# CITY OF MILWAUKEE

GRANT F. LANGLEY
City Attorney

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



### OFFICE OF CITY ATTORNEY

800 CITY HALL 200 EAST WELLS STREET MILWAUKEE, WISCONSIN 53202-3551 TELEPHONE (414) 286-2601 TDD (414) 286-2025 FAX (414) 286-8550

January 31, 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 John Spence and James Jekanoski

C.I. File No. 03-S-107; EC No. 1860

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers John Spence and James Jekanoski. The claim is in the amount of \$745.83 including \$8.83 in disbursements for 6.70 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,

GRANT FANGLEY

City Attorney

JAN A. SMOKOWICZ Assistant City Attorney

JAS:enm

Enc.

89702/ 1032-2003-796

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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ELLEN H. TANGEN
MELANIE R. SWANK
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EDWARD M. EHRLICH
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

**Assistant City Attorneys** 

## EGGERT & CERMELE, 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

February 25, 2003

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

> RE: MPD Criminal Investigation of Mr. John D. Chew Regarding POs John Spence and James Jekanoski

Date of Incident: April 18, 2002

Location of Incident: 1101 North 12th Street

EC No.: 1860

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 the arrest of a suspect.

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 Spence and Jekanowski to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert

Attorney at Law

1/20/03 0 K JH3

Letter 2276

JC/ldl attachment

## EGGERT & CERMELE, S.C.

Attorneys at Law

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February 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. John D. Chew Regarding: POs John Spence and James Jekanoski

Date of Incident: April 18, 2002

Location of Incident: 9212 West Joleno

### Professional services

		<u>Hours</u>	
4/25/02	Telephone call from PO Spence regarding new criminal investigation; open file; memo to file; telephone call to and from PO Jekanoski; memo to file; meeting with POs Spence and Jekanoski at IAD; reschedule PI-21 statements; travel; memo to file.	2.50	
5/14/02	Review of file; telephone call to clients; conference with clients; preparation for and appearance at PI-21 statements; telephone call to Det. Hoover; memo to file; travel.	2.90	
8/20/02	Review of file; correspondence to MPD Open Records; telephone call to clients; memo to file; correspondence to clients.	0.80	
1/3/03	Review of correspondence from MPD Open Records; close file.	0.50	
	•		Amount
	For professional services rendered	6.70	\$737.00

Mr. Ronal	d D. Leonhardt	Page 2
	Additional charges:	
		Amount
1/3/03	MPD Open Records request	8.83
	Total costs	\$8.83
	Total amount of this bill	\$745.83
	Balance due	\$745.83

(Rate: \$110.00 per hour)

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#### **INVESTIGATIVE NARRATIVE:**

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Wednesday, August 14, 2002, at 3:00 P.M., I, Detective Jeffery HOOVER along with Lieutenant of Detectives Raynard E. RICHARDS appeared in the District Attorney's Office for a Charging Conference pertaining to this incident. Deputy District Attorney Jon REDDIN reviewed this particular case and after learning all the facts and circumstances surrounding this incident, he decided not to issue any type of criminal charges. He based his decision on the fact that it appeared that the amount of the force utilized by the officer was justifiable.

REVIEWING D.A.	P.O./DET. ASSIGNED Detective Jeffery HOOVER		COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 08-14-02		VICTIM NOTIFIED BY Detective HOOVER .
INCIDENT O CLEARED BY ARREST 18 OR STATUS O PARTIAL CLEARANCE BY ARR O UNFOUNDED/BASELESS O NO PROSECUTION DESIRED		O a. :	Detained at MCCC Ordered in to MCCC DATE: VED AS AN ADULT
C.I.B. ADMINISTRATIVE USE ONLY			
CLEARED O A. Death of Offender EXCEPTIONALLY O B. Prosecution Decli	O C. Extradition Denied ned O D. Refused to Cooperate		Juvenile, no custody Not Applicable
O B. SUSP AT	TCKD PO AND SAME PO KILLED SUSP TCKD PO AND OTHER PO KILLED SUSP TCKD CIVILIAN	O #.	SUSP KILLED IN COMMISSION OF CRIME SUSP RESISTED ARREST UNABLE TO DETERMINE/NOT ENOUGH
INFORMATION	TEMPTED FLIGHT FROM CRIME	Он	SUSPECT KILLED BY PRIVATE CITIZEN SUSPECT KILLED BY POLICE OFFICER