

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
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SUSAN E. LAPPEN
DAVID R. HALBROOKS
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PATRICIA A. FRICKER
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 20, 2002

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 Kenneth Kmichick
C.I. File No. 01-S-355; ELO No. 1507


Dear Council Members:

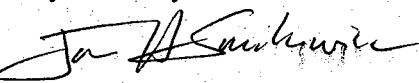
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Kenneth Kmichick. The claim is in the amount of \$579.21 including \$7.21 in disbursements for 5.20 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be 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 Officer 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. 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.

2276

EGGERT LAW OFFICE, 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

October 8, 2001

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

CITY OF MILWAUKEE
OCT 10 PM 3:17
RONALD D. LEONHARDT
CITY CLERK

RE: MPD Criminal Investigation of PO Kenneth Kmichick
Allegations Regarding Misconduct in Office
Date of Incident: April 20, 2001
Location of Incident: 4074 South 70th Street
ELO No.: 1507

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 an allegation of misconduct in public office. Charges will not be issued against the officer. Attached is a copy of ADA Michael T. Mahoney's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Attorney at Law

11/15/02

O.K.

JMS

JC/LAE/ldl
KMICHICK

Letter (2276)

led to very little here -

Please Note ~~Rate~~ Rate
of \$125. - hr. for claims -
~~from this date~~

CITY OF MILWAUKEE
OCT 10 PM 4:06
CITY ATTORNEY

EGGERT LAW OFFICE, 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

October 8, 2001

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

RE: Misconduct in Office
Regarding: PO Kenneth Kmichick
Date of Incident: April 20, 2000
Location of Incident: 4074 South 70th Street

Professional services

	<u>Hours</u>
04/22/00 Telephone call from client; open file.	0.20
04/23/00 Telephone call from client.	0.20
04/25/00 Draft retainer agreement; print copy of statute at issue for client; telephone call to client.	0.30
04/27/00 Office conference with client.	1.00
05/01/00 Telephone call to IAD; telephone call to client.	0.30
05/10/00 Review of file; meeting with client at IAD; attend client's statement to IAD; travel; memo to file.	1.90
05/30/00 Telephone call to IAD.	0.20
06/08/00 Discussion with IAD.	0.10

Mr. Ronald D. Leonhardt

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	<u>Hours</u>
06/19/00 Telephone call from IAD; telephone call to client.	0.20
06/20/00 Correspondence to MPD Open Records; correspondence to client.	0.30
08/28/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50

For professional services rendered

5.20

Amount
\$650.00

Additional charges:

08/28/00 MPD Open Records request

7.21

Total costs

\$7.21

Total amount of this bill

~~\$657.21~~

Balance due

~~\$657.21~~

(Rate: \$125.00 per hour)

\$572.00

579.21

for 657.21
579.21
JKE



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

June 19, 2000

POLICE CHIEF ARTHUR JONES
MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53233

Re: Police Officer Kenneth Kmichik
MPD Incident #00-012-3118

Dear Chief Jones:

I recently met with Det. Shepard and Captain Shepard regarding the above-captioned matter. This letter is to advise you that I will not be issuing any criminal charges as a result of the investigation.

The complaint alleges some type of misconduct on Officer Kmichik's part for not contacting or reporting a domestic violence incident between Officer Kmichik's son and his girlfriend. While I don't believe that Officer Kmichik used the best common sense, I do not believe that his conduct constituted a crime.

In making this determination I have to read § 946.12 Wis. Stats., which is misconduct in public office with § 968.075 Wis. Stats., which is the domestic abuse provision. I do not feel that we would be able to prove that Officer Kmichik had a reasonable basis for believing that continued domestic abuse against his son's girlfriend was likely and that there was evidence of physical abuse to his son's girlfriend. Based on that reasoning, we would not be able to sustain our burden of proof in a criminal case.

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patnick J. Kenney
James J. Martin

Thomas A. Schatz
Alexander G. Skonarz
Frederic E. Matasick
William J. Mohr
Donald R. Falk
Donald S. Jackson
Gale G. Shelton
Terry McGowan
Gary D. Markom
David Robles
Deborah Daley
Peg Tarrant
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Nancy Ettenheim
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Christopher A. Luge
Megan P. Carmody
Laura A. Crivello
Derek C. Mosley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Jayne Davis Dewne
Allison M. Ritter
Kevin R. Shome
Kelly L. Hedge
Jennifer Rypel
Beth D. Zirgibel
Shannon Carrick Schmidt
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Catherine B. Scherer
Julius Kim
Jeffrey J. Altenburg
Rachel Gossens
Deborah L. Mills
Pat Wabitsch
Kent L. Lovem
Paul R. Sander
Roy L. Williams
Nelson W. Phelps
Bradford J. Logsdon
Patnick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mark D. Benson
Mary M. Sowinski
Kathryn K. Sauer
Jeanette Corbett
Jeffrey P. Greco
Thomas C. Binger
Heidi Bisswurm
David Maas
Jeremy L. Reser
Daniel J. Gable
Sara P. Scullen
Gense M. Hooks
Brent Nistler
T. Christopher Dee
Kathanne Kucharski
Lisa P. Finner

Chief Arthur Jones

June 19, 2000

Page 2

Please do not hesitate to contact me if you have any questions on this matter.

Sincerely,



Michael T. Mahoney
Assistant District Attorney

MTM: tea3

C: Deputy District Attorney Jon N. Reddin

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. KENNETH KMICHICK
DISTRICT SEVEN

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 APRIL 20, 2001
- 2) A citizen's complaint made by MISCONDUCT IN PUBLIC OFFICE
- 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: P.O. Kenneth Kmichick

Print your name: Kenneth Kmichick

12-03-01

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

RECEIVED
01 DEC -5 AM 11:02
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION