

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

December 10, 2003

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 Officer Darryll Flemming
C.I. File No. 01-S-311; ELO No. 1675

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Darryll Flemming. The claim is in the amount of \$729.00, including \$3.00 in disbursements for 6.60 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 officer 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:enm

Enc.

2295

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
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
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DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
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

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

September 5, 2001

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

**RE: Citizen Complaint of Ms. Kathleen L. Aizen
Against PO Darryll Flemming
Complaint No.: 00-57
Date of Incident: November 8, 2000
ELO No.: 1675**

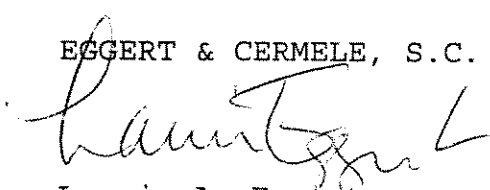
Dear Mr. Leonhardt:

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 a traffic stop. 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

12/9/03
O.F.
JHS
Letter 2295

LAE/ldl
FLEMMING

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
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September 5, 2001

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

RE: Citizen Complaint of Ms. Kathleen L. Aizen
Against PO Darryll Flemming
FPC No: 00-57
Date of Incident: November 8, 2000
Location of Incident: 92nd and Bluemound

Professional services

	<u>Hours</u>
12/20/00 Open file; conference with client; review complaint; memo to file; correspondence to FPC.	2.30
12/27/00 Telephone call from and to client; memo to file.	0.40
01/09/01 Review of correspondence from FPC.	0.10
03/29/01 Telephone call from FPC; review of file; memo to file.	0.30
04/09/01 Review of correspondence from FPC; correspondence to client; telephone call from FPC.	0.30
04/26/01 Telephone call from client; review of file.	0.30
05/10/01 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	1.90

Mr. Ronald Leonhardt

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	<u>Hours</u>	
05/23/01 Conference with Heard.	0.10	
06/08/01 Review of file; telephone call to and from FPC; memo to file; review of correspondence from FPC; correspondence to client; close file.	0.90	
		<u>Amount</u>
For professional services rendered	6.60	\$726.00
Additional charges:		
05/11/01 Parking		3.00
Total costs		<u>\$3.00</u>
Total amount of this bill		<u>\$729.00</u>
Balance due		<u><u>\$729.00</u></u>

(Rate: \$110.00 per hour)

RECEIVED

JUN 8 2001

EGGERT & CEMPLE P.C.

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

In Re:
THE CHARGES OF KATHLEEN L. AIZEN
AGAINST POLICE OFFICER DARRELL FLEMMING

ORDER OF DISMISSAL

To Officer Darrell Flemming:

It is hereby ordered that the Complaint of Kathleen L. Aizen, Complaint No. 2000-57, filed with the Board on December 4, 2000, is dismissed because the Complainant has declined to proceed further in this matter, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JUNE 5, 2001.

c: Attorney Laurie Eggert ✓

LTE

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. DARRYLL FLEMMING
DISTRICT FIVE

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 NOVEMBER 8, 2000 ?
- 2) A citizen's complaint made by KATHLEEN AIZEN
- 3) ~~A police shooting incident occurring on~~

Is this information correct?

YES X NO _____

Did you receive legal representation in this matter?

YES X NO _____

Your signature: Derrell Flemming

Print your name: Derrell Flemming

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

01 NOV 27 AM 10:19
Internal Affairs
Police Academy