

POLICY GUIDE

BYLAWS
0174/page 1 of 3
Legal Services
Jul 25
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[See POLICY ALERT Nos. 182, 188, and 235]

0174 LEGAL SERVICES

In accordance with N.J.A.C. 6A:23A-5.2, the Board of Education adopts this Policy and its strategies to **minimize the cost of legal services** ~~ensure the use of legal services by employees and the Board of Education members and the tracking of the use of legal services.~~

The Board of Education authorizes the Superintendent of Schools,

~~[select designated contact person(s) below]~~

- ☐ Superintendent of Schools' designee
- ☒ School Business Administrator/Board Secretary
- ☐ Board President
- ☐ other _____
- ☐ other _____

as designated contact person(s) to request services or advice from contracted legal counsel.

~~The _____ shall be responsible to review all legal bills and confer with designated contact persons in reviewing such legal bills.~~

In accordance with the provisions of N.J.A.C. 6A:23A-5.2(a)2, the Board **shall** designates ~~an~~ the administrative staff members to review all legal bills and **confer with designated** ~~designates~~ contact person(s) to ensure the prudent use of legal services **and the tracking of the use of those services.**



POLICY GUIDE

In the event the School district's with legal costs that exceed one hundred thirty percent of the Statewide average per student amount, ~~should establish~~ the procedures established outlined in 1., 2., 3., and 4. below **shall be implemented and, if not implemented, and, if not established, the district shall provide evidence the such procedures established in 1., 2., 3., and 4. below would not result in a reduction of costs:-**

BYLAWS
0174/page 2 of 3
Legal Services

1. The designated contact person(s) shall ensure that contracted legal counsel is not contacted unnecessarily for management decisions or readily available information contained in district materials such as Board policies, administrative regulations, or guidance available through professional source materials.
2. All requests for legal advice shall be made to the designated contact person(s) in writing and shall be maintained on file in the district offices. The designated contact person(s) shall determine whether the request warrants legal advice or if legal advice is necessary.
3. The designated contact person(s) shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.
4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the **designated contact person(s)** ~~(administrator responsible for maintaining district files of requests for legal advice and logs of legal counsel contacts)~~
_____, who shall be responsible to review all legal bills and compare all legal bills to the contact logs and to investigate and resolve any variances.

Any professional services contract(s) for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the **legal** services provided for the billing period. Payments to legal counsel(s) shall only be for **legal** services actually provided **in accordance with N.J.A.C. 6A:23A-5.2(a)4.**



POLICY GUIDE

School districts and **county** vocational school districts **shall not contract** ~~are prohibited from contracting~~ with legal counsel or **use** ~~using~~ in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district administrators and/or any individual Board member(s) **for** ~~or pursuing~~ any claim or cause of action **in** ~~for~~ which the damages to be awarded would benefit an individual rather than the school district as a whole **in accordance with N.J.A.C. 6A:23A-5.2(b).**

BYLAWS
0174/page 3 of 3
Legal Services

Pursuant to N.J.A.C. 6A:23A-5.2(a)1., ~~t~~The Board of Education will annually establish prior to budget preparation, a maximum dollar limit for ~~each type of professional service, including~~ legal services. In the event it becomes necessary to exceed the established maximum dollar limit for **legal** ~~the professional services,~~ the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a Request for Proposals (RFP) based on cost and other specified factors or other comparable processes **in accordance with N.J.A.C. 6A:23A-5.2(a)5.** 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 **in accordance with N.J.A.C. 6A:23A-5.2(a)6.**

N.J.A.C. 6A:23A-5.2

Adopted:

