

BEFORE THE INDIAN CLAIMS COMMISSION

CABAZON BAND OF MISSION INDIANS)	
OF CALIFORNIA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 148
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEES AND
REIMBURSEMENT OF ATTORNEYS' EXPENSES

Having considered the Petition for Allowance of Attorneys' Fees and Expenses filed on June 11, 1971, by Raymond C. Simpson, Esquire, and Robert J. Kilpatrick, Esquire, attorneys for plaintiff in this docket, the Commission finds as follows:

1. That a Compromise Settlement was entered and a Final Award was issued on June 16, 1971, awarding plaintiff one hundred thousand dollars (\$100,000.00) as a final judgment in this docket.
2. That a Contract No. I-1-ind. 42610, dated July 16, 1951, was executed and approved between plaintiff and the law firm of Wing, Wing and Brown and the said contract was never extended and expired by its own terms. That a Contract No. 14-20-1650-1130 was executed November 22, 1959, between plaintiff and Raymond C. Simpson and his associates and was approved for five years on June 12, 1962, and the said contract was never extended and expired by its own terms. That a Contract No. 14-20-0550-1656 dated January 3, 1968, was executed and approved February 13, 1968, for a period of five years between plaintiff and Raymond C. Simpson and his associates. All of the contracts provide that the compensation to the attorneys is wholly contingent upon a recovery for the Indians and shall not exceed ten percent of the amount so recovered. The contracts further provide for the reimbursement of actual expenses incurred by the attorneys.
3. That the petitioners request attorneys' fees in the amount of ten thousand dollars (\$10,000.00) and further request reimbursement for actual expenses aggregating one thousand five hundred thirty-nine dollars and twenty-six cents (\$1,539.26) which amount the petitioners have explained in statements attached to the petition.
4. That an appropriate notice of the filing of the petition was mailed on June 2, 1971, to the Chairman of the Business Committee of the Cabazon Band of Mission Indians, to the Department of the Interior

and to the Department of Justice. The Cabazon Band of Mission Indians did not respond to the notice of the petition. The Department of Justice indicated by letter dated July 9, 1971, that it takes no position respecting the determination of attorneys' fees and reimbursement of expenses. The Solicitor of the Department of the Interior stated in a letter dated July 8, 1971, that no recommendation can be made respecting attorneys' fees and that the expenses fall within categories proper for reimbursement.


5. That the attorneys performed valuable legal services in the preparation and presentation of the legal and factual basis for the claim in this docket, as itemized in Exhibit 1 of the Petition. A fee of ten thousand dollars (\$10,000), tested by the standards fixed in §15 of the Indian Claims Commission Act (60 Stat. 1053), representing ten percent of the Compromise Settlement, is a reasonable fee for said legal services.

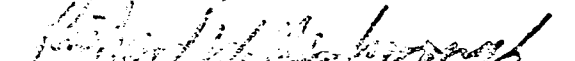
6. That the petitioners incurred expenses which were necessary and proper in the prosecution of the claim in this docket totaling one thousand five hundred thirty-nine dollars and twenty-six cents (\$1,539.26). This amount, itemized in Exhibit 2 of the Petition, is reasonable and reimbursable.


IT IS THEREFORE ORDERED that out of the funds to be appropriated to pay the final judgment entered on July 16, 1971, in favor of the Cabazon Band of Mission Indians of California (25 Ind. Cl. Comm. 392), there shall be disbursed to Raymond C. Simpson, attorney of record, the sum of ten thousand dollars (\$10,000.00) as payment in full of all claims for legal services said sum to be distributed to all of the participating attorneys in accordance with their respective interest, and that there be disbursed to Raymond C. Simpson and Robert J. Kilpatrick the sum of one thousand five hundred thirty-nine dollars and twenty-six cents (\$1,539.26) as reimbursement for actual expenses.

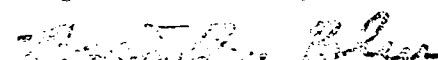
Dated at Washington, D. C., this 17th day of July 1971.


James K. Kuykendall, Chairman


J. Vance, Commissioner


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner


Bradley Blue, Commissioner