

GRANT F. LANGLEY
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ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEAF
THOMAS D. MILLER
Assistant City Attorneys

February 27, 2008

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office,
S.C. for legal fees for Police Officers Richard Hoffman and Daniel
Robinson
C.I. File No. 06-S-257 EC 2357

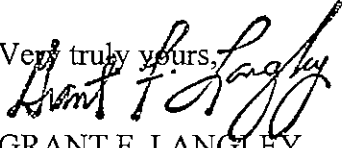
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Richard Hoffman and Daniel Robinson. The claim is in the amount of \$4,734.60 including \$48.60 in disbursements for 42.60 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 officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2006-2371:129227v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 12, 2006

TO: P.O. RICHARD HOFFMAN
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:

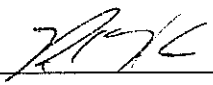
- 1) An incident occurring on N/A
- 2) A citizen's complaint made by INQUEST POLICE RELATED SHOOTING
- 3) A police shooting incident occurring on JANUARY 11, 2006

Is this information correct?

YES X NO

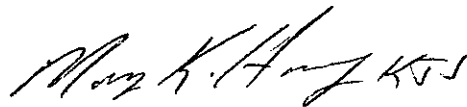
Did you receive legal representation
in this matter?

YES X NO

Your signature: 

Print your name: Richard HOFFMAN

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



MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 12, 2006

TO: P.O. DANAIL ROBINSON
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 N/A
- 2) A citizen's complaint made by INQUEST POLICE RELATED SHOOTING
- 3) A police shooting incident occurring on JANUARY 11, 2006

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: D. Robinson

Print your name: DANIEL ROBINSON

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

Mary K Hoerig

MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH:kjs

CERMELE & ASSOCIATES, S.C.
ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

1840 NORTH FARWELL AVENUE
SUITE 303
MILWAUKEE, WISCONSIN 53202
(414) 276-8750
FAX (414) 276-8906

August 17, 2006

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

CITY OF MILWAUKEE
2006 AUG 28 PM 4:16
RONALD D. LEONHARDT
CITY CLERK

**RE: Criminal Investigation of PO's Richard Hoffman and Daniel Robinson,
resulting in the DA conducting an Inquest under Chapter 979, STATS.
Allegations Regarding Officer-Involved Shooting
Date of Incident: January 11, 2006
Location of Incident: 3437 North 24th Street**

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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved the use of deadly force.

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement

CITY OF MILWAUKEE
RECEIVED

2006 AUG 29 PM 3:25

OFFICE OF
CITY ATTORNEY

- before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
 - e. The officer is suspended without pay for 10 or more working days. §895.35(2), *STATS.*

Officers Hoffman and Robinson are considered a “protective services officer” under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in connection with the use of deadly force. None of the “exceptions” to mandatory payment under §895.35(2) *STATS.*, apply.¹

The incident resulted in the District Attorney’s Office conducting an Inquest investigation into the death of Mr. Joseph Evans, under Chapter 979, *STATS.* That investigation qualifies as a “proceeding” which mandates payment under §895.35(2), *STATS.*

Deputy District Attorney Martin reviewed the matter and did not issue charges against the officers. Attached is a copy of Deputy District Attorney Martin’s letter and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

JC/kjs
Attachment
HOFFMAN and ROBINSON

¹ Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. See §895.35(2)(b), *STATS.*

OFFICE OF DISTRICT ATTORNEY



Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert O. Dorchos
Jon N. Reddin
Patrick J. Kenney
Lovell Johnson, Jr.
James J. Martin
Thomas A. Schatz
Alexander G. Salazar
William J. Malina
Donald S. Markow
Gale S. Shelton
Terry Magowan
Gary D. Marklein
David Roebis
Deborah Davy
Ped Tamara
Douglas J. Simonson
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Nicholas A. Gera
Stephanie Corinne Hoff
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Steven V. Uleata
Urad Vorpani
Jane Carrill
Paul Long
Michael S. Reis
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Kurt B. Rankley
James C. Griffin
William P. Papp
Audrey Kananenwaki
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Karen A. Vaggstad
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Jeffrey J. Altvorth
Richard Stanzel
Paul Wabillon
Kent L. Lovam
Ulusa W. Dozier
Michael T. Maroney
Mary M. Spieriski
Kathryn K. Sams
Jeanette Corbett
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David Maag
Jeremy L. Resar
David J. Gaylor
Rene K. Sullivan
T. Christopher Deo
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Lisa P. Fricker
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Heidi E. Galvan
Nancy A. Noel
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Megan A. Thomas
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Adam J. Levin
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Claire Siskind
Zach Whitney
Heidi A. Klefer
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Karyna L. Childs
Janni M. Kucheneles
Caitlin Hufny
Gibson Urilo
Jorina Maron
Anthony White
Antoni Adoro
Julio Orscoli
Natalie Dondinger
Erik Karahan
Lucy Kronhorst
William Anthony Goll, Jr.
Erik Dincan
Maurizen S. Bruckow

July 7, 2006

Nannette H. Hegerty, Chief of Police
Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, WI 53233

Dear Chief Hegerty:

On July 6, 2006, an inquest jury in Judge Jeffrey Wagner's court returned a verdict that Milwaukee police officer Richard Hoffman's use of deadly force in the shooting death of Joseph Evans on January 11, 2006, in an alley behind 3437 North 24th Street in Milwaukee, was privileged in self-defense or defense of others, pursuant to Wis. Stat. § 939.48:

I agree with the jury verdict. Mr. Evans' death was a tragedy, but there was no criminal wrongdoing by Officer Hoffman, and no criminal charges will be issued against him arising from Mr. Evans' death:

Thank you for your department's cooperation in the investigation into Mr. Evans' death.

Sincerely,

James J. Martin
James J. Martin
Deputy District Attorney

cc: Jonathan Cermele, Esq.
Willie J. Nunnery, Esq.

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

1840 NORTH FARWELL AVENUE
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FAX (414) 276-8906

August 18, 2006

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

RE: MPD Criminal Investigation re: shooting
Regarding: PO's Richard Hoffman and Daniel Robinson
Date of Incident: January 11, 2006
Location of Incident: 24th and Keefe
Professional services

	<u>Hours</u>
1/11/2006 Telephone regarding officer involved shooting; telephone call to PO Hoffman; telephone call to PO Robinson; open file; travel to scene; meeting with CIB; travel to PAB; meeting with PO Hoffman; meeting with PO Robinson; attend PO Hoffman's statement to CIB/DA.	5.00
1/12/2006 Travel; follow-up meeting with PO Robinson; attend PO Robinson's statement to CIB/DA; return travel; memos to file.	2.20
1/13/2006 Telephone call to CIB.	0.30
2/8/2006 Review file; telephone calls from and to DDA Martin.	0.30
3/3/2006 Telephone call to DDA Martin.	0.20
3/9/2006 Telephone call to DDA Martin; telephone call to DDA Reddin; telephone calls from and to client.	0.50
3/10/2006 Telephone calls to and from DDA Martin; memo to file; telephone call to client.	0.40

	<u>Hours</u>
3/13/2006 Telephone calls from and to client.	0.40
4/25/2006 Review file; telephone call to DDA Martin; telephone call to and from Dep. Chief O'Keefe.	0.40
4/28/2006 Telephone call to and from DDA Martin.	0.30
5/22/2006 Review file; telephone call to McCann.	0.30
5/23/2006 Telephone call to McCann.	0.10
5/24/2006 Telephone call to McCann; telephone call to client.	0.40
5/25/2006 Telephone call from McCann confirming inquest; telephone call to client; telephone call to DDA Martin regarding scheduling inquest; organize file.	0.90
5/26/2006 Telephone call to client; correspondence to same.	0.40
5/31/2006 Review file.	0.60
6/1/2006 Telephone call to PO Hoffman and PO Robinson.	0.20
6/2/2006 Telephone call to PO Hoffman.	0.20
6/13/2006 Review file; receive and review documentation from PO Robinson; telephone call to DDA Martin.	0.30
6/14/2006 Telephone call to DDA Martin; telephone call to and from DA's investigator.	0.30
6/15/2006 Telephone call to DA's investigator.	0.20
6/20/2006 Receive and review message from DDA Martin; several telephone calls to and from client regarding availability; telephone call to DDA Martin regarding inquest dates.	0.50

	<u>Hours</u>
6/21/2006 Detailed review of file and reports; memo to file; telephone call to DDA Martin; telephone call to and from PO Robinson; telephone call to and from DDA Martin scheduling meeting with PO Robinson; calendar same; receive and review Faxed documents from DDA Martin.	2.40
6/22/2006 Telephone call to and from DDA Martin.	0.30
6/23/2006 Review file; telephone call from client; telephone call to DDA Martin; telephone call to and from PO Robinson; telephone call to DDA Martin re-scheduling statement.	0.50
6/27/2006 Meeting with DDA Martin; telephone call to PO's Hoffman and Robinson rescheduling meeting with DA; reschedule same.	1.10
6/28/2006 Telephone call from and to DDA Martin.	0.20
6/29/2006 Research regarding Fifth Amendment; review file; travel; meeting with PO Robinson; attend meeting with PO Robinson and DDA Martin; meeting with PO Hoffman; attend meeting with PO Hoffman and DDA Martin; return travel; memos to file; obtain Medical Examiner's Autopsy Protocol and Toxicology Report; review same.	5.10
7/1/2006 Prepare for Inquest.	3.50
7/5/2006 Travel; meeting with PO Hoffman; meeting with DA; attend Inquest; return travel.	9.40
7/6/2006 Travel; attend Inquest; return travel; telephone call to client regarding Verdict of "Justified"; Fax to DDA Martin; organize file.	5.20
7/7/2006 Receive and review correspondence from DDA Martin confirming that his office agreed with the Jury's verdict (i.e., PO Hoffman's use of deadly force was justified) and would not issue charges; telephone call to client regarding same; correspondence to client regarding same; close file.	0.50

Mr. Ronald D. Leonhardt

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	<u>Hours</u>	<u>Amount</u>
For professional services rendered	42.60	\$4,686.00
Additional charges:		
1/11/2006 Parking		9.00
6/29/2006 Parking		8.00
Autopsy protocol and toxicology report		2.60
7/5/2006 Parking		17.00
7/6/2006 Parking		12.00
Total costs		<u>\$48.60</u>
Total amount of this bill		<u>✓\$4,734.60</u>
Balance due		<u><u>\$4,734.60</u></u>

(Rate: \$110.00 per hour)