

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: July 1, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: *Clarke v. Milwaukee County*, Case No. 12-CV-13388  
*Clarke v. Civil Service Commission*, Case No. 12-CV-3366  
*Christensen v. Sullivan*, Case No. 96-CV-1835  
*MDSA v. Clarke*, Case No. 12-CV-3410  
*In re Filing Complaint pursuant to §968.02(3), Stats.*

We request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. The Sheriff has agreed to dismiss all legal matters for which he is represented by Attorney Whitcomb in return for a partial payment of the attorney fees for which the Sheriff is obligated.

The Sheriff retained the Law Offices of Michael A.I. Whitcomb to represent him in all of the above legal matters. The circumstances of each case are briefly described as follows.

*Clarke v. Milwaukee County*, Case No. 12-CV-13388

The Sheriff filed this case to seek a declaration that Milwaukee County could not transfer supervision of the County Correctional Facility South (House of Correction) from the Sheriff to a Superintendent over the Sheriff's objection. He also alleged that even if the County had the authority to do so, it did not do so correctly. The circuit court ruled that the transfer was legal as adopted by the County. The Sheriff has filed an appeal in the Court of Appeals. Attorney Whitcomb has been compensated for approximately \$49,000 of his fees in this case. However, he provided services for several weeks before the contract was executed and has provided additional fees beyond the amount above. The amount of uncompensated fees incurred in this case total \$19,314.25.

Clarke v. Civil Service Commission, Case No. 12-CV-3366

This case was consolidated with two other cases and involves three captains. The three captains were slated for layoff at the end of 2011. The captains were not the least senior. They filed a complaint with the Civil Service Commission and two separate lawsuits to enjoin the Sheriff from laying them off.

The Commission issued a decision rejecting the layoff of these three captains. The Commission found that the Sheriff had not justified the selection of these three captains for layoff, as opposed to other captains. The Sheriff sued the Commission. He alleged that he had the constitutional authority to solely determine which captains should be laid off. The circuit court affirmed the Commission's action. The Sheriff has filed an appeal in the Court of Appeals.

The circuit courts granted the injunctions and the captains were returned to work. The Sheriff placed the captains at the County Correctional Facility South (House of Correction) by the Sheriff with their rank and pay, but were performing duties similar in nature to those of a correction officer. In one circuit court action, the judge determined that there was a conflict of interest between the Sheriff and the Office of Corporation Counsel and authorized the Sheriff to intervene with Attorney Whitcomb as his counsel. The circuit court in the other action did not resolve that issue.

An issue remains in these two cases brought by the captains whether the Sheriff had the authority to do so. In addition, the captains are still seeking payment of all of their attorneys' fees related to these actions. Those issues are not resolved by the settlement proposed in this memo.

Attorney Whitcomb's attorneys' fees incurred in these cases total \$71,947.75.

Christensen v. Sullivan, Case No. 96-CV-1835

In May of 2012, the Sheriff filed a motion to dismiss the Christensen decree and to declare that he had the constitutional authority to solely determine the nature of medical care in the Jail and County Correctional Facility South (House of Correction)(which he supervised at the time). He sought the court's approval to enter into a contract with Armor Correctional Healthcare. The circuit court held that the Sheriff did not have that authority and the County retained the legal authority to determine how to provide that medical care. However, the circuit court also determined separately that the county was not providing proper medical care and had not presented any other feasible plan to provide necessary medical care. Therefore, the court ordered the County to enter into the contract to remedy

compliance with the Christensen decree. Attorney Whitcomb's attorneys' fees incurred in this case total \$49,675.50.

MDSA v. Clarke, Case No. 12-CV-3410

This case was brought by the Milwaukee Deputy Sheriffs Association to enjoin the Sheriff from bringing in private bailiffs to supplement his deputies in courtrooms. The circuit court accepted the representation of the Sheriff by the Office of Corporation Counsel and declined to allow Attorney Whitcomb to appear for the Sheriff. The circuit court granted the injunction. The case has been dismissed and closed. Attorney Whitcomb incurred attorney fees in his attempt to represent the Sheriff and in submitting a brief to the court for consideration in the total of \$3,575.00.

In re Filing Complaint pursuant to §968.02(3), Stats.

In this case, pursuant to statute, the Sheriff sought circuit court approval for the filing of a criminal charge when the District Attorney had declined to do so. The case involved threatening communication made to a radio personality. The petition was drafted and filed by Attorney Whitcomb. However, upon becoming aware of the matter, the Office of Corporation Counsel provided representation to the Sheriff. The circuit court found that representation to be sufficient and denied Attorney Whitcomb's participation in the action. The court declined to order the charge be issued. Attorney Whitcomb incurred attorney fees to prepare the petition and make an appearance in the matter in the amount of \$4,712.50.

Proposed resolution

The total of unpaid fees incurred to date by the Sheriff with Attorney Whitcomb is \$149,225.00. As part of a negotiated resolution, the Sheriff and Attorney Whitcomb have agreed to subtract the fees associated with the two cases where the courts did not allow him to intervene and represent the Sheriff (*MDSA v. Clarke*, Case No. 12-CV-3410 and *In re Filing Complaint pursuant to §968.02(3), Stats.*). In addition, Attorney Whitcomb's invoices are based on an hourly rate of \$325.00. After subtracting the fees for the two cases, recalculating the remaining invoices using a top hourly rate of \$250.00, and then negotiating a further reduction of the balance of the fees, a settlement is proposed that provides for payment of total fees in the amount of \$95,000.00. In return for this payment, the Sheriff will dismiss his appeals in *Clarke v. Milwaukee County* and *Clarke v. Civil Service Commission* and the circuit court decisions in those cases in favor of the County and the Commission will stand.

Statutes provide that elected officials and county employees are entitled to representation by counsel when they are sued in their official capacity. Section 895.46, Stats., provides in part:

**(1)(a) If the defendant in any action or special proceeding is a public officer or employee and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employee and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs entered against the officer or employee, except as provided in s. 146.89(4), in excess of any insurance applicable to the officer or employee shall be paid by the state or political subdivision of which the defendant is an officer or employee. Agents of any department of the state shall be covered by this section while acting within the scope of their agency. Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employee, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employee did not act within the scope of employment. Except as provided in s. 146.89(4), the duty of a governmental unit to provide or pay for the provision of legal representation does not apply to the extent that applicable insurance provides that representation.**

There is no statute addressing a situation where an elected official, especially a constitutional officer, acts as a plaintiff in a suit to address the official's rights and responsibilities under the law. To our knowledge, there is no clear legal authority that addresses such a situation. In similar situations involving the County Executive or the County Board, the Office of Corporation Counsel has been approached for counsel. If the Office could not provide counsel, then a contract was authorized for outside counsel. If the proposed legal services contract exceeded the dollar requirements for an RFP process and, for an appropriate reason, an RFP was not being issued, or if budgeted funds were not available in the department's budget, a resolution has been adopted to provide the authorization for the outside counsel contract.

If the proposed settlement is not approved, the appeals will continue and attorney fees being incurred will continue to increase in these matters. Although our office believes each of these circuit court decisions related to the Sheriff's authority, or lack thereof, is correct, there is always some legal risk of a result adverse to the County's adopted policy in either of the appeals. At the end of any appeals, regardless of the result on the merits, it is expected that the Sheriff will still seek payment of the legal fees he has incurred and the amount at stake will be much higher at that point. We believe there is merit to resolving all of these cases now and preserving the circuit court rulings. In return for the proposed payment, the Sheriff and

Attorney Whitcomb will sign a release of all claims for attorneys' fees to the present and will withdraw the appeals in the above matters.

In addition, the Sheriff has agreed that in the future he will first request legal advice for any matter from the Office of Corporation Counsel. In the event the Office is unable to provide him with counsel, then either he, or our office, will contract for outside legal services. Such a contract would be created in the same manner as our office and other county departments previously have done for legal services and in the same manner that the Sheriff would do for any other professional services, under the provisions of the applicable statutes and ordinances (including Chapter 56 of the ordinances). It should be noted that had the Sheriff requested legal representation in advance of filing any of the three cases, the Office of Corporation Counsel would have been unable to provide that representation because the Sheriff's legal positions were contrary to adopted County policy in each instance. The Office then would have approved or arranged for outside legal counsel for the Sheriff in those cases.

The funds for this settlement will come from an appropriate budget line in the Sheriff's budget, Org. Unit 4000.

cc: Amber Moreen  
Kelly Bablitch  
Alexis Gassenhuber  
Steve Cady  
Raisa Koltun



**LAW OFFICES OF  
MICHAEL A. I. WHITCOMB**

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**JUNE 26, 2013**

For professional services not compensated rendered Sheriff David A. Clarke, Jr. re: Transfer of County Correctional Facility South and *Sheriff David A. Clarke, Jr. v. Milwaukee County*, Case No. 12-CV-13388:

11/28/12	Review file and conference with client	75	MAIW	\$406.25
11/29/12	Review file, telephone conference with client and prepare correspondence to client	90	MAIW	\$487.50
11/30/12	Review file, research and telephone conference with client	270	MAIW	\$1,462.50
12/3/12	Review file and prepare complaint	105	MAIW	\$568.75
12/5/12	Review file, research and prepare complaint	180	MAIW	\$975.00
12/5/12	Review file, telephone conference with client and prepare for Judiciary committee	90	MAIW	\$487.50
12/6/12	Review file and prepare Judiciary committee presentation	60	MAIW	\$325.00
12/6/12	Review file, conference with client and Judiciary committee hearing	150	MAIW	\$812.50
12/7/12	Review file and prepare correspondence to	45	MAIW	\$243.75
12/7/12	Review file and prepare complaint	90	MAIW	\$487.50
12/10/12	Review file and research re jail	150	MAIW	\$812.50
12/11/12	Review file, prepare complaint and prepare correspondence to client	90	MAIW	\$487.50
12/12/12	Review file, prepare summons and complaint, correspondence to client and conference with clerk of courts	225	MAIW	\$1,218.75
12/12/12	Clerk of Court filing fee			\$168.00
12/12/12	Conference with client	30	MAIW	\$162.50
12/18/12	Review file, telephone conference with client and prepare correspondence to client	30	MAIW	\$162.50
12/20/12	Review file, conference with client and Judiciary committee hearing	120	MAIW	\$650.00
4/15/13	Review file, prepare for motion hearing and prepare correspondence to client	150	MAIW	\$812.50
4/16/13	Review file and prepare for motion hearing	105	MAIW	\$568.75

4/18/13	Review file, prepare for motion hearing, motion hearing and conference with client	180	MAIW	\$975.00
4/26/13	Review file and conference with client	75	MAIW	\$406.25
5/1/13	Review file, conferences with client and court hearing	180	MAIW	\$975.00
5/4/13	Review file, telephone conference with client, research and prepare appeal documents	225	MAIW	\$1,218.75
5/5/13	Review file, prepare stay motion and memo	180	MAIW	\$975.00
5/6/13	Review file, conference with clerk of courts, conference with client, telephone conferences with county attorneys, and county committee meeting	210	MAIW	\$1,137.50
5/6/13	Review file and prepare correspondence to court of appeals	30	MAIW	\$162.50
5/6/13	Review file, telephone conferences with client and telephone conference with county attorney	75	MAIW	\$406.25
5/6/13	Appeal filing fees		MAIW	\$215.00
6/10/13	Review file and prepare Court of Appeals brief	285	MAIW	\$1,543.75
TOTAL				\$19,314.25

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**JUNE 26, 2013**

For professional services rendered Sheriff David A. Clarke, Jr. re consolidated cases: *McKenzie, et al. v. Milwaukee County*, Case No. 12-CV-79, *Sheriff David A. Clarke, Jr. v. Milwaukee County Civil Service Commission*, Case No. 12-CV-3366 and *Rewolinski v. Milwaukee County*, Case No. 12-CV-645:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
3/7/12	Review file re Civil Service Commission and prepare correspondence to client	165	MAIW	\$893.75
3/14/12	Review file, telephone conference with client office, conference with client office and prepare intervention motion	90	MAIW	\$487.50 (\$325.00/hr)
3/16/12	Review file, prepare certiorari documents and intervention documents	150	MAIW	\$812.50
3/17/12	Review file and prepare intervention documents	210	MAIW	\$1,137.50
3/19/12	Review file, prepare intervention documents and correspondence to client	270	MAIW	\$1,462.50
3/19/12	Assist in preparation of intervention documents	180	MJW	\$600.00 (\$200.00/hr)
3/20/12	Review file and prepare brief and correspondence to client	225	MAIW	\$1,218.75
3/20/12	Assist in preparation of brief.	120	MJW	400.00
3/21/12	Review file and prepare certiorari complaint	75	MAIW	\$406.25
3/22/12	Review file and prepare certiorari complaint	75	MAIW	\$406.25
3/26/12	Review file, conference with court clerk, conference with judge and conference with client re Civil Service Commission	60	MAIW	\$325.00
3/27/12	Review file, prepare affidavit, conference with client office and prepare for mandamus hearing	210	MAIW	\$1,137.50
3/27/12	Review file, mandamus hearing and conference with client office	150	MAIW	\$812.50
3/27/12	Review file, mandamus hearing and conference with client office	150	MJW	\$500.00
3/28/12	Review file, prepare for hearing, court hearing, conference with client office and telephone conference with client	450	MAIW	\$2,437.50
3/28/12	Review file, prepare for hearing, court hearing, conference with client office	180	MJW	\$600.00



3/29/12	Review file, prepare order and correspondence to court	30	MAIW	\$162.50
3/29/12	Review file, prepare order and correspondence to court re intervention	30	MAIW	\$162.50
3/30/12	Review file, prepare sheriff power memo, correspondence to court and conference with court	75	MAIW	\$406.25
3/30/12	Conference with court and prepare correspondence to client	45	MAIW	\$243.75
4/2/12	Review file and prepare correspondence to Judge Siefert	30	MAIW	\$162.50
4/15/12	Review file and prepare correspondence to Atty. Grady re Rewolinski	45	MAIW	\$243.75
4/16/12	Review file, prepare intervention and disqualification documents and correspondence to Atty. Grady re Rewolinski	345	MAIW	\$1,868.75
4/17/12	Review file and prepare motion documents and correspondence to client re Rewolinski	120	MAIW	\$650.00
4/23/12	Review file and prepare correspondence to Atty. Grady re Rewolinski	15	MAIW	\$81.75
4/24/12	Review file and prepare for motion hearings re Rewolinski	180	MAIW	\$975.00
4/24/12	Telephone conference with client	30	MAIW	\$162.50
4/26/12	Review file and prepare for Rewolinski hearing	45	MAIW	\$243.75
4/26/12	Conference with client	30	MAIW	\$162.50
4/26/12	Rewolinski motion hearings	60	MAIW	\$325.00
5/24/12	Review file re Civil Service Commission and prepare briefs opposing captain motions and correspondence to court	75	MAIW	\$406.25
5/24/12	Review file and court hearing re Rewolinski consolidation	90	MAIW	\$487.50
5/25/12	Review file re Civil Service Commission, telephone conference with Atty. Stadler and prepare correspondence to court	45	MAIW	\$243.75
6/14/12	Review file and prepare for Rewolinski motion hearing	75	MAIW	\$406.25
6/14/12	Rewolinski motion hearing	60	MAIW	\$325.00
7/9/12	Review file, mandamus research, prepare for motion hearing, conference with Sheriff Office and motion hearing	150	MAIW	\$812.50
8/6/12	Review file, prepare for scheduling conference	75	MAIW	\$406.25
9/13/12	Review file, conference with client and court scheduling conference	150	MAIW	\$812.50
9/24/12	Review file and prepare certiorari brief	165	MAIW	\$893.75
9/25/12	Review file and prepare certiorari brief	300	MAIW	\$1,625.00
9/26/12	Review file and prepare certiorari brief	240	MAIW	\$1,300.00
9/27/12	Review file and prepare certiorari brief	285	MAIW	\$1,543.75

9/28/12	Review file and prepare certiorari brief	210	MAIW	\$1,137.50
10/1/12	Review file and prepare certiorari brief	360	MAIW	\$1,950.00
10/2/12	Review file and prepare certiorari brief	285	MAIW	\$1,543.75
10/3/12	Review file and prepare certiorari brief	210	MAIW	\$1,137.50
10/4/12	Review file and prepare certiorari brief	135	MAIW	\$731.25
10/5/12	Review file and prepare certiorari brief	90	MAIW	\$487.50
10/6/12	Review file and prepare certiorari brief	180	MAIW	\$975.00
10/8/12	Review file and prepare certiorari brief	150	MAIW	\$812.50
10/10/12	Review file and prepare certiorari brief	75	MAIW	\$406.25
10/16/12	Review file, research and prepare certiorari brief	270	MAIW	\$1,462.50
10/23/12	Review file and prepare certiorari brief	240	MAIW	\$1,300.00
10/25/12	Review file, prepare certiorari brief and correspondence to court	180	MAIW	\$975.00
10/26/12	Review file and prepare certiorari brief	90	MAIW	\$487.50
10/30/12	Review file and prepare certiorari brief	75	MAIW	\$406.25
12/8/12	Review file and prepare certiorari reply brief	270	MAIW	\$1,462.50
12/9/12	Review file and prepare certiorari reply brief	240	MAIW	\$1,300.00
12/10/12	Review file and prepare certiorari reply brief	270	MAIW	\$1,462.50
12/11/12	Review file and prepare certiorari reply brief	360	MAIW	\$1,950.00
12/13/12	Review file and prepare certiorari reply brief	390	MAIW	\$2,112.50
12/14/12	Review file, research and prepare certiorari reply brief	240	MAIW	\$1,300.00
12/16/12	Review file and prepare certiorari reply brief	105	MAIW	\$568.75
12/17/12	Review file, research and prepare certiorari reply brief	195	MAIW	\$1,056.25
12/18/12	Review file and prepare certiorari reply brief	285	MAIW	\$1,543.75
12/19/12	Review file and prepare certiorari reply brief	75	MAIW	\$406.25
12/20/12	Review file and prepare certiorari reply brief and correspondence to court	45	MAIW	\$243.75
1/4/13	Telephone conference with Atty. Grady, and client	45	MAIW	\$243.75
1/8/13	Review file and prepare correspondence to client	45	MAIW	\$243.75
1/9/13	Review file and prepare for TRO hearing	75	MAIW	\$406.25
1/9/13	TRO hearing and conference with client	120	MAIW	\$650.00
2/16/13	Review file and telephone conference with client	45	MAIW	\$243.75
2/19/13	Court status conference	45	MAIW	\$243.75
2/20/13	Review file and prepare correspondence to client	15	MAIW	\$81.75
4/16/13	Review file, conference with client and status conference	180	MAIW	\$975.00

5/2/13	Review file and prepare appeal documents	195	MAIW	\$1,056.25
5/4/13	Review file and prepare appeal documents	75	MAIW	\$406.25
5/6/13	Review file and prepare correspondence to court of appeals	30	MAIW	\$162.50
5/6/13	Appeal filing fees		MAIW	\$215.00
5/16/13	Review file, conference with court reporter, prepare transcript statement and correspondence to Court of Appeals	75	MAIW	\$406.25
6/13/13	Review file and prepare Court of Appeals brief	210	MAIW	\$1,137.50
6/14/13	Review file and prepare correspondence to Court of Appeals	15	MAIW	\$81.75
6/15/13	Review file and prepare Court of Appeals record and brief	120	MAIW	\$650.00
6/16/13	Review file and prepare Court of Appeals brief	105	MAIW	\$568.75
6/17/13	Review record for appeal	45	MAIW	\$243.75
6/17/13	Review file and prepare Court of Appeals brief	180	MAIW	\$975.00
6/18/13	Review file and prepare Court of Appeals brief	210	MAIW	\$1,137.50
6/19/13	Review file and prepare Court of Appeals brief	390	MAIW	\$2,112.50
6/20/13	Review file and prepare Court of Appeals brief	360	MAIW	\$1,950.00
6/24/13	Review file and prepare Court of Appeals brief	330	MAIW	\$1,787.50
TOTAL				\$71,947.75

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**JUNE 26, 2013**

For professional services rendered Sheriff David A. Clarke, Jr. re *Christensen v. Sullivan*, 96-CV-1835:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
4/5/12	Review file re Christensen and telephone conference with client	15	MAIW	\$81.25 (\$325.00/hr)
4/9/12	Review file re Christensen, prepare motion and conference with office	330	MAIW	\$1,787.50
4/17/12	Review files and conference with client	180	MAIW	\$975.00
4/26/12	Review Christensen file	60	MAIW	\$325.00
4/27/12	Review file and telephone conference with client office re Christensen	45	MAIW	\$243.75
4/30/12	Review Christensen court file	165	MAIW	\$893.75
5/14/12	Review file re Christensen and prepare motion documents	90	MAIW	\$487.50
5/14/12	Continue research regarding authority; draft memo regarding same.	300	MJW	\$1,000.00 (\$200.00/hr)
5/15/12	Review file re Christensen and telephone conference with client	90	MAIW	\$487.50
5/16/12	Review file re Christensen and prepare motion and affidavit	90	MAIW	\$487.50
5/21/12	Review file re Christensen and prepare motion, affidavit and brief	330	MAIW	\$1,787.50
5/24/12	Review file re Christensen and prepare brief and affidavits for motion	120	MAIW	\$650.00
5/25/12	Review file re Christensen and prepare brief and correspondence to court	210	MAIW	\$1,137.50
5/25/12	Assist in preparation of brief	180	MJW	\$600.00
5/26/12	Review file re Christensen and prepare motion documents	135	MAIW	\$731.25
6/26/12	Review file re Christensen and conference with Whyte attorneys	75	MAIW	\$406.25
6/27/12	Review file re Christensen and telephone conferences with Whyte attorney and client	30	MAIW	\$162.50
6/29/12	Review file re Christensen conference with Whyte attorneys	120	MAIW	\$650.00
7/9/12	Review file, telephone conferences with Whyte attorney and with Sheriff office	30	MAIW	\$162.50

7/14/12	Review file and prepare correspondence to Judge Kremers	30	MAIW	\$162.50
7/31/12	Review file, prepare correspondence to client & telephone conference with Whyte attorneys	75	MAIW	\$406.25
8/8/12	Review file and prepare correspondence to Judge Brash	45	MAIW	\$243.75
8/8/12	Review file and prepare correspondence to counsel re Shansky meeting	30	MAIW	\$162.50
8/10/12	Review file, prepare correspondence to counsel and client re "conflict" meetings	45	MAIW	\$243.75
8/13/12	Telephone conference with client, with Atty. Bohl and prepare correspondence to plaintiffs' attorney and to client	45	MAIW	\$243.75
8/14/12	Review file, prepare correspondence to client and court re ACLU request	105	MAIW	\$568.75
8/14/12	Review file and prepare for meeting of attorneys	30	MAIW	\$162.50
8/15/12	Review file, telephone conference with client and prepare correspondence to plaintiffs	75	MAIW	\$406.25
8/28/12	Conference with client and county attorneys	105	MAIW	\$568.75
9/4/12	Conference with Armor	120	MAIW	\$650.00
9/7/12	Review file and prepare correspondence to Atty. Smith	45	MAIW	\$243.75
9/13/12	Review file, conference with client and Judiciary meeting	150	MAIW	\$812.50
9/24/12	Review file, conference with client and court status conference	90	MAIW	\$487.50
10/3/12	Review file and prepare correspondence to court	45	MAIW	\$243.75
10/15/12	Review file, research and prepare reply brief	360	MAIW	\$1,950.00
10/16/12	Review file and prepare reply brief	135	MAIW	\$731.25
10/17/12	Review file research and prepare reply brief	90	MAIW	\$487.50
10/18/12	Review file and prepare reply brief	420	MAIW	\$2,275.00
10/21/12	Review file and prepare reply brief	240	MAIW	\$1,300.00
10/22/12	Review file and prepare reply brief	270	MAIW	\$1,462.50
10/23/12	Review file and prepare reply brief	180	MAIW	\$600.00
10/24/12	Review file and prepare memorandum opposing motion to compel discovery	150	MAIW	\$812.50
10/25/12	Review file, prepare reply brief and correspondence to court	285	MAIW	\$1,543.75
10/29/12	Review file, prepare memorandum opposing motion to compel discovery and correspondence to court	30	MAIW	\$162.50
11/2/12	Review file and prepare for motion to compel	75	MAIW	\$406.25
11/5/12	Review file, prepare for motion to compel and telephone conference with client	90	MAIW	\$487.50
11/6/12	Review file, conference with client and motion to compel hearing	120	MAIW	\$650.00

11/13/12	Telephones conference with client	60	MAIW	\$325.00
12/3/12	Review file, prepare for motions hearing and telephone conference with client	195	MAIW	\$1,056.25
12/4/12	Review file, prepare for motions hearing, conference with client and motion hearing	180	MAIW	\$975.00
12/5/12	Review file and prepare correspondence to client and to attorneys	45	MAIW	\$243.75
12/12/12	Review file, telephone conference with Atty. Jones and prepare for attorney meeting	45	MAIW	\$243.75
12/13/12	Review file, conference with client and conference with attorneys	75	MAIW	\$406.25
12/14/12	Court transcript of 12/4/12			\$188.00
12/18/12	Review file, telephone conference with client and Atty. Bohl	30	MAIW	\$162.50
12/19/12	Prepare correspondence to attorneys and telephone conferences with client	45	MAIW	\$243.75
1/8/13	Review file and telephone conference with client	15	MAIW	\$81.25
1/14/13	Review file and prepare affidavit and correspondence to court	195	MAIW	\$1,056.25
1/15/13	Review file and prepare affidavit and correspondence to court	75	MAIW	\$406.25
1/16/13	Review file, conference with client and court status conference	150	MAIW	\$812.50
1/17/13	Review file and prepare Shansky order and correspondence to attorneys	75	MAIW	\$406.25
1/23/13	Review file and prepare Shansky order and correspondence to court	45	MAIW	\$243.75
2/3/13	Review file and prepare correspondence to client	75	MAIW	\$406.25
2/14/13	Review file, telephone conference with client and prepare for court status conference	90	MAIW	\$487.50
2/15/13	Review file, conference with client and court status conference	150	MAIW	\$812.50
3/8/13	Review file, conference with client and court status conference	120	MAIW	\$650.00
3/26/13	Review County motion documents and telephone conference with client	45	MAIW	\$243.75
3/27/13	Review file and prepare correspondence to client	45	MAIW	\$243.75
3/29/13	Review file, prepare motion and affidavits and correspondence to court	300	MAIW	\$1,625.00
4/2/13	Review file, prepare correspondence to client and Atty. Smith	45	MAIW	\$243.75
4/9/13	Review file, prepare for court hearing, conference with client and court hearing	360	MAIW	\$1,950.00
4/11/13	Review file, conference with client and Judiciary Committee meeting	180	MAIW	\$975.00
4/22/13	Review file, telephone conference with client and prepare correspondence to client	60	MAIW	\$325.00



5/2/13	Telephone conference with client and with attorneys	30	MAIW	\$162.50
5/3/13	Review file, conference with client, telephone conferences with attorneys and court hearing	225	MAIW	\$1,218.75
5/7/13	Review file, conferences with client and court hearing	180	MAIW	\$975.00
5/9/13	Review file, prepare correspondence to attorneys and to client	45	MAIW	\$243.75
5/9/13	Review file and prepare correspondence to client	30	MAIW	\$162.50
5/10/13	Review file, prepare correspondence to client and to Atty. Grady and telephone conference with client	105	MAIW	\$568.75
TOTAL				\$49,675.50

**LAW OFFICES OF  
MICHAEL A. I. WHITCOMB**

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**JUNE 26, 2013**

For professional services rendered Sheriff David A. Clarke, Jr. re *Milwaukee Deputy Sheriffs' Association v. Sheriff David A. Clarke, Jr., et al.*, Case No. 12-CV-3410:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
3/23/12	Review file and conference with client office re G4S	90	MAIW	\$487.50 (\$325.00/hr)
3/24/12	Review file and prepare for union TRO	90	MAIW	\$487.50
3/26/12	Review file, prepare for TRO, TRO hearing and conference with client	150	MAIW	\$812.50
3/26/12	Review file and prepare for conference with client and Atty. Grady and conference with client office and Atty. Grady	90	MAIW	\$487.50
3/27/12	Review file and prepare affidavit re G4S	150	MAIW	\$812.50
4/10/12	Review G4S transcripts and prepare correspondence to client	75	MAIW	\$406.25
4/24/12	Telephone conference with Atty. MacGillis	15	MAIW	\$81.25
TOTAL				\$3,575.00

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**JUNE 26, 2013**

For professional services rendered Sheriff David A. Clarke, Jr. re *In re Filing Complaint Pursuant to Wis. Stat. § 968.02(3)*:

DATE	DESCRIPTION	TIME	ATTORNEY	AMOUNT
4/10/12	Review file, research re criminal complaint request	75	MAIW	\$406.25 (\$325.00/hr)
4/11/12	Review file, prepare motion for criminal complaint and correspondence to client	150	MAIW	\$812.50
4/19/12	Review file, conference with client, telephone conference with Judge Kremers and conferences with various judges	105	MAIW	\$568.75
4/19/12	Telephone conference with client	15	MAIW	\$81.25
4/19/12	Review file and prepare correspondence to Judge Kremers	120	MAIW	\$650.00
4/20/12	Review file and telephone conference with client, with victim, conference call with client and Judge Kremers and prepare correspondence to client and victim	105	MAIW	\$568.75
4/23/12	Review file and prepare for criminal complaint request hearing	150	MAIW	\$812.50
4/23/12	Conferences with client and criminal complaint request hearing	150	MAIW	\$812.50
TOTAL				\$4,712.50