

CITY OF MILWAUKEE

Form CA-43

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

February 10, 2004

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Michael Austin
C.I. File No. 02-S-391; EC No. 1824

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
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
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

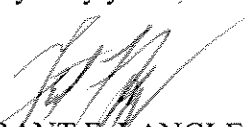
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Michael Austin. The claim is in the amount of \$300.50, including \$3.50 in disbursements for 2.70 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 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. Wis. Stat. § 895.35, *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.

77832/1032-2002-3637

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

November 14, 2002

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

**RE: Citizen Complaint of Ms. Althea M. Jordan
Against PO Michael Austin
Complaint No.: 02-36
Date of Incident: July 2, 2002
EC No.: 1824**

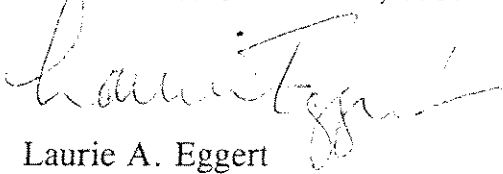
Dear Mr. Leonhardt:

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, the claim is hereby made on his behalf for the indicated legal fees. This incident involved the shooting of a dog during an arrest. 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.


Laurie A. Eggert
Attorney at Law

2/10/04

O.K.

JAS

Letter 2295

LAE/ldl
AUSTIN JOR

CITY ATTORNEY
NOV 19 11 34 AM '02
MILWAUKEE

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

November 14, 2002

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

RE: Citizen Complaint of Ms. Althea M. Jordan
Against PO Michael Austin
FPC No: 02-36
Date of Incident: July 2, 2002
Location of Incident: 2552 West Medford Avenue

Professional services

	<u>Hours</u>	
09/20/02 Telephone call from FPC; open file; telephone call to and from client; memo to file.	0.70	
09/25/02 Review of correspondence from FPC; memo to file.	0.20	
10/03/02 Review of correspondence from FPC.	0.10	
10/11/02 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	1.20	
10/28/02 Review of correspondence from FPC; correspondence to client; close file.	0.50	
	<u>2.70</u>	<u>Amount</u>
For professional services rendered	2.70	\$297.00
Additional charges:		
10/11/02 Parking		3.50

Mr. Ronald Leonhardt

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	<u>Amount</u>
Total costs	\$3.50
Total amount of this bill	<hr/> \$300.50
Balance due	<hr/> <hr/> \$300.50

(Rate: \$110.00 per hour)

RECEIVED

OCT 28 2002

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF ALTHEA JORDAN
AGAINST POLICE OFFICER MICHAEL AUSTIN

ORDER OF DISMISSAL

To Officer Michael Austin:

It is hereby ordered that the Complaint of Althea Jordan, Complaint No. 2002-36, filed with the Board on July 15, 2002, is dismissed because the Complaint has been successfully conciliated, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, OCTOBER 24, 2002.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. MICHAEL AUSTIN
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 18 PM 2:12
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

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 JULY 2, 2002
- 2) A citizen's complaint made by ALTHEA JORDAN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO _____

Did you receive legal representation in this matter? YES X NO _____

Your signature: *Michael Austin*

Print your name: MICHAEL AUSTIN

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

St. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs