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June 13, 2018

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

Re: Communication from Attorney Steven D. Michael Guerin, Gimbel, Reilly,
Guerin & Brown, for legal fees for Police Sergeant Carmello Patti

Dear Council Members:


Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Sergeant Carmello Patti. The claim is in the amount of \$1,875.00 for 7.50 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$1,312.50, billed at the previously-set rate of \$175 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 as this matter did not result in "criminal proceedings." Wis. Stat. § 895.35(2)(a)1., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Deputy City Attorney

JAS
Enclosure
1032-2017-783:249696





GIMBEL • REILLY • GUERIN • BROWN LLP

Writer's Direct E-mail
dmguerin@grgblaw.com

September 10, 2015

Jim Owczarski, City Clerk
Milwaukee City Hall
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202

Re: *Sergeant Carmello Patti*
Incident of October 9, 2012

Dear Mr. Owczarski:

Carmello Patti is a Milwaukee Police Sergeant. On October 3, 2012 a mentally ill person Brandon Johnson died after being detained and transported to Mental Health Center by Milwaukee Police Officers from his home at 4486 North 55th Street, Milwaukee, Wisconsin.

There was a criminal investigation begun to determine if Sergeant Patti or any of the police officers involved, engaged in any criminal actions.

Sergeant Patti was required to meet with the criminal investigator on October 9, 2012 at the Milwaukee Police Training Academy.

Consistent with its ethical obligation and the policy, the City Attorney's office was unable to represent Sergeant Patti in this matter.

I am enclosing the printout of time at the hourly rate of \$250.00 an hour for services rendered regarding Stephen Hoffman. Sergeant Hoffman has incurred the fees compiled in these printouts as a direct result of his being investigated for actions taken within his official capacity, and in the performance of his duties, in connection with the use of force. None of the "exceptions" to mandatory payment under § 895.35(2) Stats. apply. Therefore this investigation qualifies as a "proceeding" which mandates payment under § 895.35(2) Stats.

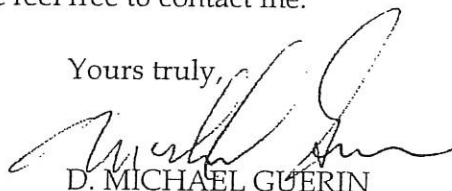
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330 E. KILBOURN AVE.
MILWAUKEE, WI 53202
P: 414-271-1440
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All of the services were performed on site of incident or at the Milwaukee Police Department location and not in my office.

If you have any questions, please feel free to contact me.

Yours truly,



D. MICHAEL GUERIN

DMG/ker

Enclosure

Crim/Patti, Carmello/Owczarski 2015-09-10

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Family Law, Personal Injury, Criminal Law, Real Estate,
Business, Estate Planning, Civil & Commercial Litigation
in State and Federal Courts
Federal Tax ID 39-1094570

Page: 1
September 9, 2015
ACCOUNT NO.: 201251610M
STATEMENT NO.: 1

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

Criminal - Sergeant Carmello Patti

STATEMENT

The investigation was an inquiry and investigation of potential criminal charges as the result of the death of Brandon Johnson at the Mental Health Center following transport and detention by the Milwaukee Police Department officers on October 3, 2012.

No Court Appearance.

	<u>HOURS</u>
10/18/12	
Telephone conference with MPSO regarding circumstances of death; telephone conference with Detective Keith Kopcha.	1.50
10/19/12	
Telephone conference with Union Representative regarding incident.	1.50
10/20/12 to 10/30/12	
Review news reports, research on Milwaukee Mental Health Center; review tapes of October 9, 2012 interview.	3.00
11/14/12	
Office conference with client regarding interview on October 9, 2012 (MPD) internal investigation with Sgt Patti and Thomas Klusman; review file; telephone conference with investigator regarding interview with PPD	1.50

FOR CURRENT SERVICES RENDERED

7.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	7.50	\$250.00*	\$1,875.00

* Discounted from \$350.00/hour

TOTAL CURRENT WORK \$1,875.00

BALANCE DUE \$1,875.00

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.
THANK YOU!