

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: BOA-RA, BOA-EA, BLB, EIA-RA

Responsible Office: Superintendent of Schools

Legal Services

A. PURPOSE

This policy reaffirms the right of the Board of Education (Board) to retain attorneys for advice and representation in legal matters and directs the superintendent of schools to present to the Board for its approval a plan for the management of legal services that will facilitate both cost control and accountability and that will promote a high quality of service.

B. PROCESS AND CONTENT

1. Retention and Selection

- a) The Board retains counsel as needed to assist it and the superintendent of schools in carrying out their duties. Counsel retained by the Board fulfill three primary functions:
 - (1) Representation in litigation in which the Board is a party
 - (2) Advise on general legal issues that arise in the ongoing operation of the school system, including Board policy or action in which highly specialized legal expertise is required.
 - (3) Provide advice and assistance to the Board as it carries out its quasi-judicial responsibilities in appeals and hearings
- b) The factors to be considered in the selection or retention of an attorney include the quality of his or her work, background and relevant experience, legal skills, commitment to diversity, responsiveness and sensitivity to the client's needs, style and presence, freedom from conflict of interest, and management skills.

- c) With the advice of the superintendent of schools, the Board will identify attorneys or firms that meet its criteria and will invite them to express their interest in providing services to the Board.
- d) The Board will contract with the attorney or firm selected, subject to renewal.

2. Management of Legal Services

- a) The Board directs the superintendent of schools to implement the Board-approved legal services management plan for the purpose of coordinating and controlling the school system's use of legal services.
- b) A legal services management plan should provide at least the following elements:
 - (1) Maintenance of written agreements with counsel
 - (2) Standardization of billing practices
 - (3) Management of costs and staff access to attorneys
 - (4) A periodic appraisal of the quality of legal services, for use by the Board and the superintendent of schools
- c) The superintendent of schools will develop regulations for implementing this policy.

C. REVIEW AND REPORTING

- 1. The superintendent of schools will provide monthly reports to the Board of Education on the costs of legal services. The Board will receive evaluative reports on legal services on a cycle aligned with contract reconsideration.
- 2. This policy will be reviewed in accordance with the Board of Education policy review process.

Policy History: Adopted by Resolution No. 282-85, June 12, 1985; reformatted in accordance with Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 550-88, October 24, 1988; amended by Resolution No. 210-04, April 15, 2004; amended by Resolution No. 451-09, October 26, 2009.