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March 14, 2025

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

Re: Post-hoc approval of contract for legal services provided by outside counsel in *Susan Bodden-Eichsteadt v. City of Milwaukee, Alfonso Morales and MaryNell Regan*, U.S. District Court Case No. 19-CV-1556; and CCFN 212044.

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, Susan Bodden-Eichsteadt, was an employee of the City of Milwaukee who filed a federal complaint in October 2019 against the City; Alfonso Morales, former Chief of Police; and MaryNell Regan, former Executive Director of the Fire and Police Commission. Plaintiff alleged violations of her civil rights in relation to her separation from employment as a Police Services Special Investigator with the Police Department and as an investigator for the FPC.

This office engaged Emile Banks & Associates, LLC, in January 2020 to take on the representation of MaryNell Regan, and later Alfonso Morales, due to potential conflicts and adverse positions in the defenses between them and the City. This engagement followed the procedures in place at that time, which did not require prior authorization by the Common Council.

The purpose and scope of the representation was to provide legal counsel to Ms. Regan and Mr. Morales in order to defend them against the claims brought by the plaintiff, and thereby reduce risk and exposure to the City to claims for legal fees for their defense and any related potential judgment, pursuant to Wis. Stat. § 895.46. After engaging in discovery, this matter was dismissed by joint stipulation of the parties on February 7, 2022.

We now submit this letter and related materials in the file in order to comply with the changed policies and 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-



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exceed from \$20,000 to \$43,816.52 in order to fairly compensate the firm for getting the matter through dismissal. Payment of \$20,000 under the prior contract has already been made, thus the proposed amendment represents a request for approval for payment of an additional \$23,816.52 to the firm.

In a similar letter provided to the Common Council in September 2023 in relation to a resolution for approval of outside counsel, we provided the following background: 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,

EVAN C. GOYKE

City Attorney

s/ROBIN A. PEDERSON

Deputy City Attorney