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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

January 24, 2008

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office,
S.C. for legal fees for Police Officer Todd Smolen
C.I. File No. 05-S-343 EC 2263

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Todd Smolen. The claim is in the amount of \$421.02 including \$14.02 in disbursements for 3.70 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:amp
Enc.

1032-2004-3292:124771v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2005

TO: P.O. TODD SMOLEN
DISTRICT: TEU

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 APRIL 16, 2004
- 2) A citizen's complaint made by DAVID GOODIN
- 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 Todd Smolen

Print your name: _____

TODD SMOLEN

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

Mary K. Hoerig KJS

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

November 10, 2005

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

**RE: Citizen Complaint of Mr. David Goodin
Against PO Todd Smolen
Complaint No.: 04-42
Date of Incident: April 16, 2004
EC No.: 2263**

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 a foot pursuit of a robbery suspect. 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.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

RLP/ldl
attachment
SMOLEN

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
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November 10, 2005

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

RE: Citizen Complaint of Mr. David Goodin
Against PO Todd Smolen
FPC No: 04-42
Date of Incident: April 16, 2004
Professional services

	<u>Hours</u>
11/29/2004 Conference with client; open file; memo to file; correspondence to FPC.	0.70
12/13/2004 Review of correspondence from FPC; correspondence to MPD Open Records.	0.20
12/20/2004 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	1.50
1/12/2005 Review of file.	0.10
1/18/2005 Review of correspondence from FPC.	0.10
2/9/2005 Receive and review Complaint and Appeal Report regarding status.	0.10
2/16/2005 Telephone call from MPD Open Records; memo to file.	0.10
2/18/2005 Receive and review MPD Open Records request; file same.	0.30
3/15/2005 Review Complaint and Appeal Report regarding status.	0.10
10/31/2005 Review of correspondence from FPC confirming that complaint was dismissed; correspondence to client; close file.	0.50

Mr. Ronald Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	3.70	\$407.00
Additional charges:		
12/20/2004 Parking		6.00
2/18/2005 MPD Open Records request		8.02
Total costs		<u>\$14.02</u>
Total amount of this bill		<u>\$421.02</u>
Balance due		<u><u>\$421.02</u></u>

(Rate: \$110.00 per hour)

RECEIVED

OCT 28 2005

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF DAVID GOODIN
AGAINST POLICE OFFICER TODD SMOLEN

ORDER OF DISMISSAL

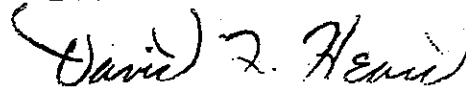
To Officer Todd Smolen:

It is hereby ordered that the Complaint of David Goodin, Complaint No. 04-42, filed with the Board on June 9, 2004, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

LEONARD J. SOBCHAK, CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, OCTOBER 27, 2005:

c: Attorney Rachel Pings ✓