

would ask what the cost would be, if he sought the easement and an estimate was given at that time.

Mr. EDMONDSON. By whom?

Mr. SCHLESINGER. By us. We requested how much the fee would be to perform the services.

Mr. EDMONDSON. So, you informed them what the fee would be?

Mr. SCHLESINGER. No. We would inform the guardian or conservator what our fee would be. In other words, the easement was not presented to us. It was presented to the guardian or conservator and if the guardian or conservator went—decided they would go along with the easement, that it was to the benefit of the Indian, and normally it was, because it was utilities or streets or something else to improve the property, and they would say to us, "Look, this easement is something that we think is reasonable, and we recommend approval but we don't want the ward having to pay for it. What would be your fee? Is the lessee or utility company willing to pay reasonable attorney's fees?"

Mr. EDMONDSON. Do you handle divorce cases?

Mr. SCHLESINGER. In our office we do. I do not personally.

Mr. EDMONDSON. Just wondered about the practice in a situation like that. Would you find any problem about handling a divorce case on behalf of a wife, for example, and having an agreement with the husband as to what the fee would be?

Mr. SCHLESINGER. You just don't do it that way in a divorce case. If the husband is going to be represented by a separate counsel, the fees are determined by the court what the fee is going to be paid, and the settlement is by a court order, and with a settlement without a court order it is between the two attorneys to negotiate what the fee would be and you have no problem. I frankly, prefer—not prefer, but definitely avoid these situations where there is a possibility—I don't like a situation where the client says "You get the attorney's fees from the other side." We, just as an office policy, don't do it.

Mr. EDMONDSON. It is awkward, isn't it?

Mr. SCHLESINGER. And, the easement situation is a standard practice, because the utility company is asking for something and the property owner just feels that the utility company wants it, they should pay for it, pay the cost.

Mr. EDMONDSON. Thank you. Congressman Tunney.

Mr. TUNNEY. You say, Mr. Schlesinger, your clients specifically asked you in each case, whether it was right-of-way that was being asked for, or an easement that was being asked for, asked you to get your fee from the party who was seeking the easement or right-of-way?

Mr. SCHLESINGER. Yes; that's correct.

Mr. TUNNEY. Specifically asked by your client—

Mr. SCHLESINGER. Yes. They would not grant it. It was made very strongly—stronger than that, they would not consider granting it unless the legal cost involved were to be absorbed by the person requesting.

Mr. TUNNEY. Mr. Schlesinger, I would like to ask you a number of questions with regard to the practice of charging fees for services performed for Indians, because I don't have really any knowledge at all of what the practices were and I am trying to develop a better