

# 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  
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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 35<sup>th</sup> Street  
EC No.: 1847**

Dear Mr. Leonhardt:

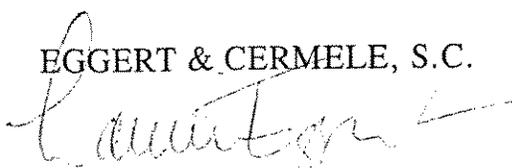
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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

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

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

Robert D. Donohoo
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Alexander G. Skienarz
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Joy Bertrand
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Bruce W. Becker
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Kathryn K. Samer
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Jeffrey P. Greipp
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John Busch
Stephan Eduard Notten
Eric D. Delort
Christine M. Quinn
Megan Fisher
Munjed A. Ahmad
Mary C. Theisen
Michelle A. Ackerman

January 14, 2003

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

JAN 16 2003

EGGERT & CERMELE, S.C.

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

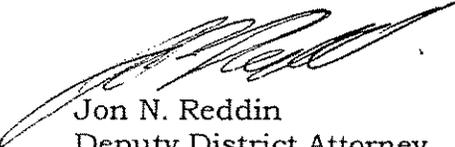
Mr. Cermele  
January 14, 2003  
Page 2

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