CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys

OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
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BEVERLY A. TEMPLE
THOMAS O. GARTNER
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HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 2, 2004

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 Jeff Cook, Shawn Lauda, Kurt Kezeske, Jason Kane, Rodney Lloyd, James Jackson, Alvin Hannah and Carlos Rutherford
C.I. File No. 02-S-263; ELO No. 1772

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jeff Cook, Shawn Lauda, Kurt Kezeske, Jason Kane, Rodney Lloyd, James Jackson, Alvin Hannah and Carlos Rutherford. The claim is in the amount of $6,331.00 including $39.00 in disbursements for 57.20 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.

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

CITY OF MILWAUKEE RECEIVED 2002 AUG -5 PM 3:50 CITY ATTORNEY

August 1, 2002

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

RE: MPD Criminal Investigation of POs Jeff Cook, Shawn Lauda, Kurt Kezeske, Jason Kane, Rodney Lloyd, James Jackson, Alvin Hannah and Carlos Rutherford
Allegations Regarding Mr. Mario Mallet
Date of Incident: December 27, 2001
Location of Incident: Froedtert Memorial Lutheran Hospital
EC No.: 1772

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 arrest and transport of a suspect. Charges will not be issued against the officers. Attached is a copy of a letter to the Chief from the DA who presided over the inquest, and an itemization of the time and services rendered.

12/30/03
O.K.
J HS
Letter 2276

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE 2002 AUG -5 AM 11:44 RONALD D. LEONHARDT CITY CLERK

JC/ldl
COOK INQUEST

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 1, 2002

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

RE: MPD Criminal Investigation of POs Jeff Cook, Shawn Lauda, Kurt Kezeske, Jason Kane, Rodney Lloyd, James Jackson, Alvin Hannah and Carlos Rutherford
Allegations Regarding Mr. Mario Mallet
Date of Incident: December 27, 2001
Location of Incident: Froedtert Memorial Lutheran Hospital
EC No.: 1772

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

. Charges will not be issued 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

JC/ldl
COOK INQUEST

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 1, 2002

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

RE: MPD Criminal Investigation re: Death in custody (Mr. Mario Mallet)
Regarding: POs Jeff Cook, Shawn Lauda; Kurt Kezeske, Jason Kane, Rodney Lloyd, James Jackson, Carlos Rutherford and Alvin Hannah
Date of Incident: December 27, 2001
Location of Incident: Froedtert Memorial Lutheran Hospital

Professional services

		Hours
12/27/01	Telephone call from PO Cook regarding new criminal investigation; meeting with PO Cook and various witnesses at Froedtert; travel.	2.00
12/28/01	Meeting with PO Rutherford; meeting with PO Jackson; meeting with PO Lloyd; meeting with PO Kezeske; attend PO Kezeske's statement to DA; meeting with PO Lauda; attend PO Lauda's statement to DA; meeting with PO Kane; attend PO Kane's statement to DA; meeting with PO Cook; attend PO Cook's statement to DA; attend PO Rutherford's PI-21; attend PO Jackson's PI-21; attend PO Lloyd's PI-21; attend PO Kezeske's PI-21; attend PO Lauda's PI-21; attend PO Kane's PI-21; travel; memo to file.	8.90
12/31/01	Telephone call from PO Cook.	0.40
01/02/02	Review newspaper article on death in custody.	0.20
01/03/02	Telephone call to and from DA; telephone call from PO Cook.	0.40

		Hours
01/04/02	Several telephone calls from PO Jackson.	0.30
01/30/02	Telephone call to ADA Burr; memo to file; intra-office conference; Fax to Burr; telephone call to PO Cook.	0.60
02/04/02	Telephone call from PO Cook.	0.40
02/05/02	Telephone call from POs Jackson and Hannah.	0.50
02/06/02	Intra-office conference regarding strategy; receive and review letter from DA.	0.80
02/13/02	Office conference with POs Jackson and Hannah; review investigatory file from DA Burr; organize file.	4.50
02/22/02	Telephone call to medical examiner's office regarding Medical Examiner's Report, Toxicology Report and Autopsy Protocol; telephone call from PO Cook.	0.60
02/27/02	Intra-office conference.	0.40
03/01/02	Preparation for and office conference with PO Kezeske; memo to file; preparation for and office conference with PO Cook; memo to file; preparation for and office conference with PO Lloyd; memo to file; preparation for and office conference with PO Kane; memo to file; preparation for and office conference with PO Hannah; memo to file; preparation for and office conference with PO Jackson; memo to file.	8.20
03/03/02	Telephone call to and from PO Lloyd; telephone call to and from PO Lauda; review PO Lauda's PI-21 tape; memo to file.	1.70
03/04/02	Review of file; meeting with POs Lauda, Cook, Kezeske, Lloyd, Hannah, Jackson and Kane; review of file; attend DA's interviews of same in preparation for inquest hearing.	7.50

		Hours	
03/04/02	Telephone call from DA's office.	0.20	
03/05/02	Prepare for inquest hearing; meeting with ADA Burr regarding same; prepare clients for testimony; attend inquest.	9.00	
03/06/02	Prepare for inquest hearing; attend same; telephone call to clients regarding verdict.	8.40	
03/07/02	Intra-office conference; meeting with DeBraska; Fax to ADA Burr.	1.70	
03/11/02	Telephone call from PO Cook; telephone call to DDA Burr.	0.50	
06/10/02	Close file.		
			Amount
	For professional services rendered	57.20	$6,292.00
	Additional charges:		
02/28/02	Medical Examiner Report		12.00
03/04/02	Parking		9.00
03/05/02	Parking		9.00
03/06/02	Parking		9.00
	Total costs		$39.00
	Total amount of this bill		$6,331.00
	Balance due		$6,331.00

DISTRICT ATTORNEY
COUNTY OF DANE

BRIAN W. BLANCHARD
District Attorney

John R. Burr
First Assistant District Attorney

March 11, 2002

Chief Arthur Jones
Milwaukee Police Department
749 West State Street
Milwaukee, Wisconsin 53233

COPY

Re: Inquest Into the Death of Mario Mallett

Dear Chief Jones:

I am the first assistant district attorney in Dane County, Wisconsin, and the senior assistant among Wisconsin assistant district attorneys. I was assigned as special prosecutor in the above-captioned action because of the appearance of conflict at the Milwaukee County District Attorney's office had -- one of its assistant district attorneys is married to one of the officers involved.

The inquest jury was selected on Tuesday, March 5, 2002, with the trial commencing immediately thereafter. The inquest jury reached a verdict of accidental death at approximately 4:15 p.m. on Wednesday, March 6, 2002, after approximately two hours of deliberation.

Lieutenant Scott Schaefer was assigned by the Milwaukee Police Department as one of the primary investigating officers. I met with Lieutenant Schaefer on Monday, the 4th of March, and he sat through the inquest trial. I found the lieutenant to be unusually insightful and extremely helpful in my presentation to the jury. Without his gracious assistance, including but not limited to supplying me with diagrams and copies of the police department rules and regulations, my presentation to the jury would be significantly hampered. In addition, he is a bright, pleasant individual with a well-developed sense of humor. Were he in Madison, I would look forward to working with him on every case time and time again. You're lucky to have him.

The following officers were either directly or indirectly involved in the fact situation which gave rise to the inquest: Officers Carlos Rutherford, Alvin Hannah, James L. Jackson, Rodney Lloyd, Jason Kane, Kurt Kezeske, Sean Lauda, and Jeffrey Cook. The supervising officer at the scene, as you know, was Tayo Adeneken.

523 City-County Building 210 Martin Luther King Jr. Blvd. Madison, Wisconsin 53703-3342
(608)266-4211 (608)267-2545 fax

With respect to each and all of the officers, they were extremely cooperative and helpful in the preparation of the inquest in meeting with me, several of them on their own time on March 4, 2002. In addition, each officer showed up in the proper uniform and in a timely manner for the trial. Each of the officers in their testimony responded directly to questions in a very articulate manner.

I have been in this business 31 years, and I like to think that I'm reasonably adept at judging the credibility of a witness. Though their testimony differed on small details, as you would expect any witnesses to differ, I am absolutely confident that each officer told the absolute and complete truth. In my judgment, each is a credit to the Milwaukee Police Department. No officer engaged in any conduct that could be remotely considered criminal in nature. The inquest exonerated all officers.

I realize that it is not my judgment call to make, but I do understand that a number of the officers were taken off the street on an administrative basis following this incident. Based upon the evidence available to me, I would encourage and recommend that they immediately be returned to their normal duties.

In particular, with respect to Officer Cook, I understand that he is currently on a sergeant's panel but any decision on a promotion for him has been delayed. I further understand that that panel lapses in July of 2002.

Officer Cook, in my judgment, based upon my 31 years of experience in dealing with law enforcement officers, would make a wonderful sergeant. I am, of course, unaware of his prior record with the department, but based upon the actions he undertook during the course of the incident that gave rise to the inquest, I would heartedly recommend that he be promoted to sergeant.

All officers at the scene followed the directions of the supervising sergeant. I would note that those directions in one or two occasions appeared to be contrary to the written rules and regulations of the Milwaukee Police Department, though I appreciate that officers at scenes are given the discretion to act according to the best interests of everyone in any given situation.

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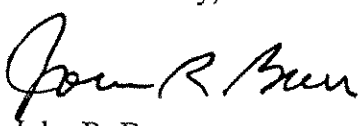
(608)266-4211 (608)267-2545 fax

It is the first time I've been asked to conduct a criminal proceeding in Milwaukee County. I found it to be a rewarding experience in large part due to the fine officers that I dealt with in this situation. I would certainly hope that no disciplinary action would be taken against any of them.

Most Sincerely,



John R. Burr
First Assistant District Attorney

JRB:wns
bcc: Attorney Jonathan Sermele

523 City-County Building 210 Martin Luther King Jr. Blvd. Madison, Wisconsin 53703-3342
(608)266-4211 (608)267-2545 fax

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. JEFF COOK
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: Sgt. J. Cook

Print your name: Sgt. Jeffrey J. COOK

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

Steven Settingsgaard

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

RECEIVED
02 SEP 20 AM 11:02
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 24, 2002

TO: P.O. SHAWN LAUDA
SOB INTEL

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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: Shawn Lauda

Print your name: Shawn LAUDA

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

Steven Settingsgaard KJS

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 SEP 26 PM 12:42
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. KURT KEZESKE
PATROL SUPPORT DIVISION TEU

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: PO Kurt D. Kezeske

Print your name: PO KURT D. KEZESKE #62937

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

RECEIVED
02 SEP 20 AM 11:02
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

Steven Settingsgaard
KJJ

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM SEPTEMBER 13, 2002

TO: P.O. JASON KANE
PATROL SUPPORT DIVISION TEU

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: P.O. Jason Kane

Print your name: P.O. JASON KANE

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

RECEIVED
02 SEP 20 AM 11:02
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM **SECOND NOTICE** OCTOBER 16, 2002

TO: RODNEY LLOYD
PATROL SUPPORT DIVISION TEU

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: P.O. Rodney R Lloyd.

Print your name: Rodney R LLOYD

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

STEVEN M. SETTINGSGAARD KJS
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. JAMES JACKSON
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: Mr. James L. Jackson Jr.

Print your name: Mr. JAMES L. JACKSON Jr.

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

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT INTERNAL AFFAIRS DIVISION

02 SEP 19 AM 11:37

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM SEPTEMBER 13, 2002

TO: P.O. ALVIN HANNAH
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: P.O. Alvin Hannah

Print your name: P.O. ALVIN HANNAH

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

Lt Settingsgaard KJS

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 SEP 19 AM 11:37
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. CARLOS RUTHERFORD
WEED AND SEED

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE 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 DECEMBER 27, 2001
2) A citizen's complaint made by MARIO MALLET
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: Carlos Rutherford

Print your name: CARLOS RUTHERFORD

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

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

KJS

SMS:kjs