

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
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
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

September 27, 2007

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 Aaron Malvick
C.I. File No. 04-S-457 EC 2122

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Aaron Malvick. The claim is in the amount of \$3,390.43 including \$409.43 in disbursements for 27.10 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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:amp
Enc.
122855v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. AARON MALVICK
DISTRICT: FOUR

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 MAY 21, 2003
- 2) A citizen's complaint made by GAIL RULLE JAMES HARSH
- 3) A police shooting incident occurring on N/A

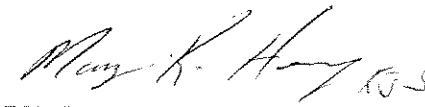
Is this information correct? YES X NO

Did you receive legal representation in this matter? YES X NO

Your signature: 

Print your name: PO. AARON MALVICK

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


MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

PROCESSED
05 JAN 27 AM 11:54
MILWAUKEE POLICE
PROFESSIONAL PERFORMANCE DIVISION

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

December 23, 2004

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

**RE: Citizen Complaint of Gail Rulle and James Harsh
Against PO Aaron Malvick
Complaint No.: 03-30
Date of Incident: May 21, 2003
EC No.: 2122**

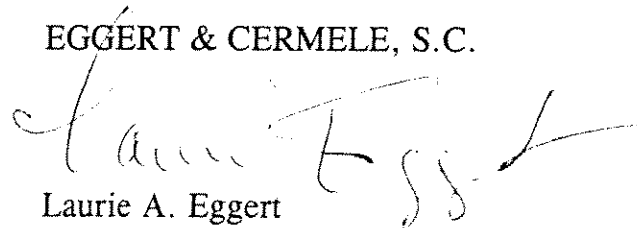
Dear Mr. Leonhardt:

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 the investigation of entry in progress during which a dog was shot. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl
attachment
MALVICK

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

December 24, 2004

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall

RE: Citizen Complaint of Gail Rulle and James Harsh
Against PO Aaron Malvick
FPC No: 03-30
Date of Incident: May 21, 2003
Location of Incident: 5513 North 31st Street
Professional services

	<u>Hours</u>
7/17/2003 Telephone call from and to client; open file; correspondence to FPC.	0.60
7/28/2003 Review of correspondence from FPC.	0.10
7/29/2003 Conference with client; memo to file.	1.20
7/31/2003 Review of file; correspondence to MPD Open Records.	0.20
8/20/2003 Review documents from MPD Open Records.	0.30
9/23/2003 Conference with client; memo to file; review of file.	0.40
9/29/2003 Review of file; telephone call to client; telephone call from client.	0.70
9/30/2003 Review of file; preparation for and appearance at statements to IAD regarding incident; memo to file; travel.	2.50
10/6/2003 Review of file.	0.40
10/28/2003 Review of file.	0.20
11/6/2003 Telephone calls from FPC; memo to file; review of file.	0.60
11/10/2003 Telephone call from FPC; review of file; memo to file.	0.30
11/11/2003 Review of file; correspondence to MPD Open Records; obtain tape of PI-21.	0.80

Mr. Ronald Leonhardt

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Hours

11/12/2003	Review PI-21 interview; memo to file; obtain information regarding officer.	0.80
11/20/2003	Review of correspondence from FPC; memo to file; correspondence to client.	0.20
12/17/2003	Telephone call from client.	0.10
12/18/2003	Review of file in preparation for conciliation; update CCAP regarding possible action regarding dog shooting.	0.30
12/19/2003	Preparation for and appearance at conciliation; conference with client; conference with FPC; memo to file; travel.	2.30
1/9/2004	Telephone call to FPC, memo to file.	0.30
1/31/2004	Review of correspondence from FPC; memo to file; review of file; Fax to investigator; prepare documents for investigator; correspondence to MPD Personnel.	0.80
2/3/2004	Conference with investigator; review of file; correspondence to MPD Open Records.	0.80
2/6/2004	Telephone call from client.	0.10
2/12/2004	Telephone call from investigation; memo to file.	0.30
2/13/2004	Review of file; correspondence to client.	0.10
2/16/2004	Review of file; memo to file.	0.30
2/18/2004	Telephone call to city attorney regarding claim regarding incident.	0.10
2/25/2004	Review documents from MPD Open Records.	0.20
3/9/2004	Review reports and photos from investigator; review of file; telephone call to MPD Personnel; memo to file.	2.30
3/16/2004	Telephone call from client; memo to file.	0.20
5/4/2004	Telephone call to MPD Personnel; memo to file; review of file; draft witness and exhibit list.	2.30

Mr. Ronald Leonhardt

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Hours

5/6/2004 Telephone call from MPD Personnel.	0.10
5/11/2004 Review internal investigation; conference with witness; telephone call to client; telephone call from client; memo to file.	2.40
5/12/2004 Telephone call to CIB; memo to file.	0.30
5/13/2004 Telephone calls from and Fax to Lt. Domagalski; memo to file; telephone call to client.	1.50
5/14/2004 Telephone call from and to FPC.	0.20
5/18/2004 Review of correspondence from complainant; telephone call from and to FPC.	0.40
5/19/2004 Revise witness list; telephone call to and from Fronk; memo to file; correspondence to client.	0.60
5/25/2004 Telephone call from FPC; review of file.	0.10
5/26/2004 Review of correspondence from FPC.	0.10
6/15/2004 Review of file; review document from FPC.	0.20
9/1/2004 Review of correspondence from complainant; correspondence to client.	0.20
10/8/2004 Review of file; telephone call to FPC; memo to file.	0.40
10/11/2004 Telephone call from FPC; memo to file; telephone call to FPC.	0.20
10/18/2004 Review of file.	0.10
10/25/2004 Review of correspondence from FPC; correspondence to client; close file.	0.50

	<u>27.10</u>	<u>Amount</u>
For professional services rendered	27.10	\$2,981.00

Mr. Ronald Leonhardt

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Additional charges:

	<u>Amount</u>
8/20/2003 MPD Open Records request	3.83
12/19/2003 Parking	3.00
2/25/2004 MPD Open Records request	15.60
3/9/2004 Investigator	387.00
	<hr/>
Total costs	\$409.43
	<hr/>
Total amount of this bill	\$3,390.43
	<hr/>
Balance due	<u><u>\$3,390.43</u></u>

(Rate: \$110.00 per hour)

RECEIVED
OCT 25 2004
EGGERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF GAIL RULLE AND JAMES HARSH
AGAINST POLICE OFFICER AARON MALVICK

ORDER OF DISMISSAL

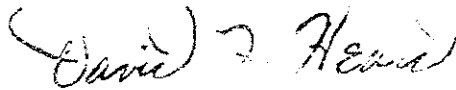
To Officer Aaron Malvick:

It is hereby ordered that the Complaint of Gail Rulle and James Harsh, Complaint No. 03-30, filed with the Board on June 24, 2003, is dismissed due to the Complainants' passivity.

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, OCTOBER 15, 2004.

c: Attorney Laurie Eggert ✓