

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 6, 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 Jason Mucha and Michael Lutz
C.I. File No. 03-S-382; EC No. 1943

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Jason Mucha and Michael Lutz. The claim is in the amount of \$858.00 for 7.80 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 cursive.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in cursive.

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm

Enc.

91830/ 1032-2003-3162

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

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 Jason Mucha and Michael Lutz
Allegations Regarding Mr. Antoine Watkins
Date of Incident: April 2, 2003
Location of Incident: 2630 West Wright Street
EC No.: 1943**

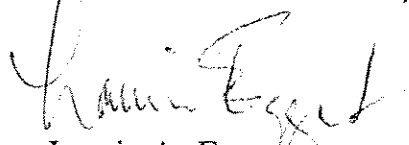
Dear Mr. Leonhardt:

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 field inspection stop.

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 Mucha and Lutz to give statements concerning the incident after issuing PI-21s. Later, the MPD concluded that the officers were acting within the scope of their authority. Attached is a copy of a status report from Cmdr. Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

4/13/05
o.k.
JAS
Letter 2277

03 SEP 26 PM 3:43
CITY ATTORNEY
CITY OF MILWAUKEE
RECEIVED

JC/ldl
attachment
MUCHA LUTZ

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 23, 2003

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

RE: MPD Criminal Investigation re: Mr. Antoine Watkins
Regarding: POs Jason Mucha and Michael Lutz
Date of Incident: April 2, 2003
Location of Incident: 2630 West Wright Street
Professional services

	<u>Hours</u>	
4/23/2003 Telephone call from PO Mucha regarding new criminal investigation; open file; memo to file; receive and review arrest and detention reports; memo to file; telephone call to PO Lutz; memo to file.	1.40	
4/24/2003 Telephone call to PO Mucha; review of file; meeting with PO Mucha at IAD; attend PO Mucha's PI-21; travel; memo to file.	2.40	
4/25/2003 Telephone call from PO Lutz; memo to file; review of file; meeting with PO Lutz at IAD; attend PO Lutz's PI-21; travel; memo to file; receive and review Fax from PO Mucha.	2.50	
4/29/2003 Telephone call from PO Mucha; receive and review Fax from PO Mucha.	0.40	
4/30/2003 Telephone call to clients.	0.20	
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	
	<hr/>	<u>Amount</u>
For professional services rendered	7.80	\$858.00

Mr. Ronald D. Leonhardt

Page 2

Amount

Balance due

\$858.00

(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

3. Officer(s): Jason Mucha and Michael Lutz
Complainant: Antoine C. Watkins aka Anthony L. Watkins

Handled by: Detective William Smith
CIU #03-086
IAD #03-0335
Dispo: Warrant Refused 7/18/03 Officer operating within
scope of their authority.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 6, 2003

TO: P.O. JASON MUCHA
DISTRICT 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 APRIL 2, 2003
- 2) A citizen's complaint made by ANTOINE WATKINS
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your signature: _____

Print your name: Jason MUCHA

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

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

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

03 OCT - 9 PM 12:27

RECEIVED

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

OCTOBER 6, 2003

MEMORANDUM

TO: P.O. MICHAEL LUTZ
DISTRICT 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 APRIL 2, 2003
- 2) A citizen's complaint made by ANTOINE WATKINS
- 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: _____

Print your name: _____

Michael Lutz
MICHAEL LUTZ

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

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

SMS:kjs

RECEIVED
03 NOV 25 PM 2:05
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION