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BENJAMIN J. ROOVERS
Assistant City Attorneys

July 15, 2016

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

Re: Communication from Attorney D. Michael Guerin, Gimbel, Reilly, Guerin
Brown, for legal fees for Police Sergeant Misty Torres

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Sergeant Misty Torres. The claim is in the amount of \$2,500.00 for 10.00 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$1,750.00, billed at the previously-set rate of \$175 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 officer on whose behalf this claim was filed, but he was 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 as this matter did not result in "criminal proceedings." Wis. Stat. § 895.35(2)(a)1., *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
Enc.
1032-2016-856:230328





GIMBEL • REILLY • GUERIN • BROWN LLP

Writer's E-mail
dmguerin@grgblaw.com

April 12, 2016

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APR 15 2016

OFFICE OF
CITY ATTORNEY

CITY CLERK'S OFFICE

2016 APR 14 P 2:08

CITY OF MILWAUKEE

Jim Owczarski, City Clerk
Milwaukee City Hall
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202

Re: *Sergeant Misty Torres*
Criminal Investigation on August 24, 2015, District 5

Dear Mr. Owczarski:

I hereby am submitting my bill for legal services in representing a City of Milwaukee employee Milwaukee Police Sergeant Misty Torres, in a criminal investigation.

On August 24, 2015, there was an incident at #5 District Police Station at 4th and Locust. A prisoner in custody with the Milwaukee Police Department attempted to hang himself in a cell. It appeared the prisoner would die.

Pursuant to the recently enacted section 175.47, *Stats.*, the Milwaukee Police Department immediately contacted the Department of Criminal Investigation ("DCI") to conduct an independent investigation considering what they define as a critical incident. John Culver, Jr. from DCI and Richard Tijerino from DCI, together with an intern, Kevin Harris began conducting interviews of the personnel and advised it was a criminal investigation.

Considering it was a criminal investigation, the City of Milwaukee could not, consistent with their obligation represent the individual sergeant. I was retained by Sergeant Misty Torres to represent her interests.

Ultimately, after conducting investigations and interviews we determined it was appropriate to submit to further questioning and review of the circumstances. The interviews began at approximately 6:00 p.m. and concluded at 11:00 p.m. on August 24, 2015.

TWO PLAZA EAST
SUITE 1170
330 E. KILBOURN AVE.
MILWAUKEE, WI 53202
P: 414-271-1440
F: 414-271-7680
WWW.GRGBLAW.COM





As a footnote the subject of the original complaint was a person by the name of Dexter Carter and it was DCI Case No. 154749. Mr. Carter did not die and was transported to the hospital, and several days later came back to the Police Department and thanked the police officers for their very professional and quick response to his then difficult mental state. I should add that their professional actions did, in fact, save Mr. Carter's life.

My published rate for representation in criminal matters is \$350.00 per hour; however, I submit this at a government rate of \$250.00 an hour.

Thank you for your review.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Michael Guerin".

D. MICHAEL GUERIN

DMG/ker

Enclosure

MPSO/Torres, Misty/c/ Owczarski, City Clerk 2016-04-12

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APR 15 2016

**OFFICE OF
CITY ATTORNEY**

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Milwaukee, WI 53202 - www.grglaw.com
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Family Law, Personal Injury, Criminal Law, Real Estate,
Business, Estate Planning, Civil & Commercial Litigation
in State and Federal Courts
Federal Tax ID 39-1094570

Page: 1

April 12, 2016

ACCOUNT NO.: 201532108M

STATEMENT NO.: 1

Milwaukee Police Supervisors Organization
2900 West Forest Home Avenue
Milwaukee, WI 53215

Criminal - Sergeant Misty Torres

STATEMENT

No Court Appearance.

HOURS

08/24/15
DMG

Conference with Milwaukee Police Department officials at
District 5; research statute regarding CID

4.00

08/24/15
SCM

Conference with client and Attorney Guerin; attend interview
at Wisconsin Department of Justice CID at District 5.

1.00

08/27/15
SCM

Review file notes; prepare memorandum to file; conference
With Attorney Guerin on next step.

4.00

12/08/15
DMG

Work on billing letter.

1.00

FOR CURRENT SERVICES RENDERED

10.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	5.00	\$250.00*	\$1,250.00
Steven C. McGaver	5.00	\$250.00	\$1,250.00

TOTAL CURRENT WORK

\$1,500.00

BALANCE DUE

\$1,500.00

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.
THANK YOU!

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**OFFICE OF
CITY ATTORNEY**

MILWAUKEE POLICE DEPARTMENT

May 9, 2016

TO: SGT. Misty TORRES
DISTRICT : FIVE

RE: Receipt of Legal Services from Law Firm of
GIMBEL, REILLY, GUERIN and BROWN, LLP.

Attorney Steven C. McGAVER 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 24, 2015
- 2) An incident involving Dexter CARTER

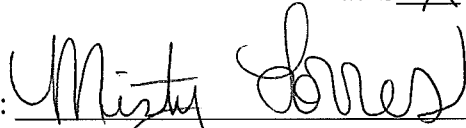
Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature:



Print your name:

Misty Torres

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

Christopher MARSHALL
Sergeant of Police
Civil Investigations Section

CRM