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Assistant City Attorneys

January 23, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officer David Martinez
C.I. File No. 05-S-343; EC 2259

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer David Martinez. The claim is in the amount of \$605.00 for 5.50 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. No criminal charges were brought against the officer on whose behalf this claim was filed.

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:amp
Enc.

1032-2004-3292:124731v1

OFFICE OF THE CITY ATTORNEY

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MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2005

TO: P.O. DAVID MARTINEZ
DISTRICT: SEVEN

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 SEPTEMBER 14, 2004
- 2) A citizen's complaint made by ROUAL DAVIS
- 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: P.O. David Martinez

Print your name: P.O. DAVID MARTINEZ

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

Mary K. Hoerig KHS
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: MPD Criminal Investigation of PO David Martinez
Allegations Regarding Mr. Roul Davis
Date of Incident: September 14, 2004
Location of Incident: District 7
EC No.: 2259**

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 traffic stop.

According to correspondence from Captain Hoerig, the warrant was refused. As such, no charges were issued against the officer. Attached is a copy of the letter along with status of the CIS Investigatory file, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/ldl
attachment
MARTINEZ

EGGERT & CERMELE, S.C.

Attorneys at Law

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November 10, 2005

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

RE: MPD Criminal Investigation re: Mr. Roul Davis
Against PO David Martinez
Date of Incident: September 14, 2004
Location: District #7
Professional services

	<u>Hours</u>
4/7/2005 Telephone call from PO Martinez regarding new criminal investigation; open file; memo to file.	0.60
6/27/2005 Review of file; telephone call to client; telephone call to witness; memo to file; telephone call to and from IAD.	0.60
6/28/2005 Telephone call to client; memo to file; telephone call from IAD; telephone call to witness; memo to file; review of file; telephone call to and from IAD; memo to file.	1.00
7/13/2005 Telephone call to IAD.	0.20
7/18/2005 Telephone call to IAD.	0.10
7/21/2005 Telephone call to IAD.	0.10
7/25/2005 Telephone call to IAD; memo to file.	0.40
7/26/2005 Telephone call from client; memo to file.	0.50

Mr. Ronald D. Leonhardt

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	<u>Hours</u>
8/4/2005 Telephone call to and correspondence to MPD Open Records.	0.20
8/24/2005 Telephone call to MPD Open Records.	0.20
8/30/2005 Intra-office conference with Cermele.	0.40
8/31/2005 Telephone call to IAD.	0.30
9/27/2005 Fax to Cpt. Hoerig.	0.40
10/10/2005 Review of correspondence from Capt. Hoerig confirming that the complaint had been cleared as "warrant refused"; correspondence to client; close file.	0.50

	<u>Amount</u>
For professional services rendered	5.50
Balance due	<u>\$605.00</u>

(Rate: \$110.00 per hour)

CIS FILE NO.	PRD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
2. 04-227	04-0781	DAVIL, ROUAL	ILLEGAL STRIP SEARCH	WARRANT REFUSED