

DUTIES OF THE SCHOOL ATTORNEY

The Counsel to the Mahopac Central School District shall be appointed annually by the Board of Education. Counsel shall be an attorney admitted to the bar of New York State and shall be directly responsible to the Board. Counsel shall be responsible for:

1. Keeping the district abreast of all applicable developments in the law;
2. Review of applicable decisions and legislation and the rendering of written analysis of same when necessary;
3. Answering legal questions related to the functions of the Board, the management of the school district and school district affairs posed by the President of the Board (individual Board members= questions of counsel shall be submitted through the President), the Superintendent of Schools and district personnel specifically authorized by the Superintendent. Such answers shall include necessary research, preparation and rendering of oral and/or written opinions;
4. Responding to all claims filed against the Board and the school district;
5. If necessary and when authorized by the Board, engaging a bonding attorney;
6. Representing the Board in the event of litigation involving the Board and/or the district;
7. Reporting to the Board periodically on legal matters referred to him/her and on the status of matters till pending;
8. Attending meetings of the Board when requested.

Selecting Legal Counsel

The district, when seeking to retain Counsel, will first locate prospective qualified lawyers/law firms by:

1. advertising in trade journals;
2. checking listings of lawyers/law firms; or
3. making inquiries of other districts or other appropriate sources.

The district will then prepare a well-planned, written request for a proposal which will contain critical details of the services sought and submit this request to prospective applicants.

In selecting Legal Counsel, the district will consider the cost of a retainer (or hourly fee), as well as such other factors as:

1. the special knowledge or expertise of the lawyer/law firm;
2. the quality of the service provided by the lawyer/law firm;
3. the staffing of the lawyer/law firm; and
4. the lawyer's/law firm's suitability for the district's needs.

The district will maintain documentation of the written proposals submitted by lawyer/law firm applicants for the position of Legal Counsel.

Ref: General Municipal Law, §§50-k, 104-b

Adoption date: March 13, 2012