

BEFORE THE INDIAN CLAIMS COMMISSION

MINNESOTA CHIPPEWA TRIBE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 18-T
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FINDINGS OF FACT AND ORDER
ALLOWING ATTORNEYS' EXPENSES

1. Preliminary Statement. On May 31, 1972, the Commission entered a final award in Docket 18-T directing that the Minnesota Chippewa Tribe on behalf of and for the benefit of the Chippewa Indians of the Mississippi and Lake Superior, plaintiffs, recover from the defendant the sum of \$529,000.00 in full satisfaction of all claims in Docket 18-T (28 Ind. Cl. Comm. 103). Funds to satisfy this judgment were appropriated by the Act of October 31, 1972, 86 Stat. 1498, 1518. Findings of fact and order allowing attorneys' fees in this docket were issued by the Commission on August 29, 1973 (31 Ind. Cl. Comm. 319, 329).

2. Expense Application. The application for reimbursement of expenses was filed on July 1, 1974, by Rodney J. Edwards, Attorney of Record, on behalf of all attorneys having an interest in the reimbursement of expenses in this case. The application requests allowance of reimbursable expenses in the amount of \$687.61 to Mr. Edwards for distribution by him to each of the attorneys, or the estates of deceased attorneys, entitled to participate in sharing the reimbursement.

3. Attorneys' Contracts. The attorneys contracts, and the assignments thereof, under which legal services in this case were performed, have been set down in our Findings of Fact on Attorneys' Fees, supra, at 321-326.

4. Notice to Parties. The Clerk of the Commission notified the President and Executive Director of the Minnesota Chippewa Tribe, the Department of Justice and the Department of the Interior of the petition for reimbursement of expenses on July 1, 1974. No reply has been received from the Minnesota Chippewa Tribe.

On September 16, 1974, the Department of Justice informed the Commission, by letter, that it took no position regarding the petition. Enclosed in this letter was a copy of the comments of the Acting Deputy Commissioner of Indian Affairs and a forwarding letter from the Associate Solicitor, Indian Affairs, of the Department of the Interior. The letter of the Acting Deputy Commissioner noted that the expenses petitioned for are very modest and that they appear to fall within allowable categories.

5. Claimed Expenses. The schedule of claimed expenses is as follows:

A. Travel Expenses of Attorneys	\$219.44
B. Long Distance Telephone and Telegraph	42.03
C. Expenses Advanced by Marvin J. Sonosky, Associate Attorney	145.24
D. Printing, Transcripts and Extra Postage	<u>280.90</u>
Total of Expenses Advanced	\$687.61

6. Determination of Reimbursable Expenses. Pursuant to Section 15 of the Indian Claims Commission Act, 60 Stat. 1049 (1946), Rule 34(b) of the Commission's Rules of Procedure, 25 C.F.R. § 503.34(b), as amended 39 Fed. Reg. 41173 (1974), and the Commission's Policy Statement No. 102 issued July 15, 1968, and upon examination of the application, the supporting documentation, and the entire record of expenditures incurred in the prosecution of this claim, the Commission concludes that the claimed expenses in this application are reasonable and proper expenses of litigation and should be allowed with the following exception:

Rodney J. Edwards and Bell to lunch - \$5.20.

No voucher or other evidence has been submitted to support this expense. There is no indication that it was in any way connected with the prosecution of the Docket 18-T claim.

7. Conclusion. On the basis of the evidence of record, the Commission finds that all of the claimed items of expenses not specifically treated in the foregoing findings are reasonable and proper expenses of litigation and should therefore be allowed. The Commission concludes that after deducting the disallowed item, supra, the sum of \$682.41 is reasonable and proper for reimbursement.

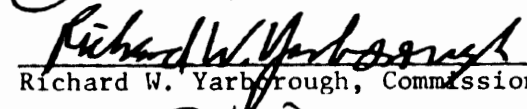
IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered herein on May 31, 1972, there shall be distributed to Rodney J. Edwards, attorney of record for plaintiffs, the sum of \$682.41

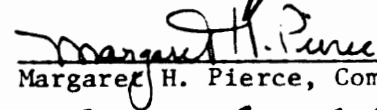
as reimbursement in full for expenditures made in the prosecution of this claim, the said sum to be distributed by Rodney J. Edwards to all parties having an interest in this petition.

Dated at Washington, D. C., this 4th day of September 1975.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner