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June 13, 2018

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

Re: Communication from Attorney Steven D. Michael Guerin, Gimbel, Reilly,
Guerin & Brown, for legal fees for Police Sergeant Andrew Tischer

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Sergeant Andrew Tischer. The claim is in the amount of \$1,900.00 for 7.60 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$1,330.00, 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
Deputy City Attorney

JAS
Enclosure
1032-2017-786:249695





GIMBEL • REILLY • GUERIN • BROWN LLP

Writer's Direct E-mail
dmguerin@grgblaw.com

September 10, 2015

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APR 11 2017

OFFICE OF
CITY ATTORNEY

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

Re: *Sergeant Andrew Tischer*
February 28, 2013 Incident

Dear Mr. Owczarski:

Andrew Tischer is a Sergeant on the Milwaukee Police Department. On February 28, 2013 Sergeant Tischer, while on duty, was involved in a use of force incident that occurred in the 3900 Block of North 25th Street.

An individual who had fired shots was pursued by police officers. Sergeant Tischer assisted in locating the man and used force to get the subject to an immobile position on the ground. The individual complained of physical injuries and was transported to Froedtert Memorial Lutheran Hospital.

A criminal investigations was begun. After a review of the circumstances and review of applicable law and meeting with Sergeant Tischer and Sergeant Edwards I declined to allow any statements to the criminal investigator and discussed my decision with Sergeant Tischer and Criminal Investigator Kavanaugh on a later date.

Consistent with its ethical obligations and policy, the City Attorney's office was unable to represent Sergeant Tischer in this matter.

I am enclosing the printout of time at the hourly rate of \$250.00 an hour for services rendered regarding Andrew Tischer. Sergeant Tischer has incurred the fees compiled in these printouts as a direct result of his being investigated for actions taken within his official capacity, and in the performance of his duties, in connection with the use of force. None of the "exceptions" to mandatory

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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
September 9, 2015
ACCOUNT NO.: 201309903M
STATEMENT NO.: 1

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

Criminal - Sergeant Andrew Tischer

STATEMENT

No Court Appearance.

02/28/13
DMG

HOURS

Telephone conference with Sgt. Michael Edwards (MPSO)
Regarding critical incident.

.50

02/28/13
DMG

Meet with Sgt. Edwards and Sgt. Andrew Tischer at the Police
Administration Building; review facts regarding use of force
Against citizen who ultimately was conveyed for medical attention.
Discuss circumstances with investigators and attorneys for other
Witnesses.

3.40

03/01/13
DMG

Research issue of criminal use of force and telephone conference
With criminal Investigator Denny DeValkenaere.

3.20

03/01/13
DMG

Telephone conference with Lt. Kavanaugh regarding our refusal
To make a statement to the criminal investigator.

0.50

FOR CURRENT SERVICES RENDERED

7.60

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	7.60	\$250.00*	\$1,900.00
TOTAL CURRENT WORK			\$1,900.00
BALANCE DUE			<u>\$1,900.00</u>

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

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APR 11 2017

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