

Lane Education Service District Policy

Code: **BHDA**
Adopted: 6/22/93
Revised/Readopted: 10/23/01, 8/27/02
Orig. Code(s): BHDA

Compensation for Legal Fees for Board Members and Employees

It is the policy of Lane Education Service District that employees and Board members should have adequate legal representation in any suit or action or administrative proceeding, when the complaint against such employee or Board member arises out of one or more good faith actions taken on behalf of the ESD within the scope of his/her assignment.

The ESD will not provide for the costs of legal representation for an employee or Board member who is guilty of intentional misconduct, malfeasance in office or willful or wanton neglect of duty.

Except in situations where there is a potential or actual conflict of interest between the Board and the Board member or employee, Board members and employees will be provided representation by the ESD's general legal counsel at the ESD's expense.

In the event of a potential or actual conflict of interest (i.e., duty of the Board or ESD to advocate on behalf of one employee or Board member that would result in a duty to oppose another employee or Board member), the ESD shall compensate the employee or Board member's choice of legal counsel. Compensation of independent legal counsel shall be at a rate no greater than that currently charged by the ESD's legal counsel in his/her independent practice.

When an employee or Board member seeks permission to hire independent legal counsel under this policy, the superintendent, when warranted by the interests of the ESD, in consultation with the ESD's legal counsel, may declare that a conflict of interest exists subject to a final determination by the Board at its next meeting.

END OF POLICY

Legal Reference(s):

[ORS 244.020](#) (15)
[ORS 244.040](#) (1)(a)
[ORS 334.100](#) (3)
[ORS 334.240](#)

Oregon Government Standards and Practices Commission Advisory Opinion 93A-1007 (November 18, 1993).