

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)	
OF OKLAHOMA, et al.,)	
)	
THE SAC AND FOX TRIBE OF MISSOURI,)	Docket No. 158
et al.,)	
)	Docket No. 231
SAC AND FOX TRIBE OF THE MISSISSIPPI)	
IN IOWA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEES

HAVING CONSIDERED the joint application for allowance of attorneys' fees filed July 28, 1976, for the law firms of Schiff Hardin & Waite, Mills and Garrett, and Pritzker, Pritzker & Clinton, by George B. Pletsch, Esquire, a partner in the firm of Schiff Hardin & Waite and attorney of record for the Sac and Fox Tribe of Indians of Oklahoma, Lawrence C. Mills, Esquire, a partner in the firm of Mills and Garrett and attorney of record for the Sac and Fox Tribe of the Mississippi in Iowa, and Stanford Clinton, Esquire, a partner in the firm of Pritzker, Pritzker & Clinton and attorney of record for the Sac and Fox Tribe of Missouri in Kansas; the contracts under which the attorneys served the said tribes; the defendant's response to the application; and the remainder of the record herein, the Commission finds as follows:

1. The Award. On November 23, 1973, the Commission entered a final award on remand which, among other things, awarded the Sac and Fox plaintiffs, as successors in interest of the Sac and Fox Nation, the sum of \$3,530,578.21 in Docket 158, and the sum of \$943,799.79 in Docket 231, 32 Ind. Cl. Comm. 256, 271. Funds to satisfy the final award were appropriated by Congress in the Second Supplemental Appropriation Act, approved June 1, 1976, 90 Stat. 597, 629.

2. The Application. The application by the attorneys of record requests allowance of attorneys' fees in the total sum of \$447,437.79. This sum is made up of ten percent (10%) of the final award in Docket 158, or \$353,057.82, and ten percent (10%) of the final award in Docket 231, or \$94,379.97.

3. The Contracts. The representation of the Sac and Fox Tribe of Indians of Oklahoma was initially under contract No. I-1-ind. 42249 that the tribe entered into on October 29, 1949, with the law firm of Pam, Hurd & Reichmann. The Bureau of Indian Affairs approved this contract February 13, 1950. The contract had a ten-year term commencing with its date of approval. The Bureau of Indian Affairs approved a five-year extension of the contract October 3, 1960.

On December 12, 1964, the Sac and Fox Tribe of Indians of Oklahoma entered into a new contract with the law firm of Schiff Hardin Waite Dorschel & Britton, a successor firm to Pam, Hurd & Reichmann and a predecessor firm to Schiff Hardin & Waite. The Bureau of Indian Affairs approved this contract February 15, 1965, and assigned it Symbol 14-20-0200-1879. The contract had an initial term of five years commencing on its date of approval. Subsequent amendments to the contract, each approved by the Bureau of Indian Affairs, have extended the term of the contract to February 13, 1979.

The representation of the Sac and Fox Tribe of the Mississippi in Iowa was initially under contract No. I-1-ind. 42274 that the tribe entered into on March 31, 1950, with the law firm of Dempsey, Mills & Casey, a predecessor firm of Mills and Garrett. The Bureau of Indian Affairs approved an amendment to the contract extending its term for five years from August 29, 1960.

On March 12, 1965, the Sac and Fox Tribe of the Mississippi in Iowa entered into a new contract with the law firm of Mills and Garrett. The Bureau of Indian Affairs approved this contract July 23, 1965, and assigned it Symbol 14-20-0350-278. The contract had a five-year term from its date of approval. Subsequent amendments to the contract, each approved by the Bureau of Indian Affairs, extended the contract to April 10, 1977.

The representation of the Sac and Fox Tribe of Missouri in Kansas was initially under contract No. I-1-ind. 42262 that the tribe entered into with the law firm of Pritzker, Pritzker & Clinton on September 3, 1949. The Bureau of Indian Affairs approved this contract March 8, 1950. The contract had a term of ten years commencing with its approval date. The Bureau of Indian Affairs approved amendments to this contract extending its term to March 7, 1965.

On April 16, 1965, the same parties entered a new contract. The Bureau of Indian Affairs approved this contract May 7, 1965, and assigned it Symbol 14-20-0200-1922. The contract had a five-year term beginning March 8, 1965. The Bureau of Indian Affairs approved amendments to this contract that extended the term of the contract to March 8, 1976. The Bureau of Indian Affairs, on May 12, 1965, approved the association of Louis L. Rochmes, Esquire, with the Pritzker firm in the contract.

Each of the aforementioned contracts specifically provided for compensation to the attorneys in the amount of ten percent (10%) of any and all sums recovered for the Indians.

4. Notices and Responses. A notice of the filing of the application for allowance of attorneys' fees was mailed on July 30, 1976, to the Principal Chiefs of the Sac and Fox Tribe of Indians of Oklahoma and Sac and Fox Tribe of the Mississippi in Iowa, and to the Chairman of the Tribal Council for the Sac and Fox Tribe of Missouri in Kansas. No responses were received from any of these tribes.

A notice of the filing of the application was mailed to the defendant, through its attorneys, and to the Commissioner of Indian Affairs. The defendant responded by letter of October 27, 1976, from the attorney of record, which enclosed a copy of a letter of September 9, 1976, to the attorney from the Associate Solicitor for the Division of Indian Affairs, United States Department of the Interior, together with a copy of the memorandum dated September 7, 1976, from the Acting Deputy Commissioner of Indian Affairs to the Associate Solicitor, advising that there was no objection to the allowance of attorneys' fees as claimed by the plaintiffs' attorneys.

5. Legal Services. This case involved difficult issues of law and fact concerning claims which were opposed by the Government, and included an appeal to the Court of Claims and further briefing before the Commission on remand of the case by the court. The attorneys rendered valuable legal services to their clients in the successful prosecution of the Sac and Fox claims asserted in these dockets, and they are entitled under the terms of their contracts to fees in the requested sums of \$353,057.82 in Docket 158, and \$94,379.97 in Docket 231.

IT IS THEREFORE ORDERED that out of the funds appropriated to pay the aforementioned award in favor of the Sac and Fox Nation there be jointly disbursed to the firms of Schiff Hardin & Waite, Mills and Garrett, and Pritzker, Pritzker & Clinton the sums of \$353,057.82 in Docket 158,

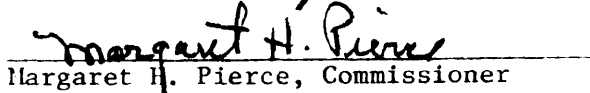
and \$94,379.97 in Docket 231, as payment in full of the attorneys' fees owed for legal services rendered in the two dockets on behalf of the Sac and Fox plaintiffs.


Dated at Washington, D. C., this 9th day of December 1976


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner