

**GRANT F. LANGLEY**  
City Attorney

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



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**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**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
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**MIRIAM R. HORWITZ**  
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**G. O'SULLIVAN-CROWLEY**  
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**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

January 22, 2010

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

Re: Communication from Attorney D. Michael Guerin for legal fees for  
Sergeant Kimberlee Foster  
C.I. File No. 07-S-137

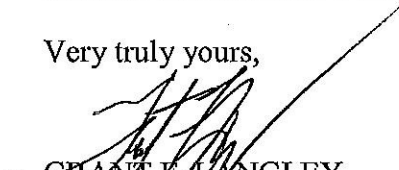
Dear Council Members:


Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Sergeant Kimberlee Foster. The claim is in the amount of \$1,914.00 for 17.4 hours of service billed at the rate of \$110 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. 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

1032-2007-1164:154253

OFFICE OF THE CITY ATTORNEY

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GIMBEL • REILLY • GUERIN • BROWN

Writer's Direct E-mail  
dmguerin@grgblaw.com

April 16, 2007

COPY

Mr. Ronald Leonhardt  
Attn: Marian Hartner,  
Milwaukee City Clerk  
800 City Hall  
200 E. Wells Street  
Milwaukee, WI 53202

Re: *Sergeant Kimberlee Foster*  
PS I.D. No. 000264  
Use of Deadly Force Investigation  
August 5, 2006  
PPD File No. 06-0697

Dear Ms. Hartner:

Kimberlee Foster, a sergeant with the Milwaukee Police Department, requested and retained our firm to represent her in connection with an internal investigation and the District Attorney's investigation regarding the circumstances surrounding her use of her firearm against Mr. Valco Bliss on August 5, 2006.

Consistent with its ethical obligations and policy, the City Attorney's Office was unable to provide representation for Sergeant Foster. On August 5, 2006, Sergeant Foster and her partner were investigating a burglary in progress at a residence in the 4200 block of North 19<sup>th</sup> Street. Sergeant Foster and her partner split up and when Sergeant Foster next found him, he was in the alley behind the house, inquiring through an open car door that the occupant of a motor vehicle parked in the alley with its engine running, get out of the car. When Sergeant Foster approached to provide assistance to her partner, the occupant of the vehicle rolled away from him and attempted to put the gearshift into drive and speed away, which would have caused serious injury to Sergeant Foster's partner and potentially other nearby bystanders.

TWO PLAZA EAST  
SUITE 1170  
330 E. KILBOURN AVE.  
MILWAUKEE, WI 53202  
P: 414-271-1440  
F: 414-271-7680  
WWW.GRGBLAW.COM





POWERFUL LEGAL REPRESENTATION

Sergeant Foster repeatedly warned the vehicle's occupant to stop his actions and surrender, but he refused and proceeded to attempt to put the gearshift into drive. At that point, in order to protect the safety of her partner and bystanders, Sergeant Foster, after having warned the occupant several times that he must cease his actions or she would use force, discharged her service firearm.

Mr. Bliss received nonfatal injuries, was seized and arrested and was subsequently prosecuted.

Sergeant Foster was required to meet with police investigators, as well as an Assistant District Attorney and attorney investigators regarding the incident. Counsel from my office provided representation to her throughout, and communicated with the District Attorney's office thereafter. On October 2, 2006, Assistant District Attorney Patrick Kenney indicated that he was closing his investigation with no criminal prosecution of Sergeant Foster, as her use of force was justified in the line of duty.

Enclosed is our bill for time and services rendered regarding Sergeant Foster. I would appreciate your processing such for payment to my office.

Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Michael Guerin', written over a large, stylized flourish.

D. MICHAEL GUERIN

DMG/dkk

Enclosure

cc: Attorney Jan A. Smokowicz

R:\MPSO\Foster, Kim\MsHartner-Fosterbill2007-04-16.doc

Gimbel, Reilly, Guerin & Brown  
Two Plaza East, Suite 1170 - 330 East Kilbourn Avenue  
Milwaukee, WI 53202 - www.grgblaw.com  
Telephone (414) 271-1440 - Facsimile (414) 271-7680

Family Law, Personal Injury, Criminal Law, Real Estate,  
Business, Estate Planning, Civil & Commercial Litigation  
in State and Federal Courts  
Federal Tax ID 39-1094570

Page: 1  
April 13, 2007  
ACCOUNT NO.: 200642208  
STATEMENT NO.: 1

Milwaukee Police Supervisors Organization  
7120 W. Crawford  
Milwaukee, WI 53220

Civil - Sgt. Kim Foster

*Our invoices for services are due and payable within 60 days from the invoice date.  
Failure to pay charges within that time will result in an interest charge of 1-1/2% on the  
unpaid balance per month thereafter.*

STATEMENT

	<u>HOURS</u>
08/14/06	
RMD - Telephone conference with T. Klusman; conference with client; attend interview with Deputy D.A. Kinney; prepare for meeting.	3.40
SCM - Telephone conference with T. Klusman; conference with client; attend interview with Deputy D.A. Kinney; prepare for meeting.	3.40
RMD - Conference with Attorney Guerin, client, police supervisors, Union representative D. Arndt and Attorney McGaver; attend investigative meeting with Deputy D.A. Kinney at the Milwaukee Police Dept. - District 1 regarding shooting at 4255 N. 19 <sup>th</sup> Street; research justifiable cause use to use deadly force cases.	4.00
SCM - Conference with Attorney Guerin, client, police supervisors, Union representative D. Arndt and Attorney Dall'Osto; attend investigative meeting with Deputy D.A. Kinney at the Milwaukee Police Dept. - District 1 regarding shooting at 4255 N. 19 <sup>th</sup> Street; research justifiable cause use to use deadly force cases.	4.00

08/16/06	RMD – Prepare correspondence to client.	.40	
08/23/06	RMD - Telephone conference with client.	.20	
09/10/06	RMD – Telephone conference with client.	.20	
09/18/06	RMD – Prepare correspondence to Deputy DA Kinney Regarding status of investigation.	.40	
09/26/06	RMD – Telephone conference with Deputy D.A. Kinney regarding status of investigation.	.20	
10/04/06	RMD – Prepare correspondence to client; review correspondence from Deputy DA Kinney declining prosecution.	.40	
11/01/06	DMG – Telephone conference with client regarding meeting on November 9 <sup>th</sup> at Police Academy.	.20	
11/07/06	DMG – Telephone conference with client regarding meeting at Police Academy; Union will cover client at police interview; discuss need to continue with post-shooting stress counseling.	.60	
	FOR CURRENT SERVICES RENDERED	17.40	\$1,914.00

RECAPITULATION

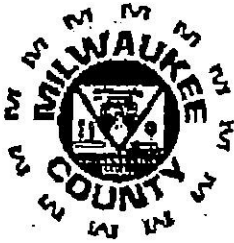
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	.8	\$110.00*	\$ 88.00
R. Dall'Osto	9.2	\$110.00*	\$1,012.00
S. McGaver	7.4	\$110.00**	\$ 814.00

\* Discounted from \$300.00/hour

\*\* Discounted from \$180.00/hour

TOTAL CURRENT WORK	\$1,914.00
BALANCE DUE	<u>\$1,914.00</u>

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.  
THANK YOU!



OFFICE OF DISTRICT ATTORNEY  
CHILDREN'S COURT CENTER

RECEIVED

OCT 03 2006

CERMELE & ASSOCIATES, S.C.

# Milwaukee County

E. MICHAEL McCANN • District Attorney

October 2, 2006

Chief Nannette H. Hegerty  
Milwaukee Police Department  
941 N. James Lovell St.  
Milwaukee, WI 53233

RE: Review of Police Shooting of Valcos Bliss

Dear Chief Hegerty:

I have reviewed a Milwaukee Police Department investigation and an investigation conducted independently by our office into the August 14, 2006 non-fatal shooting of Valcos Bliss. This shooting occurred in an alley located in the 4200 block of North 19<sup>th</sup> Street in the City of Milwaukee. During this incident, Sgt. Kimberlee Foster and Officer Christopher Chu each fired at Valcos Bliss, resulting in non-fatal gunshot wounds. After reviewing this matter, I am satisfied that the actions of Sgt. Foster and Officer Chu were privileged under the law of self-defense, and defense of others. Having reached that conclusion, no criminal charges will be brought against either officer for their involvement in this incident.

Thank you for the cooperation of your department in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Kenney".

Patrick J. Kenney  
Deputy District Attorney

PJK/yms

cc: DA E. Michael McCann  
Atty. Raymond M. Dall'Osto  
Atty. Jonathan Cermele  
Lt. Thomas Stigler  
Inv. Joseph Link