

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. MCDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
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EDWARD M. EHRlich
LEONARD A. TOKWITZ
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 5, 2002

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

Re: **Communication from Attorney Kenneth J. Murray
for legal fees for Police Officer Raymond Fischer**

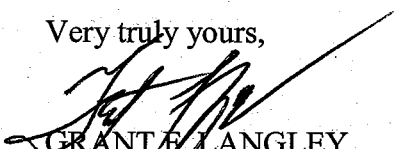
Dear Council Members:

Returned herewith is a document filed by Attorney Kenneth Murray for attorney's fees for representing Police Officer Raymond Fischer. The claim is in the amount of \$810.00, including \$18.00 in disbursements for 8.8 hours of service billed at the rate of \$90.00 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission and referred to the Chief who imposed no discipline.

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.
2295

CITY OF MILWAUKEE

Form CA-43

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MELANIE R. SWANK
TRACY M. JOHNSON
GREGORY POWELL

*What did
Chief do?
5/13/2002
KJM doesn't know.
I will send hand card*

RECEIVED
96 DEC 10 AM 10:00
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

NEY

3551

DECEMBER 9, 1996

Mr. Walter Franklin, Deputy Inspector
Milwaukee Police Department
749 West State Street, Room 714
Milwaukee, WI 53233

Assistant City Attorneys
OFFICE OF
CHIEF OF POLICE
Received D-9-96
Referred JAD

Re: C.I. File No. 96-S-599
Communication from Kenneth J. Murray

Dear Inspector Franklin:

Enclosed please find a claim filed by attorney Kenneth J. Murray for Attorney's fees incurred during his representation of officer Raymond Fischer.

Please determine whether this officer was in fact involved in the matter described in Mr. Murray's claim, and have the officer verify Mr. Murray's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,
Jan Smokowicz
JAN A. SMOKOWICZ
Assistant City Attorney

JAS:jg
Enclosure

Received 12/31/96

ADELMAN, ADELMAN & MURRAY, S.C.
ATTORNEYS AT LAW

LYNN ADELMAN
ELIZABETH ADELMAN
KENNETH J. MURRAY
LAURIE A. EGGERT
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1840 NORTH FARWELL
SUITE 403
MILWAUKEE, WI 53202
(414) 225-2929

*ALSO LICENSED TO PRACTICE IN NEW YORK
*ALSO LICENSED TO PRACTICE IN ILLINOIS

November 12, 1996

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

RE: Citizen Complaint of Ms. Edna Mathews
Against Police Officer Raymond Fischer
Complaint No.: 96-27
Date of Incident: April 10, 1996

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop on April 10, 1996 at approximately 12:15 p.m. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice.

The following is an itemization of the time and services rendered.

<u>DATE</u>	<u>NATURE OF WORK PERFORMED</u>	<u>HOURS</u>
05-28-96	Open file; correspondence to FPC; telephone call to FPC; telephone call to client; review complaint	0.7
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Fischer Statement
November 12, 1996
Page Two

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08-01-96	Review of correspondence from Department of Transportation	0.1
08-26-96	Review of correspondence from Department of Justice	0.1
09-03-96	Review of correspondence from MPD Open Records	0.3
10-14-96	Review of correspondence from FPC; correspondence to client; close file	<u>0.5</u>
	TOTAL HOURS	8.8

DISBURSEMENTS:

07-23-96	Parking	\$ 2.00
07-25-96	Department of Transportation	3.00
07-25-96	Department of Justice	<u>13.00</u>
	TOTAL	\$ 18.00

8.8 hours at \$90.00 per hour = \$ 792.00
Disbursements = 18.00

TOTAL DUE = \$ 810.00

Sincerely,

ADELMAN, ADELMAN & MURRAY, S.C.



Kenneth J. Murray
Attorney at Law

LAE/ldq
FISCHER

OCT 14 1996
RECEIVED

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF EDNA MATHEWS
AGAINST POLICE OFFICER RAYMOND FISCHER

ORDER OF DISMISSAL

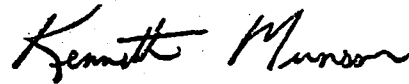
To Officer Raymond Fischer:

It is hereby ordered that the Complaint of Edna Mathews, Complaint No. 96-27, filed with the Board on April 23, 1996, is dismissed because the Board, upon review of the Complaint at its Regular Meeting of September 26, 1996, determined that investigation and disposition by the Milwaukee Police Department would be more appropriate. This Complaint has therefore been referred to the Chief of Police.

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

LEONARD W. ZIOLKOWSKI,
CHAIRMAN

BY:



KENNETH MUNSON
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, OCTOBER 9, 1996.

cc: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

December 16, 1996

TO: OFFICER RAYMOND FISCHER
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
96 DEC 19 PM 12:30
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

Attorney KENNETH MURRAY 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 APRIL 10, 1996
- 2) A citizen's complaint made by EDNA MATHEWS
- 3) ~~A police shooting incident occurring on~~

Is this information correct?

YES X NO _____
(TO THE BEST OF MY RECOLLECTION)

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: P.O. Raymond C. Fischer
Print your name: P.O. Raymond C. Fischer
#7 DAY SHIFT 53049

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

Dale T. Schunk
DALE T. SCHUNK *D.T.P.*
Captain of Police
Internal Affairs Division

DTS:dnp

KENNETH J. MURRAY

*Attorney at Law**
3153 North Knoll Terrace
Wauwatosa, Wisconsin 53222
(414) 475-6232

**Also licensed to practice in Illinois*

June 19, 2002

Mr. Jan Smokowitz
Asst. City Attorney
800 City Hall
200 E. Wells St.
Milwaukee, Wi. 53202

Re: Atty. Fee claims
Your letter-4/30/02

Dear Mr. Smokowitz.

Thanks for the opportunity to meet with you and explore the status of my outstanding claims. In discussing each of the claims still in limbo, I'll follow the sequence established by your letter of April 30 2002.

#1 Ctz. Comp. of Mathews v. P.O R. Fischer

As you noted, the F&PC has dismissed the complaint and referred it to the Chief of Police. A check by my office reveals that the officer was not disciplined as a result of his conduct in the incident giving rise to the complaint. A copy of the Chief's response to the referral is enclosed.

#2 Criminal investigation following complaint of Luther Tate against Police Officers: G. Raymond, C. Aguilar, D. Aguilar, R. Fohr and B. Page

I was to an investigation of the arrest of a suspect, Tate, who was fleeing a scene carrying a gun. The officers were sent to the scene spotted Tate and in the pursuit Tate either ran into a squad car or was struck by it. Tate vigorously resisted arrest and was taken to the hospital for injury to his leg suffered when striking the squad car.

Sgt. Eccher was called to the scene and a criminal investigation into the question of the use of excessive force, a crime, was held at Dist. #7. All officers involved were interrogated with counsel, myself, present as required by the Miranda decision.

No charges were issued criminally and no discipline was

imposed internally. Enclosed are letters obtained from the F&PC confirming that no disciplines were imposed on any of these officers during the relevant time period.

#3Ctz. Comp. of Reynolds against P.O. James Boyd
Responding directly to your request. I would only add to the correspondence already had on this claim as referenced in your last letter, that Officer Boyd was a 30 year veteran having joined the Dept. in Sept. 1963 and retiring on Oct. 28, 1994 at the age of 52. A very common pattern among officers, who by contract had the right to retire at full pension,

Based on a thorough analysis of our file I learned that Det. Boyd had made an arrest of a wanted criminal—clearly his duty. Reynolds, the arrestee, complained that Boyd had not been "civil and courteous" in making the arrest which if found to be true at a hearing could have resulted in a verbal admonition or, at worst, 2 or 3 days suspension—hardly a basis for Boyd to delay a planned retirement any longer than he already had. I assure you, as an Officer of the Court, that the pending hearing was not a factor in Boyd's retirement.

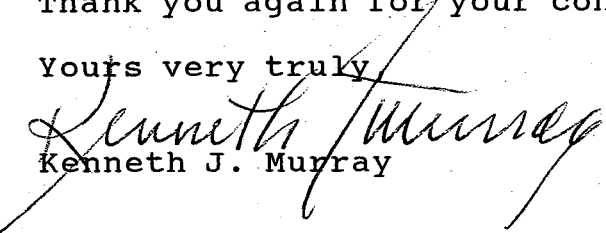
(My personal speculation was that Reynolds held the matter as a card that somehow might some value down the road)

#16 You couldn't find a record in your office of the following citizen complaints. A search of my files produced copies of the original claims which are forwarded herewith:

- (A) Ctz. Comp. of Kurcyk against Officer Lelinski
- (B) Ctz. Comp. Of Easter against Officer Drezek
- (C) Ctz. Comp, of Mays against Officers Pfau and Rineberg
- (D) Ctz. Comp. Of Aguilar against Officer Voeks
- (E) Ctz, Comp, of Cline against Officers Luebbe and McNair

Thank you again for your consideration.

Yours very truly,


Kenneth J. Murray



Fire and Police Commission

Woody Welch
Chairman
Carla Y. Cross
Vice-Chair
Eric Mandel Johnson
Leonard J. Sobczak
Ernesto A. Baca
Commissioners
Joseph J. Ozarnezki
Executive Director
David Heard
Public Relations Officer
Cassandra K. Scherer
Examinations Supervisor
Steven Fronk
Hearing Examiner

June 11, 2002

Attorney Kenneth J. Murray
3153 Knoll Terrace
Wauwatosa, WI 53222

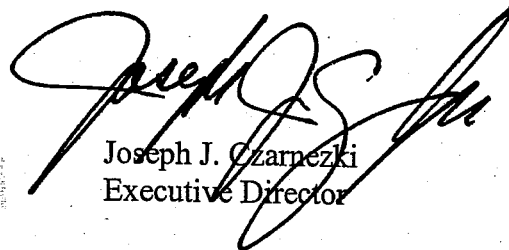
Re: Complaint No. 96-27 (Raymond Fischer)

Dear Attorney Murray:

In response to your request a search has been conducted of Fire and Police Commission records. Please be advised that Complaint No. 96-27 against Police Officer Raymond Fischer was referred to Chief of Police Arthur Jones for investigation and disposition. Our file contains a letter from Chief Jones dated December 1, 1996, which indicates that "there is no evidence to substantiate any allegations of misconduct."

Feel free to contact me should you have further questions.

Sincerely,



Joseph J. Ozarnezki
Executive Director

JJC:SF



Police Department

May 24, 2002

Arthur L. Jones
Chief of Police

Jan A. Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202-3551

RE: Kenneth Murray, Legal Representation of
Police Officer Raymond Fisher

Sir,

In response to correspondence dated May 15, 2002, requesting information relevant to Fire and Police Commission complaint #96-27 involving Police Officer Raymond Fischer and the representation by Mr. Kenneth Murray.

A search of the Internal Affairs Division files revealed FPC Complaint #96-27, our file IAD #96-0315, was dismissed by the commission and on October 9, 1996, referred to the Chief of Police for investigation.

The Edna Mathews complaint was assigned IAD #96-0319. Investigation conducted by personnel at District Seven found that the officers who stopped Ms. Edna Mathews on April 10, 1996, acted appropriately and in accordance with Department Rules and Procedures. There was no evidence to substantiate any of the allegations of misconduct raised by Ms. Mathews.

Police Officer Raymond Fisher was exonerated of any wrongdoing during the incident involving Ms. Edna Mathews.

If you should have any questions regarding this matter, please contact Captain of Police Mary K. Hoerig of the Internal Affairs Division.

Sincerely,

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
INTERNAL AFFAIRS DIVISION

SMS:JC:smc

C:smc Fisher.mo

CITY OF MILWAUKEE

Form CA-43

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MARYNELL REGAN
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Assistant City Attorneys

May 15, 2002

Commander Steven Settingsgaard
Milwaukee Police Department
Internal Affairs Division

Re: **Kenneth Murray; Legal Representation of
Police Officer Raymond Fisher**

Dear Commander Settingsgaard:

For more than a few years, I have been waiting for Attorney Kenneth Murray to provide me some information about whether an officer was ever the subject of Chief-imposed discipline. I met with him the other day, and he apparently simply has no information on this issue and can think of no way of finding out any information.

Accompanying this letter, you will find Mr. Murray's original bill relating to this officer, Raymond Fisher. Attached to Mr. Murray's bill for his services, you will find an order of dismissal from the Fire and Police Commission about this citizen's complaint. As you will note, although the Fire and Police Commission dismissed the complaint, it "determined that investigation and disposition by the Milwaukee Police Department would be more appropriate" and consequently "referred [the matter] to the Chief of Police."

Since Mr. Murray cannot tell me whether the Chief disciplined Officer Fisher relating to this matter in any fashion, would you please have someone in your Division review the record and provide me any kind of information that we may have as to whether Officer Fisher was disciplined. In the event that he was disciplined, we are not likely going to be able to pay Mr. Murray's bill.

OFFICE COPY

Commander Steven Settingsgaard
May 15, 2002
Page Two

If you have any questions or concerns, please feel free to contact me. If not, thank you and your staff for your continuing assistance and cooperation with these matters.

Very truly yours,



Jan A. Smokowicz
Assistant City Attorney

JAS:enm
Enc.
5153/v1

Received 12/3/96

ADELMAN, ADELMAN & MURRAY, S.C.
ATTORNEYS AT LAW

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ELIZABETH ADELMAN
KENNETH J. MURRAY
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(414) 225-8929

*ALSO LICENSED TO PRACTICE IN NEW YORK
*ALSO LICENSED TO PRACTICE IN ILLINOIS

November 12, 1996

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

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Date of Incident: April 10, 1996

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TOTAL DUE = \$ 810.00

Sincerely,

ADELMAN, ADELMAN & MURRAY, S.C.


Kenneth J. Murray

Attorney at Law

LAE/ldq
FISCHER

RECEIVED
OCT 14 1996

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF EDNA MATHEWS
AGAINST POLICE OFFICER RAYMOND FISCHER

ORDER OF DISMISSAL

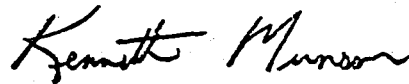
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MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

LEONARD W. ZIOLKOWSKI,
CHAIRMAN

BY:



KENNETH MUNSON
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, OCTOBER 9, 1996.

cc: Attorney Laurie Eggert ✓

CITY OF MILWAUKEE

COPY

 Form CA-43

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Assistant City Attorneys

May 15, 2002

Commander Steven Settingsgaard
Milwaukee Police Department
Internal Affairs Division

Re: **Kenneth Murray; Legal Representation of
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MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

02 MAY 20 PM 2:05

RECEIVED

COPY

Commander Steven Settingsgaard
May 15, 2002
Page Two

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Very truly yours,



Jan A. Smokowicz
Assistant City Attorney

JAS:enm
Enc.
5153/v1