

Irvington schools must pay legal fees of teacher who faced criminal charges, court says

Thomas Zambito/The Star-Ledger By Thomas Zambito/The Star-Ledger

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IRVINGTON — The Irvington Board of Education has been ordered to pay some \$18,000 in legal fees a former teacher racked up defending himself against charges that he had inappropriate contact with a female student in 2008, court papers show.

A state appeals court this week upheld an administrative law judge's decision awarding former special education teacher Donald Salaam \$18,755 in legal fees incurred by his attorney, Timothy Smith.

In 2008, Salaam was accused of inappropriately touching a 15-year-old student and was charged with the disorderly persons offense of harassment in Irvington Municipal Court, court records say. The charge was dismissed in October 2009 and Salaam continued to proclaim his innocence, his lawyer said.

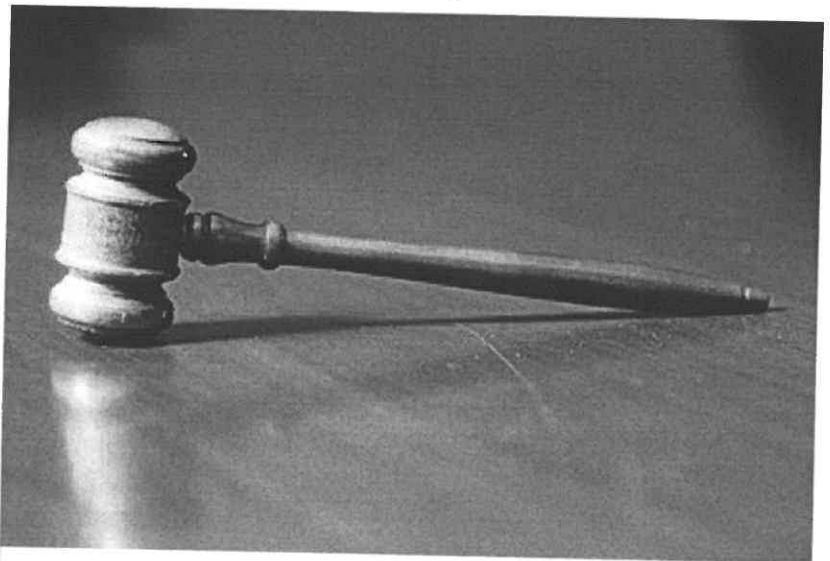
Smith accused the school board of unnecessarily wasting taxpayer money on a case in which it had a contractual obligation to pick up its employee's legal tab since the incident was alleged to have occurred in school.

"The statutory obligation to reimburse was very clear from the beginning," Smith said. "It would have been more cost effective for the board to have lived up to its obligation. It ended up costing taxpayers many more times than it would have."

Board attorney Raymond Hamlin said the board has not decided whether to appeal the decision issued this week by a two-judge panel of the state Appellate Division.

Hamlin said the board decided to challenge a fee request it considered excessive.

"We felt that given the fact that this was a municipal court case where there was no trial it was an



The state Appellate Division says Irvington schools must pay some \$18,000 in legal fees incurred by a former teacher accused of inappropriately touching a student in 2008.

exorbitant amount to force a public entity to pay," Hamlin said.

Hamlin said Salaam is no longer employed by Irvington schools but left the district for reasons unrelated to the 2008 allegation. Irvington schools superintendent Neely Hackett could not be reached for comment.

The appeals court rejected the board's claim that Smith's \$250-an-hour rate for 70 hours of work was excessive. The judges noted that Smith attended 16 court appearances for a case that could have led to Salaam's dismissal.

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