

**LRB-RESEARCH AND ANALYSIS SECTION**

**JUDICIARY & LEGISLATION COMMITTEE**

**ITEM 16, FILE # 060942**

**SEPTEMBER 17, 2007**

**RICHARD L. WITHERS**

Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

**Background**

1. Common Council File # 030083 placed expenditure authority for the Outside Counsel/Expert Witness Fund Special Purpose Account with the Office of the City Attorney and directed that the City Attorney advise the Judiciary and Legislation Committee in writing within 48 hours of the hiring of any outside counsel; that the City Attorney advise the Judiciary and Legislation Committee in writing within 48 hours of the retention of any expert whose compensation is anticipated to exceed \$10,000; and that the City Attorney submit a written report to the Judiciary and Legislation Committee every other meeting of expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.
2. The amount budgeted for the Outside Counsel/Expert Witness Fund Special Purpose account in the 2007 budget is \$225,000.

**Discussion**

1. The following is a list of total amounts expended to each of the parties whose services were retained:

Appellate Consulting	\$ 2,056.25
Dr. Jeffrey Cameron	787.50
Camp. Dresser & McKee	4,624.74
Cermele & Associates	4,920.00
John Derosias, P.E.	1,500.00
Encore Unlimited	425.31
Foley & Lardner	3,011.65
Friebert, Finerty & St. John	11,030.90
Grzeca Law Group	176.42
Gunta & Reak	69,478.05
Thomas Hayes	8,453.10
William Lewinski	3,460.00
Lindner & Marsack	7,303.00
Miller & Van Eaton	67,576.80
Phillip Ramthum	350.00
Tarter, Krinsky & Drogin, LLP	6,798.72
Dr. Marvin Wagner	1,800.00
Waller & Associates	4,000.00
Wisconsin Neurosurgery, S.C.	400.00

**Total                                    \$198,152.44**

2. Common Council File # 070713 has been referred to the Finance and Personnel Committee seeking a transfer of \$100,000 from the Contingent Fund to the Outside Counsel/Expert Witness Fund primarily due to unanticipated costs associated with the AT&T Agreement and litigation. The City Attorney has advised that the firm Miller & Van

Eaton had been paid a total amount of \$256,881.03 in this matter as of July 3, 2007. These payments included amounts from the Damages and Claims Fund SPA.

### **Summary**

1. This regular communication, while not having a fiscal impact in and of itself, provides valuable information for planning and oversight and makes clear that amounts remaining in the Outside Counsel/Expert Witness Fund will be exhausted shortly.
2. Expenditures from the Outside Counsel/Expert Witness Fund are generally necessary to assure that the City meets its obligations.

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