

GRANT F. LANGLEY
City Attorney

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Deputy City Attorneys



THOMAS O. GARTNER
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HEIDI WICK SPOERL
KURT A. BEHLING
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ELLEN H. TANGEN
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DONALD L. SCHRIEFER
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LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
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MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

February 5, 2008

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 Michael Rohde
C.I. File No. 06-S-111 EC 2312

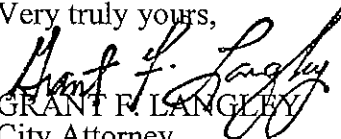
Dear Council Members:

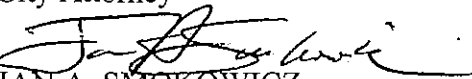
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Michael Rohde. The claim is in the amount of \$4,530.37 including \$42.37 in disbursements for 40.80 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be 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 the filing of a citizen's complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

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:amp
Enc.

1032-2006-1143:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

April 18, 2006

TO: P.O. MICHAEL ROHDE
DISTRICT: INTEL

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 AUGUST 4, 2003
- 2) A citizen's complaint made by WAYNE RESKE
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

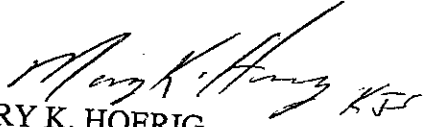
Did you receive legal representation
in this matter?

YES NO

Your signature: Michael Rohde

Print your name: Michael Rohde

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


MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

CITY OF MILWAUKEE

2006 APR -7 PM 3: 33

RONALD D. LEONHARDT
CITY CLERK

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

April 5, 2006

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

**RE: Citizen Complaint of Mr. Wayne Reske
Against PO Michael Rohde
Complaint No.: 04-01
Date of Incident: August 4, 2003**

Dear Mr. Leonhardt:

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

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved the issuance of a citation. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/kjs
Attachments
ROHDE

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

April 05, 2006

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

RE: Citizen Complaint of Mr. Wayne Reske
Against PO Michael Rohde
FPC No: 04-01
Date of Incident: August 4, 2003
Professional services

	<u>Hours</u>
6/14/2004 Conference with client; open file; review documents regarding claim in same incident; memo to file; computer search regarding complainant and citation from same incident; correspondence to FPC; correspondence to MPD Open Records; correspondence to municipal court.	2.50
6/22/2004 Telephone call to witness; review of file.	0.40
6/24/2004 Review of correspondence from FPC.	0.10
6/30/2004 Review Fax from FPC.	0.10
7/9/2004 Telephone call from Open Records.	0.10
7/26/2004 Preparation for and appearance at conciliation; conference with client; travel.	1.60
7/28/2004 Review documents from open records; memo to file regarding conciliation.	0.80
8/23/2004 Review of correspondence from Court Administrator.	0.10
9/10/2004 Review of file.	0.10

	<u>Hours</u>
10/4/2004 Review of file; municipal court update.	0.20
10/8/2004 Review municipal court CD of trial; memo to file; review of file.	1.20
11/4/2004 Review of correspondence from FPC; review of file; draft witness and exhibit list.	0.70
11/26/2004 Review of correspondence from FPC; review of file.	0.30
3/21/2005 Review of file.	0.20
3/31/2005 Telephone call from client; memo to file regarding witness list.	0.30
4/7/2005 Review of file.	0.20
7/20/2005 Review file.	0.10
9/13/2005 Review of correspondence from FPC; memo to file; CCAP and Municipal Court update regarding complainant; correspondence to DOJ; review of file.	0.70
9/27/2005 Review complainant's criminal record.	0.20
10/4/2005 Review documents from complainant; CCAP update regarding complainant and witness; telephone call to City Atty.; revise Witness and Exhibit List; review of file,	1.90
10/12/2005 Review documents from FPC.	0.30
11/28/2005 Telephone call from FPC; review of file.	0.30
12/9/2005 Telephone call from FPC; telephone call to client; telephone call to Madison Police Department; telephone call to District #6; computer search regarding witness.	0.80

	<u>Hours</u>
12/12/2005 Telephone call to Law Enforcement Standards Board; telephone call to client; telephone call from client; CCAP search regarding witness; telephone call to District #6; telephone call from witness; correspondence to witness; telephone call to FPC.	1.90
12/14/2005 Telephone call to FPC; review of file.	0.20
12/16/2005 Review of file; check witness availability.	0.20
1/5/2006 Telephone call from FPC; memo to file; correspondence to witness.	0.30
1/17/2006 Correspondence to witness; review file.	0.20
1/31/2006 Review file; telephone call to City Atty.; telephone call to client; update computer records regarding complainant and witness; correspondence to MPD personnel.	1.80
2/3/2006 Telephone call from City Atty.; telephone call from and to client; memo to file; review file.	1.70
2/6/2006 Office conference with client; telephone call to client; memo to file; telephone call to witness.	1.70
2/7/2006 Telephone call to witness; memo to file.	0.30
2/8/2006 Telephone calls to witnesses; memo to file; telephone call to District #2.	1.10
2/13/2006 Telephone call to District #2; research regarding training bulletins; telephone call to Academy; telephone call to witness.	1.10
2/14/2006 Telephone call from and to witness; review file.	0.40
2/15/2006 Telephone call to witness; telephone call to District #2; telephone call to Academy; telephone calls to and from Range Master; memo to file; draft subpoena and attachments; correspondence to witness.	2.00

	<u>Hours</u>		<u>Amount</u>
2/16/2006 Travel to Academy; serve subpoena; return travel.	0.50		
2/20/2006 Telephone calls to and from Personnel; memo to file; telephone call to FPC; obtain and review personnel records; obtain and review training bulletins, travel to Academy; review of correspondence from FPC.	2.90		
2/21/2006 Hearing preparation; telephone calls to and from FPC; telephone calls from and to client.	3.20		
2/22/2006 Preparation for, travel to and appearance at hearing; conference with client; conference with witnesses; return travel; memo to file.	7.40		
2/23/2006 Correspondence to witness.	0.20		
3/13/2006 Receive and review FPC's Decision dismissing complaint; close file.	0.50		
		40.80	\$4,488.00
For professional services rendered			
Additional charges:			
7/19/2004 MPD Open Records request	2.87		
7/22/2004 Tape from Muni court	20.00		
7/26/2004 Parking	3.50		
2/14/2006 Subpoenas (6)	6.00		
2/22/2006 Parking	10.00		
Total costs			<u>\$42.37</u>
Total amount of this bill			<u>\$4,530.37</u>

Mr. Ronald Leonhardt

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Amount

Balance due

\$4,530.37

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

In the matter of the complaint of

WAYNE F. RESKE

Vs.

P. O. MICHAEL ROHDE

**SUMMARY OF PROCEEDINGS
AND DECISION**

FPC Complaint No. 04-01

SUMMARY OF PROCEEDINGS

This complaint proceeded to hearing on February 22, 2006 before Commissioners Leonard Sobczak, Woody Welch and Richard Cox with Steven Fronk acting as Hearing Examiner on behalf of the Board. Complainant Wayne Reske appeared in person. Police Officer Michael Rohde appeared in person and by Attorney Laurie Eggert of the law firm of Eggert & Cermele, S.C. The complaint in this matter (Exhibit 1) alleged that Officer Rohde failed to utilize appropriate courtesy and civility in violation of Milwaukee Police Department Rule 4, Section 2.060.00 and also that Officer Rohde utilized more force than a reasonable police officer would deem necessary given the same circumstances and information in violation of Milwaukee Police Department Rule 4, Section 2/445.00.

Testimony was received from Wayne Reske and his nephew, John Reske, and Exhibits 1 through 4 were received and reviewed by Board members. At the close of Complainant's presentation Attorney Eggert made a motion to dismiss.

DECISION

It is a Complainant's obligation to present evidence which is sufficient, when viewed in a light most favorable to him, to justify proceeding further. We find that Complainant Wayne Reske has not done so in this case.

IT IS HEREBY ORDERED that this complaint and all charges against Police Officer Michael Rohde related thereto be and are hereby dismissed.

Signed and dated at Milwaukee, Wisconsin this 7th day of March, 2006

Board of Fire and Police Commissioners
Of the City of Milwaukee

By: 

Robert J. Welch, Commissioner