

Related Entries: (Not identified at this time)

Legal Counsel

The School Board of Lee County believes that highly qualified legal counsel ensures appropriate representation and advice for the School Board and the District.

(1) Legal Counsel - Board

The School Board of Lee County shall obtain an attorney, from outside its own membership, who shall act as legal advisor to the School Board and the Superintendent. The School Board shall provide a written contract for its attorney which shall specify duties and responsibilities for the duration of the contract with renewal and termination provisions and compensation to be paid. The School Board Attorney is authorized to accept service of pleadings on behalf of the School Board.

(2) Legal Counsel - Superintendent

The Superintendent shall have the authority to obtain, at School Board expense, an attorney to represent them in any legal matter regarding the performance of their duties when special counsel is needed beyond the service normally rendered by the School Board Attorney.

(3) Legal Counsel - Employees

The School Board shall provide legal services for any School Board member or employee who is sued for any action arising out of or in the course of employment by the District. Legal services for School District employees shall be provided only upon the Superintendent's determination that the employee was at the assigned place of duty and was not guilty of willful neglect of duty, gross negligence, or improper conduct.

(4) Outside Counsel

The School Board Attorney, with approval from the Superintendent or the Superintendent's designee, may obtain outside counsel to assist in any litigation or other matter. Such services shall be approved by the Board when the amount of the expenditure requires such. In determining whether a matter is referred to outside counsel, the following criteria shall be applied:

- 43 • Expertise of in-house counsel in the relevant matter
- 44 • Pending workload of in-house counsel
- 45 • Cost of referring the matter to outside counsel
- 46 • Level of expertise needed in the relevant matter
- 47 • Approval of use of outside counsel by the relevant insurance carrier

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49 In those matters of litigation defense managed by the School District's third party
50 administrator, counsel will be assigned by the third party administrator with approval from
51 the School Board Attorney and the Superintendent or Superintendent's designee. The
52 criteria listed above shall be used by the third party administrator in deciding whether to
53 assign outside counsel to such cases.

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56 **STATUTORY AUTHORITY:** 1001.41, 1001.42, 1001.43, 1012.26, F.S.

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58 Adopted: 2/27/07 (Formerly: Policy 1.50)

59 Revised: 7/31/07