

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY

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

September 14, 2004

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Charles Martina
C.I. File No. 99-S-29; EC No. 1182

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Charles Martina. The claim is in the amount of \$682.00 for 6.20 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. A criminal investigation was initiated against the police officer on whose behalf this claim was filed, but they were ultimately not charged.

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:enm
Enc.
2277

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
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
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, 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

December 6, 2002

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: MPD Criminal Investigation
Against PO Charles Martina
ELO File: 1182
City Claim No.: 99-S-29**

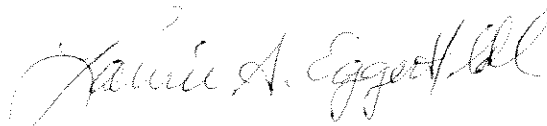
Attorney Smokowicz:

Enclosed is a letter signed by Charles Martina regarding our representation in this matter. Please note that the date of incident on the amended statement is incorrect; the allegations related to October or November of 1997.

Please remember to process the Amended Statement of July 6, 2001, rather than our original statement dated December 29, 1998, which contained a misplaced decimal point. (Unless you'd like to.)

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl
enclosure
MARTINA 12602

9/13/04

O.K. for \$682.00

JAS

CSA Letter # 2277

EGGERT & CERMELE, 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

December 2, 2002

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: MPD Criminal Investigation
Date of Incident: February 1998

Attorney Smokowicz:

I have reviewed the Amended Statement dated July 6, 2001, which Attorney Laurie Eggert submitted and can verify that she represented me in this matter. The allegations involved allegations of on-duty conduct during October or November of 1997. No charges resulted from these allegations.

Sincerely,



PO Charles Martina

CM/ldl
MARTINA CONFIRMATION LETTER

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

July 6, 2001

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

RE: AMENDED STATEMENT
MPD Criminal Investigation
Regarding: Police Officer Charles Martina
Date of Incident: February 1998

Professional services

	<u>Hours</u>
01/09/98 Telephone call from client; open file.	0.50
01/23/98 Telephone call to Levenhagen.	0.10
02/05/98 Telephone call from and to client; memo to file; telephone call from and to MPD Open Records.	0.70
02/09/98 Telephone conference with client telephone call to witness.	1.30
02/26/98 Telephone conference with client; telephone conference with witness.	0.40
02/27/98 Telephone conference with witness.	0.10
04/23/98 Telephone conference with client.	0.20
05/28/98 Review of file; memo to file; telephone call to MPD.	0.40

	<u>Hours</u>	
06/02/98 Telephone call to witness.	0.10	
06/15/98 Review of file; telephone call to and correspondence to MPD Open Records; telephone call to Internal Affairs; memo to file.	0.70	
07/01/98 Review of file.	0.10	
07/13/98 Review of correspondence from DA; review of file; telephone call to DA; memo to file.	0.30	
07/30/98 Telephone call to DA.	0.10	
08/03/98 Telephone call from MPD Open Records.	0.10	
08/24/98 Review of correspondence from MPD.	0.10	
09/03/98 Telephone call to Tifflin.	0.10	
09/04/98 Telephone call from Tifflin; telephone call to client.	0.20	
10/23/98 Review of file; correspondence to IAD.	0.20	
12/08/98 Review of file; review IAD report; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.20	\$682.00
Balance due		<u>\$682.00</u>

(Rate: \$110.00 per hour through 12/31/1998)

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

November 21, 2002

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
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EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

Ms. Laurie A. Eggert
Eggert Law Office, S. C.
1840 North Farwell Avenue, Ste. 303
Milwaukee, WI 53202

**RE: MPD Criminal Investigation regarding Police Officer Charles Martina
C.I. File No.: 99-S-29**

Dear Ms. Eggert:

With respect to the above-noted matter, Officer Martina has informed us that he did not receive legal representation in this matter. Could you clarify this for us. If not, I would have to recommend against payment of this claim. Thank you for your continuing cooperation and assistance in this regard

Very truly yours,

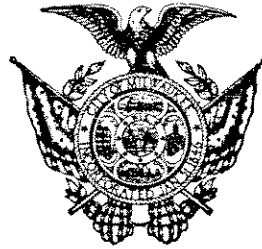
A handwritten signature in cursive script, appearing to read 'Jan A. Smokowicz'.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:lae
60485

OFFICE COPY

CITY OF MILWAUKEE



GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
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

January 15, 1999

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUARTS S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN H. HEINEN
MICHAEL G. TOBIN
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SUSAN E. LAPPEN
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JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
VINCENT J. BOBOT
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA

RECEIVED
MILWAUKEE
INTERNAL AFFAIRS
DIVISION
JAN 15 1999
AM 10:49

Assistant City Attorneys

Deputy Inspector Dale Schunk
Milwaukee Police Department
749 West State Street, Room 714
Milwaukee, WI 53233

Re: C.I. File No. 99-S-29
Communication from EGGERT LAW OFFICES

Dear Deputy Inspector Schunk:

Enclosed please find a claim filed by Attorney Laurie A. Eggert for attorney's fees incurred during her representation of Officer Charles Martina.

Please determine whether this officer was in fact involved in the matter described in Ms. Eggert's claim, and have the officer verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:lh
Enclosure

1/15/2000

Ltr to Eggert -

P.O says he didn't
receive representation.

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE

99 JAN -5 PM 3:40

RONALD D. LEONHARDT
CITY CLERK

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

December 29, 1998

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

**RE: MPD Criminal Investigation
Regarding Police Officer Charles Martina
Date of Incident: February 1998**

Dear Mr. Leonhardt:

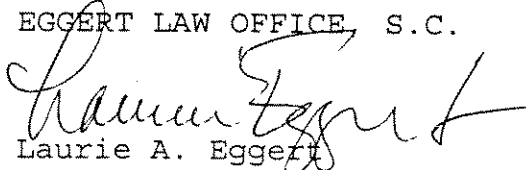
The above-named police officer has retained us to represent him in connection with the above-referenced matter.

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. Officer Martina investigated a domestic dispute. Later, Ms. Hill made allegations of criminal conduct against the officer. The DA's office reviewed the allegations and will not issue charges.

The attached is an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
MARTINA

CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY
1999 JAN -5 PM 4:05

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

December 29, 1998

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

RE: MPD Criminal Investigation
Regarding: Police Officer Charles Martina
Date of Incident: February 1998

Professional services

	<u>Hours</u>
1/9/98 Telephone call from client; open file.	5.00
1/23/98 Telephone call to Levenhagen.	0.10
2/5/98 Telephone call from and to client; memo to file; telephone call from and to MPD Open Records.	0.70
2/9/98 Telephone conference with client telephone call to witness.	1.30
2/26/98 Telephone conference with client; telephone conference with witness.	0.40
2/27/98 Telephone conference with witness.	0.10
4/23/98 Telephone conference with client.	0.20
5/28/98 Review of file; memo to file; telephone call to MPD.	0.40

	<u>Hours</u>	
6/2/98 Telephone call to witness.	0.10	
6/15/98 Review of file; telephone call to and correspondence to MPD Open Records; telephone call to Internal Affairs; memo to file.	0.70	
7/1/98 Review of file.	0.10	
7/13/98 Review of correspondence from DA; review of file; telephone call to DA; memo to file.	0.30	
7/30/98 Telephone call to DA.	0.10	
8/3/98 Telephone call from MPD Open Records.	0.10	
8/24/98 Review of correspondence from MPD.	0.10	
9/3/98 Telephone call to Tifflin.	0.10	
9/4/98 Telephone call from Tifflin; telephone call to client.	0.20	
10/23/98 Review of file; correspondence to IAD.		
12/8/98 Review of file; review IAD report; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.50	\$1,155.00
Balance due		<u>\$1,155.00</u>

Mr. Ronald D. Leonhardt

Page 3

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 1, 1999

TO: PO CHARLES MARTINA
DISTRICT FOUR

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 FEBRUARY 1998
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES _____ NO X

Your signature: *P.O. Charles A. Martina*

Print your name: P.O. MARTINA, CHARLES A.

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

Dale T. Schunk
DALE T. SCHUNK
Deputy Inspector of Police
Internal Affairs Division JH

DTS:dnp