

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

January 22, 2004

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer James Malone
C.I. File No. 02-L-143; EC No. 1805

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer James Malone. The claim is in the amount of \$5,765.10 including \$122.10 in disbursements for 51.30 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 a criminal investigation. No criminal charges were brought against the police 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. 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.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
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SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
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ELLEN H. TANGEN
MELANIE R. SWANK
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EDWARD M. EHRlich
LEONARD A. TOKUS
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

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

October 21, 2002

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

CITY OF MILWAUKEE
2002 OCT 23 PM 12:00
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of PO James Malone
Allegations Regarding Mr. Michael Page, Jr.
Date of Incident: April 5, 2002
Location of Incident: 4370 North 25th Street
EC No.: 1805**

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 the investigation of a fleeing suspect, and was investigated as a critical incident. An inquest was conducted in which the jury concluded that Malone's use of force was privileged. Attached is an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

CITY ATTORNEY
2002 OCT 23 PM 3:47
CITY OF MILWAUKEE

RECEIVED
02 NOV -7 PM 2:51
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

LAE/ldl
MALONE INQ

1/22/04
O.K.
JAS
Letter 2276

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

October 21, 2002

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

RE: MPD Criminal Investigation of Shooting
(Michael Page, Jr.)
Regarding: PO James Malone
Date of Incident: April 5, 2002
Location of Incident: 4370 North 25th Street

Professional services

	<u>Hours</u>
04/05/02 Telephone call from officer regarding officer-involved shooting; open file; travel to scene; travel to PAB; meeting with CIB lieutenants; meeting with ADA Stoiber; meeting with PO Malone; attend Malone's statement to CIB & DA; attend Malone's PI-21; return travel; memo to file.	6.50
04/09/02 Telephone call to client.	0.40
04/10/02 Discussion with ADA Stoiber.	0.30
05/07/02 Telephone call from MPA; telephone call to and from ADA Mahoney.	0.40
05/08/02 Fax to ADA Mahoney.	0.30
05/09/02 On-line research; Fax to ADA Mahoney.	0.60
05/10/02 Several telephone calls to and from ADA Mahoney; memo to file.	0.50

	<u>Hours</u>
05/15/02 Telephone call to DA; review of file.	0.30
05/16/02 Conference with DA; review of file.	0.30
05/17/02 Telephone call from and to Lt.; telephone call to Wauwatosa PD; telephone call to client; review of file.	0.80
05/19/02 Telephone call from and to client.	0.20
05/20/02 Telephone call from client; conference with client; memo to file.	1.80
06/14/02 Review of file; telephone call to ADA Mahoney; telephone call to Medical Examiner's office; correspondence to Medical Examiner's office.	1.90
06/26/02 Telephone call to client; review documents from medical examiner; review taped interview; telephone call to DA.	2.20
06/27/02 Telephone call from Wauwatosa.	0.10
07/02/02 Telephone call to DA; memo to file; review of file.	0.60
07/03/02 Telephone calls from and to DA.	0.40
07/16/02 Telephone calls from and to DA; telephone call to client; memo to file; review of file.	1.20
07/19/02 Conference with client; conference with DA; review taped interview; memo to file; travel.	2.80
07/22/02 Conference with client; conference with DA; appearance at inquest; travel; memo to file.	5.30
07/23/02 Appearance at inquest; conference with client; memo to file; travel.	9.20

	<u>Hours</u>	
07/24/02	8.80	Appearance at inquest; memo to file; travel.
07/25/02	5.20	Appearance at inquest; telephone call from Lt. Balash; telephone call to client; telephone call to DAs; memo to file; travel.
08/30/02	0.30	Review of file; correspondence to MPD Open Records.
09/10/02	0.20	Correspondence to MPD Open Records; review of file.
10/10/02	0.70	Review of correspondence from MPD Open Records; close file.
	<hr/>	<u>Amount</u>
	51.30	For professional services rendered \$5,643.00
		Additional charges:
06/26/02	14.00	Medical Examiner Report
07/19/02	2.00	Parking
07/22/02	8.00	Parking
07/23/02	9.00	Parking
07/24/02	9.00	Parking
07/25/02	8.00	Parking
10/10/02	72.10	MPD Open Records request
		<hr/>
		Total costs \$122.10
		<hr/>
		Total amount of this bill \$5,765.10

Mr. Ronald D. Leonhardt

Page 4

Amount

Balance due

\$5,765.10

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

November 25, 2002

MEMORANDUM

TO: P.O. James Malone
District Seven

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 10 PM 2:24
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

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 April 5, 2002
- 2) A citizen's complaint made by Michael Page Jr.
- 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: James E Malone Sr
Print your name: JAMES E MALONE SR

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

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

SMS:kjs