

Interview with a School Lawyer

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For this assignment, I interviewed Jerome Lammers of Lammers, Kleibacker and Brown law office in Madison, SD. Mr. Lammers is the school lawyer of the Madison Central School District (MCSD) in Madison, SD. He has been a lawyer since 1961 and has represented MCSD since 1975. Over the years Mr. Lammers has served as a school lawyer for Madison, Chester, Colman Egan, and Garretson. In addition to being an attorney, Mr. Lammers also served in the South Dakota State Legislature from 1977 to 1992 – an experience that benefited him well in his job as a school lawyer. I met with Mr. Lammers in his office on February 1, 2013. This paper summarized my questions and his responses.

Question #1: Have you done any of the following: Bond Counsel? Insurance Counsel Issues? Prevention Issues? Policy Development?

I have not done anything with bond counsel because it costs so much to carry the mal-practice insurance necessary to do it. I have represented a few insurance companies, but it more plaintiff work then it was working on insurance issues. When it comes to prevention issues and policy they are looking to implement it and I will check the legalities of the policy and give them advice on wording. At one time I sat in on negotiations with the staff as a representative of the school board, but I haven't done that for many years.

Question #2: Is there any special licensing required to be a school lawyer or are you required to attend any conferences to stay updated on new laws/policies?

There is no special licensing necessary to be a school lawyer, but it is extremely important for me to stay current on the changes in laws and policies that are enacted by the legislature each year. When I served on the South Dakota State Legislature, it really kept me up to date on the issues, which was nice. I do go to some seminars on school law – the last one I went to was in San Francisco. I have also served on a sub-committee of the state bar association and we would put on

seminars for schools all over the state about changes in state laws that affected the schools – I know that was very much appreciated by the school districts.

Question #3: What should a school board expect from a school lawyer?

The biggest thing is honesty and integrity. The trust has to go both ways. The school needs to trust that I am staying up to date with all of the laws and rules that are put in place each year. I need to trust that the school district will be open and honest with me in all matters.

Question #4: What kind of cases have you dealt with as a school lawyer and what is the most common issue you deal with?

I mostly deal with student issues. Most commonly student issues that involve some kind of criminal activity – weapons, drugs & alcohol, tobacco, etc. Most of the student cases involve some kind of suspension or expulsions and the school wants to make sure that the suspension is warranted and/or justified according to the policy in place in order to avoid legal action by parents. I also do quite a bit of work with personnel issues – both staff and administration. One thing that I have to clarify to people a lot is the fact that I represent the school board/school district. I do not represent individual teachers or administrators. If a teacher or administrator has problems, it is up to them to hire their own representation or go through their teacher union. Most of the work I do for the district is non-adversarial and is mostly for clarification purposes.

Question #5: What have been the biggest changes that you have seen in school law over the years that you have been a school lawyer?

In the 1990's, I dealt with a lot of issues involving students wanting to move from one district to another one. That was before the time of open enrollment and it was very difficult for students to go to another district without actually moving to that district. That all changed in 1997

when the legislature adopted an enrollment options program – most common referred to as open enrollment. I'm not sure if I agree with open enrollment, but it sure took away a lot the controversy that existed in the state before. The most recent issue that caused a lot of tension was the bussing issue. There was a controversy between MCSD and a neighboring district about how many bus stops the neighboring school would be allowed to pick up open enrolled students – so the open enrollment controversy still exists.

Question #6: Do you get evaluated by the school board? Do you meet regularly with the school board?

There is no formal evaluation, but I don't have a contract with the school, so I guess you could say that I am constantly being evaluated because the school district could go in a different direction as far as a school lawyer anytime they want to. On the flip side, I don't charge the school any contingent fees; I am only paid an hourly wage for the time that I am at their retainer. We don't have a set number of times to meet – we just meet when it's necessary. I feel like it has been a good partnership for both of us and it has been working for over 30 years.

Question #7: Were you part of the lawsuit against the state legislature a couple of years ago?

MCSD was a part of the lawsuit, but I was not part of the legal counsel. That lawsuit was handled by a separate counsel that represented all of the involved school districts.

Question #8: What do you feel are the biggest positives and biggest negatives involve in being a school lawyer?

Negatives: It can be tough dealing with sensitive issues that wind up in court. You never want to see anyone suffer, but at the same time I have a duty to represent my client and if that involves airing some dirty laundry, then that's what I have to do.

Positives: I get a lot satisfaction from being a public servant. Serving in the State Legislature and representing schools as their school lawyer gives/gave me a strong sense of pride. Being a school lawyer keeps me involved in the community and I enjoy the reward of helping two sides come to a resolution.

This was an interesting experience. I really enjoyed my interview with Mr. Lammers and I learned a lot of things that I didn't know before. The response about how the open enrollment law that legislature enacted in 1997 was interesting. As a teacher and a coach in a school district that loses several students each year to neighboring school districts each year I know how controversial the issue can be. I like the idea of each family having the right to choose where their children will be educated, but I also feel like the law has been abused. I feel like there are students who transfer every year for one reason and one reason only – sports. I don't feel like changing schools to be a part of a better sports team is a legitimate reason to pull your child out of one school in order to attend another.

Mr. Lammers was very cordial and hospitable during our interview. We visited for almost an hour. He knows I am the basketball coach in Madison, and one of his partners has a son who plays for me this season. That fact naturally led to a conversation about the basketball team and conversations about his children and their involvement in high school sports and where it took them. Mr. Lammers is very knowledgeable and was eager to visit with me. I appreciated the time spent with him and I think I have found a great resource I can use in the future!