

LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY & LEGISLATION COMMITTEE

ITEM 1, FILE 010970

NOVEMBER 19, 2001

MARK A. RAMION

File # 010970 is a resolution authorizing the expenditure of funds from the Outside Counsel/Expert Witness Fund for the purpose of retaining expert witnesses to defend the selection procedures pursuant to current litigation in the case United States of America, *et al.*, v. City of Milwaukee, *et al.*, United States Court Civil Action No. 74-C-480.

Background

The Outside Counsel/Expert Witness Fund covers the cost of hiring expert witnesses and outside counsel in legal cases. Funds are approved on a case-by-case basis and appropriated to a sub-account under City Attorney expenditure authority by Common Council resolution.

2. Most recently, Common Council File No. 000788 authorized the appropriation of \$85,000 from the Contingent Fund to the Outside Counsel/Expert Witness Fund for the purpose of compensating witnesses from SHL/Landy Jacobs and Associates in connection with this litigation. These funds have been expended.

Discussion

This file will authorize the expenditure of \$50,000 by the City Attorney for the purpose of paying additional expenses for expert witnesses for defending the selection procedures of police officer and police aide in the Milwaukee Police Department.

The city has retained the services of SHL/Landy Jacobs and Associates for the purpose of providing expert witnesses in the referenced litigation.

Previous funds appropriated for expert witnesses in this case total \$285,000.

A current deficit of \$811.95 will be incurred upon payment of the outstanding invoices.

The \$50,000 provided in this request will provide \$45,000 for SHL/Landy Jacobs and Associates for additional work to be capped (as a cost-control measure) under a *not-to-exceed agreement*. The remaining \$5,000 will provide for additional miscellaneous expenses such as photocopies and postage and other delivery charges.

The requested amount (\$50,000) represents the City Attorney's best estimate as to fiscal resources for expert witnesses required at this time. Given the

unpredictability of litigation expenses, this request does not foreclose additional expenses that may arise beyond the amount requested in this file.

This case remains pending in federal court and is currently focusing upon the review of background investigation procedures of candidates for police officer and police aide.

The City Attorney's office is expecting a final report on this case to be issued in Spring 2002.

Fiscal Impact

The total funding for this resolution is \$50,000 to be appropriated from the Outside Counsel/Expert Witness Fund.

- 2. The total appropriated in this case for expert witnesses upon approval of this file is \$335,000.**
- 3. If this appropriation is approved, the Outside Counsel/Expert Witness Fund will have a 2001 balance of \$332,000.**

Prepared by: Mark A. Ramion, X8680

LRB-Fiscal Review Section

November 16, 2001

**Cc: Marianne Walsh Grant F. Langley
 Laura Engan Barbara Woldt
W. Martin Morics Miriam R. Horwitz
 David Schroeder**