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**CITY OF**  
**MILWAUKEE**  
**Office of the City Attorney**

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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 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,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Deputy City Attorney

JAS

Enclosure

1032-2016-1612:249700





July 22, 2016

CITY OF MILWAUKEE  
2016 JUL 25 P 2:26  
CITY CLERK'S OFFICE

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JUL 27 2016

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CITY ATTORNEY

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

Re: *Lieutenant Warren Allen*

Dear Mr. Owczarski:

On May 9, 2016 Warren Allen a Lieutenant on the Milwaukee Police Department, was involved in a shooting incident near 76<sup>th</sup> 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 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 payment under § 895.35(2) Stats. apply. Therefore this investigation qualifies as a "proceeding" which mandates payment under § 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,

A handwritten signature in black ink, appearing to read 'D. Michael Guerin', written over a light blue horizontal line.

D. MICHAEL GUERIN

DMG/ker  
Enclosure

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

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Business, Estate Planning, Civil & Commercial Litigation  
in State and Federal Courts  
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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

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

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	4.70	\$250.00*	\$1,175.00
S. C. McGaver	2.80	\$250.00	700.00
TOTAL CURRENT WORK			\$1,875.00
BALANCE DUE			<u>\$1,875.00</u>

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