

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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



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KURT A. BEHLING
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LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

March 10, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Patrick Elm and Robert Lemanczyk
C.I. File No. 03-S-378; ELO 1926

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Robert Lemanczyk and Patrick Elm. The claim is in the amount of \$906.00 including \$4.00 in disbursements for 8.20 hours of service billed at the rate of \$110.00 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 officers 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,

A handwritten signature in black ink, appearing to read 'G. Langley', written over the typed name and title.

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink, appearing to read 'Jan A. Smokowicz', written over the typed name and title.

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.

91036/ 1032-2003-3092.004

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

September 18, 2003

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

**RE: MPD Criminal Investigation of POs Patrick Elm and Robert
Lemanczyk
Allegations Regarding Mr. Jermal Bracey
Date of Incident: April 17, 2003
Location of Incident: District #4
EC No.: 1926**

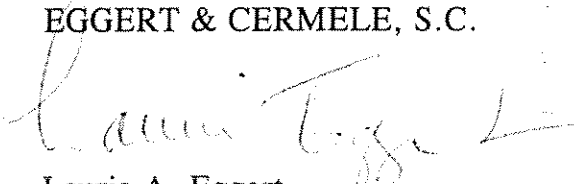
Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Elm and Lemanczyk to give statements concerning the incident after issuing PI-21s. The DA reviewed the allegations and did not issue criminal charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

3/9/05
o.k.
JAS
Letter
2276

JC/ldl
attachment
ELM LEMANCZYK

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

September 18, 2003

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

RE: MPD Criminal Investigation re: Mr. Jermal Bracey
Regarding: POs Patrick Elm and Robert Lemanczyk
Date of Incident: April 17, 2003
Location of Incident: District #4
Professional services

	<u>Hours</u>
4/25/2003 Telephone call from PO Elm regarding new criminal investigation; open file; memo to file; telephone call to and from IAD.	0.90
4/29/2003 Telephone call from PO Biscobing.	0.20
4/30/2003 Telephone call to and from PO Biscobing; memo to file; telephone call to IAD; memo to file.	0.80
5/8/2003 Review of file; meeting with PO Elm at IAD; attend PO Elm's PI-21; travel; memo to file.	2.10
5/9/2003 Telephone call from IAD; telephone call to and from PO Elm; discussion with DA.	0.50
5/12/2003 Telephone call to client.	0.40
5/13/2003 Telephone call from client; telephone call to DA.	0.20
5/14/2003 Telephone call to and from DA; telephone call to IAD; telephone call to client.	0.40
5/15/2003 Telephone call to and from PO Elm.	0.20

	<u>Hours</u>	
5/16/2003 Telephone call to client.	0.10	
5/30/2003 Review of file; telephone call to PO Elm; meeting with PO Elm at DA's office; meeting with PO Lemanczyk; attend PO Elm's statement to DA; attend PO Lemanczyk's statement to DA; travel.	1.80	
6/4/2003 Receive and review letter from DA confirming investigation having been "no processed"; correspondence to client; close file.	0.60	
		<u>Amount</u>
For professional services rendered	8.20	\$902.00
Additional charges:		
5/30/2003 Parking		4.00
		<u>\$4.00</u>
Total costs		<u>\$906.00</u>
Total amount of this bill		<u>\$906.00</u>
Balance due		<u><u>\$906.00</u></u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert D. Donchoe
Jon N. Reddin
Peg Tarrant
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Skisnarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkon
David Robles
Deborah Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Rothstein
Carol E. Janick
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
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Thomas L. Potter
David Farris
Rayann Chander Szychmalak
Carole Manchester
Kenneth R. Burg
Benbow P. Cheesman, Jr.
Lovett Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
Carol Barry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Minam S. Faik
Phyllis M. DeCruzvalho
Dennis P. Murphy
Christine M. Kraus
Philip A. Arieff
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Irene Parthum
Karen A. Loebel
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David T. Malone
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Rachael Gossens
Julius Kim
Patti Wabitsch
Kent L. Lovern
Paul R. Sander
Bradford J. Logsdon
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Margaret M. Zimmer
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Michael T. Mahoney
Mary M. Sowinski
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T. Christopher Dee
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John Rusch
Stephen Edward Notten
Eric D. Defort
Christine M. Quinn
Megan Fisher
Munjed A. Ahmad
Mary C. Theisen
Michelle A. Ackerman

06/02/03

JUN 4 2003

EGGERT & CERMELE, S.C.

Mr. Jon Cermele
Eggert & Cermele, S.C.
1840 N. Farwell Ave., #303
Milwaukee, WI 53202-1716

Re: Incident No. 03-90-3027
Complainant: Jermal Bracey
Officer(s): Patrick Elm

Dear Mr. Cermele:

This is to notify you that after reviewing the above incident involving City of Milwaukee Police Officer(s), I have determined that criminal charges will not be issued against them.

Sincerely,

[Handwritten signature of Jon N. Reddin]

Jon N. Reddin
Deputy District Attorney

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. PATRICK ELM
DISTRICT ~~FOUR~~ SIX

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 APRIL 17, 2003
- 2) A citizen's complaint made by JERMAL BRACEY
- 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: P.O. PATRICK ELM

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
OCT 6 9 10:01 AM
INTERNAL AFFAIRS DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. ROBERT LEMANCZYK
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 APRIL 17, 2003
- 2) A citizen's complaint made by JERMAL BRACEY
- 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: _____

Robert F. Lemanczyk Jr.
ROBERT F. LEMANCZYK JR

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

Steven M. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

INTERNAL AFFAIRS DIVISION
03 OCT - 3 PM 1:52
RECEIVED