

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANDSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGDPIAN
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
KATHRYN Z. BLDCK
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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

May 19, 2008

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

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,
S.C. for legal fees for Police Officers Michael Tanem and Patrick Elm
C.I. File No. 07-S-305-4; EC 2510

Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Michael Tanem and Patrick Elm. The claim is in the amount of \$715.00 for 6.50 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. No criminal charges were brought against the officers 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. Wis. Stat. § 895.35, *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:amp
Enc.

1032-2007-2316:124731v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

**Milwaukee Police
Department**

Memo

To: Police Officer Michael Tanem
From: Deputy Inspector Mary K. Hoerig
Date: 9/24/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on August 30, 2006
- A Criminal Investigation/Allegations regarding Elton Carter

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your Signature: _____



Print Your Name: _____

Michael Tanem

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

07 SEP 27 11 29 AM
MILWAUKEE POLICE DEPARTMENT

Memo

To: Police Officer Patrick Elm
From: Deputy Inspector Mary K. Hoerig
Date: 9/24/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on August 30, 2006
- A Criminal Investigation/Allegations regarding Elton Carter

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your Signature: _____

Print Your Name: _____

Patrick Elm

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

07 SEP 27 PM 2:53
MILWAUKEE POLICE DEPARTMENT
PROFESSIONAL PERFORMANCE DIVISION
325 POLICE ACADEMY

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

LAURIE A. EGGERT
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

August 23, 2007

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

2007 AUG 28 AM 11:55
MILWAUKEE CITY CLERK

**RE: MPD Criminal Investigation of PO's Michael Tanem and Patrick Elm
Allegations Regarding Mr. Elton Carter
Date of Incident: August 30, 2006
Location of Incident: 3434 West Scott Street**

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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest.

ADA Simpson reviewed the matter and did not issue charges against the officers. Attached is a copy of ADA Simpson's letter and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
TANEM and ELM



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

JOHN T. CHISHOLM • District Attorney

Jon N. Reddin
James J. Martin
Patrick J. Kenney
Lovell Johnson, Jr.
Kent L. Lovren
Thomas A. Schulz
Alexander G. Sketarsz
William J. McIlr
Donald S. Jackson
Gale G. Shelton
Gary O. Mahkom
David Robles

Peg Tanant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Roitste
Carol E. Janick
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
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Carole Manchester
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Phyllis M. DeCarvalho
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David T. Maione
Kelly L. Hedga
Jeffrey J. Altenburg
Rachael Stencel
Patti Wabitsch
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Samer
Jeanette Corbett
Jeffrey P. Grepp
David Maas
Daniel J. Gabler
Sara P. Scullen
T. Christopher Dee
Lisa P. Fiecker
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
Joy Hammond
Trevor A. Sisk
Andrew J. Maier
Heldi E. Gabvan
Nancy A. Noet
Eksabeth Mueller
Megan J. Paulson
Grant I. Huebner
Stephan Eduard Nollen
Christine M. Quinn
Michelle Ackerman Havas
Robin J. Rosche
Jennifer K. Rhodes
Claire Staring
Zach Whitney
Rebecca A. Kiefer
Matthew J. Torbenon
Katrlyna L. Chilos
Carah Helwig
Mary C. Theisen
Gibben Urfer
Jenna Marten
Anthony White
Antoni Apello
Julia Dnscof
Nicole Dondlinger
Erin Karshen
Lucy Krenclorst
William Anthony Ba
Enn Dineen
Monica J. Hail
Michael J. Lonski
Paul M. Hauer
Sara Beth Laws
Aaron E. Hall
Rory Kennally
Jenni Spies
Latrice Pincsn
David M. Stegall
Amanda Kirkiewski
Benjamin Wesson
Renee Heinitz
Karl P. Hayes
Jessica Zetlay
Holly L. Buncn

RECEIVED
JUL 31 2007

CERMELE & ASSOCIATES, S.C.

July 27, 2007

Attorney Rachel Pings
Cermele & Associates, S.C.
6310 W. Bluemound Road, Suite 200
Milwaukee, WI 53213

Re: Excessive Force Complaint Against P.O.(s) Michael Tanem and Patrick Elm
[#06-244-0009; I.A.S. #06-0734; CIS #06-127]

Attorney Pings:

The citizen complaint filed under the above numbers is closed without prosecution. After review of the available evidence, I do not believe that a jury would find criminal misconduct by either officer.

Sincerely,

Douglas J. Simpson
Assistant District Attorney

DJS:jo

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

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MILWAUKEE, WISCONSIN 53213
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LAURIE A. EGGERT
- OF COUNSEL -

August 23, 2007

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

RE: MPD Criminal Investigation re: Mr. Elton Carter
Regarding: PO's Michael Tanem and Patrick Elm, Jr.
Date of Incident: August 30, 2006
Location of Incident: 3434 West Scott Street
Professional services

	<u>Hours</u>
5/2/2007 Telephone call from Det. Lt. Dubis advising of existence of new criminal investigation; memo to file.	0.20
5/7/2007 Telephone call to and from PO Tanem; open new file.	0.40
5/8/2007 Telephone call to and from PO Tanem; memo to file; telephone call from PO Elm; receive and review reports.	0.60
5/10/2007 Telephone call from and to PO Tanem; telephone call to PO Elm; add PO Elm to file as client; memo to file.	0.50
5/15/2007 Telephone call to Det. O'Leary; memo to file; telephone call to ADA Simpson; memo to file; telephone call from and to PO Tanem; memo to file.	0.50
5/18/2007 Telephone call to Det. O'Leary regarding status; telephone call from and to PO Tanem.	0.30
5/24/2007 Telephone call from PO Tanem.	0.10

	<u>Hours</u>
5/29/2007 Telephone call from and to PO Tanem; telephone call to Det. O'Leary; memo to file.	0.30
5/30/2007 Telephone call to Det. O'Leary regarding status.	0.10
6/4/2007 Conference with Det. O'Leary regarding status.	0.10
6/5/2007 Memo to file regarding 06/04/07 conference with O'Leary.	0.10
6/11/2007 Telephone call from and to PO Tanem; memo to file.	0.20
6/21/2007 Telephone call from PO Tanem regarding status; telephone call to and from Det. O'Leary; memo to file; correspondence to clients regarding status.	0.50
6/25/2007 Telephone call from PO Tanem; memo to file.	0.20
7/17/2007 Telephone call from PO Tanem regarding status; telephone call to and from Det. O'Leary; memo to file.	0.50
7/19/2007 Telephone call to ADA Simpson; memo to file; correspondence to clients.	0.50
7/24/2007 Telephone call from PO Tanem; telephone call to Pings.	0.20
Telephone call from PO Tanem regarding status; telephone call to MPD regarding same.	0.30
7/25/2007 Telephone call from PO Tanem; telephone call from PO Elm; memo to file.	0.40
7/31/2007 Receive and review correspondence from ADA Simpson confirming that no charges will be issued; telephone call to PO Tanem; telephone call to PO Elm; correspondence to clients; close file.	0.50

Mr. Ronald Leonhardt

Page 3

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	6.50	\$715.00
Balance due		<u>\$715.00</u>

(Rate: \$110.00 per hour)