

Title: Legal Counsel - Regulation

I. Procedures

Any administrator seeking legal advice on behalf of the District shall obtain the Superintendent's or Board President's approval before contact. Ongoing recourse to legal advice does not require additional approval, e.g., Personnel-Labor Relations.

A. The Superintendent shall be notified immediately of any claim against the District. Administrators shall notify the Superintendent of any situation which could engender a claim.

B. The Superintendent shall designate an administrator to be in charge of the matter.

C. It is the responsibility of the designated administrator in charge to provide information about all significant changes in the course of the case to the following:

1. Superintendent
2. Chief Financial Officer as the matter applies to insurance considerations.
3. Supervisor of any employee named in, a party to or directly affected by a case. This supervisor would be responsible to keep the employee informed.

Examples of significant changes include:

- (1) Written correspondence from the attorney,
- (2) Interrogatories received or taken,
- (3) Depositions scheduled and/or taken,
- (4) Formal notice of establishment of trial date,
- (5) Offer of settlement.

D. It is the responsibility of the administrator in charge to contact the attorney representing the District at least once each month to check on the status of the claim or incident.

E. Coordination between involved persons shall be the responsibility of the administrator in charge.

F. The contact person should be the person in charge of the file.

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G. One master file should be kept of all correspondence and notes regarding the case; unless directed otherwise by the Superintendent, the master file shall be kept by the administrator in charge.

H. Chief Financial Officer shall be responsible for notifying the insurance companies.

I. In Second Party Liability cases, the Chief Financial Officer shall be responsible to encourage the insurance company to keep the District fully informed of the progress of each case. He/she shall also keep the company advised at appropriate times including policy renewal of the District's evaluation of the company's management of cases. This opinion shall be a consensus of Board, Superintendent and other related administrator input and response to information sent during the progress of the case.

II. Reporting of Status of Claim or Incident

A. It shall be the responsibility of the administrator in charge to prepare a written report describing the status of the claim or incident at least every four months (October 1, February 1, and June 1). The report shall be submitted to the Chief Financial Officer, who will be responsible to submit a combined report of the status of all claims or incidents to the Superintendent by the 10th of the same month. Such reports will also contain the status of Worker's Compensation claims.

The Board President may schedule a special meeting in closed session to review litigation after each written report. Counsel shall be present at the meeting in accordance with Iowa's Open Meeting Law.

Approved: Jun. 18, 1991

Reviewed: January 13, 2004
March 22, 2022

Revised: Aug. 19, 1997
April 22, 2008
May 28, 2013
July 25, 2017