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April 30, 2014

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

Re: Communication from Attorney Jon Cermele, Cermele & Matthews, S.C.
for legal fees for Police Officer Steve Hoffman
C.I. File No. 06-S-257; EC 2348

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing for representing Police Officer Steve Hoffman. The claim is in the amount of \$5,376.56 including \$74.56 in disbursements for 48.20 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.

Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officer on whose behalf this claim was filed.

This claim is governed by the amended Wis. Stats. §895.35(2). The pertinent language in that statute is the following: "the city...shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties... ." There are certain exceptions to this mandate, one of which is when "[t]he officer is suspended without pay for 10 or more working days." Wis. Stats. §895.35(2)e. Where the exceptions do not apply, the amended statute removes discretion from the City over whether to pay such claims arising from certain criminal proceedings.

This claim was first presented in 2008 for representation in the criminal proceeding of not only Officer Hoffman but also Officers Alex Mantay and Steve Stelter. At that time, even though the criminal matter was resolved in the favor of all the officers, we recommended that the matter be held because then-Chief Hegerty had suspended each of the officers for 12 days and the officers had appealed to the Fire and Police Commission.

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The Commission ultimately upheld the 12-day suspensions of Mantay and Stelter but reduced the suspension of Hoffman to just 2 days. As a result, the exception to the statute does not apply to him. Attorney Cermele recently amended his billing to reflect just the work his firm did in representing Officer Hoffman and pointed out that we had inadvertently closed and thus failed to bring this matter back to the Common Council after the conclusion of the Fire and Police Commission proceedings.

We have reviewed this amended claim and advise that, in our opinion, the time spent was reasonable.

Very truly yours,



GRANT E. LANGLEY
City Attorney



JAN A. SMOKOWICZ
Assistant City Attorney
JAS

Encl.

1032-2006-2362:202806

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April 10, 2014

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

RE: MPD Criminal Investigation regarding critical incident
Regarding: PO Steve Hoffman
Date of Incident: December 30, 2005
Location of Incident:

Professional Services (Attorney's Fees)

	<u>Hours</u>	<u>Amount</u>
12/30/2005 Various telephone calls from and to MPD personnel regarding a death in custody; travel to Froedtert; travel to PAB; interview PO Hoffman; attend statements of client to CIB and DA; return travel; open file; memo to file.	6.00	660.00
1/24/2006 Telephone call to PO Hoffman; correspondence to client; telephone call to DA investigator (message); telephone call from DA investigator.	0.30	33.00
2/8/2006 Research MPD Rules; telephone call to DA Donohoo (message); telephone call to DA Investigator Budde (message).	0.50	55.00
2/13/2006 Telephone call to and from DA Investigator Budde; memo to file.	0.30	33.00
2/14/2006 Telephone call to and from MPD Open Records; memo to file; telephone call from and to PO Hoffman; telephone call to Lt. Domalgalski.	0.30	33.00

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	<u>Hours</u>	<u>Amount</u>
3/3/2006 Telephone call from and to PO Hoffman; e-mail to DA Investigator Budde; telephone call from PO Hoffman.	0.30	33.00
3/7/2006 Receive and review e-mail from DA Investigator Budde.	0.10	11.00
3/22/2006 Receive and review Open Records response with audio tapes; correspondence to Donohoo regarding status.	0.50	55.00
3/27/2006 Telephone call from and to PO Hoffman.	0.10	11.00
4/5/2006 Conference with MPD Personnel regarding rules and regulations; review rules and regulations relevant to transportation; review notes of statements to DA and memo to file regarding same; continue review of MPD audio tapes.	2.00	220.00
4/6/2006 Telephone call to Donohoo; memo to file; telephone call to Dep. Chief O'Keefe (message).	0.40	44.00
4/11/2006 Telephone call to PO Hoffman; telephone call from and to Dep. Chief O'Keefe; memo to file.	0.30	33.00
4/12/2006 Telephone call from and to PO Hoffman.	0.10	11.00
4/20/2006 Receive and review Medical Examiner's report; telephone call to PO Hoffman (message).	0.20	22.00
4/21/2006 Telephone call from PO Hoffman.	0.10	11.00
5/5/2006 Telephone call from and to IAD rescheduling PO Hoffman's PI-21 (messages); telephone call from and to client (messages).	0.20	22.00
5/8/2006 Telephone call to and from IAD; telephone call to PO Hoffman; calendar PI-21.	0.20	22.00
5/10/2006 Telephone call to IAD (message); travel to Academy and attend PO Hoffman's PI-21.	1.50	165.00

	<u>Hours</u>	<u>Amount</u>
5/11/2006 File PI-21 tapes/CD; telephone call to Donohoo regarding inquest; correspondence to clients with ME report.	0.50	55.00
5/25/2006 Research regarding Excited Delirium cause of death.	0.30	33.00
5/30/2006 Telephone call from PO Hoffman; telephone call to DDA Donohoo; schedule and calendar conference with DDA Donohoo; intra-office conference with Cermele and Eggert; review criminal jury instructions and statutes in preparation for conference with DDA Donohoo.	1.00	110.00
5/31/2006 Review file; travel to and conference with DDA Donohoo; return travel; memo to file; telephone call to client; schedule and calendar conference with client; telephone call to Det. Lt. Domalgalski; receive and review client's statement to CIB.	3.00	330.00
6/1/2006 Review client's CIB Statements as preparation for conference with clients; conference with clients.	1.00	110.00
Office conference with PO Hoffman.	0.80	88.00
6/12/2006 Telephone call from PO Stelter; telephone call to DDA Donohoo.	0.20	22.00
6/19/2006 Telephone call from and to PO Hoffman; telephone call to DDA Donohoo; review inquest statute.	0.30	33.00
6/29/2006 Telephone call from DDA Donohoo; calendar inquest; telephone call to clients.	0.30	33.00
7/6/2006 Receive and review Fax from DA; telephone call to DA; correspondence to clients.	0.50	55.00
7/12/2006 Travel to DA's office; meet with client; produce client and other officers for meeting with DA and DA investigator; schedule additional conference with client; return travel.	2.00	220.00

	<u>Hours</u>	<u>Amount</u>
7/13/2006 Further research regarding "excited delirium"; revise audiotape chart and Fax to DDA Donohoo; memo to file regarding 07/12/06 conference with DA; review file; conference with PO Hoffman as preparation for inquest.	2.50	275.00
7/14/2006 Several telephone calls from and to DA Investigator Budde and DDA Donohoo; travel to PAB to view wagon.	3.00	330.00
7/16/2006 Telephone call from DDA Donohoo; telephone call from client; travel to DA for prep conference with DDA Donohoo and clients.	2.00	220.00
7/17/2006 E-mail to DA Investigator Budde; travel to PAB to set wagon for jury view; attend inquest; return travel.	5.00	550.00
7/18/2006 Travel; attend Inquest; return travel; telephone call to client.	9.00	990.00
7/19/2006 Travel; attend Inquest; return travel; telephone call to clients.	3.00	330.00
7/20/2006 Receive and review correspondence from DA; correspondence to client; close file.	0.40	44.00
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For professional services rendered	48.20	\$5,302.00

Costs Incurred/Disbursements Made:

12/30/2005 Parking	9.00
3/27/2006 MPD Open Records request	33.06
5/31/2006 Parking	2.00
7/12/2006 Parking	4.50
7/17/2006 Parking	9.00
7/18/2006 Parking	9.00

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Amount

7/19/2006 Parking

8.00

Total Costs/Disbursements

\$74.56

Total amount of this bill

\$5,376.56

Balance due

\$5,376.56