

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 27, 2005

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 Brent Miscichoski and Andrew Deptula
Claim File No. 03-S-107; EC No. 1850

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Brent Miscichoski and Andrew Deptula. The claim is in the amount of \$1,598.99, including \$14.99 in disbursements for 14.40 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. 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.

89639/1032-2003-786

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
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
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 24, 2003

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

RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
MAR 11 2003
11 09 25

**RE: Citizen Complaint of Mr. Robert Walton
Against POs Brent Miscichoski and Andrew Deptula
Complaint No.: 01-30
Date of Incident: February 14, 2001
EC No.: 18510**

Dear Mr. Leonhardt:

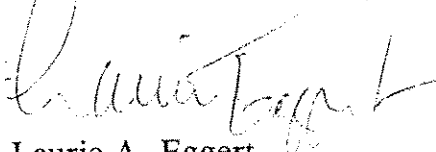
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 D/V arrest.

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

RECEIVED
03 MAR 11 PM 1:50
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

9/28/04
O.K.
JAS
Letter 2295

LAE/ldl
attachment
MISDEP

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 18, 2003

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

RE: Citizen Complaint of Mr. Robert Walton
Against POs Brent Miscichoski and Andrew Deptula
FPC No: 01-30
Date of Incident: February 14, 2001
Location of Incident: 3234 North 40th Street

Professional services

	<u>Hours</u>
6/22/01 Conference with client; open file; review complaint; correspondence to FPC.	0.60
6/29/01 Review of correspondence from FPC.	0.10
8/2/01 Review of file; memo to file.	0.30
9/26/01 Review of file; correspondence to MPD Open Records;	0.70
10/12/01 Telephone call from and to FPC; review of file.	0.30
10/17/01 Telephone calls from and to FPC; memo to file.	0.40
10/18/01 Review of correspondence from FPC; correspondence to clients; memo to file.	0.20
10/22/01 Preparation for and appearance at conciliation; conference with clients; memo to file; travel.	2.60

	<u>Hours</u>
11/29/01 Review of file; telephone call to FPC.	0.30
11/30/01 Telephone call from FPC; review of file; memo to file.	0.40
12/10/01 Telephone call from Heard; review of file; memo to file.	0.30
12/20/01 Telephone call from FPC; memo to file; review of file.	0.30
1/2/02 Review of correspondence from FPC; memo to file; correspondence to clients.	0.30
1/14/02 Preparation for and appearance at conciliation; conference with clients; memo to file; travel.	0.80
3/20/02 Conference with FPC.	0.10
3/27/02 Telephone call from MPD Open Records; review of file; memo to file.	0.30
3/28/02 Telephone call from and to FPC; telephone call to client; memo to file.	0.70
4/9/02 Review MPD Open Records documents; telephone call from client.	0.60
4/10/02 Review of correspondence from FPC; review of file.	0.20
4/13/02 Review of correspondence from FPC; correspondence to clients; telephone call to Deptula.	0.60
4/17/02 Telephone call from FPC.	0.10
4/19/02 Preparation for and appearance at conciliation; conference with Miscichoski; telephone call to Deptula; memo to file; travel; telephone call to and from FPC.	1.50

	<u>Hours</u>	
8/26/02 Telephone call from and to FPC; review of file; memo to file; telephone call to clients.	0.50	
9/9/02 Preparation for and appearance at conciliation; conference FPC; telephone call to and from Deptula; telephone call to FPC; memo to file; travel.	1.30	
11/5/02 Telephone call from FPC; memo to file; review of file.	0.40	
11/16/02 Review of file.	0.20	
1/6/03 Review of correspondence from FPC; memo to file; correspondence to clients.	0.30	
		<u>Amount</u>
For professional services rendered	14.40	\$1,584.00
Additional charges:		
10/22/01 Parking		2.00
4/5/02 MPD Open Records request		7.99
4/19/02 Parking		2.00
9/9/02 Parking		3.00
Total costs		<u>\$14.99</u>
Total amount of this bill		<u>\$1,598.99</u>
Balance due		<u><u>\$1,598.99</u></u>

Mr. Ronald Leonhardt

Page 4

(Rate: \$110.00 per hour)

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

In Re:
THE CHARGES OF ROBERT L. WALTON
AGAINST POLICE OFFICERS ANDREW DEPTULA
AND BRENT MISCICHOSKI

ORDER OF DISMISSAL

To: Officer Andrew Deptula:

It is hereby ordered that the Complaint of Robert L. Walton, Complaint No. 2001-30, filed with the Board on April 26, 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, DECEMBER 27, 2002.

JAN 6 2003

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF ROBERT L. WALTON
AGAINST POLICE OFFICERS ANDREW DEPTULA
AND BRENT MISCICHOSKI

ORDER OF DISMISSAL

To Officer Brent Miscichoski:

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MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:


JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, DECEMBER 27, 2002.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

E

MEMORANDUM

March 21, 2003

TO: P.O. BRENT MISCICHOSKI
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 MAR 31 PM 2:36
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:

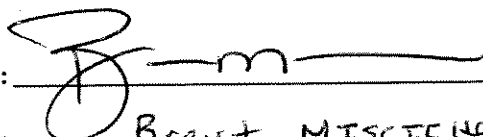
- 1) An incident occurring on FEBRUARY 14, 2001
- 2) A citizen's complaint made by ROBERT WALTON
- 3) A police shooting incident occurring on N/A

Is this information correct?


YES NO

Did you receive legal representation in this matter?

YES NO

Your signature: 
Print your name: Brent MISCICHOSKI

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


Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. ANDREW DEPTULA
DISTRICT ONE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 MAR 27 PM 1:11
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 FEBRUARY 14, 2001
- 2) A citizen's complaint made by ROBERT WALTON
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

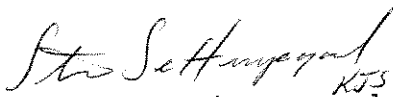
Did you receive legal representation in this matter?

YES NO

Your signature: 

Print your name: Andrew Deptula

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


KJS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs