

## BEFORE THE INDIAN CLAIMS COMMISSION

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

ORDER ALLOWING REIMBURSEMENT  
OF ATTORNEYS' EXPENSES

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

1. 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 \$42,570.00 in favor of the Stillaguamish Tribe of Indians (22 Ind. Cl. Comm. 371). Funds to satisfy this judgment were appropriated by the Act of July 6, 1970 (84 Stat. 376).

2. The defendant's response to the 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, itemized the claimed unreimbursed expenses as follows:

Mileage - 1,200 miles at 10 cents per mile	\$ 120.00
Public stenographic service (September 28, 1955)	15.50
Mimeographing findings of fact	17.16
Printing and mailing notices	5.36
Balance due on voucher of July 31, 1958	22.10
Expert Witness:	
Compensation	1,400.00
Travel and Printing Expenses	157.92
	<u>\$1,738.04</u>

The Acting Assistant Commissioner stated in his memorandum that all of the above items except those relating to the expert witness appeared "proper for allowance." With regard to the expenses for the expert witness he indicated, "We have no information as to the nature of the contract of employment or about services rendered and therefore are not in a position to comment further on these two amounts \*\*\*."

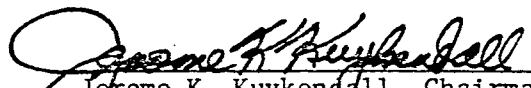
The defendant advised, in line with the views expressed in the letter and memorandum, that the Department of Justice "takes no position" on the question of the allowance of attorneys' expenses.

3. The attorneys' contracts with the Stillaguamish Tribe provide that the tribe will pay directly to the attorneys up to \$500.00 of the litigation expenses as such expenses are incurred. Expenses not reimbursed by the tribe to the attorneys are to be fixed by the Commission.


4. The application for reimbursement of attorneys' expenses seeks reimbursement in the total amount of \$1,738.04. At a Commission hearing held on April 13, 1971, at Seattle, Washington, Mr. Post testified regarding the unreimbursed attorneys' expenses and stated that the fee payable to Sally Snyder as an expert witness was fixed and payable without regard to the outcome of the litigation. All of the expenses included in the total of \$1,738.04 are reasonable and properly reimbursable.


IT IS THEREFORE ORDERED that out of the funds appropriated to pay the aforementioned judgment in favor of the Stillaguamish Tribe of Indians there shall be disbursed to Frederick W. Post, Attorney of Record, the sum of \$1,738.04, as payment in full of his claim for unreimbursed expenses incurred herein by the contract attorneys.

Dated at Washington, D. C., this <sup>14<sup>th</sup></sup> day of July 1971.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner