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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 Sergeant Delmar Williams

Dear Council Members:

Returned herewith is a document filed by Attorney D. Michael Guerin for attorney's fees for representing Police Sergeant Richard Hoffman. The claim is in the amount of \$1,650.00 for 6.60 hours of service billed at the rate of \$250 per hour, but should be in the amount of \$1,155.00, 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
1032-2017-784:249699



Gimbel • Reilly • Guerin • Brown

LLP

Writer's Direct E-mail
dmguerin@grgblaw.com

March 9, 2017

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APR 11 2017

OFFICE OF
CITY ATTORNEY

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

Re: *Sergeant Delmar Williams*
Incident of September 15, 2016

Dear Mr. Owczarski:

Delmar Williams is a Milwaukee Police Sergeant who was involved in a shooting wherein a 15 year old girl was shot. As a result of Sergeant Williams' gun discharging. A criminal investigation was initiated to determine if Sergeant Williams engaged in any criminal actions.

The City Attorney had a conflict in representing Sergeant Williams in this matter and Sergeant Williams' requested we handle the matter. Ultimately Sergeant Williams was found not to have any criminal liability. There were issues regarding the Department issued holster which was discussed with all Associations representing Milwaukee Police Officers.

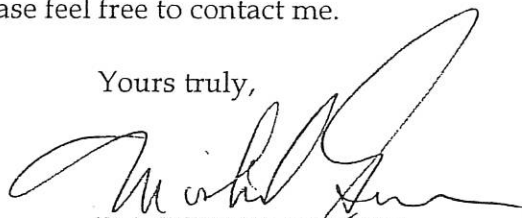
I am enclosing the printout of time at the hourly rate of \$250.00 an hour for services rendered regarding Sergeant Williams. Sergeant Williams has incurred the fees compiled in these printouts as a direct result of his being investigated for actions taken within his official capacity, and in the performance 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.

330 East Kilbourn Avenue
Suite 1170
Milwaukee, WI 53202
P: 414-271-1440
F: 414-271-7680
www.grgblaw.com

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,



D. MICHAEL GUERIN

DMG/ker

Enclosure

Cc: Attorney Jay A. Smokowicz

Crim/Crawley, Robert/Owczarski 2017-03-09

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Page: 1
March 9, 2017
ACCOUNT NO.: 201639811M
STATEMENT NO.: 1

Milwaukee Police Supervisors Organization
2900 West Forest Home Avenue
Milwaukee, WI 53215

Criminal - Sergeant Delmar Williams

STATEMENT

HOURS

09/16/16

DMG

Conference with Sergeant Williams regarding the
circumstances of a shooting of 15 year old girl by
and attend the interview process with criminal
investigators at the Milwaukee Police Department.
Also in attendance were the representatives of
The Milwaukee District Attorney's Office.

3.50

10/31/16

DMG

Review correspondence from Deputy District Attorney
James J. Martin determining no criminal wrongdoing by
Sergeant Williams and response to Deputy District Attorney
Martin, together with correspondence to the client.

1.20

11/01/16

DMG

Prepare correspondence to Milwaukee Police Supervisors
Organization and client regarding the district attorney's final report
including issues with the defective holster.

1.90

FOR CURRENT SERVICES RENDERED

6.60

Milwaukee Police Supervisors Organization
2900 West Forest Home Avenue
Milwaukee, WI 53215

Criminal - Sergeant Delmar Williams

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RECAPITULATION

| <u>TIMEKEEPER</u> | <u>HOURS</u> | <u>HOURLY RATE</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------------|-------------------|
| D. M. Guerin | 6.60 | \$250.00* | \$1,650.00 |
| TOTAL CURRENT WORK | | | \$1,650.00 |
| BALANCE DUE | | | <u>\$1,650.00</u> |

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