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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, LLP for legal fees for Police Sergeant Paul Hinkley

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Sergeant Paul Hinkley. The claim is in the amount of \$1,850.00 for 7.40 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$1,295.00, 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.
1032-2016-857:230323





GIMBEL ■ REILLY ■ GUERIN ■ BROWN LLP

Writer's E-mail
dmguer@grgblaw.com

April 12, 2016

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

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APR 15 2016

OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE
2016 APR 14 P 2:08
CITY CLERK'S OFFICE

Re: *Sergeant Paul Hinkley*
Investigation on October 7, 2015

Dear Mr. Owczarski:

I hereby am submitting my bill for legal services in representing a City of Milwaukee employee Milwaukee Police Sergeant Paul Hinkley, in a criminal investigation arising out of his employment. Obviously Sergeant Hinkley was not charged with any crime.

On October 7, 2015 a citizen of Milwaukee, Andre Sherard died while in the custody of the Milwaukee Police Department. The incident occurred at 2840 N. 70th Street in the City of Milwaukee.

Mr. Sherard was taken into custody following a call that Mr. Sherard was destroying articles in the home. Officers who responded had requested Taser but ultimately Mr. Sherard was taken into custody but died at the scene as he was being transported.

Sergeant Paul Hinkley responded to the scene shortly after Mr. Sherard was placed in handcuffs and continued to direct officers at the scene. (Officers LaRogue, Capelle and Rice). Mr. Sherard was treated by the Milwaukee Fire Department engine crew and medical unit but died at the scene.

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. The investigation was conducted by members of the Wauwatosa Police Department.

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





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 Paul Hinkley to represent his interests and be present for criminal interviews.

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', written over a horizontal line.

D. MICHAEL GUERIN

DMG/ker

Enclosure

MPSO/Hinkley, Paul/c/ Owczarski, City Clerk 2016-04-12

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OFFICE OF
CITY ATTORNEY

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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

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Page: 1
April 12, 2016
ACCOUNT NO.: 201540811M
STATEMENT NO.: 1

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

Criminal - Sergeant Paul Hinkley

STATEMENT

No Court Appearance.

HOURS

10/19/15
DMG

Conference with Sergeant Hinkley regarding death investigation;
research scene.

2.00

10/20/15
DMG

Research protocol of statute; travel to Wauwatosa Police Department
regarding interview by Wauwatosa Detectives Skornia and Tyler;
attend interview.

3.00

10/27/15
DMG

Telephone conference with Fire & Police Commission regarding status

0.80

10/31/15
DMG

Review file from Detective Skornia

0.70

11/18/15
DMG

Telephone conference with Detective Skornia; telephone conference
with client regarding results of autopsy.

0.90

FOR CURRENT SERVICES RENDERED

7.40

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	7.40	\$250.00*	\$1,850.00
TOTAL CURRENT WORK			\$1,850.00
BALANCE DUE			<u>\$1,850.00</u>

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

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OFFICE OF
CITY ATTORNEY

MILWAUKEE POLICE DEPARTMENT

May 10, 2016

TO: SGT. Paul HINKLEY
DISTRICT : SEVEN

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

Attorney Michael GUERIN has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

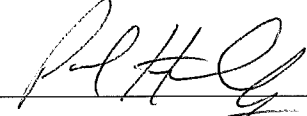
- 1) An incident occurring on October 7, 2015
- 2) An incident involving Andre SHERARD

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: 

Print your name: Paul Hinkley

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