CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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KURT A. BEHLING
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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

December 16, 2003

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C. for legal fees for Police Officers Jim Campbell and Joseph Warren
C.I. File No. 02-S-295; ELO No. 1804

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jim Campbell and Joseph Warren. The claim is in the amount of $652.50 including $3.50 in disbursements for 5.90 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

September 13, 2002

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 02-S-295
Communication from EGGERT & CERMELE, S.C.

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officer verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

02 SEP 25 PM 1:39
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 29, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: MPD Criminal Investigation of POs Jim Campbell and Joseph Warren
Allegations Regarding Mr. Timothy Wilks
Date of Incident: October 21, 2001
Location of Incident: 2577 North 33rd Street
EC No.: 1804

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the pursuit and arrest of a suspect.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Campbell and Warren to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

12/15/03
O.K.
SHS
Letter 2276

LAE/ldl
CAMPBELL WARREN

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 29, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Mr. Timothy Wilks
Regarding: PO Jim Campbell and Joseph Warren
Date of Incident: October 12, 2001
Location of Incident: 2577 North 33rd Street

Professional services

		Hours
11/08/01	Telephone call from client; open file; memo to file; telephone call to witness; telephone call to Det.	1.60
11/20/01	Preparation for and appearance at PI-21 statement; conference with Campbell; memo to file; travel.	1.10
12/19/01	Review of file; telephone call to client; correspondence to MPD Open Records.	0.40
02/13/02	Telephone call to and from Warren; review of file; memo to file.	0.40
02/19/02	Conference with Warren; memo to file; attend Warren's PI-21; travel.	1.30
02/20/02	Memo to file.	0.30
04/12/02	Telephone call from client; memo to file.	0.20
05/06/02	Review of correspondence from FPC.	0.10

		Hours	
08/20/02	Review documents from MPD Open Records; telephone call to client; memo to file; close file.	0.50	
			Amount
	For professional services rendered	5.90	$649.00
	Additional charges:		
08/20/02	MPD Open Records request		3.50
	Total costs		$3.50
	Total amount of this bill		$652.50
	Balance due		$652.50

(Rate: $110.00 per hour)

INVESTIGATIVE NARRATIVE:

This report is being submitted by Detective Karen Dubis, assigned to the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

The complaining victim in this incident, Timothy J. Wilks, B/M, 03-27-86, is unable to identify or determine which officer struck and/or kicked him. The

#6

#6

Det. Karen Dubis was not able to observe any injuries to the rib, head, or wrist area of Mr. Wilks. He did not seek medical attention nor did he have any documentation of injury. Betty E. Wilks, the reporting person and mother of Timothy, lacks a willingness to prosecute anybody regarding the allegations in this incident.

Based on all of the circumstances listed above, this case will be cleared.

REVIEWING D.A. None	P.O./DET. ASSIGNED Det. Karen Dubis	COURT CASE NUMBER
FINAL CHARGE None	DISPOSITION/DATE 11-12-01	VICTIM NOTIFIED BY Det. Karen Dubis

INCIDENT STATUS
O CLEARED BY ARREST 18 OR OVER
O PARTIAL CLEARANCE BY ARREST
O UNFOUNDED/BASELESS
O VICTIM RESUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)
O PROPERTY RECOVERED
O WARRANT REFUSED
O ARREST UNDER 18
O A. Detained at MCCC
O B. Ordered in to MCCC DATE: _____
O WAIVED AS AN ADULT

----- C.I.B. ADMINISTRATIVE USE ONLY -----

CLEARED EXCEPTIONALLY
O A. Death of Offender
O B. Prosecution Declined
O C. Extradition Denied
O D. Refused to Cooperate
O E. Juvenile, no custody
O F. Not Applicable

JUSTIFIABLE HOMICIDE INFORMATION
O A. SUSP ATTCKD PO AND SAME PO KILLED SUSP
O B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP
O C. SUSP ATTCKD CIVILIAN
O D. SUSP ATTEMPTED FLIGHT FROM CRIME
O E. SUSP KILLED IN COMMISSION OF CRIME
O F. SUSP RESISTED ARREST
O G. UNABLE TO DETERMINE/NOT ENOUGH
O H. SUSPECT KILLED BY PRIVATE CITIZEN
O I. SUSPECT KILLED BY POLICE OFFICER

MM

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 26, 2002

TO: P.O. JIM CAMPBELL
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

1) An incident occurring on OCTOBER 21, 2001
2) A citizen's complaint made by TIMOTHY WILKS
3) A police shooting incident occurring on N/A

Is this information correct? YES X NO

Did you receive legal representation in this matter? YES X NO

Your signature:

Print your name: James Campbell

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 OCT 16 AM 11:35
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 26, 2002

TO: P.O. JOSEPH WARREN
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

1) An incident occurring on OCTOBER 21, 2001
2) A citizen's complaint made by TIMOTHY WILKS
3) A police shooting incident occurring on N/A

Is this information correct? YES ✓ NO_____

Did you receive legal representation in this matter? YES ✓ NO_____

Your signature: Joseph R. Warren

Print your name: JOSEPH R. WARREN

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 OCT -2 AM 11:16
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION