

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
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STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
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

Assistant City Attorneys

November 5, 2002

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: **Communication from Attorney Kenneth J. Murray for legal fees for
Police Officers Gary Raymond, Christopher Aguilar, David Aguilar, Ronald Fohr
and Byron Page**

Dear Council Members:

Returned herewith is a document filed by Attorney Kenneth J. Murray, for attorney's fees for representing Police Officers Gary Raymond, Christopher Aguilar, David Aguilar, Ronald Fohr and Byron Page. The claim is in the amount of \$1080.00 for 12.0 hours of service billed at the rate of \$90 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 Officers 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. 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.

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CITY OF MILWAUKEE

BEVERLY A. TEMPLE
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 ELLEN H. TANGEN
 MELANIE R. SWANK
 TRACY M. JOHNSON

Assistant City Attorneys

RNEY

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Problem:

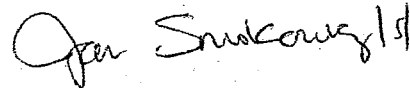
No results of
 Criminal investigation

Kenneth J. Murray

filed by attorney Kenneth J.
 during his representation of
 Quilar, R. Fohr and B. Page.

These officers were in fact
 Mr. Murray's claim, and have
 representation. Thank you for
 matter.

Very truly yours,



JAN A. SMOKOWICZ
 Assistant City Attorney

JAS:jg
 Enclosure

ADELMAN, ADELMAN & MURRAY, S.C.
ATTORNEYS AT LAW

LYNN ADELMAN*
ELIZABETH ADELMAN
KENNETH J. MURRAY**
LAURIE A. EGGERT
JEFFREY S. HYNES
KATHLEEN STILLING
PAMELA S. MOORSHEAD
PENNY GREY GENTGES*

1840 NORTH FARWELL
SUITE 403
MILWAUKEE, WI 53202
(414) 225-2929

*ALSO LICENSED TO PRACTICE IN NEW YORK
**ALSO LICENSED TO PRACTICE IN ILLINOIS

July 21, 1993

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
Room 205, City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: Criminal Investigation of Luther Tate complaint
Regarding Police Officers Gary Raymond, Christopher
Aguilar, David Aguilar, Ronald Fohr and Byron Page
Date of Incident: March 19, 1993

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.

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

<u>DATE</u>	<u>NATURE OF WORK PERFORMED</u>	<u>HOURS</u>
03-19-93	Telephone call from client (2); open file	0.8
03-22-93	Telephone call from Lt. Schroeder	0.1
03-23-93	Conference with client	1.1
04-15-93	Telephone calls to and conference with clients; telephone call from Zebdee Wilson	5.3
04-22-93	Telephone call to Fohr; interview of clients	3.7
05-13-93	Telephone call to Wilson	0.8
05-28-93	Review of file; close file	<u>0.2</u>
	TOTAL HOURS	12.0

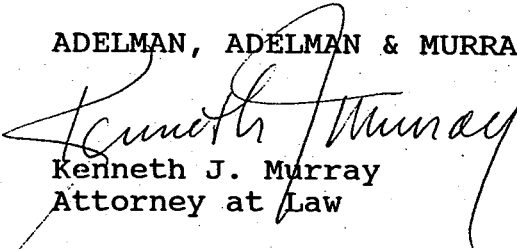
Raymond, et al. Statement
July 21, 1993
Page Two

12.0 hours at \$90.00 per hour = \$1,080.00

TOTAL DUE = \$1,080.00

Sincerely,

ADELMAN, ADELMAN & MURRAY, S.C.



Kenneth J. Murray
Attorney at Law

KJM/ldg
RAYMOND

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 6, 1996

TO: OFFICER RONALD FOHR
DISTRICT FOUR

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney KENNETH MURRAY 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 19, 1993
- 2) A citizen's complaint made by LUTHER TATE
- 3) A police shooting incident occurring on

Is this information correct?

YES #1; #2 NO #3

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: *[Handwritten Signature]* P.O. *[Handwritten]*

Print your name: P.O. CHRISTOPHER A. AGUIAR P.O. RON FOHR

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

Donald F. Domagalski
D.N.P.
DONALD F. DOMAGALSKI
Deputy Inspector of Police
Internal Affairs Division

WEF:bt

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 6, 1996

TO: OFFICER CHRISTOPHER AGUILAR
DISTRICT FOUR

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney KENNETH MURRAY 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 19, 1993
- 2) A citizen's complaint made by LUTHER TATE
- 3) A police shooting incident occurring on

Is this information correct?

YES #1 & #2 NO 3

Did you receive legal representation
in this matter?

YES Y NO

Your signature: Po. Christopher A. Aguilar PA 58685 #4
Print your name: Po. CHRISTOPHER A. AGUILAR

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

Donald F. Domagalski
D.N.P.
DONALD F. DOMAGALSKI
Deputy Inspector of Police
Internal Affairs Division

WEF:bt

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 6, 1996

TO: OFFICER DAVID AGUILAR
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney KENNETH MURRAY 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 19, 1993
- 2) A citizen's complaint made by LUTHER TATE
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: David M Aguilar

Print your name: David M Aguilar

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

Donald F. Domagalski
DONALD F. DOMAGALSKI
Deputy Inspector of Police
Internal Affairs Division

WEF:bt

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 13, 1996

TO: OFFICER BYRON PAGE
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney KENNETH MURRAY 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 19, 1993
- 2) A citizen's complaint made by LUTHER TATE
- ~~3) A police shooting incident occurring on~~

Is this information correct? YES _____ NO X

Did you receive legal representation
in this matter? YES X NO _____

Your signature: Byron A. Page

Print your name: Byron A. Page

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

Donald F. Domagalski
D.N.P.
DONALD F. DOMAGALSKI
Deputy Inspector of Police
Internal Affairs Division

DFD:bt

KENNETH J. MURRAY

Attorney at Law
3153 North Knoll Terrace
Wauwatosa, Wisconsin 53222
(414) 475-6232

**Also licensed to practice in Illinois*

June 19, 2002

Mr. Jan Smokowitz
Asst. City Attorney
800 City Hall
200 E. Wells St.
Milwaukee, Wi. 53202

Re: Atty. Fee claims
Your letter-4/30/02

Dear Mr. Smokowitz.

Thanks for the opportunity to meet with you and explore the status of my outstanding claims. In discussing each of the claims still in limbo, I'll follow the sequence established by your letter of April 30 2002.

#1 Ctz. Comp. of Mathews v. P.O R. Fischer

As you noted, the F&PC has dismissed the complaint and referred it to the Chief of Police. A check by my office reveals that the officer was not disciplined as a result of his conduct in the incident giving rise to the complaint. A copy of the Chief's response to the referral is enclosed.

#2 Criminal investigation following complaint of Luther Tate against Police Officers: G. Raymond, C. Aguilar, D. Aguilar, R. Fohr and B. Page

I was to an investigation of the arrest of a suspect, Tate, who was fleeing a scene carrying a gun. The officers were sent to the scene spotted Tate and in the pursuit Tate either ran into a squad car or was struck by it. Tate vigorously resisted arrest and was taken to the hospital for injury to his leg suffered when striking the squad car.

Sgt. Eccher was called to the scene and a criminal investigation into the question of the use of excessive force, a crime, was held at Dist. #7. All officers involved were interrogated with counsel, myself, present as required by the Miranda decision.

No charges were issued criminally and no discipline was

imposed internally. Enclosed are letters obtained from the F&PC confirming that no disciplines were imposed on any of these officers during the relevant time period.

#3Ctz. Comp. of Reynolds against P.O. James Boyd
Responding directly to your request. I would only add to the correspondence already had on this claim as referenced in your last letter, that Officer Boyd was a 30 year veteran having joined the Dept. in Sept. 1963 and retiring on Oct. 28, 1994 at the age of 52. A very common pattern among officers, who by contract had the right to retire at full pension,

Based on a thorough analysis of our file I learned that Det. Boyd had made an arrest of a wanted criminal - clearly his duty. Reynolds, the arrestee, complained that Boyd had not been "civil and courteous" in making the arrest which if found to be true at a hearing could have resulted in a verbal admonition or, at worst, 2 or 3 days suspension - hardly a basis for Boyd to delay a planned retirement any longer than he already had. I assure you, as an Officer of the Court, that the pending hearing was not a factor in Boyd's retirement.

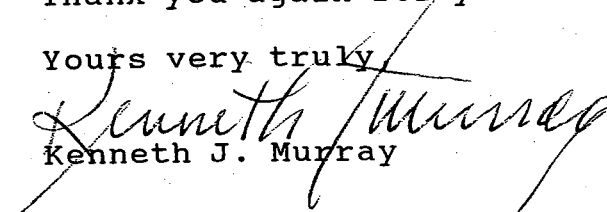
(My personal speculation was that Reynolds held the matter as a card that somehow might some value down the road)

#16 You couldn't find a record in your office of the following citizen complaints. A search of my files produced copies of the original claims which are forwarded herewith:

- (A) Ctz. Comp. of Kurcyyk against Officer Lelinski
- (B) Ctz. Comp. Of Easter against Officer Drezek
- (C) Ctz. Comp, of Mays against Officers Pfau and Rineberg
- (D) Ctz. Comp. Of Aguilar against Officer Voeks
- (E) Ctz, Comp, of Cline against Officers Luebbe and McNair

Thank you again for your consideration.

Yours very truly


Kenneth J. Murray



Fire and Police Commission

Woody Welch
Chairman
Carla Y. Cross
Vice-Chair
Eric Mandel Johnson
Leonard J. Sobczak
Ernesto A. Baca
Commissioners
Joseph J. Czarnecki
Executive Director
David Heard
Public Relations Officer
Cassandra K. Scherer
Examinations Supervisor
Steven Fronk
Hearing Examiner

June 11, 2002

Attorney Kenneth J. Murray
3153 Knoll Terrace
Wauwatosa, WI 53222

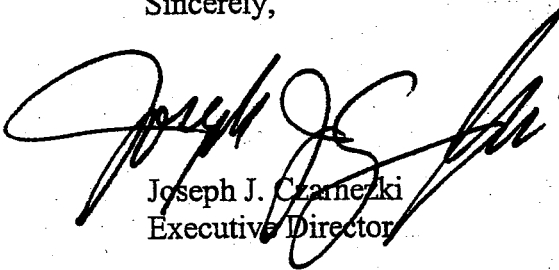
Re: P.O. Gary Raymond

Dear Attorney Murray:

In response to your request a search has been conducted of Fire and Police Commission records relative to citizen complaint and disciplinary records involving Police Officer Gary Raymond for the period of March 1993 through March 1998. Our records contain no information which would lead me to believe that Gary Raymond was the subject of formal discipline or named as an accused in a complaint filed with this office during this period of time.

Feel free to contact me should you have further questions.

Sincerely,



Joseph J. Czarnecki
Executive Director

JJC:SF



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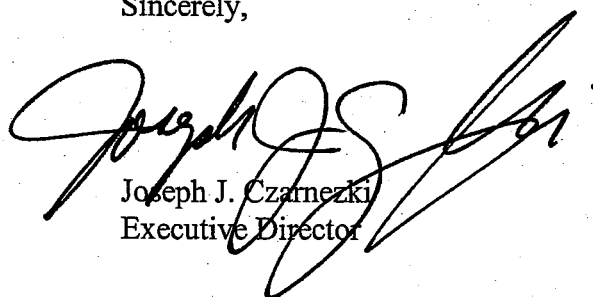
Re: P.O. David Aguilar

Dear Attorney Murray:

In response to your request a search has been conducted of Fire and Police Commission records relative to citizen complaint and disciplinary records involving Police Officer David Aguilar for the period of March 1993 through March 1998. Our records contain no information which would lead me to believe that David Aguilar was the subject of formal discipline during this period of time. Complaint No. 93-22 against Police Officer David Aguilar was filed in March 1993 and dismissed in June 1993. Enclosed is a copy of the Order of Dismissal. We have no record of Officer Aguilar being disciplined as a result of this complaint.

Feel free to contact me should you have further questions.

Sincerely,



Joseph J. Czarnetzki
Executive Director

JJC:SF

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

In Re:
THE CHARGES OF UJENIO ELIZONDO
AGAINST POLICE OFFICER DAVID M. AGUILAR

ORDER OF DISMISSAL

To Officer David M. Aguilar:

The Complaint of Ujenio Elizondo, being Complaint No. 93-22, having been filed with the Board on March 15, 1993, and the Complaint having been investigated and successfully conciliated, now, therefore, upon all records, files and reports,

It is ordered that the Complaint of Ujenio Elizondo be, and hereby is dismissed with prejudice, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

M. NICOL PADWAY, CHAIRMAN

BY:

KENNETH MUNSON
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JUNE 9, 1993.



Fire and Police Commission

June 11, 2002

Woody Welch
Chairman
Carla Y. Cross
Vice-Chair
Eric Mandel Johnson
Leonard J. Sobczak
Ernesto A. Baca
Commissioners
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Attorney Kenneth J. Murray
3153 Knoll Terrace
Wauwatosa, WI 53222

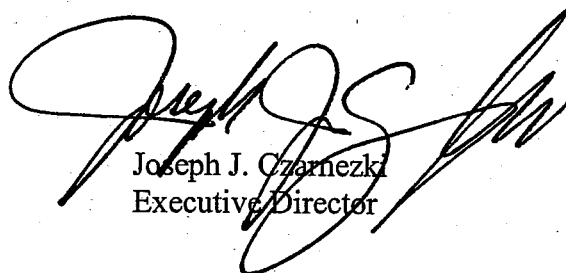
Re: P.O. Ronald Fohr

Dear Attorney Murray:

In response to your request a search has been conducted of Fire and Police Commission records relative to citizen complaint and disciplinary records involving Police Officer Ronald Fohr for the period of March 1993 through March 1998. Our records contain no information which would lead me to believe that Ronald Fohr was the subject of formal discipline or named as an accused in a complaint filed with this office during this period of time.

Feel free to contact me should you have further questions.

Sincerely,



Joseph J. Czarnetzki
Executive Director

JJC:SF



Fire and Police Commission

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Examinations Supervisor
Steven Fronk
Hearing Examiner

June 11, 2002

Attorney Kenneth J. Murray
3153 Knoll Terrace
Wauwatosa, WI 53222

Re: B. Page (a/k/a Byron Paige)

Dear Attorney Murray:

In response to your request a search has been conducted of Fire and Police Commission records relative to citizen complaint and disciplinary records involving B. Paige for the period of March 1993 through March 1998. We have no records concerning a Milwaukee Police Department member by the name of B. Page, but we do have records concerning a former Police Officer by the name of Byron Paige. Our records contain no information which would lead me to believe that Byron Paige was the subject of formal discipline or named as an accused in a complaint filed with this office during this period of time.

Feel free to contact me should you have further questions.

Sincerely,



Joseph J. Czarnecki
Executive Director

JJC:SF