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City Attorney

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CITY OF MILWAUKEE
Office of the City Attorney

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Assistant City Attorneys

November 18, 2009

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for legal fees for Police Officer Kelly Parker
EC 2649

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Kelly Parker. The claim is in the amount of $649.00 for 5.90 hours of service billed at the rate of $110.00 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 a criminal investigation. No criminal charges were brought against the 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
Enc.

1032-2008-3509.007:152051

Smokowicz, Jan

From: Jon Cermele [jon@cermelelaw.com]
Sent: Tuesday, November 17, 2009 1:45 PM
To: Smokowicz, Jan
Subject: RE: EC 2649; claim for P.O. Kelly Parker

The error is ours.

There is NO previous/prior balance.

Please feel free to submit (as an emended claim if you wish) for the $649.00.

Let me know if that is OK

Still looking into the Buckson issue (EC 2600)

From: Smokowicz, Jan [mailto:jsmoko@milwaukee.gov]
Sent: Tuesday, November 17, 2009 1:27 PM
To: Jon Cermele
Subject: RE: EC 2649; claim for P.O. Kelly Parker

Yes, I filed an electronic version of the petition and the appendix. Now required by rule.

Jan Smokowicz

From: Jon Cermele [mailto:jon@cermelelaw.com]
Sent: Tuesday, November 17, 2009 1:20 PM
To: Smokowicz, Jan
Subject: RE: EC 2649; claim for P.O. Kelly Parker

I'll have Kim look into it. Will advise by tomorrow.

As to the Petition for Review, did you file an electronic version of the Petition and Appendix?

From: Smokowicz, Jan [mailto:jsmoko@milwaukee.gov]
Sent: Tuesday, November 17, 2009 10:22 AM
To: Jonathan Cermele
Subject: EC 2649; claim for P.O. Kelly Parker

Jon,

This is another of the claims listed on your October 14 letter. It got held up because the billing reflects a "previous balance" of $675.00 in addition to the amounts itemized in the bill, which total only $649.00. We have no previous claim for Parker for $675.00. We have no itemized statement of the services provided to support tht claimed "previous balance" of $675.00. We need to resolve this issue before we act on the claim.

Thanks,

Jan Smokowicz
The City of Milwaukee is subject to Wisconsin Statutes related to public recor
The City of Milwaukee is subject to Wisconsin Statutes related to public recor

1032-2008-3509.007

01-C-2008-0518

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
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JONATHAN CERMELE
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6310 WEST BLUEMOUND ROAD
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MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

September 16, 2008

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

RE: MPD Criminal Investigation of PO Kelly Parker
Allegations Regarding Mr. Koua Moua
Date of Incident: February 17, 2008
Location of Incident: 6400 Block of West Florist Avenue

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

DDA Reddin reviewed the matter and did not issue charges against the officer. Attached is a copy of DDA Reddin's letter and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
PARKER

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

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(414) 276-8750
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September 16, 2008

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation of PO Kelly Parker
Complainant: Mr. Koua Moua
Date of Incident: February 17, 2008
Location of Incident: 6400 Block of West Florist Avenue
Professional services

		Hours	Amount
4/24/2008 RLP	Telephone call from Department of Justice Agent Spakowicz; telephone call from and to PO Parker; schedule office conference with PO Parker; memo to file; telephone call to Agent Spakowicz.	0.50	55.00
4/25/2008 RLP	Telephone call to DA Chisholm; telephone call to Department of Justice Agent Spakowicz and tentatively schedule interview for 04/30/08; telephone call to client; memo to file; telephone call from Agent Spakowicz regarding client's previous statement; receive and review client's previous statement by facsimile from Agent Spakowicz.	0.50	55.00
4/30/2008 RLP	Review file as preparation for office conference with client; review client's previous criminal statement; review audio recording of client's previous internal statement; review previous media stories regarding incident; lengthy office conference with client; attend	3.10	341.00

			Hours	Amount
		statement of client to Department of Justice agents.		
5/20/2008	MG	Telephone call to client; review file.	0.30	33.00
5/28/2008	RLP	E-mail to DOJ Agent Spakowicz regarding status of investigation.	0.20	22.00
5/29/2008	MG	Telephone call from client; memo to file.	0.20	22.00
6/17/2008	MG	Review MPD's media release regarding DA clearance; fax to DA's office seeking written confirmation of same; e-mail to DOJ seeking written confirmation of clearance; review file; telephone call from DOJ.	0.60	66.00
6/18/2008	MG	Receive and review correspondence from DA's office clearing matter; correspondence to client regarding same; close file.	0.50	55.00
		For professional services rendered	5.90	$649.00
		Previous balance		$675.00
		Balance due		$1,324.00

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Milwaukee County

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June 10, 2008

Mr. Alan D. Eisenberg
Attorney at Law
3111 W. Wisconsin Avenue
Milwaukee, WI 53208

Re: Complaint of Koua Moua

Dear Mr. Eisenberg:

As you will recall, the Wisconsin Department of Justice, Division of Criminal Investigation (DCI), at this office's request, conducted an independent investigation into your client's allegations that the force used against him in his arrest by Milwaukee Police on February 17, 2008, was excessive.

That investigation is complete, and has concluded that the force used was not excessive. After reviewing the DCI reports and conclusions, a copy of which I enclose, our office agrees with those conclusions and considers the investigation into your client's allegations closed.

Very truly yours,

Jon N. Reddin
Chief Deputy District Attorney

JNR:jr

cc/ John Chisholm

PC