

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

April 4, 2005

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 Joe Warren and Paul Lough
C.I. File No. 03-S-378; EC No. 1936

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Joe Warren and Paul Lough. The claim is in the amount of \$660.00 for 6.00 hours of service billed at the rate of \$110 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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,

Handwritten signature of Grant F. Langley in black ink.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in black ink.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm

Enc.

91735/ 1032-2003-3092.014

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
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KURT A. BEHLING
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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

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

September 18, 2003

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

**RE: MPD Criminal Investigation of POs Joe Warren and Paul Lough
Allegations Regarding Mr. Brandon Jones
Date of Incident: February 8, 2003
Location of Incident: 2029 North 41st Street
EC No.: 1936**

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 an arrest.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Warren and Lough to give statements concerning the incident after issuing PI-21s. Later, the MPD did not bring criminal charges against the officers. The DA reviewed the matter and did not issue charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

*4/2/05
G.K.
JAS
Letter 2277*

JC/ldl
attachment
WARREN LOUGH

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

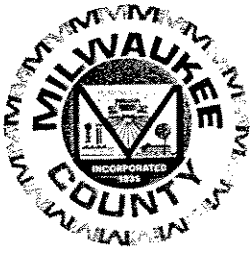
September 18, 2003

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

RE: MPD Criminal Investigation re: Mr. Brandon Jones
Regarding: POs Joe Warren and Paul Lough
Date of Incident: February 8, 2003
Location of Incident: 2029 North 41st Street
Professional services

	<u>Hours</u>	
4/17/2003 Telephone call from PO Warren regarding new criminal investigation; open file; memo to file; telephone call from PO Lough; memo to file.	1.20	
4/18/2003 Telephone call from PO Warren; brief meeting with PO Warren; receive and review documents pertaining to arrest of complainant; review statute and criminal jury instructions; review MPD Rules and Regulations; telephone call from PO Warren.	1.70	
4/21/2003 Review of file; meeting with PO Warren at IAD; meeting with PO Lough; attend PO Warren's PI-21 statement; attend PO Lough's PI-21 statement; travel; memo to file.	2.30	
6/5/2003 Telephone call to and from DDA Reddin.	0.30	
6/7/2003 Receive and review letter from DA confirming investigation "no processed"; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.00	\$660.00
Balance due		<u>\$660.00</u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Sklenarz
William J. Mollitor
Donald S. Jackson
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Gary D. Mahkorn
David Robles

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Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Rothstein
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Mark S. Williams
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John M. Stoiber
Thomas L. Potter
David Feiss
Rayam Chandier Szychanski
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
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Alison M. Ritter
Kevin R. Shomin
Jennifer Pypel
Beth D. Zrigel
Shannon Carrick
Rebecca F. Daffler
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Paul C. Dedinsky
David T. Malone
Kelly L. Hedge
Jeffrey J. Altenburg
Rachael Gossens
Julius Kim
Patti Wabitsch
Kent L. Lovern
Paul R. Sander
Bradford J. Logsdon
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Sarner
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Gerise M. Hooks
Brent Nistler
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Robin J. Rosche
Phillip R. Flangsuebsin
Tiffany J. Harris
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Elisabeth Mueller
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Grant I. Huebner
Calle Kidder-Lacy
John Rusch
Stephan Eduard Notten
Eric D. Delon
Christine M. Quinn
Megan Fisher
Munjed A. Ahmad
Mary C. Theisen
Michelle A. Ackerman

06/03/03

JUN 6 2003

Mr. Jon Cermele
Eggert & Cermele, S.C.
1840 N. Farwell Ave., #303
Milwaukee, WI 53202-1716

Re: Incident No. 03-094-3089
Complainant: Brandon Jones
Officer(s): Unknown

Dear Mr. Cermele:

This is to notify you that after reviewing the above incident involving City of Milwaukee Police Officer(s), I have determined that criminal charges will not be issued against them.

Sincerely,

[Handwritten signature]

Jon N. Reddin
Deputy District Attorney

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

FAX

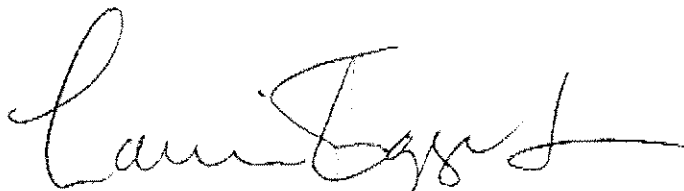
TO: Jan Smokowicz
FROM: Laurie Eggert
RE: EC 1936 submitted September 18, 2003
DATE: January 27, 2004

3 pgs
+ cover

Jan,

I know you have not gotten this far yet, but I am anticipating that you will note that the DA's letter attached to this claim does not identify any of the officers who were investigated. As a result, we requested additional information from the MPD, and received the following pages in response. They indicate that the officers involved were, indeed, the officers we represented in this matter; i.e., Joseph Warren and Paul Lough.

I will keep these in the file in case you call about them when you do get to their claim.



The information contained in this message is confidential for the named recipient only. If you have received this message in error, or have had transmission problems in receiving it, please contact this office immediately at (414) 276-8750.

EGGERT & CERMELE, S.C.**Attorneys at Law**

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

September 18, 2003

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Allegations Regarding Mr. Brandon Jones
Date of Incident: February 8, 2003
Location of Incident: 2029 North 41st Street
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The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Warren and Lough to give statements concerning the incident after issuing PI-21s. Later, the MPD did not bring criminal charges against the officers. The DA reviewed the matter and did not issue charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

JC/ldl
attachment
WARREN LOUGH

PO-15B SUPPLEMENTARY REPORT	Date of Report 04-16-2003	Incident/Accident # 03-094 3089
MILWAUKEE POLICE DEPARTMENT INCIDENT	Date of Incident/Accident Rep.	Code #
MISCONDUCT IN PUBLIC OFFICE VICTIM	02-08-2003 LOCATION OF INCIDENT	DIST
JONES, BRANDON D.	2029 N. 41 ST ST.	3
JUVENILE Last Name	First	Middle
		Date of Birth

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
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This report is written by Detective William C. Smith of the Criminal Investigation Unit/Internal Affairs Division Early Power Shift.

On Friday, April 11, 2003 at approximately 2:10p.m., I, Detective Smith conducted follow-up relative to this investigation. The follow-up was to locate and interview Police Officer Joseph Warren regarding this incident.

On this date at the above time, I did meet with Officer Warren at the Police Training Academy, 6680 N. Teutonia Ave., third floor interview room. At this time this officer identified himself as Joseph R. Warren, white male, payroll number 66686, currently assigned to District 3 Early Power Shift, date of appointment 11-16-98.

I advised Officer Warren that this is a criminal investigation and he may be the focus of the investigation. I apprised him of the circumstances surrounding this incident. He at this time requested union representation. This interview was then terminated.

REPORTING OFFICER	PAYROLL#	LOC. CODE	SUPERVISOR SIGNATURE
William C. Smith	53908	04	

William C. Smith

Det. Raymond E. Richards 50144

PO-15B SUPPLEMENTARY REPORT	Date of Report 04-16-2003	Incident/Accident # 03-049 3089	
MILWAUKEE POLICE DEPARTMENT INCIDENT	Date of Incident/Accident Rep.	Code #	
MISCONDUCT IN PUBLIC OFFICE	02-08-2003		
VICTIM	LOCATION OF INCIDENT	DIST	
JONES, BRANDON D.	2029 N. 41 ST ST.	3	
JUVENILE Last Name	First	Middle	Date of Birth

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
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This report is written by Detective William C. Smith of the Criminal Investigation Unit/Internal Affairs Division Early Power Shift.

On Friday, April 11, 2003 at approximately 2:15p.m., I, Detective Smith conducted follow-up relative to this investigation.

The follow-up was to locate and interview Police Officer Paul Lough regarding this incident.

On this date at the above time, I did meet with Officer Lough at the Police Training Academy, 6680 N. Teutonia Ave., third floor interview room. At this time this officer identified himself as Paul D. Lough white male, payroll number 68003, currently assigned to District 3 Early Power Shift, date of appointment 02-21-2000.

I advised Officer Lough that this is a criminal investigation and he may be the focus of the investigation. I apprised him of the circumstances surrounding this incident. He at this time requested union representation. This interview was then terminated.

REPORTING OFFICER	PAYROLL#	LOC. CODE	SUPERVISOR SIGNATURE
William C. Smith	53908	04	

William C. Smith

Robert Raymond E. Richardson 521441

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. JOE WARREN
DISTRICT THREE

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 FEBRUARY 8, 2003
- 2) A citizen's complaint made by BRANDON JONES
- 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: Joseph Warren

Print your name: JOSEPH WARREN

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

Steven M. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

03 OCT -3 PM 1:55

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. PAUL LOUGH
DISTRICT THREE

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 FEBRUARY 8, 2003
- 2) A citizen's complaint made by BRANDON JONES
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO _____

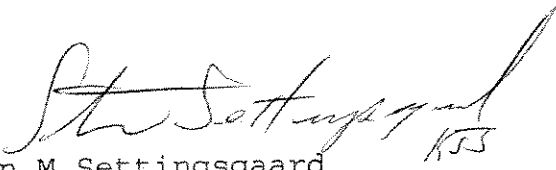
Did you receive legal representation
in this matter?

YES X NO _____

Your signature: 

Print your name: PAUL D. LOUGH

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

SMS:kjs

RECEIVED
03 OCT 13 PM 12:00
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION