

## Jicarilla Apache Nation Awarded \$21 Million for Breaches of Trust

The U.S. Court of Federal Claims recently awarded the Jicarilla Apache Nation \$21 million in damages for the Government's decades-long failure to honor its fiduciary obligations owed to the Jicarilla Apache. In *Jicarilla Apache Nation v. United States*, the Nation alleged that the Government had failed to prudently invest funds held by the Bureau of Indian Affairs in trust for the Jicarilla Apache when it invested "virtually all" the funds in short-term securities. The Jicarilla Apache also alleged that the Government illegally disbursed the Nation's funds to pay BIA employees, delayed the deposit of the Nation's funds into the proper accounts, and allowed the Nation's trust fund accounts to be overdrawn.

The CFC has divided the case into several phases, and the trial in this phase included the claims regarding the management of Jicarilla Apache funds between 1974 and 1992. The CFC held that the Jicarilla Apache had used an investment model that "provides a reasonable and appropriate basis for calculating the damages owed here," and awarded them the full amount of damages for the period 1974 to 1992:

Plaintiff has demonstrated that, during the period from February 22, 1974, to September 30, 1992, defendant breached its fiduciary duties to the Nation by mismanaging the Nation's trust assets and other funds. Plaintiff has established all the traditional elements for recovery of damages on those breach claims. Based on the foregoing, the court finds that, for the period in question, plaintiff is entitled to damages in the amount of **\$21,017,491.99.**"

The full opinion can be read [here](#).

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