

**GRANT F. LANGLEY**  
City Attorney

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



**Milwaukee's Future: IT'S IN OUR HANDS**

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DANIELLE M. BERGNER  
Assistant City Attorneys

April 21, 2010

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

Re: Communication from Attorney Jon Cermele  
for legal fees for Police Officer Gerald Schmidt

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Gerald Schmidt. The claim is in the amount of \$1,320.00 for 12.0 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 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. 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.

1032-2010-268/157192

OFFICE OF THE CITY ATTORNEY

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213

(414) 276-8750  
FAX (414) 276-8906

January 14, 2010

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

**RE: Citizen Complaint of Mr. Robert Smith  
Against PO Gerald Schmidt  
Complaint No.: 09-171  
Date of Incident: May 27, 2009**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved an accident investigation.

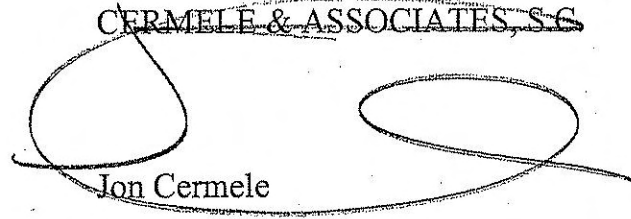
The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

4/12/10  
O.K.  
JMS  
Letter 2291

Thank you.

Sincerely,

~~CERMELE & ASSOCIATES, S.C.~~

A handwritten signature in black ink, consisting of a large, stylized loop on the left and a smaller loop on the right, connected by a horizontal line.

Jon Cermele

/kjs  
Attachments  
SCHMIDT

# CERMELE & ASSOCIATES, S.C.

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January 14, 2010

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

RE: Citizen Complaint of Mr. Robert Smith  
Against PO Gerald Schmidt  
FPC No: 09-171  
Date of Incident: May 27, 2009  
Professional services

		<u>Hours</u>	<u>Amount</u>
7/20/2009	JC Intra-office conference with Jess regarding new citizen complaint; direction to same.	0.30	33.00
	SJJ Office conference with PO Schmidt regarding new citizen complaint; open file; review FPC documents; research MPD rules and regs.; intra-office conference with Cermele.	1.60	176.00
7/21/2009	SJJ E-mail to FPC; review MPD documents.	0.70	77.00
7/29/2009	SJJ Receive and review e-mail from FPC investigator; e-mail in response; research pertinent MPD Policies and SOP's.	1.30	143.00
8/5/2009	SJJ E-mail to FPC regarding scheduling.	0.10	11.00
8/10/2009	SJJ Telephone call to client regarding mediation.	0.20	22.00
8/14/2009	SJJ Telephone call from FPC regarding mediation.	0.10	11.00

		<u>Hours</u>	<u>Amount</u>
9/16/2009	SJJ Telephone call to client regarding scheduling mediation; receive and review e-mail from Mediation Center regarding same.	0.20	22.00
9/25/2009	JC Intra-office conference with Jess regarding status and strategy.	0.40	44.00
9/29/2009	BPM Review file; office conference with Cermele and MPA; telephone call to client; travel; attend Mediation; return travel.	4.90	539.00
	JC Direction to Matthews; review file; intra-office conference with Matthews regarding strategy, mediation preparation, etc.; lengthy telephone call to client; direction to Matthews.	0.90	99.00
	JC Intra-office conference with Matthews regarding procedure, strategy, etc.	0.40	44.00
10/5/2009	BPM Review file; correspondence to client.	0.60	66.00
10/16/2009	BPM Receive and review correspondence from FPC dismissing Complaint; correspondence to client regarding same; close file.	0.30	33.00
	For professional services rendered	<u>12.00</u>	<u>\$1,320.00</u>
	Balance due		<u><u>\$1,320.00</u></u>

(Rate: \$110.00 per hour)



RECEIVED

OCT 15 2009

CERMELE & ASSOCIATES, S.C.

Richard C. Cox  
Chair

Carolina M. Stark  
Vice-Chair

Ernesto A. Baca  
Kathryn A. Hein

Paoi X. Lor  
Sarah W. Morgan  
Commissioners

Fire and Police Commission

Michael G. Tobin  
Executive Director

October 15, 2009

Mr. Robert T. Smith  
P. O. Box 12333  
Milwaukee, WI 53212

RE: Complaint of Robert T. Smith v. Police Officer Gerald L. Schmidt  
FPC Complaint No. 09-171

Dear Mr. Smith:

We have been informed by the Milwaukee Mediation Center that you are satisfied with the mediation that took place on September 29, 2009 with Police Officer Gerald Schmidt. Police Officer Schmidt will not receive any formal discipline as it relates to your complaint. The complaint does remain on file with the Fire and Police Commission for future reference.

Your input at the mediation is very helpful to us in revising the procedures the police officers follow while performing their jobs. The police officers participate in yearly updates to their training wherein these procedures are implemented.

Thank you for giving us the opportunity to assist you with your complaint. Feel free to contact us in the future, should the need arise. We are closing our file on your complaint.

Sincerely,

Michael G. Tobin  
Executive Director

MGT:cj

cc: Chief Edward A. Flynn  
Police Officer Gerald L. Schmidt  
Jonathan Cermele, Esq.