



Boulder Valley School District

File: BDG

Adopted: November 14, 2017

School District Attorney

The Board realizes that a district the size and complexity of Boulder Valley School District has a need for competent general counsel to aid the Superintendent and the Board regarding all legal matters and to advise them with regard to applicable federal and state laws and regulations, all pending or threatened litigation, and to give legal opinions regarding questions raised by the Board and the Superintendent. In addition, the Board acknowledges that the school district has a need for legal counsel in special areas of the law.

The Superintendent is responsible for selecting and recommending to the Board for hire general counsel (internal and external) to represent the district. The Superintendent is also responsible for authorizing the employment of special counsel, as needed. The Superintendent shall inform the Board prior to requesting unusual types or amounts of legal services.

Upon appointment by the Board, the Superintendent or designee shall be responsible for:

1. Coordinating activities of attorneys.
2. Directing the preparation of updates on pending legal matters for the Board.
3. Providing for advisory services of counsel at all appropriate meetings of the Board.
4. Coordinating attorney consultation among members of the administrative staff.
5. Budgeting for attorney legal fees.
6. Arranging for payment of justified legal expenses of the district.

In order to facilitate the implementation of this policy, any counsel retained by the district for any purpose shall be given a copy of this policy and shall be expected to comply with its guidelines. From time to time, the Superintendent or designee shall meet with counsel to review performance, duties, and fees.

Professional Standards

Any attorney or law firm retained by the district shall at all times conform to the highest ethical standards, shall comply with the Colorado Rules of Professional Conduct, and shall keep the Superintendent or designee advised of the progress of pending legal matters.

Duties – General Counsel (Internal and External)

The following is a basic listing of those duties and responsibilities expected of the district's general counsel (internal and external):

1. Upon request, attend regular and special Board meetings.
2. To advise the Board and Superintendent on pending legal matters.
3. To accept legal notices as provided by law.
4. To consult with the Superintendent or designee on legal representation and coordination of case management as required by the Superintendent in any and all litigation.
5. To prepare and review such legal documents as specified or requested by the Board, Superintendent, or appropriate members of the administration.
6. To provide the district, upon request, with a written report regarding the status of all litigation affecting the school district, including all matters in which the district is represented by counsel selected by an insurance carrier.

Remuneration

All external counsel are expected to provide the district with a detailed billing on a month-to-month basis specifying the matter being addressed, the attorney handling the matter, the hours spent per day, the purpose of that time, and the agreed hourly rate. In addition, all costs incurred shall be listed with specificity.

Access to Counsel

Except when authorized specifically by the Superintendent or designee, no employee of the district shall be permitted to contact external legal counsel.

The Board President may consult all counsel as necessary to fulfill official duties, though on occasion individual members of the Board may need to consult with counsel to fulfill official duties arising from their Board membership.

In addition to the Superintendent's selection and recommendation of general counsel above, the Board reserves the right to obtain independent legal counsel should occasion arise requiring such legal services. The Board may appoint independent legal counsel to systematically provide services to the Board upon such terms as may be mutually agreed. The appointment shall be on a fee for services basis. The President of the Board will coordinate communications with the independent legal counsel.