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National Congress of American Indians Adopts Resolution Supporting Bill to Cap Cobell Attorneys' Fees

WASHINGTON, D.C. – Today, the National Congress of American Indians (NCAI) adopted a [resolution](#) supporting H.R. 887, legislation by Indian and Alaskan Native Affairs Subcommittee Chairman Don Young (AK-At Large) and Natural Resources Committee Chairman Doc Hastings (WA-04) to cap attorneys' fees in the *Cobell v. Salazar* Settlement Agreement at \$50 million. At a conference on May 16-19th, the Affiliated Tribes of Northwest Indians (AFNI) adopted a similar [resolution](#) supporting [H.R. 887](#).

The \$3.4 billion Settlement Agreement, enacted into law last December, included an agreement, signed by the plaintiffs' attorneys and the government, setting attorneys' fees between \$50 million and \$99.9 million. However, plaintiffs' attorneys filed a petition in U.S. District Court seeking \$223 million pursuant to a previously unknown contingency fee agreement, the complete, exact details of which are still undisclosed. This secret agreement was not disclosed by the plaintiffs' attorneys until after Congress passed legislation and had previously told Congress that they would not seek fees over \$100 million.

Chairman Hastings has repeatedly sought details of the contingency fee agreements as well as documents relating to costs and expenses billed to the class and after over a year of stonewalling had to ultimately subpoena the records.

The [NCAI Resolution](#) states: “the revelation of the contingency fee, and the \$223 million in attorneys' fees sought by the *Cobell* attorneys, is considered outrageous by many in Indian Country and as a breach of their fiduciary duty to the class by putting their own interests ahead of the class, and has resulted in intense bipartisan scrutiny and criticism.”

“My number one concern has always been the fair treatment of the 500,000 individuals in Indian Country and ensuring that they – not trial lawyers – receive the money they deserve. The support given to H.R. 887 by the NCAI and AFNI is welcome and will have a meaningful impact,” said Chairman Hastings.

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