

BEFORE THE INDIAN CLAIMS COMMISSION

THE TLINGIT AND HAIDA INDIANS OF )  
 ALASKA, in its own right and )  
 as the representative of, or )  
 successor to, the ANGOON TRIBE )  
 and each of the clans and groups )  
 of the ANGOON TRIBE; and )  
 )  
 THE ANGOON TRIBE, in its own right )  
 and as the representative of, or )  
 successor to, the clans and groups )  
 thereof, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Docket No. 278-B

ORDER ALLOWING ATTORNEYS' FEE AND EXPENSES

HAVING CONSIDERED the petition for allowance of attorneys' fees and the petition for reimbursement for expenses filed on November 26, 1974, by I.S. Weissbrodt, attorney of record for the plaintiffs in this docket; the defendant's response to the petitions; and the remainder of the record herein; the Commission finds:

1. Award. The Commission entered a final award of \$90,000.00 to the plaintiffs on November 26, 1973, 32 Ind. Cl. Comm. 282. Funds were appropriated to satisfy this award by the Act of January 3, 1974, 87 Stat. 1071.

2. Attorneys' Contract. The approved attorney contract, as amended (No. 14-20-650, Contract No. 128), pursuant to which the claim in this case was prosecuted to final judgment, was entered into as of March 6, 1957, between the Tlingit and Haida Indians of Alaska and attorneys David Cobb, Abe W. Weissbrodt, Jay H. Hoag, Clarence Lindquist and I.S. Weissbrodt. The contract was for a term of ten years commencing March 6, 1957. It was subsequently extended until March 5, 1975.

An earlier approved contract (No. I-1-ind. 18349) was entered into on January 3, 1947, by the Tlingit and Haida Indians of Alaska with attorneys James E. Curry, William L. Paul, Jr., Frederick Paul and Henry Roden. This contract expired by its own terms on March 6, 1957, and was not renewed or extended.

3. Attorneys' Fee and Expenses Requested. The contract of March 6, 1957, provides in paragraph 8 that the attorneys' fee shall be eight percent of the recovery. The fee of \$7,200.00 sought by the attorney of record represents eight percent of the final award made to the plaintiffs. The fee awarded is to be distributed by the attorney of record to all other attorneys entitled to a share thereof. The attorney of record further seeks reimbursement of expenses in the amount of \$1,785.93, which represents those costs incurred by the firm of Weissbrodt and Weissbrodt in the prosecution of this claim.

4. Notice to Parties. By letters dated November 27, 1974, the Deputy Clerk of the Commission notified the interested parties of the petition for allowance of attorneys' fees. By letters dated December 3, 1974, the Deputy Clerk of the Commission notified the interested parties of the petition for reimbursement of expenses. By letters dated December 4, 1974, the Deputy Clerk of the Commission mailed copies of the statement accompanying the petition for allowance of attorneys' fees which had been inadvertently omitted when the letter of November 27, 1974, was mailed. The interested parties notified were:

- a. Mr. Clarence Jackson, President, Central Council, Tlingit and Haida Indians of Alaska,
- b. Honorable Morris Thompson, Commissioner, Bureau of Indian Affairs, U.S. Department of the Interior, and
- c. Honorable Wallace H. Johnson, Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice.

5. Response of Plaintiffs. No response was received from the Tlingit and Haida Indians of Alaska with regard to either the petition for allowance of attorneys' fees or the petition for reimbursement of expenses.

6. Defendant's Response. The Department of Justice responded to the letters of notice on January 13, 1975, stating that it takes no position in respect thereto.

Enclosed with the Department of Justice response was a copy of a letter dated December 31, 1974, from the Assistant Solicitor, Division

of Indian Affairs, U.S. Department of the Interior, transmitting a copy of a memorandum dated December 18, 1974, from the Acting Deputy Commissioner of Indian Affairs dealing with the petition for attorneys' fees. The Commissioner determined that the sum sought was reasonable and in accordance with the provisions of the contract between the plaintiffs and their counsel. The Assistant Solicitor transmitted a second memorandum on December 31, 1974, which contained a copy of a memorandum dated December 23, 1974, from the Acting Deputy Commissioner of Indian Affairs which dealt with the petition for allowance of expenses. The Commissioner determined without exception that all expenses claimed appeared to be of a kind to have been reasonably incurred in the prosecution of this case.

7. Attorney Services. Pursuant to their contract with the plaintiffs, the attorneys investigated, filed and prosecuted the claim in this docket, on which plaintiffs have been awarded the amount of \$90,000.00. For services rendered in connection with that award, the attorneys are entitled to a fee in the requested amount of \$7,200.00. The claimed expenses of the firm of Weissbrodt & Weissbrodt in the amount of \$1,785.93, are reasonable.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award of November 26, 1973, there shall be distributed to I.S. Weissbrodt on behalf of the firm of Weissbrodt & Weissbrodt, the sum of \$1,785.93 for expenses incurred in the prosecution of this claim, and

IT IS FURTHER ORDERED that out of the funds appropriated to pay the final award of November 26, 1973, there shall be distributed to I.S. Weissbrodt, as attorney of record, the sum of \$7,200.00 for distribution by him to all attorneys entitled to share in the fee. This sum shall be payment in full for all services rendered in the prosecution of this claim.

Dated at Washington, D. C., this 22nd day of May 1975.

Margaret H. Pierce  
Margaret H. Pierce, Commissioner  
Brantley Blue  
Brantley Blue, Commissioner

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman  
John I. Vance  
John I. Vance, Commissioner  
Richard W. Yarborough  
Richard W. Yarborough, Commissioner