

MEETING DATE: 01/13/2025	<h1>REPORT TO VILLAGE BOARD</h1>			AGENDA ITEM #
PRESENTING COMMITTEE: APC	COMMITTEE CONTACT: None	STAFF CONTACT: Dianne Drew	PREPARED BY: Dianne Drew	
ISSUE: Need to hire a special prosecutor for the municipal court case of <u>Village of Kronenwetter vs. Joel Straub</u> .				
OBJECTIVES: To contract with Attorney Nathan Miller of the Weld, Riley law firm to provide legal services as prosecutor of the municipal court case of <u>Village of Kronenwetter vs. Joel Straub</u> .				
<p>ISSUE BACKGROUND/PREVIOUS ACTIONS:</p> <p>On 11/27/2024 the court was notified by Attorney Harold Wolfgram that he needed to withdraw as prosecutor in the case of <u>Village of Kronenwetter vs. Joel Straub</u> due to allegations of bias related to the prosecution of this case. Mr. Straub received two citations issued 02/07/2024—one for “Public Nuisance Affecting Peach and Safety (Dilapidated Structure)” (ordinance #382-6) and for “Maintaining a Public Nuisance (Dilapidated Structure)” (ordinance #382-3).</p> <p>A trial date was scheduled but has now been taken off the court calendar. It will be rescheduled once the Village hires a substitute prosecutor.</p> <p>Four different attorneys were called to inquire if they would take the case; three said no (two stated they also had a conflict of interest, and one attorney had no interest in taking the case). Attorney Nathan Miller of Weld Riley agreed to take the case. When I inquired about his hourly rate, He initially stated \$240/hour but agreed to reduce his rate to \$200/hour.</p> <p>Attorney Harold Wolfgram currently has a contract with the Village to prosecute court matters at the rate of \$185/hour. I therefore must get board approval to spend above the \$185/hour for an attorney.</p> <p><u>Options:</u></p> <ol style="list-style-type: none"> 1. Hire Attorney Nathan Miller of the Weld Riley law firm at \$200/hour to prosecute the case. 2. Instruct the court clerk to continue calling attorneys to try to find an attorney who will prosecute the case for the \$185/hour rate. It is doubtful that an attorney will be found who will agree to charge \$185/hour, as that is currently a very low rate for attorney’s fees. <p>The APC approved the hiring of Attorney Nathan Miller at its 12/19/2024 meeting.</p>				
<p>PROPOSAL:</p> <p>Recommend hiring Attorney Nathan Miller of the Weld Riley law firm at \$200/hour to prosecute the municipal court case of <u>Village of Kronenwetter vs. Joel Straub</u>.</p>				
<p>ADVANTAGES:</p> <p>The municipal court case can proceed with scheduling and holding a trial, to conclude the case.</p>				
<p>DISADVANTAGES: The municipal court case will be adjourned for an unknown amount of time, as a trial date cannot be scheduled without a prosecutor.</p>				

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

Costs are dependent on how much time is needed from the attorney/prosecutor for handling the case to conclusion.

RECOMMENDED ACTION:

Hire Attorney Nathan Miller of the Weld Riley law firm at \$200/hour to prosecute the case.

OTHER OPTIONS CONSIDERED:

Other attorneys were contacted (see above).

TIMING REQUIREMENTS/CONSTRAINTS: Immediate—the municipal court case cannot proceed without a prosecutor.

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$ Remaining CFY

Municipal Legal Fees Account

ATTACHMENTS (describe briefly):

11/27/2024 email from Attorney Wolfgram regarding his filing a substitution of attorney once a new prosecutor can be located.

Dianne Drew

From: Harold Wolfgram <haroldwolfgram@wolfgramlegal.com>
Sent: Wednesday, November 27, 2024 4:12 PM
To: Dianne Drew; Joe Straub
Cc: Jackie Kramer; Danielle Ley
Subject: RE: [External] Judge's Decision on Trial Date

Dianne:

Given that Mr. Straub has made allegations of bias related to the prosecution of this action, it is my preference to simply file a substitution of counsel in this case. I anticipate filing for substitution of counsel within the next 10 days. Therefore, I would propose that the Court hold off on scheduling anything in this matter until substitute counsel can be part of that process.

Should the Court have any concerns regarding this proposed course of action, please advise.

Thank you for your consideration.

Harold C. Wolfgram
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From: Dianne Drew <ddrew@kronenwetter.org>
Sent: Wednesday, November 27, 2024 10:32 AM
To: Joe Straub <joestraub556@gmail.com>; Harold Wolfgram <haroldwolfgram@wolfgramlegal.com>
Cc: Jackie Kramer <JackieKramer@wolfgramlegal.com>
Subject: Judge's Decision on Trial Date

Mr. Straub and Attorney Wolfgram,

Judge Cveykus informed me of his decision on the December 18th trial date, after reviewing Mr. Straub's request and Attorney Wolfgram's response. The judge granted an adjournment based upon the defendant's request; however, he asked that I schedule a in-court pretrial in January with the parties to submit their witness lists to the court before the in-court pretrial.

Please let me know if you would be available on Wednesday, January 22nd, at 5:45 p.m. for the in-court pretrial hearing. Thank you.

Dianne Drew, Clerk of Court
Professional Judicial Executive
Kronenwetter Municipal Court
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