

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
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Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
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January 24, 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 Kurt Lacina and John Bartlett
C.I. File No. 03-S-107; EC No. 1847

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Kurt Lacina and Jon Bartlett. The claim is in the amount of \$957.00 for 8.70 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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.

89402/1032-2003-783

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

**RE: MPD Criminal Investigation of POs Kurt Lacina and Jon Bartlett
Allegations Regarding Mr. Terrance A. Ward
Date of Incident: July 10, 2002
Location of Incident: 4500 West Hopkins/4500 North 35th Street
EC No.: 1847**

Dear Mr. Leonhardt:

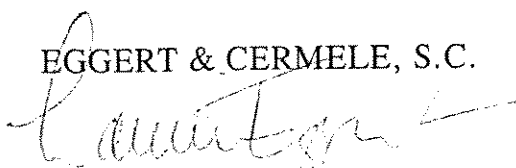
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 the arrest of an armed robbery suspect.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Bartlett and Lacina to give statements concerning the incident after issuing PI-21s. Later, the DA decided not to issue criminal charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 MAR 11 PM 1:50

RECEIVED

JC/ldl
attachment
BARTLAC

9/23/04
O.K.
JAS
Letter 2277

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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Milwaukee, Wisconsin 53202
(414) 276-8750
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February 18, 2003

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

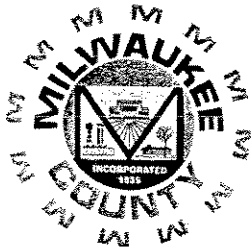
RE: MPD Criminal Investigation re: Mr. Terrance A. Ward
Regarding: POs Kurt Lacina and Jon Bartlett
Date of Incident: July 10, 2002
Location of Incident: 4500 W. Hopkins/4500 N. 35th St.

Professional services

	<u>Hours</u>
7/30/02 Telephone call from PO Lacina regarding new criminal investigation; open file; memo to file; telephone call to and from PO Bartlett; memo to file.	1.00
7/31/02 Telephone call to and from PO Lacina; memo to file; telephone call to and from PO Bartlett; memo to file; memo to file; office conference with PO Lacina; receive and review Arrest and Detention reports, supps, etc.	1.50
8/5/02 Telephone call from PO Lacina.	0.20
8/12/02 Telephone call from Lacina; telephone call to and from Cmdr. Settingsgaard; meeting with Lacina and Bartlett at IAD; attend Bartlett's PI-21; travel; memo to file.	2.50
9/20/02 Review of file; office conference with POs Bartlett and Lacina.	1.50
9/27/02 Telephone call from PO Lacina.	0.30
9/30/02 Telephone call to and from PO Lacina; MPD Open Records request regarding audio tape of radio communication.	0.50

	<u>Hours</u>	
10/22/02 Telephone call to and from PO Lacina; telephone call to Comm. Settingsgaard.	0.50	
1/9/03 Fax to DDA Reddin.	0.10	
1/16/03 Receive and review letter from DDA Reddin confirming his decision to no process the criminal investigation.	0.20	
1/17/03 Correspondence to clients; close file.	0.40	
		<u>Amount</u>
For professional services rendered	8.70	\$957.00
Balance due		<u>\$957.00</u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

January 14, 2003

Mr. Jonathan Cermele
Attorney at Law
Eggert & Cermele
1840 N. Farwell Avenue, Suite 303
Milwaukee, WI 53202

Re: Your Inquiry

Dear Mr. Cermele:

I have received your January 9, 2003, letter inquiring into the status of 20 cases involving various of your client City of Milwaukee Police Officers. I have also received your second January 9, 2003, letter asking about another case, apparently as an afterthought. Of the cases listed, I am currently reviewing 2, have previously reviewed and made decisions on 4 and have no knowledge of the remaining 15. -

I am currently reviewing the following cases:

1. Incident of 7/25/02, complainant Calvin Brown (#7 on your list).
2. Incident of 8/4/02, complainant Justin Royce (#16 on your list).

I have previously reviewed and made a decision on the following cases:

1. Incident of 7/10/02, complainant Terrence Ward (#9 on your list). On 9/20/02 I declined prosecution on that complaint, because I found that the force used to secure the arrest of a combative Mr. Ward atop a 2' platform on a railroad car was not excessive.
2. Incident of 8/8/02, complainant Roy Lawson (#10 on your list). On 10/23/02 I declined prosecution on that complaint, which Mr. Lawson no longer wished to pursue, because there was no corroboration of his claim that officer Lacy put on brass knuckles with a blade in them and threatened to kill him.
3. Incident of 6/10/02, complainant Reginald Taylor (#17 on your list). On 10/23/02 I declined prosecution on that complaint

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Skienarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles
Deborah Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Sieris Frothstein
Carol E. Janick
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stoiber
Thomas L. Potter
David Feiss
Rayann Chandler Szychinski
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Colter
Carol Berry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christine M. Kraus
Phillip A. Arieff
Thomas J. McAdams
Bruce J. Landgraf
Mary K. McCann
Denis J. Stingl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene Farthum
Karen A. Loebe
Nancy Eitenheim
Marcella DePeters
Ronald S. Dague
Lori S. Koblum
Karine O'Byrne
Maria Dixon
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwierawski
Joanne L. Hardke
John T. Chisholm
Christopher A. Liegel
Megan P. Cammoody
Laura A. Crivello
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Allison M. Ritter
Kevin R. Shomin
Jennifer Rypel
Beth D. Zirgibel
Shannon Carrick
Rebecca F. Dailet
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Kelly L. Hedge
Jeffrey J. Altenburg
Rachael Gossens
Julius Kim
Patti Wabitsch
Kent L. Lovern
Paul R. Sander
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Samer
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Gerise M. Hooks
Brent Nister
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Robin J. Rosche
Phillip R. Rangsubsin
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
David H. Weber
Joy Hammond
Martin T. Lundquist
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noet
Rebecca K. Blumberg
Stephen W. Sawyer
Elizabeth Mueller
Megan J. Vawter
Grant I. Huebner
Cazlie Kidder
John Busch
Stephan Eduard Notten
Eric D. Delort
Christine M. Quinn
Megan Fisher
Munjed A. Ahmad
Mary C. Theisen
Michelle A. Ackerman

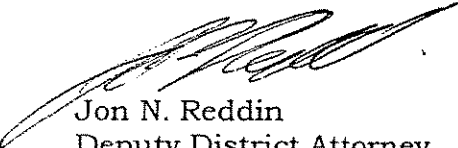
Mr. Cermele
January 14, 2003
Page 2

because I found that the force used to arrest Mr. Taylor, who was high and fighting with the officers, was not excessive.

4. Incident of 6/13/02, complainant Andrew Perry (in your second letter). On 8/14/02 I declined prosecution on that complaint because it was impossible to prove whether the officers' version or Mr. Perry's 3 versions of what occurred was correct.

I have no knowledge of the remaining 15 cases. You might check with IAD to learn the disposition of them.

Very truly yours,



Jon N. Reddin
Deputy District Attorney

JNR:jr

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. KURT LACINA
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 JULY 10, 2002
- 2) A citizen's complaint made by TERRANCE WARD
- 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 Kurt Lacina

Print your name: _____

PO KURT LACINA

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

Steve Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs