



# THE COUNCIL'S Level II Direct Legal Representation Service

2016/17

*The New York State Council of School Superintendents is a professional and advocacy organization with over a century of service to school superintendents in New York State. The Council provides its more than 800 members with numerous professional development opportunities, publications and personal services, while advocating for public education and the superintendency.*

**THE COUNCIL** strives to provide comprehensive legal services to its members. In most instances, a dispute between a member and his/her employer can be resolved through informal remedies. However, if legal remedies, personal appearances, or protracted conciliation efforts are necessary, Level II Legal Services are available.

Level II Legal Services include, but are not limited to:

- **Direct Legal Representation** – The services of an attorney selected at the sole discretion of **THE COUNCIL**, for formal or informal intervention on behalf of members to resolve problems between the member and his/her employer and/or legal issues related to the Superintendent's employment. Direct legal representation includes representation in court, administrative proceedings and protracted conciliatory efforts, as defined herein.
- **Due Process of Law** – Procedural steps designed to ensure that local board of education action is taken in accordance with Constitutional, statutory, and regulatory guarantees, including, but not limited to, the right to a hearing.
- **Protracted Conciliation Efforts** – Direct legal representation designed to informally resolve member/board disputes and contract violations.
- **Employment Issues** – Providing assistance with respect to employment issues (i.e. cease and desist letter)
- **Post-retirement Representation** – **THE COUNCIL** can also represent superintendents who discover contract issues that arise after retirement such as TRS determination.
- **Enhanced Retirement Planning** – **THE COUNCIL** will review superintendent contracts to maximize post-employment benefits.

## Financial Planning & Retirement Planning Services

This includes an individual financial planning consultation and quarterly, legal/financial updates and retirement planning.

## Other Legal Coverage

**THE COUNCIL** cannot provide legal services to any member who has already retained the services of his/her own private counsel, at his/her own expense. Moreover, **THE COUNCIL** will not pay the costs of private, legal counsel, retained by the member.

## Eligibility for Direct Legal Representation

To participate in direct legal representation, the member must have been eligible for superintendent level membership and be a fully paid regular member of **THE COUNCIL** in good standing, and be a fully paid member of **THE COUNCIL'S** Level II Legal Services for one year prior to the time his/her problem arose and for the year in which the service is needed.





## Level II: Direct Legal Representation Service

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### ENROLLMENT FEE AND COSTS FOR LEVEL II LEGAL SERVICES

To be a fully paid member of THE COUNCIL Level II Legal Services, the member must have paid the Level II Legal services dues in the amount of \$250\* per year for the 2016-2017 year by November 1, 2016.

If this service is not purchased by November 1, 2016, individuals who require these types of services will be assessed a Level II Legal Services membership fee of \$500.\*

The individual member is responsible for this payment, and cannot seek reimbursement from a school district for this fee. Payment is due from the member, when membership is renewed.

There is a \$1,500 retainer deposit that is the member's responsibility if these services are initiated for Direct Legal Representation and provides 10 hours of services. The retainer deposit is paid directly to THE COUNCIL before direct legal representation will commence.

If additional hours are needed beyond the first 10 hours, a member may purchase additional services for \$150 per hour from THE COUNCIL. The Executive Director of THE COUNCIL reserves the right to waive the retainer deposit.

After the service has been initiated, the person receiving legal services must continue to be a member of THE COUNCIL to continue to receive legal services from THE COUNCIL.

### CONTACT

For more information regarding THE COUNCIL's legal services, please contact:

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LEVEL II  
LEGAL SERVICES ARE  
PROVIDED AT AN  
ENROLLMENT FEE  
OF \$250.\*

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*\* Dues payment and deductible may change based upon yearly review by Executive Committee.*