

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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Assistant City Attorneys

September 16, 2004

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 Mark Wagner
C.I. File No. 00-S-57; ELO No. 1361

Dear Council Members:

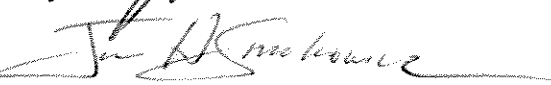
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Mark Wagner. The claim is in the amount of \$632.49 including \$5.49 in disbursements for 5.70 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced 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 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. 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.

2276

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE
*00 FEB 23 PM 12:54
RONALD D. LEONHARDT
CITY CLERK

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

February 18, 2000

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

RE: MPD Criminal Investigation of PO Mark Wagner
Allegations Regarding Ms. Kimberly M. Harmon
Date of Incident: May 31, 1999
Location of Incident: 7707 W. Hope Avenue
ELO No.: 1361

Dear Mr. Leonhardt:

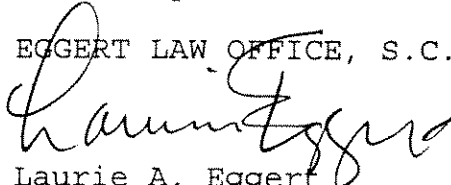
The above-named police officer has retained us to represent him in connection with the above-referenced matter.

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 an arrest for DWI. Charges will not be issued against the officer; attached is a copy of the clearance report.

The attached is an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.



Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
RECEIVED
*00 FEB 23 PM 3:08
OFFICE OF
CITY ATTORNEY

JC/ldl
WAGNER

9/14/04
O.K.
JNS
Letter 2276

EGGERT LAW OFFICE, S.C.

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February 18, 2000

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

RE: MPD Criminal Investigation
Regarding: PO Mark Wagner
Date of Incident: May 31, 1999
Location of Incident: 7707 W. Hope Avenue

Professional services

	<u>Hours</u>	
8/27/99 Telephone call from client; memo to file; open file.	0.50	
8/30/99 Telephone call from client; office conference with client; telephone call to IAD.	1.80	
8/31/99 Telephone call to IAD.	0.10	
9/2/99 Meeting with client at IAD; attend client's statement to IAD; travel.	2.30	
9/16/99 Telephone call to IAD; correspondence to MPD Open Records; correspondence to client.	0.50	
2/2/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
	<u>5.70</u>	<u>Amount</u>
For professional services rendered	5.70	\$627.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
2/3/00 MPD Open Records request	5.49
Total costs	<u>\$5.49</u>
Total amount of this bill	<u>\$632.49</u>
Balance due	<u><u>\$632.49</u></u>

(Rate: \$110.00 per hour)

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SUMMARY
CIU#99-205

He states that this did cause Ms. HARMON to freeze, affording him the opportunity to place one cuff on her right wrist. He states however, Ms. HARMON continued to resist his efforts to handcuff her left hand and that she did continue to struggle until the arrival of additional officers. He states that an Officer David KUMBIER did assist him in handcuffing her left wrist. He states that Ms. HARMON was then escorted to an awaiting patrol wagon at which time her eyes were flushed with water.

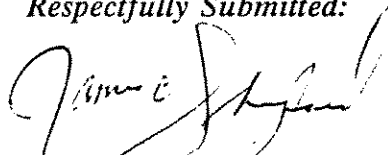
Upon being conveyed to District #7 complainant Kimberly HARMON did submit to a breath test which revealed a reading of .168, as a result she was subsequently charged with Driving While Under the Influence of an Intoxicant, Driving with Prohibited Alcohol Content, Unreasonable and Imprudent Speed, Resisting/Obstructing an Officer and Seatbelt Violation (operator).

CONCLUSION:

On Tuesday, June 1, 1999 the office of the District Attorney did review the afore stated charges against Ms. HARMON. It was determined by ADA LOGSDON that citations relative to allegations of MS. HARMON Operating While Under the Influence would be issued. Further ADA LOGSDON declined to issue the charge of Resisting/Obstructing an Officer and recommended that Ms. HARMON be issued a city citation for Resisting.

This investigation did not reveal any wrong doing on the part of P.O. Mark WAGNER, therefore this incident will be cleared as baseless.

Respectfully Submitted:



JAMES C. SHEPARD
Lieutenant of Detectives
CIU/IAD