

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
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
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

March 20, 2001

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

Re: **Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.
for legal fees for Police Officer Martin Gonzalez
C.I. File No. 99-S-318**

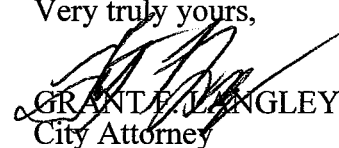
Dear Council Members:

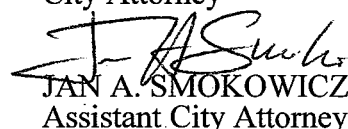
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Martin Gonzalez. The claim is in the amount of \$1,959.91 including \$45.91 in disbursements for 17.40 hours of service billed at the rate of \$110.00 per hour. **We have advised claimant's counsel, however, that a claimed mileage disbursement is not reimbursable, and so the claim has been reduced to \$1,948.75.** 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 Officer 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.
2276

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
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
June 24, 1999

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
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
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
VINCENT J. BOBOT
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS

Assistant City Attorneys

Deputy Inspector Dale Schunk
Milwaukee Police Department
749 West State Street, Room 714
Milwaukee, WI 53233

Re: C.I. File No. 99-S-318
Communication from EGGERT LAW OFFICE, S.C.

Dear Deputy Inspector Schunk:

Enclosed please find a claim filed by attorney Laurie Eggert for Attorney's fees incurred during her representation of officer Martin Gonzalez.

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

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

3/20/2001

O.K. for \$1948.75. only.

Ex clude mileage

JAS

Letter # 2276

JAS:beg
Enclosure

RECEIVED
99 JUL 13 AM 10:28
MILWAUKEE POLICE DEPARTMENT
COMMUNICATIONS SECTION

EGGERT LAW OFFICE, 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

June 7, 1999

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

CITY OF MILWAUKEE
99 JUN 14 PM 4:22
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of PO Martin Gonzalez
Allegations Regarding the Arrest of John Henry Lewis
Date of Incident: January 30, 1999
Location of Incident: 1907-09 N. 29th St.**

Dear Mr. Leonhardt:

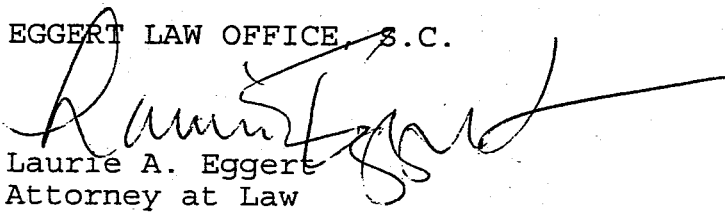
The above-named police officer has retained us to represent him in connection with the above-referenced matter.

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 use of force. Deputy District Attorney Jon Reddin will not issue charges against the officer; attached is a copy of his letter.

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

Sincerely,

EGGERT LAW OFFICE, S.C.


Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
1999 JUN 15 AM 9:57
JC/LAE/ML
GONZALEZ, M
CITY ATTORNEY

EGGERT LAW OFFICE, 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

June 4, 1999

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

RE: MPD Criminal Investigation
Regarding: PO Martin Gonzalez
Date of Incident: January 30, 1999
Location of Incident: 1907-1909 N. 29th St.

Professional services

	<u>Hours</u>
2/8/99 Telephone call from client; memo to file; open file.	0.90
2/9/99 Intra-office conference re: new criminal file; correspondence to MPD Open Records.	0.30
2/10/99 Several telephone calls to IAD; telephone call to client.	0.40
2/11/99 Office conference with client.	1.40
2/15/99 Several telephone calls to IAD; telephone call to client; memo to file.	0.40
2/17/99 Preparation for client's providing statement to IAD.	0.60
2/18/99 Meeting with IAD at Academy; meeting with client; travel.	1.40

	<u>Hours</u>
2/19/99 Meeting with MPA; telephone call to client; memo to file; telephone call to client; review Rules and SOPs; correspondence to client; telephone call from IAD; intra-office conference; telephone call to witness; review of file.	2.10
2/25/99 Meeting with client; attend charging conference; travel.	2.40
3/4/99 Meeting with witness; attend charging conference; memo to file; travel.	2.30
3/9/99 Discussion with IAD; telephone call from client; telephone call to DA.	0.30
3/10/99 Telephone call to DA; intra-office conference.	0.90
3/11/99 Office conference with client; telephone call to Atty. Fuchs; several telephone calls to client.	1.50
3/13/99 Review Criminal Jury Instruction and annotations re: Misconduct in Public Office.	0.40
3/17/99 Telephone call from client.	0.30
3/25/99 Telephone call to Atty. Fuchs.	0.20
4/1/99 Telephone call to client.	0.20
4/14/99 Telephone call from IAD; telephone call to client; correspondence to MPD Open Records.	0.40
4/20/99 Review of correspondence from DA Reddin; correspondence to client.	0.30

	<u>Hours</u>	
5/12/99 Telephone call to MPD Open Records.	0.20	
5/20/99 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	17.40	\$1,914.00
Additional charges:		
12/9/98 Personnel records		11.50
2/18/99 Mileage		7.44
2/25/99 Parking		5.00
Mileage		1.86
3/4/99 Parking		5.00
Mileage		1.86
5/18/99 MPD Open Records request		13.25
Total costs		<u>\$45.91</u>
Total amount of this bill		<u>\$1,959.91</u>
Balance due		<u><u>\$1,959.91</u></u>

(Rate: \$110.00 per hour)

walking LEWIS to the squad when LEWIS lost his balance. When LEWIS fell Officer GONZALEZ also lost his balance and fell to the ground. Officer GONZALEZ stated that he did not see Officer HINKLE decentralize LEWIS and Officer HINKLE did not tell Officer GONZALEZ that he decentralized LEWIS. Officer HINKLE stated that he did not contact the supervisor to report the injured prisoner.

Assistant District Attorney Stephanie ROTHSTEIN and Deputy District Attorney John REDDIN reviewed the case and decided not to issue any charges against Officer GONZALEZ. Deputy District Attorney REDDIN stated that they could not prove that Officer GONZALEZ witnessed Officer HINKLE decentralize the prisoner.

CONCLUSION:

Investigation by the CIU revealed that officers arrested John LEWIS for a Battery complaint. John LEWIS was very intoxicated and belligerent and had to be handcuffed by several officers. When LEWIS refused to walk with the officers the officers had to carry LEWIS out of the home. Once outside the home LEWIS was being walked to the squad car by Officer GONZALEZ and Officer HINKLE. While walking to the squad car Officer HINKLE stated that he had to decentralize LEWIS because LEWIS was about to kick at Officer HINKLE. Officer HINKLE stated that he decentralized LEWIS to the ground causing a head injury. Officer GONZALEZ, who was with Officer HINKLE, stated that he did not see Officer HINKLE decentralize LEWIS but felt that LEWIS tripped on his own. Officer GONZALEZ stated that he filed a Injured Person Report but did not notify a supervisor at the time of the injury. The case was reviewed by Deputy District Attorney John REDDIN who declined to issue any charges. This case will be cleared as warrant refused.

Respectfully submitted:

DAVID R. BRUESS
Lieutenant of Detectives
CIU/IAD

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JULY 23, 1999

TO: PO MARTIN GONZALEZ
DITRICT THREE

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 JANUARY 30, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: PO. Martin R. Gonzalez

Print your name: MARTIN R. GONZALEZ

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 *JS*
Deputy Inspector of Police
Internal Affairs Division

DTS:dnp