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## Hastings Sends Letter To Plaintiff Lawyer on Attorney Fees in Proposed *Cobell v. Salazar* Settlement

WASHINGTON, D.C. – House Natural Resources Committee Ranking Member Doc Hastings (WA-04) sent a letter today to Dennis Gingold, a plaintiff attorney in the *Cobell v. Salazar* settlement agreement, regarding statements made in the [news media](#) that the proposed settlement will be terminated if Congress does not approve the agreement by May 28, 2010 or attempts to change any part of it – including putting a cap on attorneys’ fees that could exceed \$100 million.

[Click here to view the letter.](#)

### Excerpts:

- “Pursuant to your statement to the news media, is it true that you and plaintiff lawyers would kill the proposed settlement if your attorneys’ fees are capped at \$50 million? A straightforward response is requested.”
- “...considerable concern has been raised by individual Indians across the country, in both letters to Congress and during public forums, about the amount of proposed settlement funds that would be paid to lawyers. In addition, the fact that lawyers’ fees could equal or exceed \$100 million under the proposed settlement prompted a bipartisan reaction at the House Natural Resources Committee hearing in March.

“The bipartisan concern with the high level of attorney fees should not be surprising as every dollar that is paid to attorneys is a dollar that comes out of the pocket of individual Indians covered by the proposed settlement.”

- “I can be counted among those Members who have heard directly from tribal leaders, individual Indians and respected Indian associations that have concerns with aspects of the proposed settlement. This is why I so strongly expressed at the Committee’s hearing the need for more public information on the proposed settlement, and for prompt answers to the many questions that were being asked in Indian Country. It is regrettable that responses have not been received to written questions submitted to the named plaintiff and plaintiff attorneys after the March 10, 2010 hearing.

“It is hardly reasonable to seek the approval of Congress to pay \$100 million to a handful of lawyers when that means less compensation is being provided to individual

Indian constituents that Congress represents – especially when efforts to determine what amount of lawyers’ fees is merited through documentation of actual work performed are frustrated by the absence of responses to Committee questions.”

- “It would be surprising and concerning if you and fellow plaintiff attorneys would jettison this entire proposed settlement and the payments it would provide to individual Indians in the accounting class solely because Congress would limit your fees to no more than \$50 million, rather than \$100 million, so that more funds can go to those Indians on whose behalf this litigation was launched 14 years ago.”
- “The media have reported several public statements made by the plaintiffs, the Administration, and the District Court, who say that Congress is on a ‘deadline’ to authorize the settlement. In fact, there is no ‘deadline’ in the settlement. There is an expiration date that is self-imposed by the Administration and the Plaintiffs on themselves - Congress was not a party to the settlement negotiations and is bound by no date. I am concerned that repeated talk of a ‘deadline’ has turned into a pretext to pass settlement legislation without the thorough scrutiny that individuals Indians have been seeking from their elected Representatives and Senators.”

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