this docket. These costs were paid out of a trust fund administered by Louis L. Rochmes. The item claimed under exhibit No. A-59 of the application of Pritzker, Pritzker & Clinton, mentioned on page 2 of the Bureau's memorandum, represents part of the Missouri Sac and Fox portion of those shared valuation costs.

4. A notice of the filing of the attorneys' application was sent on October 10, 1969, to the Chairman of the Sac and Fox Tribe of Missouri. No response to the notice has been received.

5. The attorneys' contracts with the Sac and Fox Tribe of Missouri provide for reimbursement of reasonable expenses incurred by the attorneys in the prosecution of the Tribe's claims.

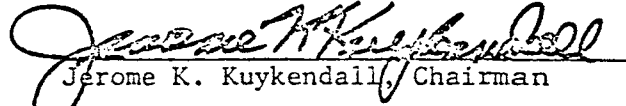
6. The following expense amounts claimed in the application are not proper for reimbursement:

<u>Amount Claimed</u>	<u>Exhibit Number</u>	<u>Comment</u>
\$24.83	--	Overstatement error in total claimed for Schedule A.
14.29	B-1	Not justified by the information supplied.
2.14	B-3	Not justified by the information supplied.
2.79	B-6	Not justified by the information supplied.
7.14	B-8	Not justified by the information supplied.
11.00	B-10	Not justified by the information supplied.
1.81	B-42	Not justified by the information supplied.
<u>\$64.00</u>		

7. After deducting the above-listed amounts, the expenses remaining in the application total \$7,413.46. The expenses included in this total are reasonable and proper for reimbursement.

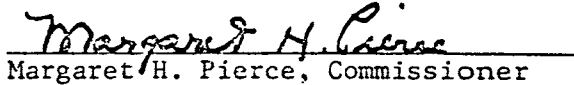
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final judgment entered herein on March 2, 1965, in favor of the Sac and Fox plaintiffs there shall be disbursed to the law firm of Pritzker, Pritzker & Clinton of Chicago, Illinois, the sum of \$7,413.46 as payment in full of the said firm's claim herein for unreimbursed expenses.

Dated at Washington, D. C., this 16<sup>th</sup> day of June 1971.

  
 Jerome K. Kuykendall, Chairman

  
 John T. Vance, Commissioner

Richard W. Yarborough, Commissioner

  
 Margaret H. Pierce, Commissioner

  
 Brantley Blue, Commissioner