

**ATTORNEY**

The Governing Board recognizes the complex legal environment in which districts operate, the need to provide legal representation for the district, and the importance of reliable, cost-effective, high-quality legal advice and services.

In order to meet the district's legal needs, the Board may appoint legal counsel and fix and order paid legal counsel's compensation as an employee or as an independent contractor. (Education Code 35041.5)

The Board may enter into independent contractor services agreements with county counsel, law firms, attorneys in private practice, and other public or private legal services entities. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports pursuing collaborative legal efforts with other districts as well as other government agencies as appropriate.

**Duties of Legal Counsel**

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee
2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent or designee

**Retaining Legal Counsel**

When the district is seeking legal advice or representation, the Superintendent or designee shall identify prospective attorney(s), firm(s), and/or legal services entity(ies).

The district may, but is not required to, initiate a Request for Proposals to advertise and solicit proposals for legal services. In evaluating the prospective attorney(s), firm(s), and/or entity(ies), the Board and Superintendent may consider the attorney's, firm's, and/or entity's background, experience, and relevant legal reputation; experience advising and representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

Any attorney representing the district shall be admitted to practice law in California. (Education Code 35041.5)

The Board and Superintendent shall periodically evaluate the performance of the firm(s) and/or attorney(s); the efficiency and adequacy of advice; the results obtained for the district; the reasonableness of fees; and the responsiveness to and interactions with the Board, administration, and community.

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The Board may use such evaluation(s) to determine whether to renew any current agreement(s) for legal services.

The Board may also contract for specialized legal services, as appropriate, when a majority of the Board determines that the unique demands of a particular issue or emergency situation require such representation.

**Contacting Legal Counsel**

The Board president, or Superintendent or designee, may, at their discretion, confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Board president, or Superintendent or designee, may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by the Superintendent, the Board president, or a majority of the Board.

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 35041

Ed. Code 35041.5

Ed. Code 35161

Ed. Code 35200-35214

Ed. Code 35204

Ed. Code 35205

Gov. Code 26520

Gov. Code 26529

Gov. Code 53060

Gov. Code 814-895.8

Gov. Code 995-996.6

**Management Resources**

CSBA Publication

State Bar of California Publication

Website

Website

Website

Website

**Description**

Administrative adviser

Legal counsel

Board delegation of any powers or duties

Liabilities

Contract with attorney in private practice

Contract for legal services

Legal services to school districts

District Attorney

Special services and advice

Liability of public entities and public employees

Defense of public employees

**Description**

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

California Rules of Professional Conduct

CSBA District and County Office of Education Legal Services

State Bar of California

California Council of School Attorneys

CSBA

**ATTORNEY** (continued)**Cross References**

<b>Code</b>	<b>Description</b>
1160	Political Processes
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
2121	Superintendent's Contract
3311.2	Lease-Leaseback Contracts
3312	Contracts
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
4312.1	Contracts
9000	Role Of The Board
9200	Limits Of Board Member Authority
9260	Legal Protection
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session