



**Request for City Council Committee Action
From the City Attorney's Office**

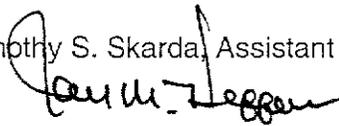
Date: August 26, 2004
To: Ways & Means/Budget Committee
Referral to: None

Subject: Request for Reimbursement of Legal Fees for Deputy Chief Lucy Gerold.

Recommendation: Receive and file supplemental analysis and update of the request for reimbursement of attorney's fees.

Previous Directives: Referred back to the Ways & Means/Budget Committee.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: None

Background/Supporting Information

It had been requested that the City Council authorize the payment of \$11,419.10 to Fredrikson & Byron P.A. as reimbursement of legal fees and expenses for its representation of Deputy Chief Lucy Gerold. This Committee, at its regularly scheduled meeting of August 16, 2004, by substituted report, approved payment of attorneys fees and expenses in the amount of \$31,644.19 conditioned upon execution of a release of all claims associated with her being placed on paid administrative leave and subsequent investigation by the Minnesota Bureau of Criminal Apprehension. At the City Council meeting of August 20, 2004, the report, as substituted, was referred back to the Ways & Means/Budget Committee upon a voice vote.

The Council has raised concerns about the amount of time spend on media relations by the attorneys representing Lieutenant Carlson, Captain Martin and Deputy Chief Gerold. We have reviewed all the bills submitted by each law firm and have compared and contrasted the hours spent on designated media contacts. The information is set forth below.

Rice, Michels & Walther, in representing Lt. Carlson, indicated no time on their time sheets for media contacts or relations.

Felhaber, Larson, Fenlon & Vogt, in representing Captain Martin, had one entry on March 19, 2004, that included the notation 'return media calls.' The total time billed on March 19, 2004, was 4.50 hours. However, in addition to returning media calls the billing entry also noted: *Telephone message from Tim O'Malley at BCA; Telephone call to Mike Martin; Meeting at BCA with Superintendent O'Malley; Conference with Mike Martin; Review of BCA Report.* **Rice, Michels & Walther** also had a billing entry on March 19, 2004, that included meeting at the BCA and meeting with their client. **Rice, Michels & Walther** listed 4.0 hours for those activities. The assumption is that the phone calls returned were incidental and involved approximately ½ hour of time.

Fredrikson and Byron, in representing Deputy Chief Gerold had several notations regarding media contacts as follows:

Date	Invoice Entry	Hours	Rice, Michels & Walther	Felhaber, Larson, Fenlon & Vogt
February 27, 2004 D. Lillehaug	Lengthy conferences with client and Steven Kaplan; prepare and revise responsive statement for client; numerous telephone conferences with City Attorney's officer, media and public officials.	6.00	12.5 hours billed; no media contacts.	No hours billed.
February 28, 2004 D. Lillehaug	Numerous telephone conferences with client and Steven Kaplan; review applicable Minnesota statutes; respond to numerous media inquiries.	1.50	2.75 hours billed; no media contacts.	No hours billed
February 29, 2004 D. Lillehaug	Telephone conference with Jim Michels regarding meeting of counsel; telephone conference with Council Member; numerous telephone conferences with client and media.	1.80	3.00 hours billed; no media contacts.	No hours billed
March 5, 2004 D. Lillehaug	Review letter from City Attorney regarding recusal from prosecutorial decision; review clips of television reports on Chief McManus statements; telephone conference with Assistant Superintendent Tim O'Malley regarding procedure for prosecutorial decision; prepare letter to Superintendent Mike Campion of BCA; accompany client to interview with Star Tribune ; legal research regarding prosecutor recusal; analyze participation of Bloomington City Attorney.	5.50	4.25 hours billed; no media contacts.	0.6 hours billed; no media contacts.

Date	Invoice Entry	Hours	<i>Rice, Michels & Walther</i>	<i>Felhaber, Larson, Fenlon & Vogt</i>
March 19, 2004 S. Kaplan	Office conferences with David Lillehaug and Lucy Gerold; prepare for and attend press conference ; review BCA and Hennepin County Sheriff's reports.	4.20	4.00 hours billed; no media contacts.	4.50 hours billed; returned media calls.
March 19, 2004 D. Lillehaug	Conferences with client and Council Member; conferences at BCA; review investigation report and witness statements; lengthy conferences with client; prepare analysis of witness statements and compare to previous statements of Chief McManus; prepare for and attend press conference to respond to numerous media inquiries ; telephone conferences with Assistant City Attorney Peter Ginder regarding client's return to work; telephone conferences with Council Members; numerous telephone conferences with other counsel; response to additional media inquiries.	9.00	4.00 hours billed; no media contacts.	4.50 hours billed; returned media calls.

Conclusions

Regarding **Fredrikson and Byron** contacts with the media, we have reached the following conclusions:

Date	Invoice Entry	Hours	Conclusions
February 27, 2004 D. Lillehaug	Lengthy conferences with client and Steven Kaplan; prepare and revise responsive statement for client; numerous telephone conferences with City Attorney's officer, media and public officials.	6.00	Media contacts appear incidental to representation and not predominate focus of the hours billed for the day. Hours spent were less than Rice, Michels & Walther. Felhaber, Larson, Fenlon & Vogt , apparently, had not assumed representation. Estimated time of less than 1.0 hours on media contacts.
February 28, 2004 D. Lillehaug	Numerous telephone conferences with client and Steven Kaplan; review applicable Minnesota statutes; respond to numerous media inquiries.	1.50	Media contacts appear incidental to representation and not predominate focus of the hours billed for the day. Hours spent were less than Rice, Michels & Walther. Felhaber, Larson, Fenlon & Vogt , apparently, had not assumed representation. Estimated time of less than 0.5 hours on media contacts.

Request for Reimbursement of Legal Fees for Deputy Chief Lucy Gerold

August 26, 2004

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Date	Invoice Entry	Hours	Conclusions
February 29, 2004 D. Lillehaug	Telephone conference with Jim Michels regarding meeting of counsel; telephone conference with Council Member; numerous telephone conferences with client and media.	1.80	Media contacts appear incidental to representation and not predominate focus of the hours billed for the day. Hours spent were less than Rice, Michels & Walther, Felhaber, Larson, Fenlon & Vogt , apparently, had not assumed representation. Estimated time of less than 0.5 hours on media contacts.
March 5, 2004 D. Lillehaug	Review letter from City Attorney regarding recusal from prosecutorial decision; review clips of television reports on Chief McManus statements; telephone conference with Assistant Superintendent Tim O'Malley regarding procedure for prosecutorial decision; prepare letter to Superintendent Mike Campion of BCA; accompany client to interview with Star Tribune ; legal research regarding prosecutor recusal; analyze participation of Bloomington City Attorney.	5.50	Media interview took place that could be considered public relations. Rice, Michels & Walther billed 4.25 hours for similar activities by two attorneys with no media contact. No individual attorney billed more than 2.50 hours. Felhaber, Larson, Fenlon & Vogt billed 0.6 hours for calls to client and BCA. Estimated time for Star Tribune preparation and interview approximately 3.0 hours.
March 19, 2004 S. Kaplan	Office conferences with David Lillehaug and Lucy Gerold; prepare for and attend press conference ; review BCA and Hennepin County Sheriff's reports.	4.20	Estimated time for press conference attendance and preparation approximately 3.0 hours.
March 19, 2004 D. Lillehaug	Conferences with client and Council Member; conferences at BCA; review investigation report and witness statements; lengthy conferences with client; prepare analysis of witness statements and compare to previous statements of Chief McManus; prepare for and attend press conference to respond to numerous media inquires ; telephone conferences with Assistant City Attorney Peter Ginder regarding client's return to work; telephone conferences with Council Members; numerous telephone conferences with other counsel; response to additional media inquiries.	9.00	Press conference took place that could be considered public relations. Rice, Michels & Walther billed 4.00 hours for similar activities with no press conference. Felhaber, Larson, Fenlon & Vogt billed 4.50 hours for similar activities with no press conference. Fredrikson and Byron , documented additional legal work unrelated to the press conference that was beyond the work done by the other firms. Estimated time for press conference attendance and preparation approximately 3.0 hours.

It appears that most entries of contact with the media are incidental to representation. The total amount of time that can attribute to media contacts of any type is approximately 11.0 hours. The time spent preparing

for and attending a *StarTribune* interview and press conferences is estimated at 9.0 hours and is included in the prior 11.0 estimate.

Fredrikson and Byron expended 89.8 hours on legal representation at an hourly rate of approximately \$350.00 and incurred \$194.10 in expenses for a total billing of \$31,644.19.

Hours expended related to contacts with the media may be considered fees incurred to defend charges of a criminal nature. Although Minnesota statutes and case law provide no guidance on the issue, a similar issue has been examined by the federal courts in analyzing claims for attorney's fees in § 1983 litigation. Courts have found that media communications publicizing the case and other activities unrelated to the case or the litigation cannot be recovered. The courts note that the type of fees not allowed would be "for public relations work, which did not contribute directly and substantially to the attainment of * * * litigation goals." *Davis v. City & County of S.F.*, 976 F.2d 1536, 1545 (9th Cir. 1992). Generally, the courts noted that the type of work for which a client would be billed by an attorney would be recoverable. In § 1983 civil litigation, the losing party is being billed by the prevailing party. In the matter under consideration, Deputy Chief Gerold had been billed by Mr. Lillehaug and is seeking reimbursement.

The itemized billing records were reviewed for the past several years in cases seeking the reimbursement of criminal defense fees. Criminal defense attorneys' routinely respond to requests from the media and bill their clients for the contact. On all prior cases, the City has included media contacts as an element of criminal defense fees. Finally, as a practical matter, it would be extremely difficult to differentiate permissible from impermissible media contacts; however, such a determination is within the discretion of the City Council. Considering the past practice of the City and the state of the law, the hours related to contacts with the media generally appear reasonable given the extensive media attention given to the investigation.

A second issue presented concerns the hourly billing rate. The \$350.00 hourly rate requested by *Fredrikson and Byron* is in excess of the standard hourly rate of \$125.00 normally approved by the City Council. The law firms representing Captain Martin and Lieutenant Carlson have reduced their hourly rate to \$125.00. The approval of requests for reimbursement of attorney's fees is entirely within the discretion of the City Council. This Committee and the City Council have the authority to increase or decrease the hourly fee rate requested if the facts warrant. In the past, the City Council has increased the standard hourly rate only twice. Each instance involved a council member. In 1999, the City Council approved a request for reimbursement from Council Member Steve Minn in the amount of \$1,732.50, with an hourly rate of \$158.00. In 2003, the City Council approved a request for reimbursement by Council Member Goodman at the hourly rate of \$265.00. In the past, the City also has reduced the requested hourly rate.

Based on the foregoing, it is our recommendation that the reimbursement of Deputy Chief Lucy Gerold's legal fees are appropriate and that the City Council authorize payment of \$11,419.10 to *Fredrikson & Byron, P.A.* as reimbursement of legal fees and expenses for its representation of Deputy Chief Lucy Gerold.

Felhaber Larson Fenlon & Vogt

A Professional Association - Attorneys at Law

Date 4/06/04
Statement # 334192 JMH
Client # 20275 000

EMPLOYMENT-STATE OF MINNESOTA

MICHEAL E MARTIN
1470 RICE CREEK DRIVE
FRIDLEY MN 55432

Please detach & return top portion with payment.

Amount Enclosed \$ _____
Balance is due upon receipt.

ACCOUNT SUMMARY			
Statement #	334192	Client #	20275 000
Previous Balance	Payments Received	Current Activity	Balance Due
.00	.00	5,815.95	5,815.95

PROFESSIONAL SERVICES

DATE	INIT	DESCRIPTION OF SERVICE	HOURS	AMOUNT
3/01/04	JMH	Telephone conference with Michael E. Martin; Meeting with David Lillehaug, Jim Michels, Steve Kaplan, and Eric Riensche; Telephone calls to Mike Campion and Tim O'Malley of BCA; Telephone conference with Michael Martin; Telephone conference with Dan Ahlquist and Michael Martin; Telephone conference with Michael Martin; Conference with Michael Martin and BCA investigators; Conference with Michael Martin.	6.30	787.50
3/01/04	EJR	Prepare for meetings; Joint defense meeting; Telephone conference with J. Hopeman and M. Martin; Interview with BCA agents, M. Martin, and J. Hopeman.	6.60	1,089.00
3/02/04	JMH	Telephone conference with Michael Martin.	.20	25.00
3/02/04	JMH	Telephone conference with David Lillehaug.	.10	12.50
3/02/04	JMH	Letter to David Lillehaug.	.10	12.50
3/02/04	JMH	Dictation of memo of interview with client.	.80	100.00
3/03/04	JMH	Dictation of notes of interview.	1.10	137.50
3/04/04	JMH	Telephone conference with David Lillehaug.	.30	37.50
3/04/04	JMH	Telephone conference with Mike Martin.	.50	62.50
3/05/04	JMH	Telephone conference with Michael Martin; Telephone call to Tim O'Malley of BCA; Telephone conference with Michael Martin.	.50	62.50

Thank You For Using Felhaber, Larson, Fenlon and Vogt, P.A.

Felhaber Larson Fenlon & Vogt

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Date 4/06/04
 Statement # 334192 JMH
 Client # 20275 000

EMPLOYMENT-STATE OF MINNESOTA

MICHAEL E MARTIN

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ACCOUNT SUMMARY					
Statement #	Client #	Previous Balance	Payments Received	Current Activity	Balance Due
3/05/04	JMH			Telephone conference with Michael Martin.	.10 12.50
3/08/04	EJR			Research and analysis regarding media articles and related case documents.	3.60 594.00
3/09/04	JMH			Telephone conference with David Lillehaug.	.50 62.50
3/09/04	EJR			Analysis of file; Draft memorandum regarding March 1 meetings and interview.	5.00 825.00
3/10/04	JMH			Telephone conference with Tim O'Malley, BCA; Telephone call to Mike Martin.	.10 12.50
3/11/04	JMH			Telephone conference with David Lillehaug; Telephone conference with Mike Martin; Telephone conference with David Lillehaug.	.30 37.50
3/11/04	EJR			Further analysis of file documents and media reports; Revise memorandum.	6.00 990.00
3/15/04	EJR			Analysis of J. Hopeman memorandum; Review related documents; Revise memorandum.	1.30 214.50
3/17/04	JMH			Telephone call to Dan Ahlquist BCA; Telephone call to Mike Martin; Telephone call to David Lillehaug; Telephone conference with Tim O'Malley; Telephone conference with Mike Martin.	.30 37.50
3/18/04	JMH			Telephone conference with Mike Martin; Telephone conference with Bill Mavity; Evening telephone conference with Bill Mavity.	.20 25.00
3/19/04	JMH			Telephone message from Tim O'Malley at BCA; Telephone call to Mike Martin; Meeting at BCA with Superintendent O'Malley; Conference with Mike Martin; Review of BCA report; Return media calls.	4.50 562.50
3/23/04	JMH			Telephone conference with Mike Martin.	.20 25.00
3/25/04	JMH			Telephone conference with Mike Martin.	.40 50.00

Thank You For Using Felhaber, Larson, Fenlon and Vogt, P.A.

Felhaber, Larson, Fenlon and Vogt, P.A. • 220 South 5th Street, Suite 1100 • Minneapolis, Minnesota 55402 • Tel: 339-3321
 Facsimile: 339-3321 • E-Mail: info@felhaber.com

Felhaber Larson Fenlon & Vogt

A Professional Association - Attorneys at Law

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Date 4/06/04
Statement # 334192 JMH
Client # 20275 000

EMPLOYMENT-STATE OF MINNESOTA

MICHEAL E MARTIN

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ACCOUNT SUMMARY	Statement #	Client #		
Previous Balance	Payments Received	Current Activity	Balance Due	

		DISBURSEMENTS	CURRENT FEES:	5,775.00
3/11/04	Westlaw Legal Research			40.95
			CURRENT DISBURSEMENTS:	40.95
			CURRENT FEES & DISBURSEMENTS:	5,815.95
			PRIOR BALANCE:	.00
			TOTAL BALANCE DUE: \$	5,815.95

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Federal Tax ID Number 41-0991071

Felhaber Larson Fenlon & Vogt

A Professional Association - Attorneys at Law

Date 5/10/04
Statement # 338798 JMH
Client # 20275 000

EMPLOYMENT-STATE OF MINNESOTA

MICHAEL E MARTIN
C/O PETER GINDER
ASSISTANT CITY ATTORNEY
333 SOUTH 7TH STREET #300
MINNEAPOLIS MN 55402

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ACCOUNT SUMMARY		Statement # 338798	Client # 20275 000
Previous Balance	Payments Received	Current Activity	Balance Due
5,815.95	.00	1.60	5,817.55

		DISBURSEMENTS	
4/06/04	Photocopies		1.60
		CURRENT DISBURSEMENTS:	1.60
		CURRENT FEES & DISBURSEMENTS:	1.60
		PRIOR BALANCE:	5,815.95
		TOTAL BALANCE DUE: \$	5,817.55

ACCOUNT STATUS THROUGH THIS STATEMENT

CURRENT	1 MONTH	2 MONTHS	3 MONTHS	4 & OVER
1.60	5,815.95	.00	.00	.00

Thank You For Using Felhaber, Larson, Fenlon and Vogt, P.A.

Felhaber Larson Fenlon and Vogt, P.A. • 333 South 7th Street, Suite 300 • Minneapolis, Minnesota 55407-4504 • 612 339-6111
Federal Bar No. Number #0799117

Felhaber Larson Fenlon & Vogt

A Professional Association - Attorneys at Law

Date 6/10/04
Statement # 340035 JMH
Client # 20275 000

EMPLOYMENT-STATE OF MINNESOTA

MICHAEL E MARTIN
C/O PETER GINDER
ASSISTANT CITY ATTORNEY
333 SOUTH 7TH STREET #300
MINNEAPOLIS MN 55402

Please detach & return top portion with payment. Amount Enclosed \$ _____
Balance is due upon receipt.

ACCOUNT SUMMARY			
Statement #	Client #	Statement #	Client #
340035	20275 000	340035	20275 000
Previous Balance	Payments Received	Current Activity	Balance Due
5,817.55	.00	29.64	5,847.19

ADJUSTMENTS

6/10/04	Late Charges	29.64
	ADJUSTMENTS:	29.64

PRIOR BALANCE: 5,817.55
LATE CHARGES: 29.64
TOTAL BALANCE DUE: \$ 5,847.19

ACCOUNT STATUS THROUGH THIS STATEMENT

CURRENT	1 MONTH	2 MONTHS	3 MONTHS	4 & OVER
29.64	1.60	5,815.95	.00	.00

Thank You For Using Felhaber, Larson, Fenlon and Vogt, P.A.

Felhaber, Larson, Fenlon and Vogt, P.A. • 333 South 7th Street, Suite 300 • Minneapolis, Minnesota 55402-4504 • (612) 333-6111
Firm Telex Number 210981

April 26, 2004



STATEMENT FOR PROFESSIONAL SERVICES

Client: Lucy Gerold

Matter: Criminal Investigation

Gerold/Invoice

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>
2/27/04	D. Lillehaug	Lengthy conferences with client and Steven Kaplan; prepare and revise <u>responsive public statement</u> for client; numerous telephone conferences with City Attorney's office, <u>media</u> , and public officials.	6.00	350.00	2,100.00
2/27/04	J. Lundquist	Conference regarding potential criminal investigation and issues related thereto.	0.50	375.00	187.50
2/27/04	S. Kaplan	Telephone conferences with client and Lieutenant Wurster; client conferences; office conferences with David Lillehaug.	5.80	370.00	2,146.00
2/28/04	D. Lillehaug	Numerous telephone conferences with client and Steven Kaplan; review applicable Minnesota statutes; <u>respond to numerous media inquiries.</u>	1.50	350.00	525.00
2/28/04	S. Kaplan	Telephone conferences with David Lillehaug; telephone conference with client.	1.00	370.00	370.00
2/29/04	D. Lillehaug	Telephone conference with Jim Michels, regarding meeting of counsel; telephone conference with Council Member; numerous <u>telephone conferences with client and media.</u>	1.80	350.00	630.00
2/29/04	S. Kaplan	Internet research regarding Dayton litigation; Internet research regarding William McManus; prepare memorandum of action items to David Lillehaug; telephone conference with Lucy Gerold; exchange e-mails with Kent Harbison; office conference with Kent Harbison and David Lillehaug.	1.90	370.00	703.00
03/01/04	J. Jones	Research issue of City indemnity of an officer for attorneys' fees to defend investigation.	2.30	175.00	402.50

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
www.fredlaw.com

20.8
200 South Sixth Street
Suite 4000
Minneapolis, Minnesota
55402-1425

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>
03/01/04	S. Kaplan	Conference with counsel for Lt. Carlson and Capt. Martin; telephone conference with client; discussions with David Lillehaug; draft joint defense agreement.	3.80	370.00	1,406.00
03/01/04	D. Lillehaug	Conference with Jim Michels and Jon Hopeman; lengthy telephone conferences with client; continue factual and legal research on basis for BCA investigation; conference with Steven Kaplan; prepare chronology; review client memorandum regarding chronology; numerous telephone conferences with client and other counsel; prepare memoranda to the file.	6.50	350.00	2,275.00
03/02/04	S. Kaplan	Discussions with client and David Lillehaug; attend BCA interview; prepare memorandum to file regarding joint defense meeting.	3.80	370.00	1,406.00
03/02/04	D. Lillehaug	Lengthy conference with client; review office memorandum regarding March 1 meeting with counsel; continue factual and legal research on basis for BCA investigation; prepare for and attend interview of client by BCA agents; telephone conferences with Jim Michels and Jon Hopeman regarding same.	7.20	350.00	2,520.00
03/03/04	D. Lillehaug	Lengthy telephone conference with Jim Michels; telephone conference with City Attorney regarding BCA investigation; telephone conference with Council Member; legal research regarding possible letter to City Attorney; prepare draft of same.	3.70	350.00	1,295.00
03/04/04	D. Lillehaug	Complete legal research; telephone conference with client regarding same; prepare and revise letter to City Attorney requesting end of leave; telephone conferences with client regarding same; prepare e-mail to Council Member regarding EEOC determination.	4.70	350.00	1,645.00
03/05/04	D. Lillehaug	Review letter from City Attorney regarding recusal from prosecutorial decision; review clips of television reports on Chief McManus statements; telephone conference with Assistant Superintendent Tim O'Malley regarding procedure for prosecutorial decision; prepare letter to Superintendent Mike Campion of BCA; accompany client to interview with Star Tribune; legal research regarding prosecutor recusal; analyze participation of Bloomington City Attorney.	5.50	350.00	1,925.00

35.2

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>
03/06/04	D. Lillehaug	Office conference regarding defense strategy; telephone conferences with client and Jim Michels.	0.90	350.00	315.00
03/08/04	D. Lillehaug	Lengthy telephone conference with Jim Michels; investigate Chief McManus statements to Police Federation Board; review Police Department press release; prepare letter to other counsel regarding same.	3.30	350.00	1,155.00
03/09/04	D. Lillehaug	Review tape of television clips; prepare draft letter to Mayor Rybak; telephone conference with client regarding same; revise letter to Mayor Rybak.	2.30	350.00	805.00
03/10/04	D. Lillehaug	Conference with client, Jim Michels and Lt. Carlson at Rice Michels offices; prepare memorandum to the file regarding same; prepare second letter to Mayor Rybak regarding Chief's media statements; telephone conference with client regarding same.	4.70	350.00	1,645.00
03/14/04	D. Lillehaug	Prepare draft response to possible BCA investigation outcomes; telephone conferences with client regarding same.	1.90	350.00	665.00
03/18/04	D. Lillehaug	Telephone conference with Bloomington City Attorney; telephone conference with Assistant Superintendent Tim O'Malley; lengthy telephone conferences with client regarding same; telephone conferences with Assistant City Attorney regarding Data Practices.	1.30	350.00	455.00
03/19/04	S. Kaplan	Office conferences with David Lillehaug and Lucy Gerold; prepare for and attend press conference; review BCA and Hennepin County Sheriff's reports.	4.20	370.00	1,554.00
03/19/04	D. Lillehaug	Conferences with client and Council Member; conference at BCA; review investigation report and witness statements; lengthy conferences with client; prepare analysis of witness statements and compare to previous statements of Chief McManus; prepare for and attend press conference to respond to numerous media inquiries; telephone conferences with Assistant City Attorney Peter Ginder regarding client's return to work; telephone conferences with Council Members; numerous telephone conferences with other counsel; respond to additional media inquiries.	9.00	350.00	3,150.00

27.6

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Value</u>
03/29/04	D. Lillehaug	Review BCA report; prepare memorandum to the file regarding same; office conferences regarding matter status; telephone conference with client regarding same; prepare and revise letter to City Attorney.	3.90	350.00	1,365.00
03/30/04	D. Lillehaug	Revise memorandum to file regarding BCA report; revise letter to City Attorney; multiple telephone conferences with client regarding same.	2.30	350.00	805.00
		Total Legal Fees	<u>6.2</u>		31,450.00
		Expenses			194.19
		TOTAL			\$31,644.19

#29578651

hour 89.8
\$350/hr.

Rice, Michels & Walther, LLP

206 East Bridge - Riverplace
10 Second Street Northeast
Minneapolis, MN 55413-2236
Telephone: (612) 676-2300

April 17, 2004

Invoice submitted to:

Michael Carlson
15905 Finley Avenue
Hugo MN 55038

In Reference Client/Matter: 1162/245896 - Criminal Investigation
To:

Invoice # 14465

Professional Services

	<u>Hours</u>
2/26/2004 JPM Telephone conferences with John Delmonico and Mike Carlson regarding allegations and act of Chief to relieve Carlson of duty.	4.50
2/27/2004 AEW Office conference regarding case and regarding contacts and documents needed for same; meet regarding matter; draft retainer agreement.	3.25
JPM Telephone conferences with Mike Carlson, BCA officials, Paul Scoggin, attorneys for Deputy Chief Gerold, and others regarding allegations against Carlson, Martin and Gerold; meet with Mike Carlson; review documents from client.	9.25
2/28/2004 JPM Telephone conferences with representatives of Hennepin County Sheriff's office and Mike Carlson; review news reports and impact on criminal defense.	2.75
2/29/2004 JPM Telephone conferences with Mike Carlson, David Lillehaug and others regarding case and preparation for statements to BCA.	3.00
3/1/2004 JPM Meet with Lillehaug and Hopeman regarding joint defense; telephone conferences with Carlson, Lillehaug and witnesses; research other matters showing impropriety of McManus's actions in calling for criminal investigation of Carlson.	8.50

Rice, Michels & Walther, LLP

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Michael Carlson

	<u>Hours</u>
3/2/2004 JPM Telephone conferences with BCA Agent, Mike Carlson and David Lillehaug regarding interview by BCA; meet with Carlson to prepare for interview; represent Carlson during interview; telephone conferences with Lillehaug on issues raised by client interviews.	5.50
3/4/2004 AEW Telephone conferences Carlson regarding request for information; draft letter to Jay Heffren regarding release of BCA investigation; draft letter to Campion requesting copy of investigation.	1.75
JPM Telephone conferences with David Lillehaug and Mike Carlson regarding status of matter.	0.50
3/5/2004 AEW Telephone conference with Tim O'Malley regarding status of investigation and release of the file; office conference and research regarding same; telephone conference with Dave Lillehaug regarding responding to investigation release to City.	2.50
JPM Telephone conferences with Tim O'Malley, Mike Carlson and David Lillehaug regarding status of matter and concerns that City may delay resolution of matter and availability of investigation report.	1.75
3/9/2004 JPM Telephone conferences with Mike Carlson and David Lillehaug regarding status of matter; research potential for expediting conclusion of matter.	2.00
3/10/2004 JPM Meet with Mike Carlson and David Lillehaug; telephone conferences with potential witnesses and sources; prepare summary of notes on case to date.	6.50
3/16/2004 JPM Telephone conferences with Mike Carlson and David Lillehaug and others regarding status of investigation and impact of prosecutor's request for additional information.	1.00
3/17/2004 JPM Telephone conferences with Mike Carlson and David Lillehaug regarding status of investigation.	0.50
3/18/2004 JPM Telephone conferences with Carlson and Lillehaug regarding notice from Bloomington City Attorney that investigation is concluded; research Whistle Blower statute; meeting with Carlson regarding concerns over retaliation by McManus; draft letter to Mayor Rybak regarding Whistle Blower protection.	5.50

Rice, Michels & Walther, LLP

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Michael Carlson

	<u>Hours</u>	
3/19/2004 JPM Meet with Tim O'Malley in St. Paul; review BCA investigation; meet with Mike Carlson to review file and prepare for meeting with Chief McManus.	4.00	
		<u>Amount</u>
For professional services rendered	62.75	\$7,843.75
Additional Charges :		
Communication		50.00
Copying cost		1.40
Parking		9.00
Video copy		83.90
Total costs		<u>\$144.30</u>
Total amount of this bill		<u>\$7,988.05</u>
Balance due		<u><u>\$7,988.05</u></u>