

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

April 7, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Tom Fischer
C.I. File No. 03-S-433; EC No. 1959

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Tom Fischer. The claim is in the amount of \$385.00 for 3.50 hours of service billed at the rate of \$110 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 they were 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. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

Handwritten signature of Grant F. Langley in black ink.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in black ink.

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm

Enc.

91876/ 1032-2003-3702.003

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

November 10, 2003

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

CITY ATTORNEY

NOV. 12 RECD

**RE: MPD Criminal Investigation of PO Tom Fischer
Allegations Regarding Driving While License Suspended
EC No.: 1959**

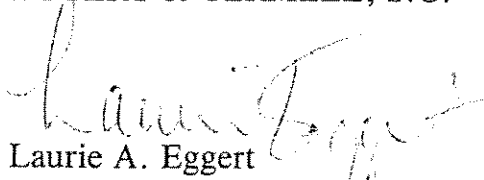
Dear Mr. Leonhardt:

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. The MPD investigated whether PO Fischer drove a motor vehicle on duty after his driver's license was suspended.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO Fischer to give a statement concerning the incident after issuing a PI-21. No charges were brought against the officer. Attached is a copy of a report from Cmdr. Settingsgaard of IAD and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

4/4/05
O.K.
JAS
Letter 2277

LAE/ldl
attachment
FISCHER

EGGERT & CERMELE, S.C.

Attorneys at Law

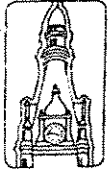
Laurie A. Eggert
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November 10, 2003

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202
RE: MPD Criminal Investigation re: Driving while license suspended
Regarding: PO Tom Fischer
Professional services

	<u>Hours</u>	
9/5/2003 Telephone call from client; open file; memo to file.	0.90	
9/9/2003 Review of file.	0.30	
9/10/2003 Conference with client; attend PI-21 statement; travel.	1.50	
9/24/2003 Review of file; Fax to Cmdr. Settingsgaard.	0.30	
10/3/2003 Review of correspondence from Cmdr. Settingsgaard; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.50	\$385.00
Balance due		<u>\$385.00</u>



City
of
Milwaukee

Police Department

Arthur L. Jones
Chief of Police

October 1, 2003

Attorney Jonathan Cemele
1840 North Farwell Avenue
Suite 303
Milwaukee, WI 53202

OCT 3 2003

Dear Mr. Cemele:

This letter is in response to your inquiry of September 24, 2003, regarding Detective Thomas Fischer.

Upon a review of our files it was ascertained that you are correct in your assumption that the criminal investigation of Detective Fischer has been completed and is now closed.

If you have any further questions regarding this matter please do not hesitate to contact me at 935.7942.

Sincerely,

ARTHUR L. JONES
CHIEF OF POLICE

STEVEN M. SETTINGSGAARD
Police Commander

ALJ:SMS:lj

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 18, 2003

TO: DETECTIVE THOMAS FISCHER
DISTRICT CIB

RE: Receipt of Legal Services from Law Firm of
Attorney

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
- 2) A ~~citizen~~'s complaint made by DRIVING WHILE LICENSE SUSPENDED
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: _____

Thomas E Fischer

Print your name: _____

THOMAS E FISCHER

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

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

KFS

SMS:kjs