

# 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 286-2025  
FAX (414) 286-8550

May 9, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Craig Nawotka and Thomas Brummond  
C.I. File No. 03-S-433; EC 1964

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Craig Nawotka and Thomas Brummond. The claim is in the amount of \$11,785.10 including \$59.10 in disbursements for 106.60 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 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. 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.

1032-2003-3702.008/92886

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  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM STEPHENS

Assistant City Attorneys

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

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

November 10, 2003

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

CITY ATTORNEY  
NOV. 12 RECD

**RE: MPD Criminal Investigation of POs Craig Nawotka and Thomas  
Brummond  
Allegations Regarding Shooting of Mr. Justin Fields  
Date of Incident: March 2, 2003  
Location of Incident: 2454 North Martin Luther King Drive  
EC No.: 1964**

Dear Mr. Leonhardt:

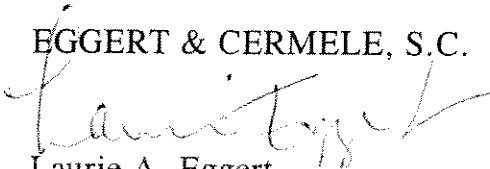
The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved a use of deadly force.

The MPD conducted a criminal investigation and investigated the shooting as a critical incident. IAD compelled POs Nawotka and Brummond to give statements after issuing PI-21s. The DA conducted an inquest and concluded that the use of force was privileged. Attached is a copy of DDA Kenney's letter and an itemization of the time and services rendered.

5/9/05  
o.k.  
JAS  
Letter 2276

Sincerely,

EGGERT & CERMELE, S.C.

  
Laurie A. Eggert  
Attorney at Law

LAE/ldl  
attachment  
NAWOTKA BRUMMOND SH

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

1840 North Farwell Avenue  
Suite 303  
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(414) 276-8750  
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November 10, 2003

Mr. Ronald D. Leonhardt

Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation of Shooting (Mr. Justin Fields)  
Regarding: Police Officers Craig Nawotka and Thomas Brummond  
Date of Incident: March 2, 2003  
Location of Incident: 2454 North Martin Luther King Drive  
Professional services

Hours

3/2/2003	Telephone call from client; travel; memo to file; conference with client; conference with CIB; conference with DA; PI-21 statements; open file.	10.40
3/3/2003	Telephone call from DA; telephone call to and from Nawotka; memo to file; review of file.	1.20
3/4/2003	Telephone call from Nawotka; telephone call from witness; memo to file; travel to Shorewood Police Department; open record request.	1.70
3/5/2003	Telephone call from witness; conference with client; statements to DA; memo to file; conference with DA; travel; review police reports from Brown Deer and Shorewood.	5.80
3/6/2003	Telephone call from and to Nawotka; review of file.	0.60
3/7/2003	Obtain and review medical examiner's report; memo to file; telephone call to client; review of file.	2.20
3/9/2003	Review of file; review news articles.	1.00
3/10/2003	Review of file; telephone call from Shorewood Police Department; on-line research; conference with client; review Brummond taped interview; memo to file.	3.20
3/11/2003	Obtain and review Shorewood report; conference with FPC regarding open records release; telephone call to and from MPD Open Records; travel; telephone call to and from witness.	1.60

	<u>Hours</u>
3/12/2003 Telephone call to and from MPD Open Records; telephone call to FPC regarding record release; telephone call to client; telephone call to witness; review of file.	1.30
3/14/2003 Review MPD Open Records request	0.20
3/17/2003 Conference with FPC regarding records release; travel to FPC; review of file; telephone call to client; telephone call to FPC; telephone call to DA; telephone call from client.	3.40
3/18/2003 Telephone calls to and from MPD Open Records; telephone call to and from FPC regarding record release; memo to file.	0.80
3/20/2003 Telephone call to FPC regarding records release; review hitch sheets from MPD Open Records.	0.60
3/21/2003 Telephone calls to FPC; review of file regarding records request.	0.70
3/24/2003 Telephone call to and from FPC regarding records release.	0.40
3/27/2003 Telephone call from and to FPC regarding records request; telephone call from client.	0.40
3/28/2003 Telephone call from and to client.	0.20
4/4/2003 Telephone call to DA; telephone call to and from Nawotka.	0.40
4/8/2003 Telephone call to and from FPC; travel; conference with Fronk regarding records release; memo to file.	1.30
4/9/2003 Telephone call from and to correspondence to FPC regarding record release.	0.20
4/10/2003 Telephone call to DA; telephone call to DA investigator.	0.30
4/11/2003 Telephone call from client; review tape; memo to file; conference with client; telephone call to FPC.	1.10
4/16/2003 Review of file.	0.10
4/29/2003 Telephone calls from DA; telephone calls to DA.	0.60

	<u>Hours</u>
4/30/2003 Telephone call from and to DA.	0.80
5/5/2003 Telephone calls from and to client; review of file; memo to file.	0.40
5/8/2003 Preparation for and appearance at scheduling conference; travel; review of file; memo to file; conference with DA and family counsel; telephone call to client; telephone call to and from witness.	2.20
6/3/2003 Telephone call to client.	0.10
6/13/2003 Review of file.	0.30
6/17/2003 Conference with DA.	0.30
6/18/2003 Review of file.	0.20
6/19/2003 Telephone call from training expert; review of file; telephone call to DA; memo to file.	0.70
6/20/2003 Telephone call from and to DA; telephone call to and from witness; telephone call to clients; memo to file.	1.20
6/23/2003 Telephone call to client; telephone call from client.	0.60
6/30/2003 Telephone call to DA; telephone call to clients; memo to file; review notes of initial statements by Nawotka and Brummond; telephone call from DA; telephone call to clients; telephone call to DA.	2.20
7/1/2003 Telephone call from DA; preparation for Brummond statement to DA; review tape of PI-21 interview; telephone call to DA; memo to file; preparation for Nawotka statement to DA.	6.30
7/2/2003 Telephone call to DA; memo to file; telephone call to client; preparation for and appearance at Nawotka statements to DA; travel.	4.20
7/6/2003 Preparation for and appearance at Brummond statements to DA; travel; memo to file; conference with client.	3.20
7/7/2003 Conference with client in preparation for inquest.	2.20

	<u>Hours</u>
7/8/2003 Obtain and review autopsy protocol; travel; witness preparation, conference with DA; attend inquest; travel.	7.80
7/9/2003 Attend inquest; conference with witnesses; telephone call to and from client; conference with DA; conference with client; memo to file; travel.	10.50
7/10/2003 Conference with client; conference with DA; conference with investigators; attend inquest.	9.70
7/11/2003 Preparation for and attendance at inquest; review notes of juror questions; telephone call to training officer; review jury instructions; telephone calls to client; memo to file; travel; telephone call from DA investigator; review Fax.	6.40
7/14/2003 Telephone call from client.	0.30
7/31/2003 Review of file.	0.10
8/18/2003 Telephone call from and to client; telephone call to Attys. Guerin and Kohler.	0.80
8/19/2003 Telephone call to Detective Bureau; memo to file.	0.30
8/22/2003 Telephone call from and to Atty. Kohler; memo to file.	0.40
8/27/2003 Research regarding obtaining final letter from McCann.	0.20
9/2/2003 Telephone call from Nawotka.	0.20
9/4/2003 Telephone call to McCann; telephone call to Atty. Guerin; telephone call to Nawotka.	0.80
9/15/2003 Telephone call from Nawotka; memo to file.	0.10
10/7/2003 Telephone call to Det.; review of file; memo to file; telephone call to client; telephone call to DA.	0.60
10/8/2003 Telephone call to client; telephone call from DA McCann; memo to file.	0.40
10/9/2003 Telephone call from client; telephone call to DA McCann; review of file.	0.50

	<u>Hours</u>	
10/10/2003 Telephone call to McCann; memo to file; review Fax from McCann; correspondence to client; telephone call to Atty. Guerin; telephone call to client.	1.60	
10/15/2003 Review Faxes from DA; telephone calls to McCann; telephone call to Kenney; telephone call to client.	0.70	
10/16/2003 Correspondence to client.	0.10	
10/23/2003 Telephone call from client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	106.60	\$11,726.00
Additional charges:		
3/7/2003 Parking		2.00
3/11/2003 Parking		1.50
Shorewood records		2.50
3/14/2003 MPD Open Records request		2.10
3/17/2003 Parking		1.50
4/8/2003 Parking		1.00
5/8/2003 Parking		4.00
7/8/2003 Parking		8.00
Medical Examiner Report		7.50
7/9/2003 Parking		11.00
7/10/2003 Parking		9.00
7/11/2003 Parking		9.00
		<u>\$59.10</u>
Total costs		\$59.10
Total amount of this bill		<u>\$11,785.10</u>

Mr. Ronald D. Leonhardt

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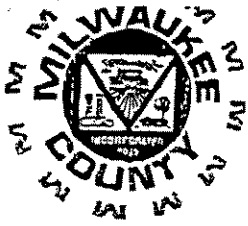
Amount

Balance due

\$11,785.10

(Rate: \$110.00 per hour)





OFFICE OF DISTRICT ATTORNEY  
CHILDREN'S COURT CENTER

# Milwaukee County

E. MICHAEL McCANN • District Attorney

October 15, 2003

Chief Arthur Jones  
City of Milwaukee Police Department  
749 W. State St.  
Milwaukee, WI 53233

RE: Officer Involved Shooting of Justin P. Fields

Dear Chief Jones:

As you know, Milwaukee Police Department Policy and Procedures require a review by this office of police shootings where injury or death occurs as a result of police action. This letter is written to notify you of our review of the shooting death of Justin P. Fields.

On March 2, 2003, P.O. Craig Nowatka shot and killed Justin P. Fields in the 2300 block of North Martin Luther King Dr., in the city of Milwaukee. Prior to the shooting, Officer Nowatka and his partner, P.O. Thomas Brummond, were participating in a high-speed chase of an automobile driven by Mr. Fields. During the fleeing an officer incident, Mr. Fields operated his vehicle in a highly dangerous fashion, leading to an accident at the intersection of West North Ave. and Martin Luther King Dr. After the accident, Mr. Fields' automobile came to a stop in the 2300 block of North Martin Luther King Dr. At that location, Officer Nowatka left his squad car and approached Mr. Fields' vehicle on foot. At this point, Mr. Fields accelerated his motor vehicle toward Officer Nowatka who fired his service revolver three times, with one round striking and killing Mr. Fields.

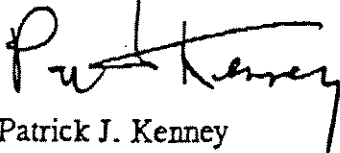
An inquest into the death of Justin Fields took place before a jury from July 8, 2003 through July 11, 2003. The inquest jury determined that the conduct of Officer Nowatka was privileged by either the privilege of self defense or the privilege of a police officer to use deadly force to accomplish an arrest and/or prevent an escape.

Our office has concluded that the verdict rendered by the inquest jury was correct. Having reached that conclusion, no criminal charges will be brought against either Officer Craig Nowatka or Officer Thomas Brummond for their involvement in this incident.

Chief Arthur Jones  
RE: Justin P. Fields Shooting  
October 15, 2003 - pg. 2

Thank you for your Department's cooperation in this matter. Lt. Christopher Domagalski, Sgt. Michael Kuspa, Sgt. Raul Terriguez, and Det. Timothy Kocaja were very helpful to our office during the course of this investigation. If you have any questions regarding the contents of this correspondence, please do not hesitate to contact me.

Respectfully Submitted,



Patrick J. Kenney  
Deputy District Attorney  
Children's Court Center

cc: DA E. Michael McCann  
DDA Robert Donohoo  
Atty. Laurie Eggert

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 18, 2003

TO: P.O. CRAIG NAWOTKA  
DISTRICT FIVE

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 MARCH 2, 2003
- 2) A citizen's complaint made by JUSTIN FIELDS
- 3) A police shooting incident occurring on MARCH 2, 2003

Is this information correct?

YES X NO \_\_\_\_\_

Did you receive legal representation in this matter?

YES X NO \_\_\_\_\_

Your signature: \_\_\_\_\_

*Craig Nawotka*

Print your name: \_\_\_\_\_

*Craig Nawotka*

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

*Steve Settingsgaard*

SMS:kjs

RECEIVED  
03 NOV 24 PM 12:28  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 18, 2003

TO: P.O. THOMAS BRUMMOND  
DISTRICT FIVE

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 MARCH 2, 2003
- 2) A citizen's complaint made by JUSTIN FIELDS
- 3) A police shooting incident occurring on MARCH 2, 2003

Is this information correct?

YES X NO \_\_\_\_\_

Did you receive legal representation in this matter?

YES X NO \_\_\_\_\_

Your signature: \_\_\_\_\_

*Thomas Brummond*

Print your name: \_\_\_\_\_

*Thomas Brummond*

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

*Steve Settingsgaard*

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
03 NOV 24 PM 12:28  
RECEIVED

SMS:kjs