

Bylaw

BOARD ATTORNEY

The school board attorney (solicitor) shall be selected by the Alloway Township Board of Education and employed at will.

The attorney should advise the board as to proper legal and contractual procedures in which the board must take action and/or make a decision.

The attorney shall be accessible for consultation by the superintendent, board president, board vice president and business administrator/board secretary concerning legal matters. Legal inquiries of administrative staff shall be directed through the superintendent.

The attorney shall act as counsel for the board in prosecuting and defending any action or suit in which the board is involved and perform such other legal services as the board may from time to time subscribe.

The attorney or representative shall attend board meetings upon request.

The board of education recognizes that the use of legal services is an integral part of the governance of the school district it serves and that these legal services must be used prudently and ethically.

Procedures and Recordkeeping

The board of education hereby establishes procedures and recordkeeping of the use of those legal services.

The superintendent shall establish and the board of education shall approve procedures that shall include:

- A. A limited number of contact persons (superintendent, board president, board vice president and business administrator/board secretary) with the authority to request services or advice from contracted legal counsel;
- B. The criteria or guidance to prevent the use of legal counsel unnecessarily for management decisions or readily available information contained in district materials such as policies, administrative regulations or guidance available through professional source materials;
- C. A provision that requests for legal advice shall be made in writing and shall be maintained on file in the district offices and a process to determine whether the request warrants legal advice or if legal advice is necessary;
- D. A provision to maintain a log of all legal counsel contact including name of legal counsel contacted, date of contact, issue discussed and length of contact. Legal bills shall be compared to the contract log and any variances shall be investigated and resolved;
- E. Contracts for legal services comply with payment requirements and restrictions pursuant to N.J.S.A. 18A:19-1 et seq., and as follows:
 - 1. Advance payments shall be prohibited;
 - 2. Services to be provided shall be described in detail in the contract;
 - 3. Invoices for payment shall itemize the services provided for the billing period; and,
 - 4. Payment shall only be for services actually provided.

Professional services contracts for legal services shall be issued in a deliberative and efficient manner such as through a request for proposal (RFP) based on cost and other specified factors or other comparable

process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement.

Professional services contracts for legal services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

District employees and board members are prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district employees, administrators and/or board members for any claim or cause of action in which the damages to be awarded would benefit an individual rather than the district as a whole.

For additional guidance related to the prudent use of legal services and conformance to New Jersey statutes, see policy 3327 Relations with Vendors.

Adopted: November 18, 2003
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Readopted:

Key Words

Board Attorney, Organization Meeting

Legal References: N.J.S.A. 18A:16-1 Officers and employees in general
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.A.C. 6A:23A-5.2 Public relations and professional services

Possible Cross References: 3327* Relations With Vendors
9322.1 Annual Organization Meeting

*Indicates policy is included in the Critical Policy Reference Manual.