

GRANT F. LANGLEY
City Attorney

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THOMAS O. GARTNER
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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

April 18, 2008

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.
for legal fees for Police Officer Douglas R. Marx
C.I. File No. 07-S-149-3; EC 2456

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Douglas R. Marx. The claim is in the amount of \$4,315.00 including \$69.00 in disbursements for 38.60 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. 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:amp
Enc.

1032-2007-1251:124771v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

MAY 2, 2007

TO: DET. DOUGLAS MARX
DISTRICT: PPD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 OCTOBER 11, 2004
- 2) A citizen complaint made by Ms. Julie SPECK
- 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:

Det. Douglas R. Marx

Print your name:

DET. DOUGLAS R. MARX

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

Mary K. Hoerig/mc

MARY K. HOERIG

Deputy Inspector

Professional Performance Division

MKH: lrc

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 23, 2007

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

CITY OF MILWAUKEE
2007 APR 25 PM 3:00
RONALD D. LEONHARDT
CITY CLERK

**RE: Citizen Complaint of Ms. Julie Speck
Against PO Douglas Marx
Complaint No.: 04-76
Date of Incident: October 11, 2004**

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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a response to a "shots fired" complaint.

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,

CERMELE & ASSOCIATES, S.C.


Jon Cermele

/kjs
Attachments
MARX

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
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April 23, 2007

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

RE: Citizen Complaint of Ms. Julie Speck
Against PO Douglas Marx
FPC No: 04-76
Date of Incident: October 11, 2004
Professional services

	<u>Hours</u>
1/5/2005 Telephone call from Det. Marx; open file; conference with client; memo to file; correspondence to FPC; telephone call to FPC; CCAP and municipal court search.	2.30
1/13/2005 Review of correspondence from FPC.	0.10
2/7/2005 Municipal Court update regarding citations; review of file.	0.30
3/22/2005 Municipal Court record search regarding witnesses in same incident; telephone call from and to FPC; memo to file; correspondence to Municipal Court Open Records.	0.60
3/25/2005 Review of correspondence from FPC; correspondence to client.	0.20
3/28/2005 Telephone calls from client; memo to file.	0.60
3/29/2005 Telephone call from and to client; telephone call to witness; correspondence to witness.	0.80
3/31/2005 Review facsimile from witness; correspondence to witness.	0.50

	<u>Hours</u>
4/4/2005 Review of correspondence from witness.	0.10
4/6/2005 Conference with client; review videotape; intra-office conference with Eggert.	1.50
Telephone call from client; conference with client.	0.70
4/7/2005 Review of file; telephone call to FPC; memo to file.	1.00
4/11/2005 Telephone call from FPC; memo to file.	0.30
4/12/2005 Review FPC rules regarding conciliation of a minor; intra-office conference with Eggert regarding 4/11/05 telephone call from FPC; telephone call to FPC; memo to file.	0.50
4/14/2005 Review of file regarding witness.	0.10
4/18/2005 Telephone call to FPC; memo to file.	0.20
Eggert and Pings conference call with several FPC members.	0.40
4/28/2005 Telephone call from FPC; schedule and calendar conciliation.	0.30
5/11/2005 Receive and review correspondence from FPC; review and sign correspondence to clients; telephone call from and to client.	0.20
5/12/2005 Telephone call from and to MPD's personnel; memo to file.	0.20
5/18/2005 Review of file; prepare for conciliation; travel to and perform conciliation; memo to file.	1.50
6/27/2005 Telephone call from MPD Open Records; telephone call to municipal court regarding C.D.'s of trials; memo to file.	0.50
7/20/2005 Receive and review correspondence from FPC.	0.10

	<u>Hours</u>
9/16/2005 Review IAD Investigation.	0.50
7/7/2006 Continue reviewing file; organize file; determine witnesses and exhibits; draft and send Witness and Exhibit List.	0.50
7/10/2006 Receive and review citizen's Witness and Exhibit List.	0.20
12/7/2006 Receive and review correspondence from FPC regarding Witness and Exhibit Lists; review file.	0.30
1/8/2007 Receive and review e-mail from FPC regarding scheduling hearing; respond to same.	0.10
1/10/2007 Review file; intra-office conference with Pings; telephone call to client.	1.50
Intra-office conference with Cermele regarding FPC hearing; transfer file to Granitz; telephone call and e-mail to FPC; telephone call from same; intra-office conference with Cermele.	0.30
1/11/2007 Intra-office conference with Pings; telephone call to witness; telephone call to MPSO; telephone call to supervisory witness.	0.40
Intra-office conference with Granitz regarding witness list.	0.20
1/15/2007 Telephone call to witness; intra-office conference with Pings; telephone call to FPC.	0.40
Intra-office conference with Granitz.	0.10
1/16/2007 Telephone call from FPC; intra-office conference with Pings.	0.20
1/22/2007 Receive and review correspondence from FPC regarding hearing date; memo to file.	0.20
1/26/2007 Receive and review correspondence from FPC.	0.10

	<u>Hours</u>
2/1/2007 Review file; correspondence to client.	1.20
2/2/2007 Continue review of file; hearing preparation; telephone calls to witnesses; CCAP case research on complainants; statutory research for admissibility of past convictions; memo to file; telephone calls to witnesses.	2.00
2/5/2007 Telephone call to FPC regarding date changes; telephone call to client; telephone call to witness; intra-office conference with Pings; telephone calls to FPC; memo to file.	0.60
2/7/2007 Telephone call from client; schedule office conference with client; memo to file.	0.30
2/8/2007 Telephone call from witness; intra-office conference with Pings; telephone call to and from FPC regarding scheduling.	0.60
2/9/2007 Travel; deliver subpoenas to Academy; return travel.	1.10
2/13/2007 Office conference with client and Granitz; several telephone calls to and from property control division regarding inventoried videotape; intra-office conference with Granitz; receive and review Faxed confirmation of inventory history of videotape.	1.50
Office conference with client; receive and review Fax from MPD property; telephone call from witness; memo to file.	1.20
2/19/2007 Hearing preparation; telephone call to witness.	1.60
2/21/2007 Hearing preparation; telephone call to witness; Fax to witness with narrative report for recollection; memo to file.	2.50
2/22/2007 Hearing preparation; intra-office conference with Pings; telephone call to and from witness; Fax to witness.	5.50
2/23/2007 Travel to City Hall to perform hearing with Granitz; citizen was no-show; return travel.	1.00

	<u>Hours</u>		<u>Amount</u>
2/27/2007 Telephone call from FPC; receive and review copy of correspondence to citizen requesting confirmation of adjournment justification; intra-office conference with Granitz regarding same.	0.20		
Review of correspondence from FPC; review of correspondence from process server; telephone call from citizen witness; telephone call to and from FPC.	0.50		
3/9/2007 Intra-office conference with Granitz.	0.30		
3/19/2007 Telephone call to FPC regarding citizen complaint.	0.10		
3/27/2007 Receive and review correspondence from FPC dismissing complaints; correspondence to client with orders of dismissal; close file.	0.40		
		38.60	\$4,246.00
For professional services rendered			
Additional charges:			
4/20/2005 Parking	6.00		
5/18/2005 Parking	3.00		
2/9/2007 Subpoenas (4)	24.00		
2/23/2007 Parking	1.00		
3/9/2007 Investigator - Service of subpoena	35.00		
Total costs			<u>\$69.00</u>
Total amount of this bill			<u>\$4,315.00</u>

Mr. Ronald Leonhardt

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Amount

Balance due

\$4,315.00

(Rate: \$110.00 per hour)

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

In Re:
THE CHARGES OF JULIE SPECK
AGAINST DETECTIVE DOUGLAS MARX

ORDER OF DISMISSAL

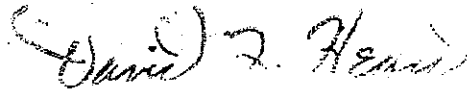
To Det. Douglas Marx:

It is hereby ordered that the Complaint of Julie Speck, Complaint No. 04-76, filed with the Board on October 27, 2004, is dismissed due to the Complainant's failure to appear at the scheduled trial, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

LEONARD J. SOBCHAK, CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, MARCH 24, 2007.

c: Attorney Laurie Eggert ✓