



INTERIOR BOARD OF INDIAN APPEALS

In Re Attorney Fees Request of Mary Anne Vance

13 IBIA 33 (09/21/1984)

Related Board case:

9 IBIA 43

Affirmed, *Cultee v. United States*, No. 81-1164C (W.D. Wash. Sept. 14, 1982)

Affirmed, 713 F.2d 1455 (9th Cir. 1983)

Certiorari denied, 466 U.S. 950 (1984)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

IN RE ATTORNEY FEES REQUEST OF : Order Accepting Settlement and
MARY ANNE VANCE : Dismissing Case
:
: Docket No. IBIA 84-29-F
:
: September 21, 1984

On May 10, 1984, the Board of Indian Appeals (Board) received a petition for attorney fees from Mary Anne Vance (petitioner). Petitioner sought an award of \$21,072.25 for her successful representation of Helene Jake (respondent) in regard to the probate of the estate of William Mason Cultee. Estate of William Mason Cultee, 9 IBIA 43 (1981), aff'd sub nom. Cultee v. United States, No. 81-1164 (W.D. Wash. Sept. 14, 1982), aff'd, 713 F.2d 1455 (9th Cir. 1983), cert. denied, 104 S.Ct. 2150 (1984).

On June 25, 1984, the Board received an amended petition in which petitioner corrected certain mathematical errors in the original petition. The amended petition sought a total of \$21,887.43. This amount included \$2,305.20 that had been approved by Administrative Law Judge Robert C. Snashall for petitioner's appearance before him.

Respondent informed the Board by letter received on August 20, 1984, that she disagreed with the amount petitioner alleged was owed to her. In this letter, which was prepared with the assistance of a Federal tax accountant after a complete review of petitioner's itemization of charges, respondent stated her belief that the correct amount owed to petitioner was \$21,696.98. Respondent further stated "that she at no time refused to pay Mary Anne Vance for the services rendered. Ms. Vance by-passed Mrs. Jake in filing her petition." Letter at page 1.

In a September 11, 1984, reply to respondent's letter, petitioner states that she agrees to the reduction of her fee from \$21,887.43 to \$21,696.98.

The Board finds that the above settlement meets the requirements of 43 CFR 4.207, which requires that all parties to the settlement be fully advised of the material facts and be cognizant of the effect of the settlement upon their rights, and that it be in the best interest of the parties to settle rather than to continue litigation. Accordingly, the Board approves the settlement.

The Bureau of Indian Affairs is hereby authorized to distribute \$21,696.98 from the Individual Indian Money account of the estate of William Mason Cultee to petitioner as attorney fees. The remainder of the money held in that account may be distributed in accordance with the Board's order of May 31, 1984, in Estate of William Mason Cultee.

//original signed

Jerry Muskrat
Administrative Judge

//original signed

Bernard V. Parrette
Chief Administrative Judge

//original signed

Anne Poindexter Lewis
Administrative Judge