

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE INDIANS OF THE STATE)	
OF FLORIDA,)	
and)	
THE SEMINOLE NATION OF OKLAHOMA,)	
)	
Plaintiffs,)	
)	
v.)	Docket Nos. 73 and 151
)	(Consolidated)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: November 19, 1976

Appearances:

Charles Bragman, Attorney of Record
in Docket 73, Effie Knowles and Roy
L. Struble, Fee Applicants in Docket
73.

J. Roy Thompson, Jr., Attorney for
Guy Martin, Fee Applicant in Docket 73.

Paul M. Niebell, Attorney of Record in
Docket 151, for himself and the Estate
of Roy St. Lewis, Paula Greenhouse,
Executrix, Fee Applicants in Docket 151.

Craig A. Decker, with whom was Assistant
Attorney General Peter R. Taft, Attorneys
for Defendant.

OPINION OF THE COMMISSION ON APPLICATION AND OBJECTIONS
FILED BY GUY MARTIN AND MOTION BY EFFIE KNOWLES

PER CURIAM:

On June 25, 1976, Guy Martin filed objections to the joint application
for attorneys' fee filed on June 10, 1976, by Paul M. Niebell, attorney of
record for the plaintiffs in Docket 151, Charles Bragman, attorney of record

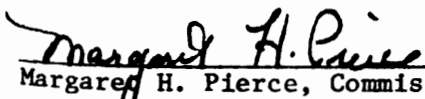
for the plaintiffs in Docket 73, Effie Knowles, Roy L. Struble and the Estate of Roy St. Lewis (by Paul M. Niebell under power of attorney from Paula D. Greenhouse, Executrix). On the same date, Mr. Martin filed an application, with supporting document, in Docket 73, in his own behalf, for allowance of attorneys' fee. On June 30, 1976, Niebell, Bragman, Struble and Knowles filed a motion to quash Mr. Martin's objections and deny his application. On September 28, 1976, J. Roy Thompson, Jr., who had previously filed a notice of appearance on behalf of Mr. Martin, replied in opposition to the motion to quash objections and deny application. On October 8, 1976, Bragman and Struble filed an answer to this reply asserting, inter alia, that it had been filed too late, whereupon, on October 27, 1976, Guy Martin filed a motion for leave to file said reply out of time. On November 3, 1976, Bragman and Struble answered this motion. We see no prejudice to the other fee applicants in permitting the late filing of Martin's reply of September 28, 1976, and the points raised in Martin's reply further clarify the issues. The Commission has discretion under Rule 22(a)(1) of its General Rules of Procedure, 25 C.F.R. §503.22(a)(1), to grant extensions in such circumstances and we will do so here by granting Martin's motion of October 27, 1976, for leave to file his reply out of time.

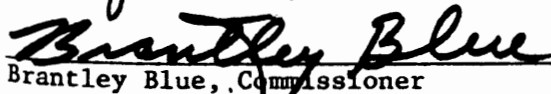
The Commission has carefully studied the history of Mr. Martin's participation on behalf of the Florida Seminoles in this litigation. We have found that whatever services Mr. Martin performed on behalf of the Florida Seminoles were performed pursuant to private agreement between Mr. Martin and contract attorneys Roger J. Waybright and John O. Jackson. In such circumstances, we believe that the applicable principle is that enunciated as dicta in the case of Sisseton and Wahpeton Bands or Tribes v. United States, 191 Ct. Cl. 459, 469-70 (1970) (aff'g in part, rev'g in part, 20 Ind. Cl. Comm. 398 (1969)), as follows:

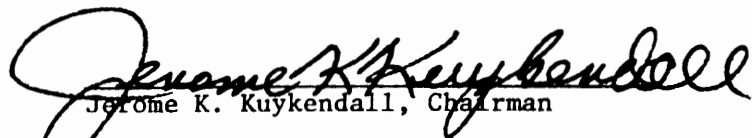
. . . When lawyers who are associated together--for instance, under the same contract--dispute over their relative participation, the United States, this court, and the Commission have no concern. Cf. Robertson v. Gordon, 226 U.S. 311, 316-17 (1912). The matter is a private one for resolution by the contending parties or by those tribunals established to decide wholly private controversies. Moreover, neither the Commission nor this court is likely to have any special knowledge or expertise in deciding these private contractual quarrels which involve the relationships and activities of the associated attorneys among themselves.

We think that reliance by Mr. Martin upon the holding in the Sisseton case, supra, at 470-71, is misplaced. In that case, each set of attorneys had entered into approved contracts with the tribal plaintiffs. The contractual relationship between attorney and tribal plaintiff constituted the jurisdictional nexus. In the case of Mr. Martin, that contractual relationship is missing. In such circumstances, it is our conclusion that the Commission lacks jurisdiction to hear Mr. Martin's objections or adjudicate his application for attorneys' fee. Accordingly, in the accompanying order we will dismiss both.

The same principle prevents the Commission from exercising jurisdiction over the motion of Effie Knowles that separate awards to attorneys be entered. This motion will also be dismissed for lack of jurisdiction.


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner