

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., THE SAC AND FOX TRIBE OF	)	
INDIANS OF OKLAHOMA, THE SAC AND	)	
FOX TRIBE OF MISSOURI, SAC AND FOX	)	
TRIBE OF THE MISSISSIPPI IN IOWA,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 135
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER ALLOWING REIMBURSEMENT OF EXPENSES OF THE ATTORNEYS FOR THE IOWA TRIBE OF THE IOWA RESERVATION IN OKLAHOMA

Having considered the record in the case and more particularly the application to fix reimbursable expenses entitled Petition of Attorney of Record for Iowa Tribe of the Iowa Reservation in Oklahoma for Reimbursement of Expenses, filed March 2, 1973, by the law firm of McCarter and English, Esqs., attorneys for the Iowa Tribe of the Iowa Reservation in Oklahoma, one of the plaintiff tribes herein, together with its supporting schedules, vouchers and documentation; the defendant's response to the application; and the contracts under which applicant prosecuted this docket, the Commission finds as follows:

1. The Commission, on May 7, 1965, entered a final award in the amount of \$633,193.77 jointly in favor of the Iowa Tribe of the Iowa Reservation in Oklahoma, and the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, joint successors to the Iowa Tribe or Nation. 15 Ind. Cl. Comm. 248

2. An appeal of the aforementioned award to the Court of Claims was remanded by opinion March 17, 1967. 179 Ct. Cl. 8, 383 F.2d 991 The United States Supreme Court denied certiorari October 16, 1967. 389 U.S. 900

3. The Commission on remand reconsidered the evidence and rendered a second award December 10, 1969, reaffirming its original award. 22 Ind. Cl. Comm. 232 The Court of Claims affirmed this award by opinion July 14, 1971. 195 Ct. Cl. 365

4. Congress appropriated funds to satisfy the final award of December 10, 1969, by act of March 21, 1972, 86 Stat. 86, at which time the funds were placed to the credit of the appropriate tribes in the Treasury of the United States.

5. The Commission, by order March 28, 1973, approved attorney fees in the amount of \$63,319.38, as prayed for by applicant jointly with counsel for the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska.

6. Applicant requests that reimbursable expenses due them be fixed at the sum of \$12,782.18.

7. The Clerk of the Commission timely notified appropriate parties including applicant's tribal client, the Iowa Tribe of the Iowa Reservation in Oklahoma, and the defendant United States and its Bureau of Indian Affairs. The defendant United States, on behalf of its Bureau of Indian Affairs, filed a response May 11, 1973, taking no position on fixing any particular expense in the application. The tribal client has filed no response to date.

8. Applicant's employment contract is valid. The provision of the contract relating to reimbursement of expenses provides for reimbursement of reasonable expenses incurred by applicant in the prosecution of the claim.

9. After applying a credit of 5 cents to compensate for an error in addition in entry F-7, expenses qualifying under rule 34b amount to and are fixed at \$12,782.23.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of December 10, 1969, there shall be disbursed to applicant, McCarter and English, Esqs., the sum of \$12,782.23, as reimbursement in full of their claim for reimbursable expenses in this docket.

Dated at Washington, D. C., this 1st day of August 1973.

Margaret H. Pierce  
Margaret H. Pierce, Commissioner

Brantley Blue  
Brantley Blue, Commissioner

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman

John T. Vance  
John T. Vance, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner