

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
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THOMAS O. GARTNER
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ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

April 16, 2007

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele
for legal fees for Police Officer Szidon McNulty
C.I. File No. 04-S-267-3; EC No. 2046

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Szidon McNulty. The claim is in the amount of \$945.37, including \$10.37 in disbursements for 8.50 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 the filing of a citizen's complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

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.

1032-2004-2328/117964

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

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

August 5, 2004

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

**RE: Citizen Complaint of Mr. R.L. McSweeny
Against PO Szidon McNulty
Complaint No.: 03-57
Date of Incident: July 9, 2003
EC No.: 2046**


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. This incident involved a traffic stop. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
attachment
MCNULTY

4/5/07
O.K.
JAS
Letter 2295

EGGERT & CERMELE, S.C.

Attorneys at Law

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Jonathan Cermele
Rachel L. Pings

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
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August 04, 2004

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

RE: Citizen Complaint of Mr. R.L. McSweeney
Against PO Szidon McNulty
FPC No: 03-57
Date of Incident: July 9, 2003
Location of Incident: 1615 East Locust Street
Professional services

	<u>Hours</u>
10/7/2003 Open file; review correspondence to FPC, complaint and documents from client.	0.80
10/13/2003 Review of correspondence from FPC; review of file.	0.30
10/22/2003 Telephone call to client; memo to file; review of file.	1.20
10/27/2003 Review of file; correspondence to MPD Open Records.	0.70
11/17/2003 Review document from FPC; memo to file.	0.20
11/20/2003 Telephone call to FPC.	0.10
11/21/2003 Memo to file.	0.10
2/13/2004 Review of file; memo to file; correspondence to client.	0.30
2/27/2004 Telephone call from FPC; memo to file.	0.20
2/28/2004 CCAP and municipal court update regarding complainant; review of file; memo to file; correspondence to municipal court.	0.50

	<u>Hours</u>	
3/1/2004 Telephone call from FPC; memo to file; telephone call from MPD Open Records.	0.40	
3/5/2004 Telephone call to FPC; review of file; review MPD reply regarding alleged violation; telephone call from FPC.	0.60	
3/6/2004 Review documents from MPD Open Records; correspondence to MPD Personnel; computer search; memo to file; review closed criminal investigation.	1.20	
3/11/2004 Telephone call from FPC; review of file; memo to file.	0.20	
3/17/2004 Telephone calls from MPD Open Records; memo to file.	0.30	
3/19/2004 Telephone call to FPC; telephone call to District #5; telephone call to client; memo to file.	0.50	
3/25/2004 Review of correspondence from complainant.	0.10	
4/9/2004 Review documents from MPD Open Records.	0.30	
4/19/2004 Review of correspondence from FPC; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	8.50	\$935.00
Additional charges:		
3/3/2004 MPD Open Records request		7.29
4/9/2004 MPD Open Records request		3.08
		<u>\$10.37</u>
Total costs		<u>\$945.37</u>
Total amount of this bill		<u>\$945.37</u>

Mr. Ronald Leonhardt

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Amount

Balance due

\$945.37

(Rate: \$110.00 per hour)

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF R.L. MCNEELEY
AGAINST POLICE OFFICER SZIDON MCNULTY

RECEIVED
APR 09 2004
EGGERT & CERMELE, S.C.
ORDER OF DISMISSAL

To Officer McNulty:

It is hereby ordered that the Complaint of R.L. McNeeley, Complaint No. 03-57, filed with the Board on August 13, 2003, is dismissed because the Complainant has requested that the Complaint be dismissed, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, APRIL 8, 2004.

✓: Attorney Laurie Eggert

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. SZIDON MCNULTY
DISTRICT: FIVE

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 JULY 9, 2003
- 2) A citizen's complaint made by R.L. MCNEELY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____

Szidon McNulty

Print your name: _____

SZIDON MCNULTY

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
Inspector of Police
Professional Performance Division

SMS:kjs