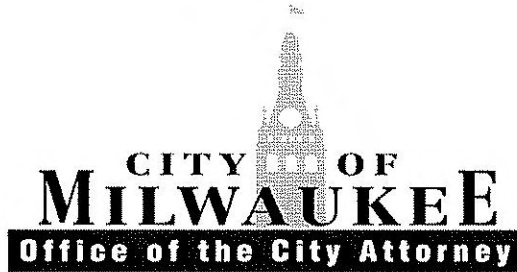


GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

April 20, 2009

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for
legal fees for Police Officers Joseph Goggins, James McNichol, and
Christopher Elser
C.I. File No. ; EC 2653

Dear Council Members:


Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Joseph Goggins, James McNichol, and Christopher Elser. The claim is in the amount of \$580.08 including \$19.08 in disbursements for 5.10 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:amp
Enc.

1032-2008-3489:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: P.O. JOSEPH GOGGINS
DISTRICT: THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: OCTOBER 25, 2005
- 2) An incident regarding complaint of: JETHRO HEARD SR.
- 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:



Joseph D. Goggins

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

KRL: lrc

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

09 JAN 12 PM 2:06

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: P.O. JAMES MC NICHOL
DISTRICT: THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: OCTOBER 25, 2005
- 2) An incident regarding complaint of: JETHRO HEARD SR.
- 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: James McNichol

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

KRL: lrc

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

RECEIVED
09 JAN 14 PM 2:26
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: P.O. CHRISTOPHER ELSER
DISTRICT: SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: OCTOBER 25, 2005
- 2) An incident regarding complaint of: JETHRO HEARD SR.
- 3) A police shooting incident occurring on: N/A

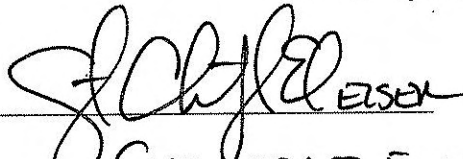
Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____



Print your name: _____

CHRISTOPHER ELSER

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

CC-C-2008-0105

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

October 8, 2008

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

**RE: Citizen Complaint of Mr. Jethro Heard, Sr.
Against PO's Joseph Goggins, James McNichol and Christopher Elser
Complaint No.: 06-06
Date of Incident: October 24, 2005**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on their 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 letter from the Fire and Police Commission and an itemization of the time and services rendered.

Thank you.

Sincerely,

A large, handwritten signature in black ink, which appears to be "Jon Cermele", is written over the typed name and company name.

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

GOGGINS, McNICHOL and ELSER

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

October 08, 2008

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

RE: Citizen Complaint of Mr. Jethro Heard, Sr.
Against PO's Joseph Goggins, James McNichol and Christopher Elser
FPC No: 06-06
Date of Incident: October 24, 2005
Professional services

	<u>Hours</u>
4/18/2006 Open file; review complaint and Atty. Walther's notes regarding conference with client; Open Records request.	0.40
4/19/2006 Review and sign correspondence to FPC.	0.10
4/20/2006 Fax to PO McNichol and PO Elser.	0.20
5/3/2006 Receive and review correspondence from FPC regarding Open Records request.	0.10
5/17/2006 Telephone call from PO McNichol; re-fax retainer documents to PO McNichol; receive and review Open Records request.	0.50
6/13/2006 Office conference with PO's McNichol and Elser.	0.80
6/20/2007 Office conference with PO Goggins; add PO Goggins to file.	0.20
3/24/2008 Receive and review correspondence from FPC regarding conciliation; telephone call from client regarding vacation dates; correspondence to clients.	0.30

	<u>Hours</u>
3/25/2008 Correspondence to FPC consenting to conciliation; telephone call from PO Elser; memo to file.	0.30
5/29/2008 Intra-office conference with Pings; memo to file; take over file from Pings.	0.30
7/13/2008 Receive and review correspondence from FPC regarding mediation.	0.10
7/21/2008 Review file.	0.50
7/23/2008 Telephone call to clients regarding mediation availability; memo to file.	0.30
8/4/2008 CCAP research.	0.10
8/6/2008 Review correspondence from Mediation Center.	0.20
9/18/2008 Receive and review correspondence from Mediation Center regarding file closure; telephone call to FPC regarding same.	0.20
9/25/2008 Receive and review correspondence from FPC indicating file closure; correspondence to clients regarding same; close file.	0.50

	<u>5.10</u>	<u>Amount</u>
For professional services rendered		\$561.00 ✓
Additional charges:		

5/26/2006 MPD Open Records request		19.08
------------------------------------	--	-------

Total costs		<u>\$19.08</u>
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Total amount of this bill		<u>\$580.08</u> ✓
---------------------------	--	-------------------

Mr. Ronald Leonhardt

Page 3

Amount

Balance due

\$580.08

(Rate: \$110.00 per hour)



RECEIVED
SEP 25 2008

Fire and Police Commission

Michael G. Tobin
Executive Director

Leonard J. Sobczak
Chairman
Ernesto A. Baca
Vice-Chairman
Earl A. Buford
Richard C. Cox
Kathryn A. Hein
Carolina M. Stark
Commissioners

September 24, 2008

Mr. Jethro Heard, Sr.
2563 North 35th Street
Milwaukee, WI 53210

RE: Jethro Heard, Sr. v. Police Officers Joseph Goggins and James McNichol
and Sergeant Christopher Elser
FPC Complaint No. 06-06

Jethro Heard, Sr. v. Police Officers Eric Ratzman and Thomas Harris (resigned)
FPC Complaint No. 07-20

Dear Mr. Heard:

You agreed to mediation regarding the two complaints listed above.

Cathy Warmington of the Milwaukee Mediation Center has attempted to contact you by telephone, which is disconnected and by letter dated July 30, 2008. Ms. Warmington informed us that she has not been able to speak with you regarding your complaints and mediation.

Since you have not contacted Ms. Warmington or us regarding these matters, we are closing our files on your complaints.

If you have any questions regarding our decision, please call Cindy Janusz, of our office, at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Chief Edward A. Flynn
Matthew L. Granitz, Esq.
Police Officer Joseph Goggins
Police Officer James McNichol
Sergeant Christopher Elser