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CUSD policy will protect employees **District employees and trustees will be covered doing their jobs, not only after a judgment is entered against them.**

By ERIKA I. RITCHIE

SAN JUAN CAPISTRANO – Capistrano Unified School District trustees Monday updated a district policy to provide legal assistance for district employees and trustees accused of wrongdoing in certain cases.

Board trustees agreed to revise the policy's old wording dating from the 1990s to the California School Board Association's standard language used now.

The action comes after Trustee Duane Stiff in August asked the district's staff to analyze and clarify the district's liability coverage. Staff worked with Orange County Department of Education legal counsel and found that their liability coverage covered district staff and trustees only once a judgment had been entered against them, Stiff said.

"Jim Fleming thought he was indemnified but he wasn't. That's what brought this to my attention," said Stiff, a seven-year board member. "You're serving the public and putting your entire estate at risk."

The policy will continue to provide coverage of legal fees to district employees and board trustees while they are operating within the scope of their employment. It does not cover criminal, sexual or alcohol-related misconduct.

Trustees last month rejected a request by former superintendent Fleming to pay his legal fees. He faces criminal charges related to the creation of "enemies lists."