

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



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

September 29, 2003

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

Re: Communication from Attorney Michael Edmonds, Eggert & Edmonds, S.C.
for legal fees for Police Officer Terrence Gilbert
C.I. File No. 98-S-40RB

Dear Council Members:


Returned herewith is a document filed by Attorney Michael Edmonds for attorney's fees for representing Lieutenant of Police Officer Terrence Gilbert. The claim is in the amount of \$1,353.00 for 12.30 hours of service billed at the rate of \$110 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. Criminal charges were brought against the police officer on whose behalf this claim was filed, but he was ultimately acquitted.

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.
2277

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
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DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND

Assistant City Attorneys

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ELLEN H. TANGIAN
MELANIE R. SWANK
TRACY M. JOHNSON
MICHAEL A. VERRILLI
JAY A. UNORA

Assistant City Attorneys

February 16, 1998

RECEIVED
98 FEB 18 AM 10:40
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

Deputy Inspector Dale Schunk
Milwaukee Police Department
749 West State Street, Room 714
Milwaukee, WI 53233

Re: C.I. File No. 98-S-40RB
Communication from Michael Edmonds

Dear Deputy Inspector Schunk:

Enclosed please find a claim filed by attorney Michael Edmonds for Attorney's fees incurred during his representation of officer Terrence Gilbert.

Please determine whether this officer was in fact involved in the matter described in Mr. Edmonds' claim, and have the officer verify Mr. Edmonds' representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure

10/2/98
Problem - why was new
law from Sony let?
9/24/03
o.k. for \$1353. or only
JAS
Letter 2277

EGGERT & EDMONDS, S.C.

Attorneys at Law

Laurie A. Eggert
Michael J. Edmonds

98 JAN 22 AM 11:41
RONALD D. LEONHARDT
CITY CLERK

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

January 15, 1998

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

CITY OF MILWAUKEE
RECEIVED
1998 JAN 22 PM 3:29
CITY ATTORNEY

RE: State of Wisconsin v. Terrence Gilbert
Case No. 2-708167
Date of Incident: June 28, 1997

Dear Mr. Leonhardt:

Terrence Gilbert, a Milwaukee police officer 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.

On June 28, 1997, P.O. Gilbert, while off-duty, was driving southbound in the 5100 block of North 91st Street when he heard the sound of breaking glass under his tires. He turned his auto around and drove back to investigate. At 5123 North 91st Street, someone splashed liquid on his windshield.

P.O. Gilbert exited the vehicle and observed three males run from the median. He yelled for the males to stop and return to the scene. They declined to do so. P.O. Gilbert pursued on foot. P.O. Gilbert grabbed one of the males and identified himself as a Milwaukee police officer, thus placing himself on-duty.

The male whom P.O. Gilbert stopped subsequently alleged that P.O. Gilbert pointed a gun at him. Charges were brought, dismissed and reinstated. P.O. Gilbert obtained other counsel (Boyle, Boyle and Smith, which may be submitting a separate bill to you regarding this matter) for trial and was subsequently acquitted.

EGGERT & EDMONDS, S.C.

Attorneys at Law

Laurie A. Eggert
Michael J. Edmonds

1840 North Farwell Avenue
Suite 303
Milwaukee WI 53202-1716
(414) 276-8750
FAX (414) 276-8906

January 14, 1998

Terrence Gilbert
4344 North 44th Street
Milwaukee WI 53216

Re: Criminal Investigation
Allegations of Disorderly Conduct while Armed

Professional services

	<u>Hours</u>
6/30/97 Telephone conference with Terrence Gilbert re: IAD criminal investigation.	0.30
7/18/97 Telephone conference with client (3); telephone conference with ADA Tom McAdams; initial appearance, motion to dismiss; telephone conference with Pat Doyle.	4.00
7/21/97 Telephone conference with client; telephone conference with ADA McAdams.	0.40
7/22/97 Office conference with client.	0.50
8/14/97 Telephone conference with ADA McAdams.	0.10
8/26/97 Telephone conference with client re: appeal of dismissal.	0.10

	<u>Hours</u>	
9/22/97 Telephone conference with client.	0.10	
Telephone conference with ADA McAdams.	0.10	
Review state's brief. Draft defendant's brief. Prepare for hearing.	2.40	
9/23/97 Revise brief.	0.60	
Court apperance. Motion to review dismissal of case.	2.50	
9/29/97 Office conference with client.	0.30	
10/8/97 Telephone conference with ADA.	0.10	
Correspondence to Attorney Gerald Boyle.	0.20	
10/13/97 Telephone conference with Dennis Forjan, conference with Forjan.	0.30	
10/15/97 Review correspondence from DA.	0.10	
11/20/97 Telephone conference with client re: verdict.	0.20	
		<u>Amount</u>
For professional services rendered	12.30	\$1,500.00 <i>JAS</i>
7/31/97 Payment - thank you		(\$1,500.00) <i>1353.00</i>
Balance due		<u>\$0.00</u>

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 24, 1998

TO: OFFICER TERRENCE GILBERT
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney MICHAEL EDMONDS 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 JUNE 28, 1997
- 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: Terrence N. Gilbert

Print your name: TERRENCE N. GILBERT

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 *D.A.P.*
Deputy Inspector of Police
Internal Affairs Division

DTS:dnp

CITY OF MILWAUKEE

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November 30, 1998

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CHRISTOPHER J. CHERELLA

Assistant City Attorneys

Laurie A. Eggert, Esq.
Eggert Law Offices
Suite 303
1840 North Farwell Avenue
Milwaukee, WI 53202

Re: **Claim for Attorneys Fees on Behalf of
Police Officer Terrence Gilbert
CI File No. 98-S-40RB**

Dear Ms. Eggert:

Enclosed with this letter please find the claim letter which your former colleague sent to us together with his billing on the matter. In reviewing this material, I had a simple question.

Mr. Edmonds explains in his correspondence that criminal charges were brought against Officer Gilbert and that at some point during that process the officer obtained other counsel. In order to provide an opinion to the Common Council as to whether or not it would be reasonable to pay your firm's fees, I believe we should be provided with some information from you or your former client as to the reason for the change of law firms. It would not seem reasonable, for example, to pay for attorneys fees if your former client deemed the services provided by your firm to be inappropriate or unnecessary.

OFFICE COPY

Laurie A. Eggert, Esq.
November 30, 1998
Page Two

Please provide whatever insight you can on this issue as soon as possible so that we can complete the review of this claim.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jan A. Smokowicz", with a long horizontal flourish extending to the right.

Jan A. Smokowicz
Assistant City Attorney

JAS:enm
Enc.
5153

CITY OF MILWAUKEE



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City Attorney

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Assistant City Attorneys

November 30, 1998

Laurie A. Eggert, Esq.
Eggert Law Offices
Suite 303
1840 North Farwell Avenue
Milwaukee, WI 53202

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CI File No. 98-S-40RB**

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Laurie A. Eggert, Esq.
November 30, 1998
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Jan A. Smokowicz
Assistant City Attorney

JAS:enm
Enc.
5153

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

May 24, 1999

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: Claim for Attorney Fees on behalf of
Terrence Gilbert (CI File No. 98-S-40RB)**

Dear Jan:

You requested additional information from this office concerning the above claim. You inquired whether Officer Gilbert switched attorneys because he deemed our services inappropriate or unnecessary.

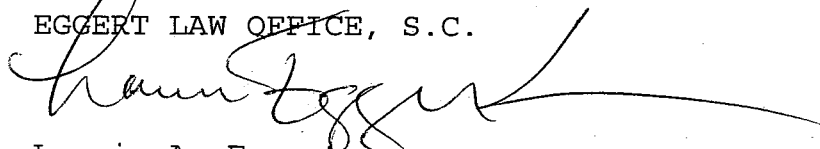
Officer Gilbert has informed me that he did not deem our services either inappropriate or unnecessary, particularly where Attorney Edmonds' representation resulted in the dismissal of the initial charges. Officer Gilbert informs me that he considered that representation quite useful. Our office also represented Officer Gilbert on the state's review of the dismissal, including briefing and a hearing.

Officer Gilbert's particular reasons for selecting Jerry Boyle to represent him in the criminal case when charges were again brought are not material to this claim, although many defendants have chosen to use Mr. Boyle's services when threatened with loss of liberty. I hear he is very capable. Suffice it to say that Officer Gilbert did not switch attorneys due to inappropriate, unnecessary, or unprofessional conduct.

If you believe that you need further explanation of Officer Gilbert's reasons for his choice of counsel, please call me to discuss your reasons. Otherwise, Officer Gilbert and I look forward to your response.

Respectfully,

EGGERT LAW OFFICE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl

pc: P.O. Terrence Gilbert
Attorney Michael Edmonds

CC\GIL52499.LLE