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September 7, 2023

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

Re: Proposed contract for legal services to be provided by outside counsel in *Bankruptcy Estate of Santoasha Harris v. City of Milwaukee, Terrence Brumirski and ABC Insurance Company*, U.S. District Court Case No. 20-C-0609, and Resolution file no. 212043.

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation.

The plaintiff, Santoasha Harris, an employee of the City of Milwaukee, has filed a federal complaint against the City and a former employee of the City, Terrence Brumirski, alleging violations of Title VII and § 1983 by sexual harassment and discrimination, hostile work environment, and retaliation, among other claims.

This office engaged Emile Banks & Associates, LLC, in May 2020 to take on the representation of Terrence Brumirski due to potential conflicts and adverse positions in the defenses between Mr. Brumirski and the City. This engagement followed the procedures in place at that time, which did not require prior authorization by the Common Council.

We now submit this letter and related materials in the file in order to comply with the changed policies and recently amended Milwaukee Code § 304.23 regarding outside counsel. We are seeking to amend the contract already in place in order to increase the amount-not-to-exceed from \$20,000 to \$75,000 to compensate the firm for getting the matter through the filing of summary judgment motions. Further amendment may be needed if the matter were to go to trial.



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The purpose and scope of the representation is to provide legal counsel to Mr. Brumirski in order to defend him against the claims brought by the plaintiff, and thereby reduce risk and exposure to the City to claims for legal fees for his defense and any related potential judgment, pursuant to Wis. Stat. § 895.46.

Emile H. Banks, Jr., is founder of Emile Banks & Associates LLC, a nine-attorney trial litigation firm. Mr. Banks has been named Top 10 Attorneys in Wisconsin by Thomsen Reuters Super Lawyer selection committee in 2021 and 2022. He is also a Fellow of the American College of Trial Lawyers. In addition, Mr. Banks is past President of the American Board of Trial Advocates. Mr. Banks is also in two other invitation-only and very select prestigious national legal associations: Litigation Counsel of America (Top 0.5% of Trial Lawyers) and International Association of Barristers. He has also been named Best of the Best Mediators (2021) and Best of the Best Arbitrators (2022) in Wisconsin by Wisconsin Law Journal for the past five years. In 2015, 2021 and 2023 respectively he was named Lawyer of the Year - Insurance Law by Best Lawyers publication. Furthermore, Mr. Banks and his firm have a long history of providing quality legal services to the City, including employment defense matters.

The terms of the retainer agreement are contained in the attachments to the file.

Very truly yours,

TEARMAN SPENCER
City Attorney



ROBIN A. PEDERSON
Deputy City Attorney

Enclosure

1047-2020-628:286998