

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 16, 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 Officer Thomas Balistreri
C.I. File No. 02-L-143; EC No. 1814

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

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Thomas Balistreri. The claim is in the amount of \$778.39, including \$30.39 in disbursements for 6.80 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 officer 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

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

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

**RE: Citizen Complaint of Mr. Michael Peters
Against PO Thomas Balistreri
Complaint No.: 02-13
Date of Incident: December 28, 2001
EC No.: 1814**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved an arrest. 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.

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

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

11/15/04
O. F.
JAS
Letter 2295

CITY OF MILWAUKEE
2002 OCT 23 PM 3:48
CITY ATTORNEY

LAE/ldl
BALISTRERI

RECEIVED

OCT 1 2002

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF MICHAEL J. PETERS
AGAINST POLICE OFFICER THOMAS BALISTRERI

ORDER OF DISMISSAL

To Officer Thomas Balistreri:

It is hereby ordered that the Complaint of Michael J. Peters, Complaint No. 02-13, filed with the Board on March 7, 2002, is dismissed because the Complaint lacks sufficient prosecutorial merit, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 30, 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 Mr. Michael Peters
Against PO Thomas Balistreri
FPC No: 02-13
Date of Incident: December 28, 2001
Location of Incident: 3431 West Kiehnau Avenue

Professional services

	<u>Hours</u>
04/25/02 Open file; review documents; telephone call to client; memo to file; correspondence to FPC, MPD Open Records; computer search of municipal court records.	0.30
05/06/02 Review of correspondence from FPC.	0.10
05/15/02 Telephone call from and to client; correspondence to municipal court.	0.40
06/06/02 Obtain tape; review of file.	0.30
06/28/02 Review of correspondence from MPD Open Records.	0.40
08/26/02 Telephone call from FPC; review of file; memo to file.	0.30
08/29/02 Review municipal court tape; memo to file.	0.80
09/06/02 Preparation for and appearance at conciliation; conference with client; memo to file; travel; correspondence to MPD Personnel and MPD Open Records.	3.40

	<u>Hours</u>	
10/02/02 Review of correspondence from FPC; memo to file; correspondence to client.	0.30	
10/10/02 Review of internal investigation; close file.	0.50	
	<u> </u>	<u>Amount</u>
For professional services rendered	6.80	\$748.00
Additional charges:		
05/15/02 Municipal court tape of hearing		20.00
06/28/02 MPD Open Records request		6.55
09/06/02 Parking		3.00
10/10/02 MPD Open Records request		0.84
Total costs		<u>\$30.39</u>
Total amount of this bill		<u>\$778.39</u>
Balance due		<u><u>\$778.39</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 25, 2002

TO: P.O. Thomas Balistreri
District Four

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 December 28, 2001
- 2) A citizen's complaint made by Michael Peters
- 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: P.O. Thomas A. Balistreri

Print your name: P.O. THOMAS A. BALISTRERI

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