

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 18, 2002

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 Todd Smolen and James Bryce
C.I. File No. 01-S-272-11; ELO No. 1639

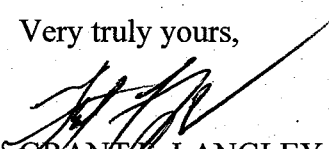
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Todd Smolen and James Bryce. The claim is in the amount of \$621.72 including \$5.72 in disbursements for 5.60 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 Police Officers on whose behalf this claim was filed.

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. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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

RONALD D. LEONHARDT
CITY CLERK
AUG - 6 PM 2:35
CITY OF MILWAUKEE

August 2, 2001

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

**RE: MPD Criminal Investigation of POs Todd Smolen and
James Bryce
Allegations Regarding Ms. Inger Youngblood
Date of Incident: April 23, 2000
Location of Incident: 2620 West Capitol Drive
ELO No.: 1639**

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, the claim is hereby made on their behalf for the indicated legal fees. This incident involved a field interview stop. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

OFFICE OF
CITY ATTORNEY

01 AUG - 6 PM 3:14

CITY OF MILWAUKEE
RECEIVED

JC/ldl
SMOLEN

11/15/02

O.K.

JAS

Letter

2276

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414)276-8750
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August 2, 2001

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

RE: MPD Criminal Investigation re: Ms. Inger Youngblood
Regarding: POs Todd Smolen and James Bryce
Date of Incident: April 23, 2000
Location of Incident: 2620 W. Capitol Dr.

Professional services

	<u>Hours</u>
10/11/00 Telephone call from PO Smolen; telephone call to and from IAD; open file; memo to file.	0.50
10/17/00 Telephone call to PO Smolen.	0.20
11/28/00 Review of file; telephone call to and from IAD; memo to file.	0.40
12/05/00 Telephone call to IAD; telephone call to PO Smolen.	0.30
01/09/01 Several telephone calls to and from IAD; telephone call to PO Smolen; telephone call to PO Bryce; memo to file.	0.90
01/10/01 Telephone call to IAD.	0.20
01/11/01 Review of file; meeting with POs Smolen and Bryce at IAD; attend PO Smolen's statement to IAD; attend PO Bryce's statement to IAD; travel; memo to file.	1.90

	<u>Hours</u>	
01/19/01 Telephone call to IAD.	0.10	
01/25/01 Telephone call from IAD.	0.20	
02/05/01 Review of correspondence from DA; correspondence to MPD Open Records; correspondence to clients.	0.40	
03/26/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	5.60	\$616.00
Additional charges:		
03/26/01 MPD Open Records request		5.72
Total costs		<u>\$5.72</u>
Total amount of this bill		<u>\$621.72</u>
Balance due		<u><u>\$621.72</u></u>

(Rate: \$110.00 per hour through 12/31/1998)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

Thursday, February 15, 2001

SUMMARY

IN THE MATTER OF:

CIU#00-111 - BATTERY
P.O. JAMES E. BRYCE, PR#62918
P.O. TODD N. SMOLEN, PR#64703
DISTRICT #7 - LATE POWER SHIFT

TO: DALE T. SCHUNK
POLICE COMMANDER

SIR:

This report was dictated by Lieutenant of Detectives Mary Hoerig, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Early Shift.

ALLEGATION:

The complainant, Inger YOUNGBLOOD, alleges that on Sunday, April 23, 2000 Officer SMOLEN did stick his finger in her eye causing pain and injury.

INVESTIGATION:

YOUNGBLOOD did file a Citizen's Complaint Form on 04-23-00 regarding this incident and on that same date Captain James SHEPARD of the Internal Affairs Division did assign this case to Detective Michael SYKES. During an interview with Michael SYKES, YOUNGBLOOD states that she was in her personal auto, a 1994 Buick with plate #NDW-452, following a second vehicle, which was driven by her sister, Tarada YOUNGBLOOD. She states that both cars pulled into a gas station near 27th and W. Capitol Drive, followed by two to three marked police squad cars. YOUNGBLOOD was being questioned by a white male police officer when she noticed that other officers were taking her sister, Tarada, into custody. YOUNGBLOOD attempted to exit the driver's side of her own vehicle to find out why her sister was being arrested and the white male officer began telling her to get back into her car and was pushing on her forehead with his index finger.

SUMMARY
CIU#00-111
PAGE 3

people in the vehicle after the complainant's vehicle and another vehicle refused to leave the gas station parking lot. He states that they did conduct F.I. stops and performed wanted checks in regards to the occupants of the vehicles. He recalls a female citizen exiting her vehicle several times, approaching him and asking him questions such as why it was taking so long etc. SMOLEN recalls that he did point back to the female's vehicle requesting that she return to her vehicle but at no time did he have any type of physical contact with the female citizen. After returning identification cards and advising those people to leave the area the citizen left the parking lot without any type of incident occurring. Additionally, he remembers that one of the female citizens did have an arrest warrant and was taken into custody.

CONCLUSION:

On Wednesday 01-31-01, this investigation was presented to the Milwaukee County District Attorney's office for review. Deputy District Attorney Jon REDDIN reviewed all the police reports and interviewed the complainant, Inger YOUNGBLOOD. Deputy District Attorney REDDIN determined that he would not be able to prove that intent to cause bodily harm existed in this incident. Deputy District Attorney REDDIN further advised that he was not disputing the fact that the officer in question may have caused injury to YOUNGBLOOD, however, intent to cause bodily harm can not be established. Deputy District Attorney REDDIN declined to initiate criminal prosecution in this investigation and subsequently this investigation will be cleared as warrant refused.

Respectfully submitted:

Mary K. Hoerig
Mary K. HOERIG
Lieutenant of Detective s
CIU/IAD, Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. TODD SMOLEN TEU
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 APRIL 23, 2000
- 2) A citizen's complaint made by INGER YOUNGBLOOD
- 3) A police shooting incident occurring on

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: Todd Smolen
Print your name: TODD SMOLEN

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

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. JAMES BRYCE TEU
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 APRIL 23, 2000
- 2) A citizen's complaint made by INGER YOUNGBLOOD
- 3) A police shooting incident occurring on

Is this information correct?

YES 6 NO _____


Did you receive legal representation in this matter?

YES 6 NO _____

Your signature: _____

Print your name: P.O. JAMES E BRYCE 62918

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


STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp