

# 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

January 21, 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 Officers Derrick Lemmie, Jr. and Dwight McBride  
C.I. File No. 02-L-143; EC No. 1820

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Derrick Lemmie, Jr. and Dwight McBride. The claim is in the amount of \$1,295.25, including \$8.25 in disbursements for 11.70 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 officers 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:enm

Enc.

2295

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. SCHRIEFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
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  
Rachel L. Schneider

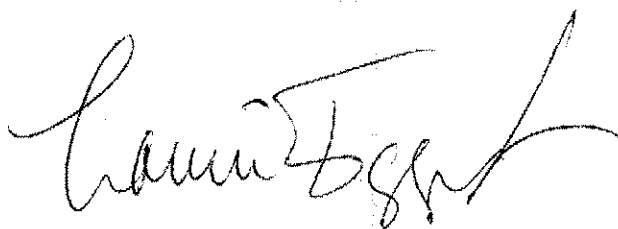
1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

FAX

TO: Jan Smokowicz  
FROM: Laurie Eggert  
RE: EC No. 1820 re claim of Lemmie and McBride  
DATE: January 17, 2004

Jan,

You noted that we had failed to provide you with a copy of the order of dismissal as to Officer McBride. Here it is; it is dated 9/26/02.



\*\*\*\*\*  
*The information contained in this message is confidential for the named recipient only. If you have received this message in error, or have had transmission problems in receiving it, please contact this office immediately at (414) 276-8750.*

1/20/04  
O.K.  
JAS  
letter 2295

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

-----  
In Re:  
THE CHARGES OF LAWANDA F. LEWIS  
AGAINST POLICE OFFICERS DWIGHT  
MCBRIDE AND DERRICK LEMMIE, JR.

ORDER OF DISMISSAL

-----  
To Officer Dwight McBride:

It is hereby ordered that the Complaint of Lawanda F. Lewis, Complaint No. 2001-33, filed with the Board on May 16, 2001, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE  
COMMISSIONERS

WOODY WELCH,  
CHAIRMAN

BY:



JOSEPH J. CZARNECKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 26, 2002.

c: ✓ Attorney Laurie Eggert

**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

October 21, 2002

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

2002 OCT 23 PM 12:00  
RONALD D. LEONHARDT  
CITY CLERK

**RE: Citizen Complaint of Ms. Lawanda Lewis  
Against POs Derrick Lemmie, Jr. and Dwight McBride  
Complaint No.: 01-33  
Date of Incident: March 18, 2001  
EC No.: 1820**

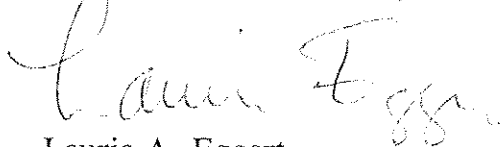
Dear Mr. Leonhardt:

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 a traffic stop. 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

2002 OCT 23 PM 3:48  
CITY CLERK

RECEIVED  
02 NOV -7 PM 2:51  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

LAE/ldl  
LEMMIE MCBRIDE

RECEIVED

SEP 1 2002

EGGERT & CERMELE, S.C.

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

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In Re:  
THE CHARGES OF LAWANDA F. LEWIS  
AGAINST POLICE OFFICERS DWIGHT  
MCBRIDE AND DERRICK LEMMIE, JR.

ORDER OF DISMISSAL

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To Officer Derrick Lemmie, Jr.:

It is hereby ordered that the Complaint of Lawanda F. Lewis, Complaint No. 2001-33, filed with the Board on May 16, 2001, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE  
COMMISSIONERS

WOODY WELCH,  
CHAIRMAN

BY:

  
JOSEPH J. ZARNECKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 26, 2002.

c: ✓ Attorney Laurie Eggert

**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

October 21, 2002

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

RE: Citizen Complaint of Ms. Lawanda Lewis  
Against POs Derrick Lemmie, Jr. and Dwight McBride  
FPC No: 01-33  
Date of Incident: March 18, 2001  
Location of Incident: 40th and Hadley

Professional services

|  | <u>Hours</u> |
|--|--------------|
| 06/19/01 Open file; review documents from client; correspondence to FPC.           | 0.90         |
| 06/25/01 Review of correspondence from FPC.  | 0.10         |
| 07/02/01 Conference with McBride; correspondence to FPC; memo to file.             | 1.10         |
| 07/08/01 Telephone call to client.   | 0.10         |
| 07/11/01 Telephone call to client; memo to file.                                   | 0.70         |
| 08/02/01 Review of file.   | 0.20         |
| 09/28/01 Review of file; memo to file; research regarding court records.           | 0.60         |
| 10/15/01 Telephone call from and to FPC; review of file; telephone call to client. | 0.40         |

|   | <u>Hours</u> |               |
|---|--------------|---------------|
| 10/16/01 Telephone call from FPC; review of file.   | 0.20         |               |
| 11/29/01 Review of file.  | 0.20         |               |
| 12/10/01 Telephone call from Heard; review of file; memo to file.   | 0.30         |               |
| 01/24/02 Review of file; telephone call to clients; check municipal court records; correspondence to MPD Personnel. | 1.30         |               |
| 03/06/02 Telephone call from and to MPD Open Records; memo to file.   | 0.20         |               |
| 03/28/02 Telephone call from and to FPC; telephone call to client; memo to file; telephone call from client.        | 0.70         |               |
| 04/13/02 Telephone call from client; correspondence to municipal court; review of file.                             | 0.40         |               |
| 05/06/02 Review of correspondence from municipal court; memo to file.   | 0.30         |               |
| 05/28/02 Telephone call from MPD Personnel; memo to file; review of file.   | 0.20         |               |
| 06/07/02 Review documents from MPD Personnel.   | 0.70         |               |
| 08/26/02 Telephone call from FPC; review of file; memo to file.   | 0.30         |               |
| 09/09/02 Preparation for and appearance at conciliation; conference with clients; memo to file; travel.             | 2.20         |               |
| 10/02/02 Review of correspondence from FPC; memo to file; correspondence to clients; close file.                    | 0.60         |               |
|   | <u>11.70</u> | <u>Amount</u> |
| For professional services rendered  | 11.70        | \$1,287.00    |

Mr. Ronald Leonhardt

Page 3

Additional charges:

|                             | <u>Amount</u>     |
|-----------------------------|-------------------|
| 06/06/02 MPD Personnel file | 5.25              |
| 09/09/02 Parking            | 3.00              |
|                             | <hr/>             |
| Total costs                 | \$8.25            |
|                             | <hr/>             |
| Total amount of this bill   | \$1,295.25        |
|                             | <hr/>             |
| Balance due                 | <u>\$1,295.25</u> |

(Rate: \$110.00 per hour)



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 25, 2002

TO: P.O. Derrick Lemmie Jr.  
District Seven

RE: Receipt of Legal Services from Law Firm of  
Attorney

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 March 18, 2001
- 2) A citizen's complaint made by Lawanda Lewis
- 3) A police shooting incident occurring on N\A

Is this information correct? YES #1+2 NO #3

Did you receive legal representation in this matter? YES #1+2 NO #3

Your signature: *Derrick Lemmie*

Print your name: PO Derrick Lemmie

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

*Stt* Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

RECEIVED  
02 DEC -2 PM 12:08  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 25, 2002

TO: P.O. Dwight McBride  
District Six

RE: Receipt of Legal Services from Law Firm of  
Attorney

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 March 18, 2001
- 2) A citizen's complaint made by Lawanda Lewis
- 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: PO Dwight McBride  
Print your name: DWIGHT MCBRIDE

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 *KJJ*  
Police Commander  
Internal Affairs Division

SMS:kjs