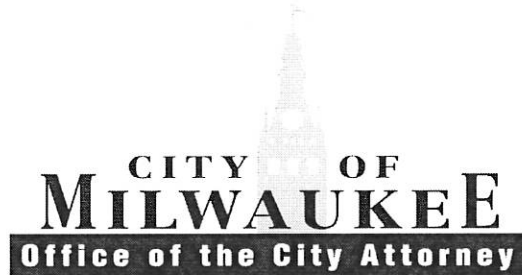


GRANT F. LANGLEY
City Attorney

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SAVEON D. GRENELL
ROSE SIMON-SILVA
JULIE P. WILSON
GREGORY P. KRUSE
Assistant City Attorneys

June 13, 2018

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

Re: Communication from Attorney Steven D. Michael Guerin, Gimbel, Reilly,
Guerin & Brown, for legal fees for Police Sergeant Adam Zieger

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Sergeant Adam Zieger. The claim is in the amount of \$5,925.00 for 23.70 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$4,150.00, for 16.6 hours of service as three billing entries were duplicated from separate billing for Sergeant Andrew Tischer. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

Legal representation was occasioned by a state criminal proceedings against an individual injured in a shooting incident involving police. No criminal charges were brought against the officer on whose behalf this claim was filed following his testimony in those proceedings.

This claim is governed by the amended Wis. Stats. §895.35(2). The pertinent language in that statute is the following: "the city...shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties" except for certain circumstances that do not apply here. The statute thus removes discretion from the City over whether to pay such claims arising from certain criminal proceedings, but does not specify what are to be deemed "reasonable" attorneys' fees.

As to the proper definition of "reasonable" attorney fees, such a requirement has been interpreted by the Wisconsin Supreme Court in the past in a comparable context. *Village of Shorewood v. Steinberg*, 174 Wis. 2d 191, 204-5, 496 N.W.2d 57 (1993). In doing so, it referred to one of its rules, SCR 20:1.5, relating to fees that attorneys may charge. The factors prescribed by that rule include: 1) time and labor required, 2) novelty and difficulty of the questions involved; 3) skill required to perform services; 4) apparent



To the Honorable Common Council
of the City of Milwaukee
June 13, 2018
Page 2


likelihood that lawyer will be precluded from other work; 5) the fee customarily charged; 6) amount involved and results obtained; 7) limitations imposed by client or circumstances; 8) nature and length of the relationship; 9) experience and ability of the lawyer; and, 10) whether the fee is fixed or contingent. Given what we know of this situation, time and labor required, the skill required to perform the services, the fee customarily charged, and the experience and ability of the lawyer support the hourly rate of \$250.00.

Under all the circumstances, therefore, we would recommend that the City pay \$4,150.00 for attorneys' fees and expenses in this matter.

Very truly yours,



GRANT F. LANGLEY
City Attorney



JAN A. SMOKOWICZ
Deputy City Attorney

JAS
Enclosure

1032-2017-788:249701

Gimbel · Reilly · Guerin · Brown
LLP

Writer's Direct E-mail
dmguerin@grgblaw.com

April 11, 2017

CITY OF MILWAUKEE
2017 APR 11 A 9 27
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APR 11 2017

OFFICE OF
CITY ATTORNEY

Jim Owczarski, City Clerk
Milwaukee City Hall
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202

Re: *Sergeant Stephen Chin*
February 21, 2013, Shooting
Sergeant Carmello Patti
Incident of October 9, 2012
Sergeant Delmar Williams
Incident of September 15, 2016

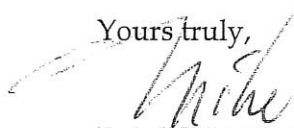
Sergeant Richard Hoffman
Incident of January 22, 2013
Sergeant Andrew Tischer
Incident of February 28, 2013
Sergeant Adam Zieger
John Doe Criminal Investigation

Dear Mr. Owczarski:

Pursuant to our telephone conversation of today's date, I am enclosing letters and Gimbel, Reilly, Guerin & Brown LLP invoices regarding the above matters for payment.

If you have any questions, please feel free to contact me.

Yours truly,



D. MICHAEL GUERIN

DMG/ker
Enclosure

cc: Attorney Jan Smokowicz
MPSO/Owczarski, Jim 2017-04-11



GIMBEL • REILLY • GUERIN • BROWN LLP

Writer's Direct E-mail
dmguer@grgblaw.com

September 10, 2015

Jim Owczarski, City Clerk
Milwaukee City Hall
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202

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APR 11 2017

OFFICE OF
CITY ATTORNEY

Re: Sergeant Adam Zieger
John Doe Criminal Investigation

Dear Mr. Owczarski:

Adam Zieger, then a Sergeant on the Milwaukee Police Department was required to attend a criminal John Doe proceeding in Milwaukee Circuit Court on March 30, 2012.

Prior to the appearance, Sergeant Zieger and I met with the criminal investigators of the District Attorney's Office and Deputy District Attorney Kent Lovern.

Consistent with its ethical obligations and policy, the City Attorney's office was unable to represent Sergeant Zieger in this matter and we were retained.

I am enclosing the printout of time at the hourly rate of \$250.00 an hour for services rendered regarding Adam Zieger. Sergeant Zieger has incurred the fees compiled in these printouts as a direct result of his being investigated for actions taken within his official capacity, and in the performance of his duties, in connection with the use of force. None of the "exceptions" to mandatory payment under § 895.35(2) Stats. apply. Therefore this investigation qualifies as a "proceeding" which mandates payment under § 895.35(2) Stats.

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330 E. KILBOURN AVE.
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P: 414-271-1440
F: 414-271-7680
WWW.GRGBLAW.COM



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Milwaukee, WI 53202 - www.grgblaw.com
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Family Law, Personal Injury, Criminal Law, Real Estate,
Business, Estate Planning, Civil & Commercial Litigation
in State and Federal Courts
Federal Tax ID 39-1094570

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OFFICE OF
CITY ATTORNEY

Page: 1
September 9, 2015
ACCOUNT NO.: 201217703M
STATEMENT NO.: 1

Milwaukee Police Supervisors Organization
2900 West Forest Home Avenue
Milwaukee, WI 53215

Criminal - Sergeant Adam Zieger

STATEMENT

	<u>HOURS</u>
03/23/12 DMG	
Conference with client regarding subpoena regarding criminal John Doe; obtain history and review rules and consistency with statutes.	2.00
03/23/12 SCM	
Conferences with client and Attorney D. Michael Guerin.	1.10
03/28/12 DMG	
Telephone conference with client, set up appointment	0.30
03/29/12 DMG	
Attend conference with District Attorney Chisholm regarding reschedule meeting.	1.40
03/29/12 SCM	
Conference with District Attorney Chisholm, Deputy District Attorney Lovern, Lieutenant Salazar and Attorney Guerin.	0.60

03/30/12
SCM

Conference with Attorney Guerin. 0.20

04/02/12
DMG

Conference with Deputy District Attorney Lovern
and criminal investigator. 1.00

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05/22/12
DMG

Telephone conference with Deputy District Attorney Lovern
and Lieutenant Salazar; discuss with client issue of July 2011. 0.80

06/04/12
DMG

Telephone call to client, left message. 0.10

07/17/12
DMG

Conference with Deputy District Attorney Lovern and client
regarding appear before John Doe Investigation. 0.90

07/18/12
DMG

Conference with client to prepare for meeting; meeting with
investigator and Deputy District Attorney Lovern prior
to court hearing before Judge Wagner. 3.00

02/22/13
SCM

Telephone conferences with client and Private Investigator
Fisher regarding Vagnini matter. 0.30

02/25/13
DMG

Telephone conference with client regarding contact from
Vagnini's attorney. 0.50

Top 3
do not pertain

02/28/13
DMG

Meet with Sergeants Michael Edwards and Andrew Tischer at the Police Administration Building; review facts regarding use of force against citizen who ultimately was conveyed for medical attention; discuss circumstances with investigators and attorneys for other witnesses.

3.40

03/01/13
DMG

Research issue of criminal use of force and telephone conference with criminal Investigator Denny DeValkenaere.

3.20

03/01/13
DMG

Telephone conference with Lieutenant Kavanaugh regarding our refusal to make a statement to the criminal investigator.

0.50

07/16/13
DMG

Telephone conference with client regarding Milwaukee Police Department subpoena issue during his vacation; meeting cancelled; case settled.

2.00

01/28/14
DMG

Conference with client regarding appointment for pt21 at ADM.

0.40

01/30/14
DMG

Attend interview with internal affairs at Police Administration Building.

2.00

FOR CURRENT SERVICES RENDERED

23.70

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APR 11 2017

OFFICE OF
CITY ATTORNEY

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>	
D. M. Guerin	21.50	\$250.00	\$5,375.00	\$5,375.00
Steven C. McGaver	2.20	\$250.00	\$ 550.00	<u>\$ 550.00</u>
TOTAL CURRENT WORK				\$5,925.00
BALANCE DUE				<u>\$5,925.00</u>

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APR 11 2017

OFFICE OF
CITY ATTORNEY

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.
THANK YOU!