

POSITIONS AND POLICIES ON EDUCATION

Appointment of Attorney

FILE CODE

9126

Frivolous Litigation

- A. **The NJSBA believes** that school boards should be authorized to pay reasonable counsel fees (not to exceed \$10,000) to the prevailing party in an action brought pursuant to the Open Public Meetings Act. School boards should be authorized to collect reasonable counsel fees from the non-prevailing party, in any frivolous action brought under the Open Public Meetings Act. *[Authority: BD 4/93, DA 11/98-SR]*
- B. **The NJSBA believes** that school boards should be authorized to collect all reasonable litigation costs and reasonable attorney fees from the non-prevailing party, including fees and costs on appeal, in any action brought before the Commissioner of Education, where the Commissioner finds that the position of the non-prevailing party is frivolous. *[Authority: DA 11/96-4, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

Cross Reference: 9322 Public and executive sessions

Key Words: Litigation, fees, counsel