

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Special Deputy City Attorneys



**OFFICE OF CITY ATTORNEY**  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 286-2025  
FAX (414) 286-8550

May 2, 2002

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

**Re: Communication from Attorney Kenneth J. Murray  
for legal fees for Police Officers Robert Driebel, Stephen Tank, Daniel Teske  
and Richard Porubcan; C.I. File No. 94-S-289**

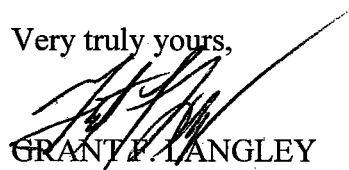
Dear Council Members:

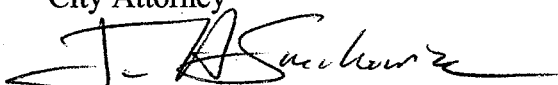
Returned herewith is a document filed by Attorney Kenneth Murray for attorney's fees for representing Police Officers Robert Driebel, Stephen Tank, Daniel Teske and Richard Porubcan. The claim is in the amount of \$4,139.35 including \$170.35 in disbursements for 44.1 hours of service billed at the rate of \$90.00 per hour. Mr. Murray has agreed to reduce the amount of this claim to \$3,274.20, eliminating charges for work performed after a conflict of interest arose among the client police officers. 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 officers 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. 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.  
2295

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
BRUCE D. SHRIMPFF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEIN  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
DAVID R. HALBROOKS  
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  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
Assistant City Attorneys

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LAURI A. EBEL  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
Assistant City Attorneys

RECEIVED  
94 JUN -8 AM 7:28  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

June 2, 1994

Mr. Walter Franklin, Deputy Inspector  
Milwaukee Police Department  
749 West State Street, Room 714  
Milwaukee, WI 53233

Re: C.I. File No. 94-S-289  
Communication from Kenneth J. Murray

Dear Inspector Franklin:

Enclosed please find a claim filed by attorney Kenneth Murray for Attorney's fees incurred during his representation of officers Robert Driebel, Stephen Tank, Daniel Teske and Richard Porubcan.

Please determine whether these officers were in fact involved in the matter described in Mr. Murray's claim, and have the officers verify Mr. Murray's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

*Jean Smokowicz*

JAN A. SMOKOWICZ  
Assistant City Attorney

*4/24/2002  
O.K. for only \$3274.20  
JAS  
Letter #  
2295*

JAS:jg  
Enclosure

*Conflict of  
Interest  
Problem*

4-27-94

ADELMAN, ADELMAN & MURRAY, S.C.  
ATTORNEYS AT LAW

LYNN ADELMAN\*  
ELIZABETH ADELMAN  
KENNETH J. MURRAY\*\*  
LAURIE A. EGGERT  
JEFFREY S. HYNES  
KATHLEEN STILLING  
PAMELA S. MOORSHEAD  
GRACE M. MASSON\*\*\*  
PAUL A. OBERER\*\*\*\*

1840 NORTH FARWELL  
SUITE 403  
MILWAUKEE, WI 53202  
(414) 225-2929

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\*\*ALSO LICENSED TO PRACTICE IN ILLINOIS  
\*\*\*ALSO LICENSED TO PRACTICE IN MARYLAND  
\*\*\*\*ALSO LICENSED TO PRACTICE IN OHIO

April 20, 1994

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

RE: Citizen complaint of Mr. Jerome Allen  
Against Police Officers Robert Driebel, Stephen Tank,  
Daniel Teske and Richard Porubcan  
Complaint No.: 91-49  
Date of Incident: October 9, 1990.

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 outside district #7 on October 9, 1990. Attorney Judy Ogorchock represented another sergeant in this matter. I became aware of a possible conflict of interest in representing these officers, retained other counsel (Porubcan/Attorney Mike Guerin; Driebel and Teske/Attorney Deam Zemel; Tank/Attorney Judy Ogorchock) and I provided them with copies of their files. The Fire and Police Commission dismissed the complaint after a hearing on the merits.

The following is an itemization of the time and services rendered.

<u>DATE</u>	<u>NATURE OF WORK PERFORMED</u>	<u>HOURS</u>
10-10-91	Conference with client; open file; review of complaint	1.6
10-14-91	Conference with Teske; correspondence to FPC re: Teske; correspondence to MPD re: Teske	1.8
10-16-91	Review of file	0.1
10-17-91	Review of file	0.1
10-19-91	Review of file; Open Records letter to MPD; correspondence to client	1.2
10-29-91	Review of correspondence from FPC	0.2
10-31-91	Telephone call from Steve Tank; memo to file; correspondence to FPC	0.6
11-04-91	Review records from Dept of Justice	0.3
12-11-91	Review of file; memo to file	0.3
01-02-92	Review personnel file of Driebel & Teske	1.3
02-10-92	Telephone call from FPC; memo to file	0.3
02-13-92	Intraoffice onference; correspondence to Porubcan; review of personnel record of Tank	0.6
02-17-92	Telephone call to and from Porubcan; review of file; correspondence to Open Records; telephone call to Open Records	2.3
02-19-92	Review of file	0.4
02-20-92	Telephone call from Open Records	0.1
02-24-92	Obtain documents from Open Records	0.6
02-27-92	Review records from Open Records	1.6
03-02-92	Review of correspondence from Allen re: witness and exhibit list	1.1
03-10-92	Preparation of witness and exhibit list; correspondence to FPC and complainant; conference with Ogorchock; correspondence to City Clerk	3.2
03-12-92	Preparation for and appearance at pre-trial; memo to file; correspondence to client	2.3
03-17-92	Telephone call from Porubcan; conference with Ogorchock	0.5
03-23-92	Telephone call from and to Open Records; memo to file	0.3
03-25-92	Telephone call from Porubcan (2); memo to file	0.6
03-26-92	Review documents; conference with Porubcan	1.2
03-31-92	Obtain documents from Open Records; conference with Open Records	0.4
04-13-92	Telephone call from Porubcan; memo to file	0.4
04-15-92	Conference with client; preparation for and attendance at conciliation; memo to file	2.7
04-16-92	Telephone call to Channel 18 re: interview of complainant	0.2

Driebel, et al. Statement  
April 20, 1994  
Page Three

05-18-92	Telephone call from Porbucan; telephone call to FPC; review of file re: amendment to complaint; telephone call to Channel 18 News	1.6
06-17-92	Review personnel file of Porubcan	0.2
06-18-92	Telephone call to Judy Ogorchock; review file	0.6
07-07-92	Review of file	1.3
08-27-92	Telephone call from Tank; telephone call to Communication Division	0.2
12-09-92	Review of file; telephone conference with Ogorchock	0.6
12-16-92	Telephone call to Ogorchock; review of file	1.2
01-14-93	Review of file; telephone call to Fronk	0.3
02-04-93	Review of file; intraoffice conference	1.0
03-16-93	Conference with FPC	0.1
03-17-93	Telephone call from Ogorchock; telephone call to Driebel, Teske	0.5
03-22-93	Review of correspondence from client; telephone call from Teske	0.6
03-23-93	Review of correspondence from Teske; telephone call to Porubcan; memo to file	0.6
03-30-93	Review of correspondence from Guerin; telephone call to and from Guerin	0.5
04-01-93	Telephone call from Ogorchock; memo to file	0.3
04-28-93	Correspondence to Guerin	0.2
05-03-93	FAX from Guerin	0.1
05-13-93	Telephone call to Guerin and possible substituted counsel for each client; telephone call to client	3.5
05-17-93	Telephone call to Ganzer; telephone call from Zemel	0.2
05-18-93	Telephone call from Hawks	0.2
05-27-93	Prepare files for new counsel; dictate notes; review documents; telephone call from Zemel	2.3
06-02-93	Correspondence to Guerin, Tank, Teske and Driebel; summarize file	1.4
06-07-93	Telephone call from Teske	0.1
04-19-94	Review of file; close file	<u>0.2</u>
	TOTAL HOURS	44.1

44.1 hours at \$90.00 = \$3,969.00

Driebel, et al. Statement  
April 20, 1994  
Page Four

DISBURSEMENTS:

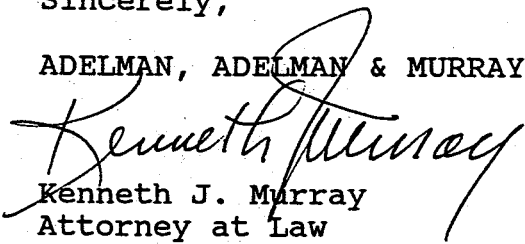
10-28-91	Department of Justice	\$ 20.00
11-15-91	Personnel Records re: Driebel & Teske	53.40
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02-24-92	Parking	0.75
02-24-92	Open Records	33.50
03-31-92	MPD Records	0.75
04-15-92	Parking	1.25
05-13-92	Personnel Records re: Porubcan	2.25
06-02-93	Copies re: Driebel (292)	14.60
06-02-93	Copies re: Tank (230)	11.50
06-02-93	Copies re: Teske (289)	14.45
06-02-93	Copies re: Porubcan (292)	<u>14.60</u>

TOTAL \$ 170.35

TOTAL DUE: \$4,139.35

Sincerely,

ADELMAN, ADELMAN & MURRAY, S.C.

  
Kenneth J. Murray  
Attorney at Law

KJM/ldq  
DRIEBEL

## MILWAUKEE POLICE DEPARTMENT

## MEMORANDUM

To: POLICE OFFICER Robert DRIEBEL  
 DISTRICT/DIVISION BUREAU: C.I.B.

Re: RECEIPT OF LEGAL SERVICES FROM ATTORNEY KENNETH MURRAY AND/OR  
 ATTORNEY LAURIE EGGERT OF THE FIRM OF ADELMAN, ADELMAN, AND  
 MURRAY

Attorney MURRAY has made a claim with the City, indicating that he or Attorney EGGERT have provided you with legal services arising out of one of the following:

- 1) An incident occurring on 10-09-90
- 2) A citizen's complaint made by Jerome ALLEN
- 3) A police shooting incident occurring on \_\_\_\_\_

Is this information correct? YES  NO

Did you receive legal representation in this matter? YES  NO

Your signature: *Robert Driebel*

Print your name: Robert Driebel

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

*Walter E. Franklin*

WALTER E. FRANKLIN

Deputy Inspector of Police  
 Internal Affairs Division

WEF:bt

(5\PO.MEMO)

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

To: ~~POLICE OFFICER~~ Det. Daniel TESKE  
DISTRICT/DIVISION BUREAU: C.I.B.

Re: RECEIPT OF LEGAL SERVICES FROM ATTORNEY KENNETH MURRAY AND/OR  
ATTORNEY LAURIE EGGERT OF THE FIRM OF ADELMAN, ADELMAN, AND  
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- 1) An incident occurring on 10-09-90
- 2) A citizen's complaint made by Jerome ALLEN
- 3) A police shooting incident occurring on \_\_\_\_\_

Is this information correct? YES  NO

Did you receive legal representation in this matter? YES  NO

Your signature: Daniel A. Teske

Print your name: Daniel A. Teske

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

*Walter E. Franklin*  
WALTER E. FRANKLIN  
Deputy Inspector of Police  
Internal Affairs Division



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

To: POLICE OFFICER Richard PORUBCAN  
DISTRICT/DIVISION BUREAU: Gang Crimes

Re: RECEIPT OF LEGAL SERVICES FROM ATTORNEY KENNETH MURRAY AND/OR  
ATTORNEY LAURIE EGGERT OF THE FIRM OF ADELMAN, ADELMAN, AND  
MURRAY

Attorney MURRAY has made a claim with the City, indicating that he or Attorney EGGERT have provided you with legal services arising out of one of the following:

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- 2) A citizen's complaint made by Jerome ALLEN
- 3) A police shooting incident occurring on \_\_\_\_\_

Is this information correct? YES  NO

Did you receive legal representation in this matter? YES  NO

*UNSATISFIED WITH REPRESENTATION, CHANGED TO  
D. MICHAEL GUERIN*

Your signature: *R. O. Porubcan*

Print your name: P.O. RICHARD W. PORUBCAN

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

*Walter E. Franklin*

WALTER E. FRANKLIN  
Deputy Inspector of Police  
Internal Affairs Division

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

To: POLICE OFFICER Stephen TANK  
DISTRICT/DIVISION BUREAU: #7

Re: RECEIPT OF LEGAL SERVICES FROM ATTORNEY KENNETH MURRAY AND/OR  
ATTORNEY LAURIE EGGERT OF THE FIRM OF ADELMAN, ADELMAN, AND  
MURRAY

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- 1) An incident occurring on 10-09-90
- 2) A citizen's complaint made by Jerome ALLEN
- 3) A police shooting incident occurring on \_\_\_\_\_

Is this information correct? YES  NO

Did you receive legal representation in this matter? YES  NO

*\* NOTE: REPRESENTATION WAS EVENTUALLY DROPPED BY ABOVE LAW FIRM DUE TO "CONFLICT IN INTEREST". OFFICERS INVOLVED NEEDED TO OBTAIN*

*ADDITIONAL REPRESENTATION.*

Your signature: Stephen R. Tank - 1st.

Print your name: STEPHEN R. TANK - 5ST.

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

*Walter E. Franklin*

WALTER E. FRANKLIN  
Deputy Inspector of Police  
Internal Affairs Division

FILE COPY

ADELMAN, ADELMAN & MURRAY, S.C.  
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April 20, 1994

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Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

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Daniel Teske and Richard Porubcan  
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Date of Incident: October 9, 1990

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April 20, 1994  
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Driebel, et al. Statement  
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08-27-92	Telephone call from Tank; telephone call to Communication Division	0.2
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04-01-93	Telephone call from Ogorchock; memo to file	0.3
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Driebel, et al. Statement  
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Page Four

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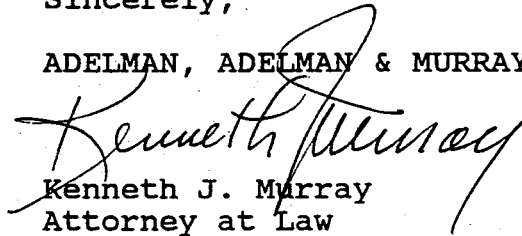
10-28-91	Department of Justice	\$ 20.00
11-15-91	Personnel Records re: Driebel & Teske	53.40
01-28-92	Personnel Records re: Tank	3.30
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02-24-92	Open Records	33.50
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TOTAL \$ 170.35

TOTAL DUE: \$4,139.35

Sincerely,

ADELMAN, ADELMAN & MURRAY, S.C.

  
Kenneth J. Murray  
Attorney at Law

KJM/ldq  
DRIEBEL

ADELMAN, ADELMAN & MURRAY, S.C.  
ATTORNEYS AT LAW

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June 7, 1995

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\*\*\*\*ALSO LICENSED TO PRACTICE IN OHIO

Mr. Jan Smokowicz  
Assistant City Attorney  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

RE: P.O. Robert Driebel, et al. bill

Dear Mr. Smokowicz:

On April 20, 1994 Adelman, Adelman and Murray submitted a statement for services regarding the above case. Some time ago, you asked me to provide more information about the conflict of interest and why such conflict was not apparent earlier in the representation.

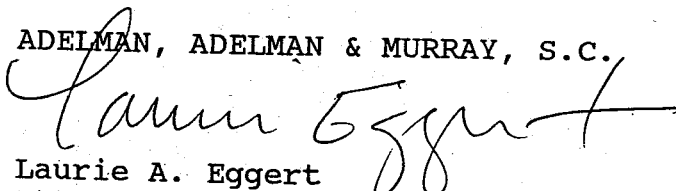
I am unable to provide you with any additional information about the nature and/or timing of the conflict, since those matters are within the continuing attorney/client privilege. I do not know how to provide any more information without violating the privilege.

I would merely state that my ethical responsibilities as defined in the Supreme Court Rules precluded my continued representation of these officers.

Please call me if you wish to discuss this further.

Very truly yours,

ADELMAN, ADELMAN & MURRAY, S.C.

  
Laurie A. Eggert  
Attorney at Law

LAE/ldg  
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