

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

**DATE:** August 20, 2012

**TO:** Marina Dimitrijevic, Chairwoman, County Board of Supervisors

**FROM:** Kimberly Walker, Corporation Counsel  
Mark A. Grady, Deputy Corporation Counsel *MA6*

**SUBJECT:** Milwaukee County v. Clarke  
Case No. 12-CV-350

Please refer the attached resolution to the Committee on Finance, Personnel and Audit and/or the Committee on Judiciary, Safety and General Services.

Milwaukee County filed suit against Sheriff Clarke to enforce layoff notices issued to deputy sheriffs after Sheriff Clarke indicated he would not honor the layoff notices without further clarification. Sheriff Clarke retained Attorney Michael Whitcomb to represent him in the litigation. The County has approved payment of the invoices from Attorney Whitcomb. During the litigation, Judge Carroll held that the Office of Corporation Counsel had a conflict of interest and could not represent Milwaukee County. Therefore, the County Executive and the Office of Corporation Counsel retained the law firm of Michael, Best and Friedrich LLP (MBF) to represent Milwaukee County in the litigation.

The contract with MBF is attached. An itemized invoice is also attached, but is redacted to preserve attorney-client privilege and attorney work product. The services on the invoice cover January 1 - 31, 2012 and total \$85,621.18. The retention was done quickly because of the immediate need to obtain counsel for court proceedings. The services were extensive because of the complexity of legal issues and were required to be provided on an exigent basis. Furthermore, additional fees were incurred by MBF for services beyond those on the attached invoice, but MBF is not requesting payment for those additional fees.

Payment of this invoice to Michael, Best & Friedrich LLP is recommended. Payment is proposed to be allocated from the Appropriation for Contingencies.

Encl.

cc w/encl.: Amber Moreen  
Janelle Jensen  
Carol Mueller