

BEFORE THE INDIAN CLAIMS COMMISSION

THE PEORIA TRIBE OF INDIANS OF)	
OKLAHOMA AND MABEL STANTON PARKER)	
on behalf of the Piankeshaw Nation)	
and)	
THE ABSENTEE DELAWARE TRIBE OF)	
OKLAHOMA AND THE DELAWARE NATION,)	
ET AL.,)	
)	
Plaintiffs,)	
)	Docket No. 289
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEES

HAVING CONSIDERED the application for allowance of attorneys' fees filed May 14, 1971, by Louis L. Rochmes, attorney of record, on behalf of the firm of Pritzker, Pritzker and Clinton, attorneys for the plaintiffs, Ralph W. Disney, executor of the estate of Wesley E. Disney, deceased, and Ida J. Rogers, executrix of the estate of Charles B. Rogers, deceased; the defendant's response to the said application, filed July 2, 1971, and the remainder of the record herein, the Commission finds the following:

1. On February 24, 1971, the Commission entered a final award herein which provided, inter alia, that the Absentee Delaware Tribe of Oklahoma and the Delaware Nation, etc., plaintiffs, recover of and from the United States, defendant, the sum of \$1,497,246.11. (24 Ind. Cl. Comm. 468.)
2. The application by the attorney of record requests the allowance of fees to all attorneys having an interest in the ligation herein in the aggregate amount of \$149,724.61, representing 10 percent of the award made to the plaintiff, on the basis of an agreement whereby 65 percent of such fees, or the sum of \$97,321.00, is payable to the law firm of Pritzker, Pritzker and Clinton and 35 percent thereof, or the sum of \$52,403.61, is payable to Ralph W. Disney, executor of the estate of Wesley E. Disney, deceased, and Ida J. Rogers, executrix of the estate of Charles B. Rogers, deceased.

3. Certain claims of the Delaware Nation were originally prosecuted by Messrs. Wesley E. Disney and Charles B. Rogers for the Delaware Tribe of Indians of Oklahoma, who were under the auspices of the Muskogee Area Office of the Bureau of Indian Affairs, acting under a contract designated I-1-ind. 18359, dated November 30, 1946, and approved October 14, 1947, for a term of ten years beginning with the date of approval.

Following the expiration of this agreement, the Delaware Tribe of Indians of Oklahoma (Muskogee Area Office) entered into a contract with the law firm of Pritzker, Pritzker and Clinton, designated No. 14-20-0650-1216, dated March 13, 1962, and approved February 15, 1962, for a term of ten years beginning with the date of approval.

4. The claim herein of the Delaware Nation by the Delaware Tribe of Oklahoma, also known as the Absentee Delaware Tribe of Oklahoma, who are under the auspices of the Anadarko Area Office of the Bureau of Indian Affairs, was made pursuant to a contract between such plaintiffs and the law firm of Pritzker, Pritzker and Clinton, designated as I-1-ind. 42264, dated November 30, 1949, and approved March 17, 1950, for a term of ten years beginning with the date of approval. An extension of this contract for a period of five years beginning March 17, 1960, was approved on September 27, 1960.

Contract No. I-1-ind. 42264 was superseded by contract No. 14-20-0200-2047, dated October 14, 1965, which was approved January 10, 1966, for a period of five years beginning March 17, 1965. An extension of this contract for a period of three years beginning March 17, 1970, was approved on April 29, 1970. An association by Louis L. Rochmes, Esquire, with the law firm of Pritzker, Pritzker and Clinton for the prosecution of the Delaware claims was approved September 26, 1963. The application for attorneys' fees herein filed asserts Mr. Rochmes has no interest in such fees separate from the interest of Pritzker, Pritzker and Clinton.

5. On November 8, 1955, an agreement between Wesley E. Disney and the executrix of the estate of Charles B. Rogers, then deceased, and the firm of Pritzker, Pritzker and Clinton was approved which provided that the firm of Pritzker, Pritzker and Clinton would assume full responsibility for the prosecution of the Delaware claims in several pending dockets of the Indian Claims Commission including, among others, that of Docket No. 289 and that attorneys' fees resulting from any awards in such dockets would be shared by the attorneys in the proportion of 35 percent to Wesley E. Disney and Ida J. Rogers as executrix of the estate of Charles B. Rogers, deceased, and 65 percent to the firm of Pritzker, Pritzker and Clinton. Subsequently in 1961, Mr. Wesley E. Disney died and Mr. Ralph W. Disney was appointed executor of his estate by a court of competent jurisdiction.

6. Each of the aforementioned contracts under which the Delaware tribal clients retained the firm of Pritzker, Pritzker and Clinton provides that the compensation of the attorneys for services rendered shall be ten per centum (10%) of any and all sums recovered for the Indians.

7. The defendant's response to the application for attorneys' fees enclosed a copy of a letter dated June 29, 1971, from the Associate Solicitor for Indian Affairs, Department of the Interior, and a copy of an accompanying memorandum dated June 11, 1971, from the Acting Associate Commissioner of the Bureau of Indian Affairs, and indicated that the Department of Justice adopted no position with respect to the amount of fee which should be awarded. Inter alia, the Associate Solicitor concurred in the conclusion of the Acting Associate Commissioner that the petition for attorneys' fees is in accord with the terms of the contracts and no objection was interposed to its allowance.

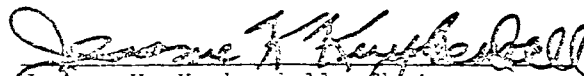
8. Notices of the filing of the application for allowance of attorneys' fees were duly sent to the President of the Absentee Delaware Tribal Council and the Chairman of the Delaware Tribal Business Committee on May 17, 1971. No response was received to either of the notices.

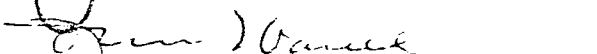
9. The attorneys have rendered valuable legal services in the successful prosecution of the Delaware tribal claims asserted herein and are entitled under the terms of the aforementioned contracts to an allowance of fees in the total amount of 10 percent of the aforementioned award herein, the sum of \$149,724.61. As provided for in the agreement between the attorneys and requested in the application of the attorney of record herein, 65 percent of such total amount should be awarded to the firm of Pritzker, Pritzker and Clinton and 35 percent thereof to Ralph W. Disney, executor of the estate of Wesley E. Disney, deceased, and Ida J. Rogers, executrix of the estate of Charles B. Rogers, deceased.

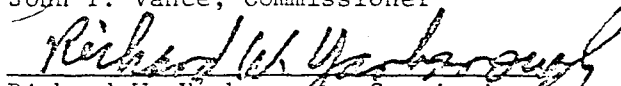
IT IS THEREFORE ORDERED that out of the judgment money resulting from the final award entered herein on February 24, 1971, there shall be disbursed, as payment in full of the attorneys' fees owed for services rendered herein by the attorneys for the Delaware tribal plaintiffs herein, the sum of \$97,321.00 to the firm of Pritzker, Pritzker and Clinton, and the sum of \$52,403.61 to Ralph W. Disney, as

executor of the estate of Wesley E. Disney, deceased, and Ida J. Rogers, executrix of the estate of Charles B. Rogers, deceased.

Dated at Washington, D. C., this 21st day of July 1971.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner