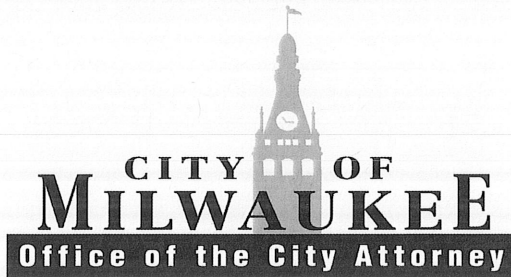


TEARMAN SPENCER
City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
S. TODD FARRIS
JENNIFER L. WILLIAMS
Deputy City Attorneys



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

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
PATRICK J. MCCLAIN
HANNAH R. JAHN
JULIE P. WILSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEXANDER T. MUELLER
ALEXANDER D. COSSI
LISA A. GILMORE
TAVISS K. SMITH
KATHERINE A. HEADLEY
L. ANTHONY JACKSON
STACY J. MILLER
MICHAEL C. RADAVIDH
JORDAN M. SCHETTLE
THERESA A. MONTAG
ALEXANDER E. FOUNDOS
JAMES D. LEWIS
TRAVIS J. GRESHAM
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
Assistant City Attorneys

November 9, 2023

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

RE: Communication from Cermele & Matthews for legal fees for
Police Officers Michalak and Baczek

Dear Council Members:

Returned herewith is a document filed by Attorney Brendan Matthews for attorney's fees for representing Milwaukee Police Officers Richard Michalak and Jacob Baczek responsive to a citizen complaint filed by Mr. Toccaro Harris. The claim is in the amount of \$17,770.00 for 74.30 hours of service billed at the rate of \$200 - 300 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

Legal representation was occasioned by Fire and Police Commission proceedings pursuant to a citizen complaint by Mr. Toccaro Harris. Mr. Harris alleged he was unlawfully arrested, and subject to excessive force; however, all of Mr. Harris' allegations were resolved in favor of the officers.

This claim is governed by the amended Wis. Stats. §895.35(1). The pertinent language in that statute provides the City discretion to pay reasonable expenses related to "such charges ... discontinued or dismissed or ... determined favorably." Wis. Stat. §895.35(1). "Expenses" includes attorney's fees. *Murray v. City of Milwaukee*, 2002 WI App 62.

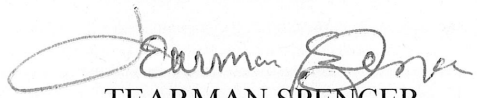
As to the proper definition of "reasonable" attorney fees, such a requirement has been interpreted by the Wisconsin Supreme Court in the past in a comparable context. *Village of Shorewood v. Steinberg*, 174 Wis. 2d 191, 204-5, 496 N.W.2d 57 (1993). In doing so, it referred to one of its rules, SCR 20:1.5, relating to fees that attorneys may charge. The factors prescribed by that rule include: 1) time and labor required, 2) novelty and difficulty of the questions involved; 3) skill required to perform




To the Honorable Common Council
of the City of Milwaukee
November 9, 2023
Page 2 of 2

services; 4) apparent likelihood that lawyer will be precluded from other work; 5) the fee customarily charged; 6) amount involved and results obtained; 7) limitations imposed by client or circumstances; 8) nature and length of the relationship; 9) experience and ability of the lawyer; and, 10) whether the fee is fixed or contingent. Given what we know of this situation, time and labor required, the skill required to perform the services, the fee customarily charged, and the experience and ability of the lawyer support the hourly rate of \$200 - 300.

Very truly yours,



TEARMAN SPENCER
City Attorney



JENNIFER L. WILLIAMS
Deputy City Attorney

JLW/cdr

Enclosures

/285201