

GRANT F. LANGLEY
City Attorney

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THOMAS O. GARTNER
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ADAM B. STEPHENS
KEVIN P. SULLIVAN
Assistant City Attorneys

September 21, 2006

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 Robert Rehbein
C.I. File No. 04-S-19; EC No. 1983

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Robert Rehbein. The claim is in the amount of \$660.00 for 6.00 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 he was 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). The Common Council continues to have discretion with regard to this claim because the fees were incurred prior to the effective date of 2005 Wisconsin Act 73 (effective June 7, 2006) which now makes such payment mandatory except in certain, statutorily-defined circumstances.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm

Enc.

109863/1032-2004-228.012

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

January 16, 2004

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

**RE: MPD Criminal Investigation of PO Robert Rehbein
Allegations Regarding Mr. Michael Birkley
Date of Incident: August 10, 2003
Location of Incident: 2436 North 33rd Street
IAD File No.: 03-0811
EC No.: 1983**

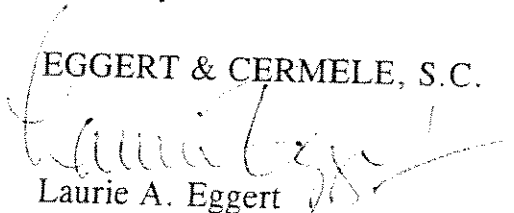
Dear Mr. Leonhardt:

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 a drug arrest.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO Rehbein, to give a statement concerning the incident after issuing a PI-21. Later, the MPD concluded that the investigation was found to be unfounded and warrant refused. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

JC/Idl
attachment
REHBEIN et al

6/13/05

O.K.

JAS

Letter # 2277

EGGERT & CERMELE, S.C.

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January 16, 2004

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

RE: MPD Criminal Investigation re: Mr. Michael Birkley
Regarding: PO Robert Rehbein
Date of Incident: August 10, 2003
Location of Incident: 2436 North 33rd Street
Professional services

	<u>Hours</u>	
8/28/2003 Telephone call from Det. Rehbein regarding new criminal investigation; open file; memo to file; CCAP and municipal court record search.	1.60	
8/29/2003 Review of file.	0.40	
9/3/2003 Telephone call to and from Det. Rehbein; memo to file.	1.30	
9/4/2003 Review of file; attend Det. Rehbein's PI-21 at IAD; travel.	2.00	
11/21/2003 Review of file; Fax to IAD.	0.30	
12/18/2003 Receive and review Fax from Commander Settingsgaard at IAD; correspondence to clients confirming investigation completed and complaint determined to be baseless; close file.	0.40	
		<u>Amount</u>
For professional services rendered	6.00	\$660.00
Balance due		<u>\$660.00</u>



Police Department
Friday, December 05, 2003

Nannette H. Hegerty
Chief of Police

Jonathan Cermele
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

DEC 16 2003

Dear Mr. CERMELE:

This letter is in response to your inquiry of November 21, 2003, regarding the status of CIU Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Jeffery Micklitz can be contacted at 935-3540.

Sincerely,

STEVEN M. SETTINGSGAARD
POLICE COMMANDER

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 03-115	03-0458	HIGGINS, KEESHA	ILLEGAL STRIP SEARCH	UNFOUNDED
2. 03-127	03-0392	LIDDELL, JEREMIAH	BATTERY	UNFOUNDED
3. 03-191	03-0720	WALTON, HAROLD T.	BATTERY	UNFOUNDED
4. 03-208	03-0811	BIRKLEY, MICHAEL	BATTERY	WARRANT REFUSED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRAURY 17, 2004

TO: DET. ROBERT REHBEIN
DISTRICT: VCD


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 AUGUST 10, 2003
- ② A citizen's complaint made by MICHAEL BIRKLEY
- 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: 
Print your name: Det. Robert A. REHBEIN

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


Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

RECEIVED
04 FEB 19 PM 12:52
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS