

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
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
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

June 14, 2007

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 Bennie Higgins
C.I. File No. 04-S-376; EC 2075

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Bennie Higgins. The claim is in the amount of \$1,650.00 for 15.00 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 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. 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.

120423/1032-2004-3021

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

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

October 8, 2004

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

**RE: Citizen Complaint of Carl and Sandra Rucker
Against PO Bennie Higgins
Complaint No.: 02-35
Date of Incident: August 18, 2000
EC No.: 2075**

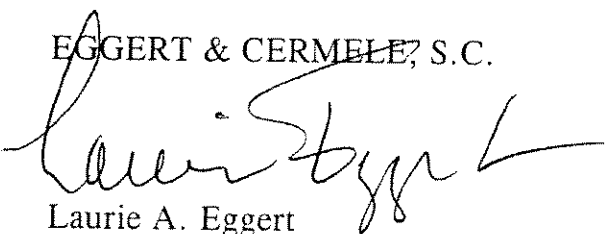
Dear Mr. Leonhardt:

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 call for service which resulted in a dog being shot. 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.


Laurie A. Eggert
Attorney at Law

6/8/07
O.K.
JAS
cc Her 2291

RLP/LAE/ldl
attachment
HIGGINS

EGGERT & CERMELE, S.C.

Attorneys at Law

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Jonathan Cermele
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October 08, 2004

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

RE: Citizen Complaint of Carl and Sandra Rucker
Against PO Bennie Higgins
FPC No: 00-55
Date of Incident: August 18, 2000
Location of Incident: 4712 West Capitol Drive
Professional services

	<u>Hours</u>
9/15/2003 Review documents from client; open file; telephone calls to and from client; Fax to FPC; telephone call to city attorney; memo to file.	2.80
9/17/2003 Conference with client; review of file; memo to file.	2.60
9/18/2003 Review of file; memo to file.	0.80
9/22/2003 Telephone call from FPC; telephone call from city attorney.	0.10
9/25/2003 Review of correspondence from city attorney; Fax to Fronk.	0.60
10/14/2003 Telephone call to city attorney.	0.10
10/16/2003 Review of file; research regarding dog defense.	0.40
11/10/2003 Telephone call from FPC; review of file; memo to file.	0.20
11/25/2003 Conference call between FPC and complainant's attorney; memo to file.	0.60

	<u>Hours</u>
11/26/2003 Telephone call from Atty. Haney; telephone call to city attorney; memo to file.	0.90
12/2/2003 Review of file; telephone call to city attorney.	0.40
12/3/2003 Telephone call from city attorney; telephone call and Fax to Martyka; memo to file.	0.50
12/4/2003 Telephone call from Martyka; memo to file.	0.30
1/9/2004 Telephone call from City Attorney.	0.10
1/15/2004 Review of correspondence from FPC; telephone call from and to attorney for complainants.	0.40
1/16/2004 Review memo to file regarding possible settlement of civil case.	0.10
1/20/2004 Telephone call from attorney for complainant; memo to file; telephone call to City Attorney.	0.40
1/28/2004 Telephone call from city attorney regarding civil case regarding same incident;	0.10
2/13/2004 Review of file; correspondence to client.	0.10
3/24/2004 Memo to file regarding deposition issues.	0.30
3/25/2004 Review of file; telephone call to Atty. Tans; memo to file.	0.70
3/29/2004 Telephone call from Atty. Tans; memo to file.	0.30
4/12/2004 Telephone call to city attorney; memo to file.	0.10
4/20/2004 Intra-office conference; calendar possible hearing dates; file correspondence to Atty. Haney.	0.30

	<u>Hours</u>	
4/27/2004 Telephone call from FPC; telephone call to and from City Attorney; memo to file.	0.30	
4/28/2004 Telephone call from Fronk; review notes regarding possible trial date; telephone call to client; telephone call from client; record dates of witness availability; telephone call to Fronk.	0.50	
5/12/2004 Telephone call from Fronk.	0.10	
5/14/2004 Conference with Atty. Tans regarding settlement of civil action; memo to file.	0.20	
5/25/2004 Telephone call from FPC; review of file.	0.10	
6/25/2004 Receive and review correspondence from Atty. Tans regarding dismissal of citizen complaint.	0.10	
6/28/2004 Correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	15.00	\$1,650.00
Balance due		<u>\$1,650.00</u>

(Rate: \$110.00 per hour)

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

In Re:
THE CHARGES OF CARL AND SANDRA RUCKER
AGAINST POLICE OFFICER BENNIE HIGGINS

RECEIVED

JUL 29 2004

EGGERT & CERMELE, S.C.
ORDER OF DISMISSAL

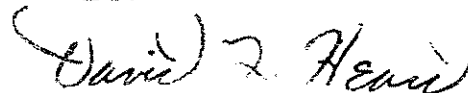
To Officer Bennie Higgins:

It is hereby ordered that the Complaint of Carl and Sandra Rucker, Complaint No. 2000-55, filed with the Board on November 14, 2000, is dismissed because the Complainants have requested that the Complaint be dismissed, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JULY 27, 2004.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

October 28, 2004

TO: P.O. BENNIE HIGGINS
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 AUGUST 18, 2000
- 2) A citizen's complaint made by CARL AND SANDRA RUCKER
- 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: PO Bennie C Higgins

Print your name: Bennie C. Higgins

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*
Captain of Police
Professional Performance Division

MKH:kjs

04 NOV -4 AM 10:37

RECEIVED