



Legislation Text

File #: 212043, **Version:** 1

212043
SUBSTITUTE 1

THE CHAIR

Substitute resolution relating to an agreement with outside counsel Emile Banks & Assoc. in the matter of *Harris v. City of Milwaukee*.

This substitute resolution approves and authorizes the Office of the City Attorney to enter into an amendment to a contract for legal services with the law firm of Emile Banks & Associates, LLC, to provide legal services and representation to Terrence Brumirski for the City of Milwaukee in the case entitled *Bankruptcy Estate of Santoasha Harris v. City of Milwaukee, Terrence Brumirski and ABC Insurance Company*, U.S. District Court Case No. 20-C-0609.

Whereas, On April 14, 2020, Santoasha Harris filed a complaint against the City of Milwaukee and a former employee of the City, Terrence Brumirski, in the Eastern District of Wisconsin; and

Whereas, On May 28, 2020, the City of Milwaukee entered into a Contract for Legal Services between the City of Milwaukee and Emile Banks & Associates, LLC, for representation of Terrence Brumirski regarding the claims against him; and

Whereas, The original agreement attached to the file authorized payment in an amount not to exceed \$20,000.00; and

Whereas, The total cost of legal services has exceeded the prior agreed amount in order to get the matter through the filing of summary judgment motions, and an additional \$55,000.00 is sufficient to cover those costs; and

Whereas, The City of Milwaukee may have a conflict because the City Attorney is defending the City in the same matter and may take a position adverse to Terrence Brumirski; and

Whereas, Section 304-23 of the Milwaukee Code allows the Common Council to authorize retention of a law firm outside of the City Attorney's permanent staff, pursuant to a written agreement; and

Whereas, The City desires Emile Banks & Associates, LLC, to defend Terrence Brumirski in the above-referenced lawsuit; and

Whereas, The City desires to pay Emile Banks & Associates, LLC, for the reasonable costs of its legal services that it has incurred and will incur; now, therefore, be it

Resolved, By the Common Council of the City Milwaukee, that the Office of the City Attorney is authorized to retain outside counsel to provide legal services and representation for the City to Terrence Brumirski in the case entitled *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, be it

Further Resolved, That the Office of the City Attorney and appropriate City officers are authorized to negotiate and execute an Amendment to Contract for Legal Services with Emile Banks & Associates, LLC, substantially in the form attached to this file; and, be it

Further Resolved, That an amount not to exceed \$75,000.00 is appropriated from the City Attorney's Office Outside Counsel Expert Witness Special Purpose Account Number 0001-1490-S157-06300 for retaining outside counsel; and, be it

Further Resolved, That the Office of the City Attorney is directed to expend up to \$75,000.00 from this account for this purpose

City Attorney
Robin A. Pederson
September 7, 2023