

# 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  
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MIRIAM R. HORWITZ  
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G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

March 10, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Brian Biscobing, Robert Lemanczyk, Patrick Elm  
and David Bublitz; C.I. File No. 03-S-378; ELO 1922

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Brian Biscobing, Robert Lemanczyk, Patrick Elm and David Bublitz. The claim is in the amount of \$1,511.00 including \$4.00 in disbursements for 13.70 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 police 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:enm

Enc.

91034/ 1032-2003-3092

**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 18, 2003

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

**RE: MPD Criminal Investigation of POs Brian Biscobing, Robert Lemanczyk, Patrick Elm and David Bublitz  
Allegations Regarding Mr. Michael Pearson  
Date of Incident: February 19, 2003  
Location of Incident: 5244 North Teutonia Avenue  
EC No.: 1922**

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 disorderly conduct arrest.

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 Biscobing, Lemanczyk, Elm and Bublitz to give statements concerning the incident after issuing PI-21s. The DA reviewed the allegations and did not issue criminal charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

LAE/ldl  
attachment  
BISCOBING et al

3/15/05  
o. k.  
JRS  
Letter 2276

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
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September 18, 2003

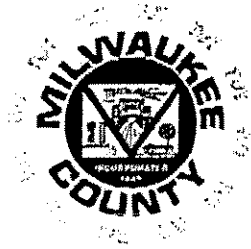
Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Mr. Michael Pearson  
Regarding: POs Brian Biscobing, Robert Lemanczyk, Patrick Elm and David Bublitz  
Date of Incident: February 19, 2003  
Location of Incident: 5244 North Teutonia Avenue  
Professional services

	<u>Hours</u>
4/7/2003 Telephone call from client; open file; memo to file.	0.40
4/11/2003 Review memo.	0.10
4/14/2003 Review of file; telephone call to client; preparation for and appearance at PI-21 statement; memo to file; travel.	1.30
4/15/2003 Review of file; memo to file.	0.70
5/8/2003 Review of file; telephone call to Det.; memo to file.	0.50
6/23/2003 Telephone call from Bublitz; telephone call to Elm; telephone call to Lemanczyk; memo to file.	2.20
6/24/2003 Preparation for and appearance at PI-21 statements for Elm, Bublitz and Lemanczyk; travel; memo to file.	2.30
6/25/2003 Review of file; memo to file.	0.70
7/1/2003 Telephone call from and telephone call to DA Tom McAdams; review of file.	0.60
7/2/2003 Telephone call to client; memo to file; telephone call from Elm; telephone call to Lemanczyk.	1.20
7/3/2003 Review of file.	0.20

	<u>Hours</u>	
7/7/2003 Telephone calls to and from clients.	0.60	
7/8/2003 Telephone calls to Elm, Biscobing, Bublitz, Lemanczyk.	0.20	
7/14/2003 Preparation for and appearance at statements to DA; conference with client; memo to file; travel.	2.10	
8/19/2003 Telephone call to McAdams; memo to file.	0.10	
8/26/2003 Telephone call to DA; review Fax from DA; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	13.70	\$1,507.00
Additional charges:		
7/14/2003 Parking		4.00
Total costs		<u>\$4.00</u>
Total amount of this bill		<u>\$1,511.00</u>
Balance due		<u><u>\$1,511.00</u></u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert O. Clonohoe
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- Grent I. Huebner
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- John Pluch
- Stephen Edward Notten
- Eric D. DeFort
- Christina M. Quinn
- Megan Farnet
- Munjed A. Ahmad
- Mary C. Thomsen
- Michelle A. Ackeman

August 26, 2003

Attorney Laurie Eggert  
Eggert & Cermele SC  
1840 N. Farwell Ave. #303  
Milwaukee, WI 53202-1716

Re: Police Officers Biscobing, Elm, Lemanczyk and Publitz

Dear Attorney Eggert:

I write to confirm that I have decided not to charge the above listed City of Milwaukee Officers in connection with the recent complaint filed by Mr. Michael Pearson concerning the February 19, 2003 incident..

Thank you for your time and attention.

Sincerely,

Thomas J. McAdams  
Assistant District Attorney

TM/sks

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. BRIAN BISCOBING  
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 FEBRUARY 19, 2003
- 2) A citizen's complaint made by MICHAEL PEARSON
- 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: *Brian Biscobing*

Print your name: Brian Biscobing

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

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

RECEIVED  
03 OCT -3 PM 4:36  
SMS:kjs  
MILWAUKEE  
INTERNAL AFFAIRS  
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. ROBERT LEMANCZYK  
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 FEBRUARY 19, 2003
- 2) A citizen's complaint made by MICHAEL PEARSON
- 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: \_\_\_\_\_

*Robert F. Lemanczyk*

ROBERT F. LEMANCZYK

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 <sup>K53</sup>  
Police Commander  
Internal Affairs Division

SMS:kjs

INTERNAL AFFAIRS DIVISION  
RECEIVED  
03 OCT - 3 PM 1:57

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. PATRICK ELM  
DISTRICT ~~FOUR~~ SIX

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 FEBRUARY 19, 2003
- 2) A citizen's complaint made by MICHAEL PEARSON
- 3) A police shooting incident occurring on N/A

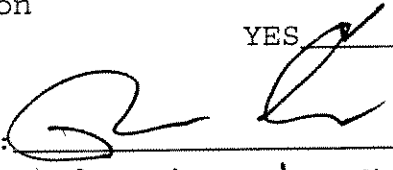
Is this information correct?

YES  NO

Did you receive legal representation in this matter?

YES  NO


Your signature: \_\_\_\_\_



Print your name: \_\_\_\_\_

P.O. PATRICK ELM

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

  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

RECEIVED  
OCT 03 10:10 AM '03  
INTERNAL AFFAIRS  
DIVISION



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. DAVID BUBLITZ  
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 FEBRUARY 19, 2003
- 2) A citizen's complaint made by MICHAEL PEARSON
- 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: *David Bublitz*

Print your name: David Bublitz

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

MILWAUKEE POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION  
03 OCT 13 PM 4:51  
RECEIVED