#### BEFORE THE INDIAN CLAIMS COMMISSION

HANNAHVILLE INDIAN COMMUNITY, et al.,	)
Disimples.	)
Plaintiffs,	)
v.	) Docket No. 29-J
	) (Consolidated with Docket
THE UNITED STATES OF AMERICA,	) Nos. 15-K and 217)
	)
Defendant.	)

#### ORDER ALLOWING PARTIAL REIMBURSEMENT OF ATTORNEY EXPENSES

Having considered the application for reimbursement of attorney expenses filed March 1, 1974, by Robert C. Bell, Jr., the attorney of record for Hannahville Indian Community, the Forest County Potawatomi Community, and the Potawatomi Indians of Indiana and Michigan, Incorporated, plaintiffs in Docket 29-J; the attached schedules and supporting documentation; the applicant's motion for partial reimbursement of expenses filed May 20, 1976; the defendant's responses; and the entire record regarding the application, the Commission finds:

- 1. The Award. On April 25, 1973, the Commission entered a final award in Dockets 217, 15-K, and 29-J for \$4,104,818.98 in favor of the consolidated plaintiffs on behalf of the Potawatomi Tribe or Nation as it existed between 1795 and 1833, 30 Ind. Cl. Comm. 144, 204. Funds to satisfy the award were appropriated by the Congress on January 3, 1974, 87 Stat. 1071.
- 2. The Application. The applicant alleges in his petition that he incurred \$61,135.26 in reimbursable expenses in the prosecution of his clients' claims.
- 3. The Attorney Contracts. The claims in this matter were prosecuted under five contracts:
- a. On January 5, 1948, the Hannahville Indian Community and Attorneys Dorr E. Warner and Walter H. Maloney, Sr., entered into an initial contract that was approved by the Bureau of Indian Affairs on March 8, 1948, and was designated as Contract No. I-1-ind. 42007. The contract was for a period of ten years beginning with the date of approval.

- b. On September 2, 1958, a new contract was entered into between the Hannahville Indian Community and Attorney Walter H. Maloney, Sr. That contract was approved on January 14, 1959, and was designated as Symbol 14-20-0650 No. 983. The contract was for a period of ten years beginning on March 8, 1958. On March 24, 1964, the Bureau of Indian Affairs approved an assignment by Mr. Maloney, Sr., of his interests in this claims contract, insofar as Dockets 29-J and 29-K were concerned, to his son Walter H. Maloney, Jr. In November 1964, Mr. Walter H. Maloney, Jr., assigned his interests in the contract to Mr. Bell. The 1958 contract, with the approval of the Bureau of Indian Affairs, has been extended twice since 1968 and is valid until March 7, 1978.
- c. On January 7, 1948, the Forest County Potawatomi Community and Attorneys Dorr E. Warner and Walter H. Maloney, Sr., entered into an initial contract for representation that was approved on May 3, 1948, by the Bureau of Indian Affairs for a period of ten years beginning with the date of approval. It was identified as Contract No. I-1-ind. 42011.
- d. On May 31, 1958, a new contract was entered into between the Forest County Potawatomi Community and Attorney Walter H. Maloney, Sr. This contract was approved on August 13, 1958, by the Bureau of Indian Affairs for a period of ten years beginning on May 3, 1958, and was designated as Symbol 14-20-0650 No. 978. In November 1963, Mr. Maloney, Sr., assigned his interests in the contract, insofar as Dockets 29-J and 29-K were concerned, to his son Walter H. Maloney, Jr. In November 1964, Mr. Maloney, Jr., assigned his interests in the contract to Mr. Bell. This 1958 contract has been extended twice since 1968, with the approval of the Bureau of Indian Affairs, and is valid until May 3, 1978.
- e. On February 20, 1965, the Potawatomi Indians of Indiana and Michigan, Inc., Attorneys Walter H. Maloney, Sr., and Robert C. Bell, Jr., entered into an initial contract for representation that was approved on April 13, 1965, by the Bureau of Indian Affairs for a term of ten years beginning with the date of approval. This contract was identified as No. 14-20-0350-260. The contract, with the approval of the Bureau of Indian Affairs, has been extended to April 13, 1977.

Before his death in 1967, Walter H. Maloney, Sr., made additional assignments of his remaining interests in contracts numbered 978 and 983 above to applicant Robert C. Bell, Jr., the earliest of which was approved by the Commissioner of Indian Affairs April 26, 1963, wherein Walter H. Maloney, Sr., assigned all of his interests in contracts numbered 978 and 983 insofar as such interests affected Dockets 29-B, C, G, L, M, O, and P.

All of the contracts provided that the attorneys were to be entitled to recover actual and necessary expenses incurred in the prosecution of the clients' claims before this Commission.

By letters dated March 4, 1974, the Commission notified the three tribal clients named above, and the defendant, of the filing of the application, sending them appropriate copies of the filings. No reply was received from any of the three tribal clients.

The defendant responded by letter dated May 24, 1974, wherein it reported that the Department of the Interior regarded as ambiguous a number of specific expenses alleged in the application, and that additional evidence was needed to sustain such items. The response of the defendant included an attachment in the form of a memorandum from the Commissioner of Indian Affairs to the Solicitor of the Department of the Interior which, among other things, outlined numerous objections to specific items of expense alleged in the application. After making a preliminary study of the application, the Commission notified Mr. Bell, by letter dated July 25, 1974, that there were deficiencies in his application. Thereafter, on March 12, 1976, Mr. Bell was furnished a detailed analysis of his petition which identified with particularity those items of expenses which appeared to be allowable and those items which required further explanation and documentation. On May 20, 1976, Robert C. Bell, Jr., filed a motion for partial reimbursement of expenses covering the unquestioned expenses listed in the March 12, 1976, analysis.

- Partial Determination of Expenses for Robert C. Bell, Jr. Upon consideration of Mr. Bell's motion and the entire record in the case, the Commission has determined that the motion for partial reimbursement of expenses should be granted. Those items of expense for which reimbursement is allowed total \$19,860.08, and they are set forth in the attached appendix to this order. All of the listed items have supporting documentation, and they are reasonable and proper expenses of litigation.
- 6. Balance of Claimed Expenses. No action is being taken on the balance of the expenses claimed by Mr. Bell. A determination on such expenses will be held in abeyance for a period of ninety (90) days from the date of this order, during which time Mr. Bell should submit any further documentation or explanation he may have concerning his petition for reimbursement of the remaining items of expense.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the final award entered April 25, 1973, there shall be disbursed to Robert C. Bell, Jr., attorney of record in Docket 29-J, the sum of \$19,860.08 as partial reimbursement of expenditures made in the prosecution of the claim in Docket 29-J.

Dated at Washington, D. C., this 2nd day of December 1976

John T. Vance. ssioner

Richard W. Yarborgugh, Commiss

# Appendix

Exhibit Page	Date	Purpose	Amount
		<u>1963</u>	
7-43	May 3	General Accounting Office - photocopies	\$443.00
8	May 4	Expedite Service - photocopies	49.21
11	May 13	R. Nickerson - Xerox	8.00
48	May 10	Fleming's Photocopy	5.66
50 .	June 27	Fleming's Photocopy	6.38
11	June 5	Bar Photo Service	10.75
11	June 14	Hart & Harkins - reporting	272.12
12	June 19	Bar Steno Service - photocopies	3.86
13-47	June 6	Milwaukee Public Museum - anthrop. mat.	14.91
51	June 21	Library of Congress - photocopies	1.65
51	June 20	General Services Admin photocopies	5.60
51	June 20	General Services Admin photocopies	1.60
13	June 25	Xerox Reprod. Service	15.05
14	July 4	Leon Deran - photocopy	8.95
14	July 12	Bar Steno Service - photocopy	14.02
52	July 10	Reproductions, Inc photocopy	2.85
57	July 17	Fleming's Photocopy	4.88
18	Aug. 14	Xerox	30.00
19-59	Aug. 30	Todd Photoprint	413.63
20-63	Sep. 10	Todd Photoprint	24.49
20-63	Sep. 18	Todd Photoprint	40.56

Exhibit Page	Date	<u>Purpose</u>	Amount
		1963, con't	
21-67	Sep. 28	Professional Service Assoc mimeo.	\$ 22.00
23-67-71	Oct. 7	Todd Photoprint	27.90
66	Oct. 2	Todd Photoprint	10,24
24	Oct. 9	Wilmer, Cutler & Pickering - Xerox	29.20
25	Oct. 11	Chart-Pak, Inc Xerox	7.80
26	Oct. 17	Wilmer, Cutler & Pickering - Xerox	12.20
27	Oct. 25	Wilmer, Cutler & Pickering	19.80
70	May 20	Todd Photoprint	1.35
70	May 21	Todd Photoprint	3.71
77	Oct. 29	Todd Photoprint	2.60
28-85	Nov. 5	Todd Photoprint	59.02
28	Nov. 17	Wilmer, Cutler & Pickering - Xerox	57.00
28-84	Nov. 17	Hart & Harkins - record	55.87
29	Nov. 19	G.S.A.	3.70
29	Nov. 22	Wilmer, Cutler & Pickering - Xerox	24.60
30	Nov. 26	Wilmer, Cutler & Pickering - Xerox	9.20
31	Dec. 2	Wilmer, Cutler & Pickering - Xerox	18.00
31-81	Dec. 6	Todd Photoprint	206.02
		1964	
93	Dec. 24	Bar Steno Service - photocopies	12.55
93-157	Jan. 2	Parker Duryee - Xerox	440.13

105

June 5 Todd Photoprint

28.94

		Appendix, page 3	
Exhibit Page	Date	Purpose	Amount
		1964, con't	
93	Jan. 7	Todd Photocopy	\$ 10.40
94-143	Jan. 9	Dr. James Clifton - witness fees	500.00
94	Jan. 13	Wilmer, Cutler & Pickering - Xerox	20.10
94	Jan. 16	Library of Congress - Xerox	5.50
95	Jan. 16	Wilmer, Cutler & Pickering - Xerox	84.10
95	Jan. 21	River Road American - Xerox	90.20
95-143	Jan. 24	Dr. J. A. Clifton - hotel	153.01
96-143	Jan. 24	Dr. J. A. Clifton - fees	500.00
96	Jan. 29	Wilmer, Culter & Pickering - Xerox	7.60
97-143	Feb. 4	Dr. James A. Clifton	208.31
98	Feb. 27	Wilmer, Cutler & Pickering	96.60
98-123	Feb. 28	Hart & Harkins	819.50
99	Mar. 4	Bar Steno Serv Xerox	3.33
99-153	Mar. 4	Todd Photoprint - Xerox	14.56
99	Mar. 4	Willoughby-Peerless - photoprint	9.79
100	Mar. 4	Photo Service Inc photoprint	7.00
100	Mar. 11	Wilmer, Cutler & Pickering - photoprint	4.70
102	Apr. 25	Todd Photoprint	53.46
103-153	Apr. 24	Todd Photoprint	808.72
103	May 12	Wilmer, Cutler & Pickering	15.60
104	Mar 13	Wilmer, Cutler & Pickering - Xerox	20.10

Exhibit Page	<u>Date</u>	Purpose	Amount
		1964, con't	
109	July 13	Todd Photoprint	\$ 8.29
110	July 16	Wilmer, Cutler & Pickering - Xerox	21.70
111	July 24	Hart & Harkins - reporting	100.00
142	July 23	Fleming's Photocopy	1.03
112	Sep. 10	Hart & Harkins - reporting	200.00
112	Sep. 25	Hart & Harkins - reporting	200.00
113-155	Oct. 9	Todd Photoprint	116.27
115-152	Nov. 12	B.J.S. Printing Shop	7.00
117-152	Dec. 4	Boland's - exhibit material	9.26
119	Jan. 2	National Reproductions	12.38
119	Jan. 2	Todd Photoprint	169.83
		1965	
160-170	Dec. 29	Hart & Harkins	400.00
(191-2) 162-177	Apr. 18	Todd Photoprint	64.47
163-177	July 3	Todd Photoprint	19.97
165	Aug. 31	Todd Photoprint	13.97
166-177	Oct. 21	Todd Photoprint	22.11
173	May 1	Western Pharmacy - Xerox	1.24
179	June 21	B.J.S. Printing Shop - special typing	14.00
186	Nov. 24	Batt Bates - Xerox	6.49
167-192	Nov. 11	Hart & Harkins - reporting	155.25

Exhibit Page	Date	Purpose	Amount
		1966	
193-190	Jan. 8	Court Press - Ct. of Claims brief	\$215.68
195	Jan. 11	Wilmer, Cutler & Pickering - Xerox	4.80
196	Feb. 2	Thiel Press	100.00
197-222	Mar. 5	R. C. Barnett - Xerox	37.10
197-216	Mar. 7	Thiel Press	363.52
197	Mar. 7	Muth	10.11
198-215	Apr. 5	Todd Photoprint	239.69
198-222A	Apr. 7	Parker, Duryee - Xerox	905.00
199-216	Apr. 15	Thiel Press	30.75
199-215	Apr. 30	Todd Photoprint	73.76
200	May 12	Todd Photoprint	11.34
200	May 24	R. C. Barnett - Xerox	9.80
226	June 16	Chas. Bruning Co.	1.89
226	June 17	Chas. Bruning Co.	1.27
202	June 27	Thiel Press	124.75
205-234	Oct. 7	Parker, Duryee - Xerox	119.54
207-238	Nov. 7	Thiel Press - brief on appeal	200.00
208-238	Dec. 1	Thiel Press - brief on appeal	111.25
		1967	
244	Feb. 11	Western Pharmacy - Xerox	3.10
245	Feb. 6	Western Pharmacy - Xerox	7.80

Exhibit Page	<u>Date</u>	Purpose	Amount
		1967, con't	
245	Feb. 9	Todd Photoprint - Xerox	\$ 6.01
260	Feb. 16	Western Pharmacy - Xerox	2.10
261	Feb. 17	Western Pharmacy - Xerox	3.25
246-262- 263	Feb. 27	Parker, Duryee - Xerox	331.48
246-262	Feb. 23	Indiana Dept. of Conservation - maps	7.00
246-261	Mar. 25	National Airlines	16.12
264	Mar. 24	Western Pharmacy - Xerox	1.86
266	Apr. 29	Western Pharmacy - Xerox	1.24
248	June 6	National Typewriter	11.22
248-272	June 11	Western Pharmacy	11.33
249-295	June 13	Todd Photoprint	16.79
250-274	June 18	Western Pharmacy - Xerox	6.49
275	June 22	Western Pharmacy - Xerox	4.50
250-278	June 28	Western Drug Co Xerox	2.89
251	July 5	Parker, Duryee - Xerox	533.61
281	July 10	Western Drug Co.	.92
282	July 11	Western Drug Co.	1.80
252	Sep. 7	Todd Photo Inc.	26.21
253	Oct. 6	U. S. Geological Survey	10.75

Exhibit Page	<u>Date</u>	Purpose	Amount
		1967, con't	
253	Oct. 11	Todd Photoprint	\$ 41.79
254	Oct. 11	Parker, Duryee - Xerox	172.55
255-295	Dec. 9	Todd Photoprint	63.58
		1968	
309	Feb. 5	Thiel Press	48.51
298-311	Jan. 28	Parker, Duryee - Xerox	132.51
310	Jan. 29	Hart & Harkins	19.50
298-312	Apr. 16	Copy Co.	4.14
298-313	May 6	Thiel Press	427.71
299-315	June 1	Western Drug - Xerox	11.68
299-317	June 15	Thiel Press	589.36
301	July 4	Todd Photoprint	6.83
321	July 18	Reproductions, Inc.	3.62
302	July 17	Todd Photoprint	6.83
302-324	Aug. 16	Parker, Duryee - Xerox	235.48
303-325	Aug. 23	Thiel Press	424.47
326	Aug. 30	Western Drug - Xerox	2.27
327	Sep. 17	Western Drug	2,18
328	Sep. 17	Western Drug - Xerox	1.36
305	Oct. 14	Thiel Press	159.82
306-335	Nov. 7	Thiel Press	359.83

Exhibit Page	<u>Date</u>	<u>Purpose</u>	Amount
		1968, con't	
333	Nov. 9	Western Pharmacy - Xerox	\$ 1.56
334	Nov. 7	Western Pharmacy - Xerox	3.29
306	Dec. 10	Western Pharmacy - Xerox	15.30
307-336	Dec. 11	Western Pharmacy - Xerox	33.07
308	Dec. 18	Wilmer, Cutler & Pickering	12.60
		<u>1969</u>	
340-362	Jan. 12	Thiel Press	93.81
341	Feb. 2	Todd Photoprint	2.73
364	Jan. 6	Western Pharmacy - Xerox	1.98
342-366	Mar. 8	Thiel Press	15.75
344-366	Mar. 25	Thiel Press	52.88
344-366	Mar. 25	Thiel Press	7.70
344-366	Mar. 29	Thiel Press	279.02
343-368	Mar. 25	Todd Photoprint	14.19
345	Apr. 19	Todd Photoprint	71.66
346-369	Apr. 29	Thiel Press	67.60
346-371	May 20	Thiel Press	76.96
347-388	May 21	Parker, Duryee - Xerox	387.10
347	June 4	Todd Photoprint	8.80
348	June 6	Copies Unlimited	10.48
348-371	June 20	Thiel Press	182.90
372	June 9	Hulse - photostat	2.35

Exhibit Page	Date	Purpose	Amount
		1969, con't	
350-376	July 14	Thiel Press	\$ 4.37
375	July 7	Copies Unlimited	4.16
350-377	Aug. 7	Copies Unlimited	24.61
377	Aug. 8	Copies Unlimited	2.13
352-381	Aug. 24	Thiel Press	85.23
353	Oct. 3	Thiel Press	376.58
354	Oct. 6	Thiel Press	100.22
354	Oct. 9	Todd Photoprint	12.29
354	Oct. 11	Columbia University - Xerox	5.00
354	Oct. 11	Superintendent of Documents	23.80
357-387	Dec. 28	Thiel Press	54.14
		<u>1970</u>	
390-414	Jan. 10	Thiel Press, Inc.	85.84
390	Jan. 15	Todd Photoprint	10.00
390	Jan. 13	Photo Service, Inc.	6.88
391-415	Jan. 28	General Services Admin.	32.00
392-415	Jan. 29	Copies Unlimited	23.17
392-415	Jan. 30	Copies Unlimited	20.02
392-422	Feb. 4	Copies Unlimited	82.11
393-423	Feb. 5	Campbell Photo	27.67
393-422	Feb. 5	Copies Unlimited	23.16

Exhibit Page	Date	Purpose	Amount
		1970, con't	
393-422	Feb. 6	Copies Unlimited	\$ 13.99
393-422	Feb. 6	Copies Unlimited	6.07
394	Feb. 9	Todd Photoprint	3.43
395-427	Feb. 23	Copies Unlimited	11.85
396-427	Feb. 25	Copies Unlimited	10.24
396-427	Feb. 26	Copies Unlimited	9.13
397-423	Mar. 4	Copies Unlimited	5.83
399-429	Apr. 6	Thiel Press, Inc.	824.87
430	Apr. 10	Copies Unlimited	.38
400-437	May 8	Parker, Duryee - Xerox	24.72
401	May 27	Copies Unlimited	2.64
402-439	July 1	Parker, Duryee - Xerox	59.82
401	June 23	Register of Deeds - Manitowac	2.86
402	July 1	Register of Deeds - Lewanee County	10.00
402	July 21	Chamber of Commerce - Jackson, Mich.	1.00
402	July 21	Chamber of Commerce - Monroe, Mich.	1.00
403	July 21	Register of Deeds, Hillsdale, Mich.	10.00
403	July 21	Supt. of Abstracts - Jackson Co., Mich.	10.00
403	July 27	Recorder, Whitley Co., Indiana	2.00
403	July 27	Reg. of Deeds - Waukegan, Ill.	10.00

Exhibit Page	Date	Purpose	Amount
		1970, con't	
404	July 27	Deamer Ill. Abstracts	\$ 10.00
404	July 27	Recorder - Benton County, Indiana	6.10
404	July 27	Lake County, Ill., Recorder	10.00
404	July 27	Koskiusko County, Indiana, Recorder	10.00
405	July 27	Porter County, Indiana, Recorder	10.00
405	July 27	LaPorte County, Indiana, Recorder	10.00
405	July 27	Sturgeon Bay, Wis., Reg. of Deeds	10.00
405	July 27	Steuben County, Ind., Recorder	5.00
405	July 27	Green Bay, Wis., Reg. of Deeds	3.25
406	July 27	Janesville, Wis., Reg. of Deeds	10.00
406	July 27	Pioneer National Title Ins Milwaukee	10.00
406	July 27	Elkhart County Recorder, Indiana	2.80
407	July 27	DeKalb Co., Ill., Recorder	10.00
407	July 27	Rockford, Ill., title company	10.00
407	July 27	Wabash, Indiana, Recorder	5.60
407	July 27	Noble County, Indiana, Recorder	1.30
408	July 27	Pulaski County Abstract Co., Indiana	10.00
408	July 27	White County, Indiana, Recorder	2.80
408	July 27	Dodge Co. (Juneau) Wis. Abstract Co.	10.00
408	July 27	Calumet Co., Ill Reg. of Deeds	2.50
409	July 27	Marshall Co. Ind Recorder	8.50
409	July 27	Logansport, Ind Abstractor	10,00

Exhibit Page	Date	Purpose	Amount			
<u>1970, con't</u>						
409	July 27	South Bend, Ind Recorder	\$ 10.00			
438	May 8	Parker, Duryee - Xerox	317.38			
409-433	Sep. 18	Thiel Press	100.00			
410	Sep. 8	Copies Unlimited	22.28			
411	Sep. 28	Jackson Co. Mich., Supt. of Abstracts	10.00			
411-434	Oct. 13	Xero Stat. Co.	9.14			
412-434	Oct. 19	Xero Stat. Co.	12.08			
412	Nov. 21	Todd Photoprint, Inc.	16.60			
		1971				
441-460	Jan. 6	Parker, Duryee - Xerox	48.24			
443-433	Mar. 12	Thiel Press, Inc.	395.09			
443-450	Apr. 7	Thiel Press, Inc.	190.01			
444-457	May 20	E. Linzer - Xerox	14.45			
456	Mar. 26	E. Linzer - Xerox	3.78			
445	May 25	Todd Photoprint	13.08			
456	Feb. 1	Xerox - Stamford	1.74			
459		Xerox - New Canaan	1.20			
447	Sep. 10	Xerox - N. C. Fuel Co.	6.40			
448	Oct. 21	Copies Unlimited	3.64			
<u>1972</u>						
461-466	Jan. 12	Thiel Press Inc.	100.00			
462	Feb. 1	Thiel Press	71.93			

Exhibit Page	Date	Purpose	Amount
		1972, con't	
463	Apr. 28	U. S. Postmaster, New Canaan	\$ 9.50
467	Apr. 29	Xerox - N. C. Fuel & Lumber Co.	2.16
469	Apr. 28	Xerox - N. C. Fuel & Lumber Co.	5.92
468	May 3	Xerox - N. C. Fuel & Lumber Co.	1.60
468	May 4	Xerox - N. C. Fuel & Lumber Co.	.32
468	May 10	Xerox - N. C. Fuel & Lumber Co.	1.84
470	May 1	Xerox - N. C. Fuel & Lumber Co.	1.92
470	May 6	Xerox - N. C. Fuel & Lumber Co.	.80
470	Apr. 25	Xerox - N. C. Fuel & Lumber Co.	.40
463-470	Aug. 16	Copies Unlimited	82.30
463-470	Aug. 16	Aardvark Printing	6.24
463-473	Oct. 14	Thiel Press, Inc.	420.00
464-473	Oct. 18	Dr. James A. Clifton - witness	200.00
464-474	Nov. 1	Copies Unlimited	32.91
464-474	Nov. 2	Copies Unlimited	9.27
465-474	Nov. 3	Copies Unlimited	4.05
478	Dec. 19	Copies Unlimited	2.63
478	Dec. 19	Copies Unlimited	.63
479	Jan. 4	Todd Photoprint	38.31
479	Feb. 18	Todd Photoprint	30.52
477	Dec. 20	Copier Unlimited	18.05

Exhibit Page	Date	Purpose	Amount
		<u>1973</u>	
481	Jan. 1	Todd Photoprint Inc.	\$ 4.39
482	Jan. 19	Todd Photoprint Inc.	4.39
482-496	Jan. 11	James A. Clifton	234.95
483-498	Feb. 13	Copies Unlimited	10.24
483-500	Feb. 13	Casillas Press, Inc.	80.47
498	Feb. 14	Copies Unlimited	10.17
484	Feb. 21	Todd Photoprint Inc.	8.03
485-519	Mar. 13	N. C. Fuel & Lumber Co.	66.58
486-519	Apr. 7	N. C. Fuel & Lbr. Co Xerox	6.08