

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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Assistant City Attorneys

August 20, 2004

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Jon Bartlett and Kurt Lacina
C.I. File No. 03-S-107/23; EC No. 1838

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Jon Bartlett and Kurt Lacina. The claim is in the amount of \$2,596.00 for 23.60 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 police officers on whose behalf this claim was filed, but they were 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

EGGERT & CERMELE, 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

February 24, 2003

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

02 FEB 24 10 09 AM '03
MILWAUKEE COUNTY CLERK'S OFFICE

**RE: MPD Criminal Investigation of Shooting (Mr. Devin Jenkins)
Regarding POs Jon Bartlett and Kurt Lacina
Date of Incident: September 19, 2002
Location of Incident: 36th and Glendale
EC No.: 1838**

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 the use of deadly force.

The MPD conducted a criminal investigation and investigated the shooting as a critical incident. IAD compelled POs Bartlett and Lacina to give statements after issuing PI-21s. Later, the DA concluded that the officers' use of force was in self defense. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

8/19/04
O.F.
JHS

Letter 2277

JC/ldl
attachment
BARTLAC SH

EGGERT & CERMELE, 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

February 18, 2003

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

RE: MPD Criminal Investigation of Shooting (Devin Jenkins)
Regarding: Police Officers Jon Bartlett and Kurt Lacina
Date of Incident: September 19, 2002
Location of Incident: 36th and Glendale

Professional services

| | <u>Hours</u> |
|--|--------------|
| 9/19/02 Several telephone calls from POs Lacina and Bartlett regarding on-duty shooting; meeting with POs Lacina and Bartlett at CIB; meeting with CIB; attend PO Bartlett's statement to CIB; attend PO Bartlett's PI-21; travel; open file; memos to file. | 7.50 |
| 10/18/02 Review of file; telephone calls to clients; Fax to DA McCann. | 0.50 |
| 11/14/02 Receipt of audio tape from MPD Open Records | 10.10 |
| 11/15/02 Telephone call from POs Lacina and Bartlett; memo to file; review of file; telephone call to DA McCann. | 0.50 |
| 12/17/02 Fax to McCann regarding decision on inquest. | 0.20 |
| 1/9/03 Telephone call from PO Bartlett; Fax to McCann regarding decision on Inquest. | 0.30 |
| 1/14/03 Telephone call to and from McCann; telephone call to client. | 0.40 |

| | <u>Hours</u> | |
|--|--------------|--------------------------|
| 1/17/03 Telephone call to PO Bartlett; telephone call to DA McCann. | 0.30 | |
| 1/19/03 Conference with DA McCann; memo to file. | 0.20 | |
| 1/22/03 Telephone call to and from DA McCann; telephone call to client; brief meeting with client. | 0.50 | |
| 1/29/03 Review of file; review documents from DA's office; telephone call to and from PO Bartlett; meeting with PO Bartlett at DA's office; attend statement to DA McCann; travel; memo to file; | 2.40 | |
| 2/4/03 Receive and review letter from DA McCann confirming decision to "no process" investigation and not conduct an inquest; telephone call to DA; telephone call to and from clients; correspondence to clients; close file. | 0.70 | |
| | | <u>Amount</u> |
| For professional services rendered | 23.60 | \$2,596.00 |
| Balance due | | <u><u>\$2,596.00</u></u> |

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN - District Attorney

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Najari Fisher
Muyed A. Ahmad
Mary C. Thelen
Michelle A. Ackerman

February 3, 2003

Chief Arthur Jones
Milwaukee Police Department
749 W. State St., Rm. 705-A
Milwaukee, WI 53233

Dear Chief Jones:

We have concluded our investigation into the death of Larry J. Jenkins, occurring on September 19, 2002. I have determined that City of Milwaukee Police Jon Bartlett acted lawfully in self-defense under Wis. Stat. 939.48, and that his intentional use of force, to wit: the discharge of his firearm at Mr. Jenkins, was pursuant to a reasonable belief that such force was necessary to prevent imminent death or great bodily harm to himself.

Sincerely yours,

E. Michael McCann (handwritten signature)

E. Michael McCann
District Attorney

EMM:ss

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. KURT LACINA
District Seven

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 SEPTEMBER 13, 2002
- 2) A citizen's complaint made by DEVIN JENKINS
- 3) A police shooting incident occurring on 36TH & GLENDALE

Is this information correct? YES / NO

Did you receive legal representation in this matter? YES X NO

Your signature: PO Kurt Lacina
Print your name: PO KURT LACINA

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

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

SMS:kjs