

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

August 20, 2004

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

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

Re: Communication from D. Michael Guerin, Gimbel, Reilly, Guerin & Brown
for legal fees for Sergeant Alan Johnson
C.I. File No. 03-S-411

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Sergeant Alan Johnson. 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 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).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm

Enc.

2277

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Assistant City Attorneys

October 24, 2003

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 03-S-411
Communication from D. MICHAEL GUERIN

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney D. Michael Guerin for Attorney's fees incurred during his representation of Sgt. Alan Johnson.

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

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

8/19/04
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2277

RECEIVED
03 NOV - 3 AM '03
MILWAUKEE POLICE DEPT.
INTERNAL AFFAIRS
DIVISION

GIMBEL, REILLY,
GUERIN & BROWN
LAW OFFICES

October 15, 2003

CITY OF MILWAUKEE
2003 OCT 17 PM 4:14
RONALD D. LEONHARDT
CITY CLERK

FRANKLYN M. GIMBEL
COURT COMMISSIONER

RICHARD E. REILLY

D. MICHAEL GUERIN

THOMAS E. BROWN

DENIS J. REGAN

KATHRYN A. KEPPEL

PATRICK J. KNIGHT

RAYMOND M. DALL'OSTO
ALSO LICENSED IN ILLINOIS

JENNIFER A. LINO

CHRISTOPHER L. STROHBEHN

BYRON B. CONWAY

OLIVER J. KAUFMAN

PARALEGALS

STEVEN M. LANT

SUE M. SOCZKA

ANGELA D. JANSSEN

JUDITH C. ALBRITTON

BECKY A. DILLER

JEFFREY A. KAUFMAN
OF COUNSEL

C.R. REILLY (1901-1983)

Mr. Ronald D. Leonhardt
Attn: Marian Hartner
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202

Re: Sergeant Alan Johnson
Inquest May 22, 2003

Dear Ms. Hartner:

Alan Johnson, Milwaukee Police Sergeant retained our firm to represent him in connection with a criminal inquest.

Consistent with its ethical obligation and the policy, the City Attorney's office was unable to represent Sergeant Johnson. Sergeant Johnson was performing the duties as a supervising Sergeant at No. 2 District Police Station at the time of the unfortunate death of a prisoner. Subsequently, Sergeant Johnson was subpoenaed to appear before an inquest jury that was investigating possible criminal charges against individuals involved, including Sergeant Johnson. The inquest jury determined that Sergeant Johnson had no criminal culpability and the matter is at an end.

Also enclosed is the printout of time and services rendered regarding the sergeant.

Thank you for your assistance with this matter.

Yours truly,


D. MICHAEL GUERIN

DMG/ker
Enclosure

cc: Attorney Jan Smokowicz
MPSO/Johnson/Marian Hartner ltr 10/15/03

CITY OF MILWAUKEE
2003 OCT 20 11 3 20
CITY CLERK

GIMBEL, REILLY, GUERIN & BROWN
Two Plaza East, Suite 1170 - 330 East Kilbourn Avenue
Milwaukee, Wisconsin 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

Milwaukee Police Supervisors Organization
 2900 West Forest Home Avenue
 Milwaukee WI 53215

Page: 1
 September 30, 2003
 ACCOUNT NO. 200322106M
 STATEMENT NO: 1

Criminal - Alan Johnson

	HOURS	
05/15/03 DMG Telephone conference with client.	0.30	
05/16/03 DMG New Inquest matter - Telephone conference with Al Johnson.	0.70	
05/21/03 DMG MPSO - Alan Johnson Inquest - Telephone conference with client; attend inquest.	2.00	
05/22/03 DMG Attend inquest.	3.00	
FOR CURRENT SERVICES RENDERED	6.00	660.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	6.00	\$110.00	\$660.00
 TOTAL CURRENT WORK			 660.00
 BALANCE DUE			 \$660.00

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.

THANK YOU!

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05/16/03 New Inquest matter - Telephone conference
with Al Johnson.
05/21/03 MPSO - Alan Johnson Inquest - Telephone
conference with client; attend inquest.
05/22/03 Attend inquest.

FOR CURRENT SERVICES RENDERED	660.00
TOTAL CURRENT WORK	660.00
BALANCE DUE	<u>\$660.00</u>

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.

THANK YOU!

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 5, 2003

TO: SGT. ALAN JOHNSON
DISTRICT TWO

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 INQUEST DATE MAY 22, 2003
- 2) A citizen's complaint made by N/A
- 3) A police shooting incident occurring on N/A

Is this information correct? YES _____ NO X

Did you receive legal representation in this matter? YES X NO _____

Your signature: [Handwritten Signature]

Print your name: Alan Johnson

Received representation from D. Michael Quinn

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

[Handwritten Signature]
Steven M. Settingsgaard *KJS*
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
RECEIVED
NOV 10 AM 11:10