

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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KURT A. BEHLING
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CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

April 30, 2001

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

Re: **Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.
for legal fees for Police Officer Scott Charles
C.I. File No. 00-S-293/ELO 1482**

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Scott Charles. The claim is in the amount of \$546.46 including \$7.46 in disbursements for 4.90 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 Officer 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. Sec. 895.35, Stats., *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.
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CITY OF MILWAUKEE

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September 5, 2000

BEVERLY A. TEMPLE
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Assistant City Attorneys

00 SEP 25 AM 10:11
POLICE
INTERNAL AFFAIRS
DIVISION

Commander Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 00-S-293
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Albanese, et al., albanese/Anderer, Anderer/Meister, Buddenhagen/Trczinski, Charles, Ederesinnnghe, Grant, et al., Hainzl, Hines, et al., Johnson/lopez/luebbe, Koestering/Clark, Lazo, Lelinski, Lintonen/Finley, Meister, Newport/Doyne, Raap, etal, Robinson/Gagliano, Timmerman/Jenkins and Walton/Stein.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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

August 23, 2000

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

**RE: MPD Criminal Investigation of PO Scott Charles
Allegations Regarding Ms. Allison Berce
Date of Incident: November 25, 1999
Location of Incident: 1300 N. Water St.
ELO No.: 1482**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him/her in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, her, and as he/she was performing the duties of his/her office at the time of the events giving rise to the incident, the claim is hereby made on his/her behalf for the indicated legal fees. This incident involved an accident investigation. Charges will not be issued against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

CITY CLERK
JC/181
CHARLES
'00 AUG 23 PM 3:32
OFFICE OF
CITY ATTORNEY

4/27/2001
O.K.
JAS
Letter # 2276

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
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August 23, 2000

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

RE: MPD Criminal Investigation
Regarding: PO Scott Charles
Date of Incident: November 25, 1999
Location of Incident: 1300 North 13th St.

Professional services

	<u>Hours</u>	
3/17/00 Several telephone calls to and from client; open file.	0.60	
3/21/00 Telephone call to client; office conference with client; memo to file.	1.20	
3/27/00 Several telephone calls from IAD; several telephone calls to and from client; review of file; meeting with client at IAD; attend client's statement to IAD; travel.	2.20	
5/5/00 Telephone call IAD; correspondence to client; correspondence to MPD Open Records.	0.40	
8/11/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	4.90	\$539.00

Additional charges:

	<u>Amount</u>
8/11/00 MPD Open Records request	7.46
Total costs	<u>\$7.46</u>
Total amount of this bill	<u>\$546.46</u>
Balance due	<u><u>\$546.46</u></u>

(Rate: \$110.00 per hour)

returned to the scene at which point she again was advised to stay across the street or she would be cited with obstructing. Officer CHARLES states that he then continued his efforts in controlling the crowd when he again observed Ms. BERCE back on the side of the street near the accident scene where she was told not to return. Officer CHARLES states at this time he took control of Ms. BERCE'S arms at which point she then pulled away from him. Upon regaining control of her he states he then escorted her to his squad car placing her in the rear back seat. He reports that as soon as he completed his crowd control efforts she would be receiving a citation for Obstructing. He states upon issuing the citation to Ms. BERCE she was subsequently released at the scene. Officer CHARLES states at no time did Ms. BERCE complain of any injury and he even offered to summon a supervisor to resolve any concerns she may have.

During the course of this investigation a P.O. RODRIGUEZ, who Ms. BERCE contended she initially had contacted with, was determined to be P.O. GUARDIOLA. Further, repeated efforts to interview the complainant's friend, Andrea HAAS, were unsuccessful. Additionally, Officer Noel GUARDIOLA was found to no longer be employed by the Milwaukee Police Department.

Upon interview of City Attorney Kurt BAILING, he indicated that he chose to release the complainant's Resisting/Obstructing an Officer citation due to the complainants lack of criminal history. City Attorney BAILING, however, added that it was his belief that a case could have been proved against the complainant, but felt due to the complainants lack of criminal history a citation would not be warranted.

CONCLUSION:

Investigation into this matter did not sustain any intent on the part of Officer CHARLES to cause injury to complainant Alison BERCE. It is for said reasons that this incident will be cleared as baseless.

Respectfully Submitted:

JAMES C. SHEPARD
Captain of Police
CIU/IAD

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 26, 2000

TO: PO SCOTT CHARLES
DISTRICT ONE

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 NOVEMBER 25, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: *P. Scott D. Charles*

Print your name: P. Scott D. CHARLES

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

Dale T. Schunk

DALE T. SCHUNK *JH*
Commander of Police
Internal Affairs Division

DTS:dnp