

March 13, 2003

The Honorable Common Council
Of the City of Milwaukee
City Hall, Room 205

Re:

Resolution to approve the expenditure of \$25,000 from the Outside Counsel-Expert Witness Fund for expert witness fees and other litigation expenses regarding the final selection procedures for entry level police officer and police aides currently pending before the United States District Court, in Civil Action No. 74-C-480.

Dear Council Member:

Enclosed for your consideration please find a resolution to approve the expenditure of \$25,000 from the Outside Counsel-Expert Witness Fund for expert witness fees and other litigation expenses regarding the final selection procedures for entry level police officer and police aides currently pending before the United States District Court in Civil Action No. 74-C-480.

On October 15, 2002, the Common Council passed a resolution in file number 020896 approving the expenditure of \$9,000 from the Outside Council-Expert Witness Fund, for expenses for expert witnesses to conduct a study relative to defending the passing point for background investigations for the position of police officer and police aides, and for other expenses in connection with the current litigation. Those funds have been spent for the purposes approved.

On February 11, 2003, in accordance with prior Court orders, the City Attorney filed a notice with the United States District Court for the Eastern District of Wisconsin, indicating that the City intends to adopt final selection procedures for entry level police officers and police aides, as described in the Final System Report of SHL and its

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supplemental reports. The opposing parties, which include the United States, the League of Martin and the Latino Peace Officers' Association, may now file formal objections to those selection procedures supported by expert evidence. In the course of their review, the United States Department of Justice has requested certain additional technical data. The City Attorney requires the assistance of expert witnesses in responding to such requests. Further, the City Attorney may require expert witness assistance in reviewing and responding to objections that may be filed by opposing parties.

The City Attorney has negotiated a reduced hourly rate for the services of SHL USA, Inc. (formerly known as SHL/Landy Jacobs). However, the expert witness fees involved at this time are to be paid on a hourly basis and it is not possible to predict the amount of time and expense which may be necessary to complete the litigation process in this matter. This resolution seeks an amount sufficient to fund the work currently anticipated.

The Outside Counsel-Expert Witness Fund has sufficient funds available for the amount requested. Further, a sufficient balance will be left in that fund to cover other expenses reasonably anticipated for that fund in other matters through the end of 2003.

If the Council wishes further discussion on this matter, the City Attorney is also requesting that the Judiciary and Legislation Committee convene in executive session for purposes of discussing strategy and advice pertaining to on-going litigation.

Very truly yours,

GRANT F. LANGLEY

City Attorney

MIRIAM R. HORWITZ

Assistant City Attorney

Enc.

MRH/mrh

74C018221

c: Rudolph Konrad, Deputy City Attorney
Joseph Czarnecki, FPC Executive Director
Marianne Walsh, Legislative Reference Bureau
Laura Engan, Director of Budget & Management
Patrick Hartmann, Budget Analyst