

Bylaw

BOARD ATTORNEY

Legal counsel shall be appointed annually at a rate of compensation established by the Oradell Board of education. All matters requiring legal advice shall be referred to the board attorney(s).

The district shall minimize the cost of legal services by establishing in the budget a maximum annual amount for such services. The board shall be notified if it becomes necessary to exceed the maximum appropriated for legal services and, upon notification, may adopt an increase in the amount through formal board action.

Procedures shall be established to ensure the prudent use of legal services by employees and board of education members and to track the use of such services. If the district's annual legal cost per pupil exceeds 130 percent of the statewide average per pupil cost, the district shall ensure that its established procedures provide for adequate control of costs as delineated in the applicable code or provide evidence that such measures would not result in a reduction of costs.

Contracts for legal services shall conform to New Jersey statutes. Payment requirements and restrictions shall:

- A. Prohibit advance payments;
- B. Require that services provided be described in detail in the contract;
- C. Require that invoices for payment itemize the services provided for that billing period;
- D. Require that payment only be for services actually provided.

The attorney shall:

- A. Represent the board in legal proceedings;
- B. Give a written opinion on legal questions when requested;
- C. Attend board meetings, conferences and other meetings as requested by the board, chief school administrator or board president;
- D. Fulfill such other legal duties as the board may assign.

Nothing herein shall preclude the board of education from employing other attorneys.

Adopted: April 30, 2008
NJSBA Review/Update: January 2019
Readopted: December 11, 2019

Key Words

Board Attorney, Organization Meeting, Use of Board Attorney

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

BOARD ATTORNEY (continued)

Koribanics v. Clifton Bd. of Ed., 48 N.J. 1 (1966)

Perella v. Jersey City Bd. of Ed., 51 N.J. 323 (1968)

Taylor v. Hoboken Bd. of Ed., 187 N.J. Super 546 (app. Div. 1983) Rev. 9/98

Possible

Cross References: 3327* Relations with vendors (use of legal services)
9322.1 Organization Meeting

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