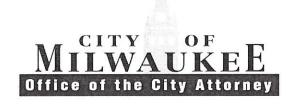
GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ ADAM B. STEPHENS MARY L. SCHANNING JAN A. SMOKOWICZ Deputy City Attorneys



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

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 Lieutenant Warren Allen

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Lieutenant Warren Allen. The claim is in the amount of \$1,875.00 for 7.50 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$1,435.00 for 8.20 hours of work, 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.

City Attorney

JAN A. SMOKOWICZ Deputy City Attorney

JAS

Enclosure

1032-2016-1612:249700

NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R JAHN
SAVEON D. GRENELL
ROSE SIMON-SILVA
JULIE P. WILSON
GREGORY P. KRUSE
Assistant City Attorneys

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SUSAN E. LAPPEN

ELLEN H. TANGEN

KATHRYN Z. BLOCK

KEVIN P. SULLIVAN

THOMAS D. MILLER ROBIN A. PEDERSON

KAIL J. DECKER

JEREMY R. MCKENZIE PETER J. BLOCK NICHOLAS P. DESIATO JOANNA FRACZEK JENNY YUAN

ALLISON N. FLANAGAN PATRICK J. LEIGL HEATHER H. HOUGH

ANDREA J. FOWLER PATRICK J. MCCLAIN

JAY A. UNORA

PATRICIA A. FRICKER

HEIDI WICK SPOERL GREGG C. HAGOPIAN





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

July 22, 2016

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

...

Re: Lieutenant Warren Allen

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JUL 27 2016

OFFICE OF CITY ATTORNEY THY OF MILWAUNEL

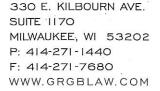
Dear Mr. Owczarski:

On May 9, 2016 Warren Allen a Lieutenant on the Milwaukee Police Department, was involved in a shooting incident near 76th and Good Hope while off-duty. The Milwaukee Police Department and the Milwaukee District Attorney conducted a criminal investigation into the matter.

Lieutenant Allen was alerted to a "robbery in progress" by an employee of Sally Beauty. Lieutenant Allen chased the subject, a convicted felon, until the subject entered an auto and attempted to use the auto to strike Lieutenant Allen. Allen was required to discharge his weapon and struck the subject. The subject was ultimately charged and convicted of a felony violation.

Consistent with its ethical obligations and policy, the City Attorney's office was unable to represent Lieutenant Allen in this matter and we were retained.

I am enclosing the printout of time at the hourly rate of \$250.00 an hour for services rendered regarding Lieutenant Allen. Lieutenant Allen has incurred the fees complied 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 payment under \S 895.35(2) Stats. apply. Therefore this investigation qualifies as a "proceeding" which mandates payment under \S 895.35(2) Stats.





All of the services were performed on site of incident or at the Milwaukee Police Department location and not in my office.

If you have any questions, please feel free to contact me.

Yours truly,

D. MICHAEL GUERIN

DMG/ker Enclosure

MPSO/Allen, Warren/Owczarski, Jim 2016-07-222

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JUL 27 2016

OFFICE OF CITY ATTORNEY

Gimbel, Reilly, Guerin & Brown LLP Two Plaza East, Suite 1170 - 330 East Kilbourn Avenue Milwaukee, WI 53202 - www.grgblaw.com Telephone (414) 271-1440 - Facsimile (414) 271-7680

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JUL 27 2016

OFFICE OF CITY ATTORNEY

Family Law, Personal Injury, Criminal Law, Real Estate, Business, Estate Planning, Civil & Commercial Litigation in State and Federal Courts Federal Tax ID 39-1094570

> Page: 1 July 20, 2016

ACCOUNT NO.: 201617205M STATEMENT NO.: 1

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

Civil - Lieutenant Warren Allen

STATEMENT

05/09	/16	<u>HOURS</u>		
DMG	/ 10			
SCM	Telephone conference with Carmello Patti on Sunday (x2); conference with Lieutenant Allen; research issue of Milwaukee Police Department investigation.	1.70		
	Revie file and notes; office conferences with client and Attorney D. Michael Guerin	1.50		
05/10/16 DMG				
SCM	Review security tape; attend interview with Milwaukee Police Department Internal Affairs Criminal Division and District Attorney's office memorandum to file).	2.00		
	Review file and notes; conference with Milwaukee Police Department Internal Affairs Criminal Division and Attorney Guerin.	1.30		
05/11, DMG				
	Telephone conference with P. Cavanaugh, P. Formolo and Client regarding scheduling client and line-up; line-up			
	was ultimately cancelled.	<u>1.70</u>		
	FOR CURRENT SERVICES RENDERED	7.50		

Page: 2 July 20, 2016

ACCOUNT NO.: 201617205M

STATEMENT NO.: 1

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL	RECEIVED
D. M. Guerin	4.70	\$250.00*	\$1,175.00	JUL 27 2016
S. C. McGaver	2.80	\$250.00	700.00	OFFICE OF
TOTAL CURRE	NT WORK	\$1,875.00	CITYATTORNEY	
BALANCE DUI	Е		<u>\$1,875.00</u>	

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