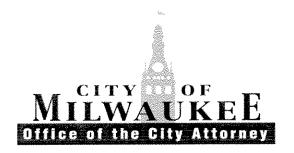
GRANT F. LANGLEY

City Attorney

RUDOLPH M. KONRAD LINDA ULISS BURKE VINCENT D. MOSCHELLA Deputy City Attorneys



October 20, 2006

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 Thomas KLine

Claim File No. 04-S-98; EC No. 2006

THOMAS O. GARTNER **BRUCE D. SCHRIMPF ROXANE L. CRAWFORD** SUSAN D. BICKERT STUART S. MUKAMAL THOMAS I. 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** Assistant City Attorneys

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Thomas Kline. The claim is in the amount of \$1,326.48, including \$17.48 in disbursements for 11.90 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 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). The Common Council continues to have discretion with regard to this claim because the fees were incurred prior to the effective date of 2005 Wisconsin Act 73 (effective June 7, 2006) which now makes such payment mandatory except in certain, statutorily-defined circumstances.

Very truly yours

GRANT FAIRNGLEY

City Attorney

JAN A. SMOKOWICZ

Assistant City Attorney

JAS:enm

Enc.

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