

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

December 10, 2003

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 Officers Todd Higgins and Richard Schellhammer
C.I. File No. 01-S-311; ELO No. 1677

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
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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 Officers Todd Higgins and Richard Schellhammer. The claim is in the amount of \$1,649.00, including \$10.00 in disbursements for 14.90 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. 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

September 5, 2001

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

**RE: Citizen Complaint of Mr. Leon D. Young
Against POs Todd Higgins and Richard Schellhammer
Complaint No.: 01-07
Date of Incident: January 23, 2001
ELO No.: 1677**

Dear Mr. Leonhardt:

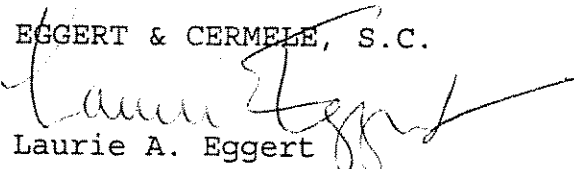
The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them and as they were performing the duties of their office at the time of the events giving rise to the incident,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

This matter began as a citizen complaint filed by the citizen with the FPC. During the pendency of the FPC case, the Milwaukee Police Department also conducted an internal investigation regarding the same incident and issued a PI-21 to the officers requiring them to answer questions about the incident. This statement includes time spent representing the officers when giving statements to IAD pursuant to the PI-21, as well as time spent on the remainder of the representation regarding the FPC citizen complaint.

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

LAE/ldl
HIGGINS

12/90/03
O.K.
JHS
Letter 2295

EGGERT & CERMELE, S.C.

Attorneys at Law

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September 5, 2001

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

RE: Citizen Complaint of Mr. Leon D. Young
Against PO Todd Higgins and Richard Schellhammer
FPC No: 01-07
Date of Incident: January 23, 2001
Location of Incident: 2500 Block of North Holton Street

Professional services

	<u>Hours</u>
02/19/01 Telephone call from client; open file; memo to file.	0.30
02/21/01 Conference with client; review complaint; memo to file; correspondence to FPC.	1.60
02/26/01 Review documents from Schellhammer; correspondence to client and FPC.	0.70
02/27/01 Telephone call to Schellhammer; memo to file; Review of correspondence from FPC.	0.90
03/07/01 Telephone call from and to FPC; memo to file.	0.40
03/13/01 Telephone call from Schellhammer; telephone call to FPC; memo to file; correspondence to client; review of correspondence from FPC.	0.80

	<u>Hours</u>	
03/14/01 Telephone call to and from FPC; memo to file; telephone call to and from client.	0.70	
03/16/01 Preparation for and appearance at conciliation; conference with clients; memo to file; travel.	4.80	
03/20/01 Conference with client; memo to file.	0.40	
03/21/01 Memo to file regarding conciliation.	0.60	
03/29/01 Telephone call from FPC; review of file; memo to file.	0.30	
04/04/01 Review of file; conference with clients; statements to IAD; travel; memo to file; review tape of Schellhammer.	1.80	
04/05/01 Review of file.	0.30	
04/26/01 Review of file; telephone call to FPC; memo to file.	0.30	
04/27/01 Conference with Heard; memo to file.	0.20	
05/22/01 Review of correspondence from FPC; correspondence to client.	0.30	
05/23/01 Conference with Heard; close file.	0.50	
		<u>Amount</u>
For professional services rendered	14.90	\$1,639.00
Additional charges:		
03/16/01 Parking		10.00

Mr. Ronald Leonhardt

Page 3

	<u>Amount</u>
Total costs	\$10.00
Total amount of this bill	<u>\$1,649.00</u>
Balance due	<u><u>\$1,649.00</u></u>

(Rate: \$110.00 per hour)

RECEIVED

MAY 22 2001

PERMELE, S.C.

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

In Re:
THE CHARGES OF LEON D. YOUNG
AGAINST POLICE OFFICERS TODD
HIGGINS AND RICHARD SCHELLHAMMER

ORDER OF DISMISSAL

To Officer Todd Higgins:

It is hereby ordered that the Complaint of Leon D. Young, Complaint No. 2001-07, filed with the Board on January 25, 2001, is dismissed because the Complaint lacks sufficient prosecutorial merit, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, MAY 21, 2001.

c: Attorney Laurie Eggert ✓

RECEIVED

MAY 23 2001

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF LEON D. YOUNG
AGAINST POLICE OFFICERS TODD
HIGGINS AND RICHARD SCHELLHAMMER

ORDER OF DISMISSAL

To Officer Richard Schellhammer:

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MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, MAY 21, 2001.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. RICHARD SCHELLHAMMER
DISTRICT SEVEN

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 JANUARY 23, 2001
- 2) A citizen's complaint made by LEON YOUNG
- 3) A police shooting incident occurring on ?

Is this information correct?

YES _____ NO _____

Did you receive legal representation
in this matter?

YES X _____ NO _____

Your signature: Richard Schellhammer

Print your name: P.O. Richard Schellhammer

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

01 NOV 26 PM 5:10

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

October 17, 2001

Commander Steven Settingsgaard
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 01-S-311
Communication from EGGERT & CERMELE, S.C

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers whose names appear on the attached letter.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your Anticipated cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jan A. Smokowicz', written over a horizontal line.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

02 11 2001 10:30



Police Department

Arthur L. Jones
Chief of Police

January 21, 2002

City Attorney Grant Langley
City Hall, Room 800
Milwaukee, Wisconsin

Re: C.I. File No. 01-S-311
Eggert & Cermele Claim

Dear Sir;

I am forwarding to your office reports regarding the above listed claim. The following officers were unable to complete the questionnaire to verify Ms. Eggert's representation.

#1670 P.O. Rodney Casarez left the department. His separation date was 03-11-00.

#1677 P.O. Todd Higgins Left the department. His separation date was 08-30-01.

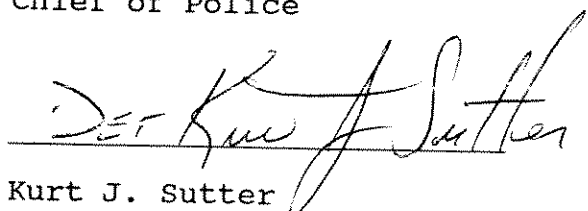
#1651 P.O. Jay Grant is on Military Leave.

#1649 P.O. Malcom McNeal is on Military Leave.

#1683 I am still waiting for P.O. Deronn Gillum to return his paperwork regarding this case.

Sincerely,

Arthur L. Jones
Chief of Police


Kurt J. Sutter
Detective
Internal Affairs Division