

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

August 20, 2004

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

Re: Communication from D. Michael Guerin, Gimbel, Reilly, Guerin & Brown
for legal fees for Sergeant Jeffrey Cook
C.I. File No. 03-S-417

Dear Council Members:


Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Sergeant Jeffrey Cook. The claim is in the amount of \$704.00 for 6.40 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 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. Wis. Stat. § 895.35, *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.
2277

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND

Assistant City Attorneys

October 27, 2003

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 03-S-417
Communication from D. MICHAEL GUERIN

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney D. Michael Guerin for Attorney's fees incurred during his representation of Sgt. Jeffrey Cook.

Please determine whether this officer was in fact involved in the matter described in Mr. Guerin's claim, and have this officer verify Mr. Guerin's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

8/19/04
O.K.
JAS
Letter 2277

RECEIVED
03 NOV - 3 AM 11:52
INTERNAL AFFAIRS
DIVISION

**GIMBEL, REILLY,
GUERIN & BROWN**

LAW OFFICES

CITY OF MILWAUKEE
RECEIVED

OCT 24 PM 2:35

October 8, 2003
CITY ATTORNEY

CITY OF MILWAUKEE

OCT 23 PM 4:17

RONALD D. LEONHARDT
CITY CLERK

FRANKLYN M. GIMBEL
COURT COMMISSIONER

RICHARD E. REILLY

D. MICHAEL GUERIN

THOMAS E. BROWN

DENIS J. REGAN

KATHRYN A. KEPPEL

PATRICK J. KNIGHT

RAYMOND M. DALLOSTO
ALSO LICENSED IN ILLINOIS

JENNIFER A. LINO

CHRISTOPHER L. STROHBEHN

BYRON B. CONWAY

OLIVER J. KAUFMAN

PARALEGALS

STEVEN M. LANT

SUE M. SOCZKA

ANGELA D. JANSSEN

VALDEMAR GONZALEZ, JR.

CORINA J. HERR

JEFFREY A. KAUFMAN
OF COUNSEL

C.R. REILLY (1901-1983)

Mr. Ronald D. Leonhardt
Attn: Marian Hartner
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202

Re: Sergeant Jeffrey Cook
Fatal Shooting Incident on April 22, 2003

Dear Ms. Hartner:

The above-named Milwaukee Police Sergeant retained our firm to represent him in connection with the above-referenced matter.

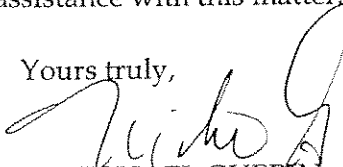
Consistent with its ethical policy, the City Attorney's office was unable to represent Sergeant Cook. As he was performing the duties of the office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved Sergeant Jeffrey Cook in a fatal shooting at South KK Avenue at Trowbridge.

The district attorney and the criminal investigators of the Milwaukee Police Department initiated a criminal investigation in which Sergeant Cook was advised of his rights pursuant to *Miranda v. Ariz.* Sergeant Jeffrey Cook was cleared of any criminal wrongdoing after review by Assistant District Attorney LaVelle Johnson and clearance by District Attorney E. Michael McCann.

Also enclosed is the printout of time and services rendered regarding the sergeant.

Thank you for your assistance with this matter.

Yours truly,



D. MICHAEL GUERIN

DMG/ker
Enclosure

cc: Attorney Jan Smokowicz
MPSO/Cook/Marian Hartner ltr 10/08/03

GIMBEL, REILLY, GUERIN & BROWN
 Two Plaza East, Suite 1170 - 330 East Kilbourn Avenue
 Milwaukee, Wisconsin 53202 - www.grglaw.com
 Telephone (414) 271-1440 - Facsimile (414) 271-7680

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

Milwaukee Police Supervisors Organization
 5639 South 30th Street
 Milwaukee WI 53221

Page: 1
 September 30, 2003
 ACCOUNT NO. 200316904M
 STATEMENT NO: 1

Criminal - Cook, Jeffrey

	HOURS	
04/23/03 DMG Memo to file; attend criminal investigation regarding shooting on S. KK.	5.50	
05/28/03 DMG Prepare correspondence to client.	0.50	
08/06/03 DMG Prepare correspondence to district attorney.	0.40	
FOR CURRENT SERVICES RENDERED	6.40	704.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D. M. Guerin	6.40	\$110.00	\$704.00
TOTAL CURRENT WORK			704.00
BALANCE DUE			\$704.00

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.

THANK YOU!

GIMBEL, REILLY, GUERIN & BROWN

LAW OFFICES

FRANKLYN M. GIMBEL
COURT COMMISSIONER

RICHARD E. REILLY

D. MICHAEL GUERIN

THOMAS E. BROWN

DENIS J. REGAN

KATHRYN A. KEPPEL

PATRICK J. KNIGHT

RAYMOND M. DALLOSTO
ALSO LICENSED IN ILLINOIS

JENNIFER A. LINO

CHRISTOPHER L. SIROHBEHN

BYRON B. CONWAY

OLIVER J. KAUFMAN

PARALEGALS

STEVEN M. LANT

SUE M. SOCZKA

ANGELA D. JANSSEN

JUDITH C. ALBRITTON

BECKY A. DILLER

JEFFREY A. KAUFMAN
OF COUNSEL

C.R. REILLY (1901-1983)

FAX TRANSMITTAL COVER SHEET

TO: <i>Jon Smokowicz</i>	DATE: <i>8-19-04</i>
COMPANY:	FAX NO.:
FROM: <i>D. Michael Guerin</i>	<i>414-286-8550</i>
CLIENT: <i>MPBO</i>	
COMMENTS:	

ORIGINAL TO BE MAILED _____ ORIGINAL KEPT IN OUR FILE X

IF YOU HAVE ANY PROBLEMS RECEIVING THIS FACSIMILE
PLEASE CALL (414) 271-1440

Number of Pages Transmitted (Including This Page): 3

CONFIDENTIALITY NOTICE: This transaction contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, distribution, copying or action based on the contents of this confidential information is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone to arrange for its return. Thank you.

Please contact the operator listed above if you did not receive all the pages indicated or if there appears to be a problem with the transmission.

TWO PLAZA EAST, SUITE 1170 • 330 EAST KILBOURN AVENUE • MILWAUKEE, WISCONSIN 53202

TELEPHONE: (414) 271-1440 • FACSIMILE: (414) 271-7680

www.grgblaw.com

GIMBEL, REILLY, GUERIN & BROWN
Two Plaza East, Suite 1170 - 330 East Kilbourn Avenue
Milwaukee, Wisconsin 53202 - www.grglaw.com
Telephone (414) 271-1440 - Facsimile (414) 271-7680

Family Law, Personal Injury, Criminal Law, Real Estate,
Business, Estate Planning, Civil & Commercial Litigation
in State and Federal Courts

Milwaukee Police Supervisors Organization
5639 South 30th Street
Milwaukee WI 53221

Page: 1
September 30, 2003
ACCOUNT NO. 200316904M
STATEMENT NO: 1

Criminal - Cook, Jeffrey

04/23/03 Memo to file; attend criminal investigation
regarding shooting on S. KK.

05/28/03 Prepare correspondence to client.

08/06/03 Prepare correspondence to district attorney.

FOR CURRENT SERVICES RENDERED	704.00
TOTAL CURRENT WORK	704.00
BALANCE DUE	<u><u>\$704.00</u></u>

PLEASE RETURN ONE COPY OF THIS STATEMENT WITH YOUR PAYMENT.


THANK YOU!

October 13, 2003

ACA Jan Smokowicz
800 City Hall
200 E. Wells Street
Milwaukee, WI 53202

Sir,

Per your request dated October 24, 2003, I am sending you the Sergeants responses to Attorney Guerin's bill. The C.I. # is 03-S-411, AND 03-S-417


Kurt J. Sutter
Detective
Internal Affairs Division

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 5, 2003

TO: SGT. JEFFREY COOK
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of
Attorney

MICHAEL GOERIN

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 N/A
- 2) A citizen's complaint made by N/A
- 3) A police shooting incident occurring on APRIL 22, 2003

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____

Print your name: _____

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

Steven M. Settingsgaard K53
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

RECEIVED
INTERNAL AFFAIRS
NOV 10 2003
MILWAUKEE POLICE DEPARTMENT