

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
TDD (414) 286-2025
FAX (414) 286-8550

April 5, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Douglas Lemke and Eric Pfeiffer
C.I. File No. 03-S-382; EC No. 1940

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Douglas Lemke and Eric Pfeiffer. The claim is in the amount of \$506.00 for 4.60 hours of service billed at the rate of \$110 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

Handwritten signature of Grant F. Langley in black ink.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in black ink.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm

Enc.

91787/ 1032-2003-3159

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

September 24, 2003

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

**RE: MPD Criminal Investigation of POs Douglas Lemke and Eric Pfeiffer
Allegations Regarding a Juvenile
Date of Incident: November 27, 2002
Location of Incident: 67th and Congress
EC No.: 1940**

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 a foot chase.

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 Lemke and Pfeiffer to give statements concerning the incident after issuing PI-21s. Later, the MPD did not bring criminal charges against the officers. Attached is a copy of the status report from Cmdr. Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie Eggert
Laurie A. Eggert
Attorney at Law

4/3/05
O.K.
JHS
Letter 2277

JC/ldl
attachment
LEMKE PFEIFFER

CITY OF MILWAUKEE
RECORDS
03 SEP 26 PM 3:43
CITY OF MILWAUKEE
RECORDS

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

September 24, 2003

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

RE: MPD Criminal Investigation re: a Juvenile
Regarding: POs Douglas Lemke and Eric Pfeifer
Date of Incident: November 27, 2002
Location of Incident: 67th and Congress
Professional services

	<u>Hours</u>	
1/27/2003 Telephone call to and from PO Pfeifer regarding new criminal investigation; open file; memo to file; telephone call to PO Lemke; memo to file.	1.20	
2/7/2003 Review of file; meeting with PO Pfeifer at IAD; attend PO Pfeifer's PI-21 statement; meeting with PO Lemke; attend PO Lemke's PI-21 statement; memo to file; travel.	2.50	
8/15/2003 Review of file; Fax to Cmdr. Settingsgaard.	0.30	
8/26/2003 Fax to IAD.	0.10	
9/3/2003 Receive and review Fax from IAD; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	4.60	\$506.00
Balance due		<u>\$506.00</u>

(Rate: \$110.00 per hour)



AUG 27 2003

Police Department

Arthur L. Jones
Chief of Police

August 25, 2003

Attorney Jonathan Cermele
1840 North Farwell Avenue
Suite 303
Milwaukee, WI 53202

Dear Mr. Cermele:

Attached is the information you had requested via a fax dated August 15, 2003 regarding Criminal Investigations conducted by our Division.

If you have any further questions please feel free to contact the Internal Affairs Division at 935-7942.

Sincerely,

ARTHUR L. JONES
CHIEF OF POLICE

STEVEN M. SETTINGSGAARD
Police Commander
Internal Affairs Division

ALJ:SMS:lj

2.

Officer(s):
Complainant:

Douglas Lemke and Eric Pfeifer
(juvenile)

Handled by:
CIU #02-320
IAD #02-1329
Dispo:

Detective Michael Chaperon

Complainant's mother desired to drop case.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 6, 2003

TO: P.O. DOUGLAS LEMKE
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 NOVEMBER 27, 2002
- 2) A citizen's complaint made by A JUVENILE
- 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. Douglas Lemke

Print your name: _____

DOUGLAS LEMKE

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

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 OCT 13 PM 12:03

RECEIVED

Steve Settingsgaard

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 6, 2003

TO: P.O. ERIC PFEIFFER
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 NOVEMBER 27, 2002
- 2) A citizen's complaint made by A JUVENILE
- 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. Eric Pfeiffer

Print your name: P.O. Eric Pfeiffer

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

RECEIVED
03 OCT 13 PM 12:07
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

Steven M. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs