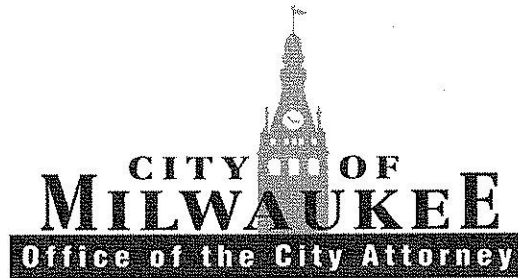


**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
SUSAN D. BICKERT  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
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  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
DANIELLE M. BERGNER  
Assistant City Attorneys

January 28, 2010

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.  
for legal fees for Police Officer Joseph Duncan  
EC 2741

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing for Police Officer Joseph Duncan. The claim is in the amount of \$781.00 for 7.10 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:amp  
Enc.

1032-2009-2189.002:124764v1

1032-2009-2189.002

CLL 2009.0071

COPY

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

July 28, 2009

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

**RE: Citizen Complaint of Ms. LaTonya Jackson  
Against PO Joseph Duncan  
Complaint No.: 08-120  
Date of Incident: August 5, 2008**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved the investigation of improper disposal of animal waste.

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.

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

July 28, 2009

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee WI 53202

RE: Citizen Complaint of Ms. LaTonya Jackson  
Against PO Joseph Duncan  
FPC No: 08-120  
Date of Incident: August 5, 2008  
Professional services

		<u>Hours</u>	<u>Amount</u>
5/22/2009	SJJ Lengthy office conference with PO Duncan regarding new citizen complaint; open file; review FPC documents.	1.70	187.00
5/27/2009	SJJ Receive and review court and MPD documents related to citizen complaint.	0.60	66.00
6/9/2009	SJJ Telephone call from Mediation Center regarding scheduling.	0.10	11.00
6/10/2009	JC Telephone call to client scheduling mediation; e-mail to Mediation Center.	0.20	22.00
6/11/2009	SJJ Telephone call from Mediation Center regarding scheduling.	0.10	11.00
6/12/2009	SJJ Telephone call to client regarding mediation.	0.20	22.00
6/17/2009	SJJ Receive and review mediation documents.	0.30	33.00

Mr. Ronald Leonhardt

Page 2

		<u>Hours</u>	<u>Amount</u>
6/23/2009	SJJ	3.10	341.00
7/10/2009	SJJ	0.10	11.00
7/13/2009	SJJ	0.30	33.00
7/14/2009	SJJ	0.40	44.00
	For professional services rendered	<u>7.10</u>	<u>\$781.00</u>
	Balance due		<u>\$781.00</u>

(Rate: \$110.00 per hour)

RECEIVED

JUL 14 2009

CERMELE & ASSOCIATES, S.C.

Richard C. Cox  
Chair  
Carolina M. Stark  
Vice-Chair  
Ernesto A. Baca  
Kathryn A. Hein  
Paoi X. Lor  
Sarah W. Morgan  
Commissioners



Fire and Police Commission

Michael G. Tobin  
Executive Director

July 10, 2009

Ms. LaTonya Jackson  
3700 North 73<sup>rd</sup> Street  
Milwaukee, WI 53216

RE: Complaint of LaTonya Jackson v. Police Officers Joseph A. Duncan  
and James E. Malone (retired)  
FPC Complaint No. 08-120

Dear Ms. Jackson:

Pursuant to notification we received from the Milwaukee Mediation Center, you had a successful mediation with Police Officer Joseph Duncan on Tuesday, June 23, 2009. The police officer will not receive any formal discipline as it relates to your complaint. The complaint does remain on file with the Fire and Police Commission for future reference.

Your input at the mediation is very helpful to us in revising the procedures police officers follow while performing their job. Police officers participate in yearly updates to their training where changes to procedures are incorporated.

Thank you for giving us the opportunity to assist you with your complaint. Feel free to contact us in the future, should the need arise. We are closing our file on your complaint.

Sincerely,

Michael G. Tobin  
Executive Director

MGT:cj

cc: Chief Edward A. Flynn  
Scott J. Jess, Esq.  
Police Officer Joseph A. Duncan