

*Edstr*

# DRAFT UPDATE

Mid-Valley Special Education Cooperative

2:160

## Cooperative Board

### Board Attorney

The Advisory Board may enter into ~~any agreement~~ agreements for legal services with ~~a specific attorney or law firm~~ one or more attorneys or law firms to be the Board Attorney(s). The Board Attorney represents the Board in its capacity as the governing body for the Cooperative. The Board Attorney shall not represent another client if the representation involves a concurrent conflict of interest, unless permitted by the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court. The Board Attorney serves on a retainer or other fee arrangement as determined in advance.

The attorney will:

1. Serve as counselor to the Board ~~at all regular meetings and at special~~ and attend Board meetings when requested by the Superintendent or Board Chairperson;
1. Represent the Cooperative in any legal matter as requested by the Board;
2. Provide written opinions on legal questions as requested by the ~~Executive Director or Board Chairperson;~~ *Executive Director*
3. Approve, prepare, or supervise the preparation of legal documents and instruments and perform such other legal duties as the Board may request; and
4. Be available for telephone consultation.

The Board will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or by a majority of the Board.

The Executive Director, or his/her designee, is authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may authorize a specific member to confer with legal counsel on its behalf.

The Executive Director may authorize the Board Attorney to represent the Cooperative in any legal matter until the Board has an opportunity to consider the matter.

The Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

LEGAL REF.: Rule 1.7 (Conflict of Interest: Current Clients) and Rule 1.13 (Organization as Client) of the Ill. Rules of Professional Conduct adopted by the Ill. Supreme Court.

CROSS REF.: 4:60 (Purchases and Contracts)

ADOPTED: February 1, 2012

**Commented [AKL1]:** The changes clarify that (1) the school board may select one or more attorneys or law firms as *Board Attorneys*; (2) the *Board Attorney* represents the school board as the governing body for the district; and (3) the *Board Attorney* must not represent another client if the representation would create a conflict of interest.

The new text is a restatement of the Ill. Supreme Court's rules governing the professional conduct of attorneys.

Issue 89, August 2015