

North Idaho College Legal Counsel RFQ

Why Holland & Hart?

Why should NIC retain Holland & Hart when the firm doesn't have an office in North Idaho or Spokane?

As a practical matter, most legal advice is provided by phone, email, and video. The firm's attorneys will be in Coeur d'Alene for all meetings of the Board of Trustees, other key meetings, and court appearances. It regularly practices in North Idaho for other clients. Also, NIC would now have attorneys a block from the Capitol.

Why should NIC retain Holland & Hart when its hourly rates are higher than those that NIC has customarily paid?

The premise of American markets is that you get what you pay for. Holland & Hart's attorneys bring a level of sophisticated experience and extensive knowledge that more than justify our rates. Our lawyers are widely recognized in the legal industry for excellence. Our attorneys have experience in many areas of law, giving NIC support as to each of the challenges NIC presently faces. Because we have deep experience, our team can usually deliver well-reasoned counsel and solutions in fewer hours than most general practitioners. And, as a full-service firm, Holland & Hart is well positioned to help NIC face the future no matter what new challenges arise. In the unlikely event NIC is unhappy with Holland & Hart, NIC can end the relationship immediately.

Why should NIC retain Holland & Hart when the firm has a conflict?

Two reasons. First, there is a single narrow conflict. Because of the conflict, Holland & Hart cannot sue Kootenai Health. But we believe it's very unlikely NIC would want to sue Kootenai Health in any event. Kootenai Health has agreed that Holland & Hart can be adverse to it on NIC's behalf in non-litigation matters. Second, conflicts indicate that other leading consumers of legal services in the region have chosen Holland & Hart.

Why should NIC retain Holland & Hart when it has an attorney with an hourly rate of \$765?

NIC asked for established expertise on the arcane Federal Educational Rights and Privacy Act ("FERPA"). Holland & Hart has an experienced FERPA attorney in Colorado. NIC will get better, cheaper FERPA advice from Holland & Hart's experienced attorney at his high hourly rate, since another less experienced attorney would need to spend dozens of hours learning the statute.

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Firm and Lead Attorney Information

About Us

Holland & Hart LLP has more than 500 lawyers providing a full range of legal services across 13 offices in eight Western states and in Washington, D.C. Holland & Hart's presence in Idaho dates back 90 years, when Langroise & Sullivan commenced operations. That firm merged with Holland & Hart in 1984.

Holland & Hart helps its clients evaluate and capitalize on new opportunities and efficiently mitigate the impacts of challenges they face along the way. Holland & Hart has the resources, knowledge, and hands-on experience to advise our clients on day-to-day legal business matters, unique legal circumstances, and complex matters, all under one roof. We strive to understand the priorities that drive our clients' legal decision-making. We are invested in helping them seize opportunities and efficiently and effectively resolve issues.

Firm Values

Since Holland & Hart's founding over 75 years ago, the firm has been guided by a set of core values permeating the way we work, the way we treat one another, and our approach to client service. Our intentional firm culture prioritizes integrity, excellence, innovation, teamwork, our commitment to one another and our communities, our diverse workforce, and living full lives.

Recent Firm Accolades

- 107 individual and 39 practice areas (by market) ranked by Chambers USA 2022
- 189 lawyers and 23 "Lawyers of the Year" recognized in 2023 The Best Lawyers in America®, and 61 lawyers listed in 2023 Best Lawyers: Ones to Watch in America™
- Ranked in 142 practice areas regionally and 28 practice areas nationally, including four Tier 1, by 2023 U.S. News – Best Lawyers "Best Law Firms"
- 43 attorneys named to the 2023 Super Lawyers or Rising Stars lists by Colorado Super Lawyers®
- Mansfield Rule Certification and Mansfield Certification Plus status, 2018–2022
- Best Law Firms for Women recognition for 11 years
- Women in Law Empowerment Forum (WILEF) Gold Standard Certification for 12 consecutive years, 2011–2022

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About Bob Faucher, Proposed Relationship Partner



[Bob Faucher, Partner](#)
RFaucher@hollandhart.com

208.383-3941

Areas of Expertise: Commercial Law and Contracting, Corporate Governance, Litigation and Litigation Management, Finance, Creditors' Rights and Bankruptcy

Bob is a fourth-generation Idahoan on both sides of his family. He has been practicing commercial law, litigation and bankruptcy law for 35 years. He has been named "Lawyer of the Year" in Idaho several times in different disciplines. He has been named a "Best Lawyer" in Idaho for 11 consecutive years. Idaho's federal judges appointed Bob to a five-year term as a Lawyer Representative to the federal Ninth Circuit Court of Appeals.

Bob aggressively represents his clients to protect their interests both inside the courtroom and out. Bob has litigated in Idaho state trial courts, the Court of Appeals, and the Supreme Court, and in all of Idaho's federal courts. Bob has represented non-profit entities, including a major supporter of a non-profit university in significant transactions and litigation relating to the university's operations. Bob served on the board of directors of the non-profit St. Alphonsus Foundation for nine years, from 2014-2022. The foundation supports the operations of Idaho's oldest hospital. Bob has counseled the owners and directors of numerous small and mid-sized businesses for decades regarding operations, transactions, and lawsuits.

Relevant Experience

Non-Profit and Higher Education Experience

Holland & Hart attorneys represent several clients in higher education across a full spectrum of legal disciplines, including corporate, employee benefits, tax, and data privacy. We have represented several universities in the western United States and were recently hired as privacy and data security counsel for a university in Utah. We represent the University of Idaho Foundation in many of its significant legal affairs.

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In addition to our higher education experience, we have provided services to hundreds of nonprofit and tax-exempt organizations. We have advised 501(c)(3) tax-exempt organizations, including public charities and private foundations, as well as lobbying organizations, trade associations, and social clubs on general business matters, and business succession issues, reporting requirements, governance, legislative, operational, contracting, employee benefits, litigation, regulatory, and other matters.

Our team has a keen understanding of the unique issues impacting higher education clients like North Idaho College. For instance, Rich Spilde, the team lead for privacy and data security work, has worked across the table from several universities in connection with transfer licensing agreements, and Rich has also represented several education clients in data breach matters.

Finally, a partner within our litigation practice served 12 years as a publicly elected member of the University of Colorado Board of Regents. He served as the elected chair of the Board of Regents for two years. The Board oversees the \$3.8 billion University of Colorado, the third largest employer in the state of Colorado. That partner has committed to lending his experience whenever advisable.

Corporate Governance Experience

Our attorneys have the experience and knowledge to assist with corporate documents as well as complex governance, commercial, and financial matters. Our team routinely advises standing and special committees of boards of directors, officers, and directors in connection with established and emerging best practices in corporate governance. Our attorneys assist in improving corporate controls and helping instill confidence in an organization's integrity among its constituencies. We provide counsel to our clients in this area on issues including:

- Director independence, education, and recruiting matters
- Auditor and audit committee independence issues
- Audit committee financial expert issues
- Development and ongoing evaluation of critical corporate governance documents, such as corporate governance guidelines, codes of ethics, charters for key board committees, and disclosure controls and procedures
- Annual board and board committee self-evaluations
- Director and officer indemnification and insurance issues
- Fiduciary duties
- Conflict of interest, record retention, and whistleblower policies

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Contracting Experience

Holland & Hart also provides efficient, insightful advice in connection with a wide range of commercial contracts related to our clients' internal and external business matters, including:

- Service, independent contractor, and consulting agreements
- Hosted and cloud-based solution provider agreements
- Software and technology license agreements, product procurement, manufacturing, and sales agreements
- Confidentiality and non-disclosure agreements
- Online application terms and conditions
- Marketing, advertising, and sponsorship agreements
- Real estate and equipment leasing and acquisition

Litigation Experience

Our deep bench of litigators is capable of and comfortable handling virtually any type of litigation or pre-litigation dispute, from individual liability claims to contract or property-related disputes. We work together with our clients to implement efficient, effective staffing based on the facts and circumstances of each dispute. Our litigation team has experience with a full spectrum of business relationships and a broad range of remedies, and we can persuasively pursue or defend against virtually any claim. Above all, we listen carefully to our clients and develop our approach to each case based on their desired business objectives.

Where appropriate, we can call on the assistance of Persuasion Strategies, a team of in-house Ph.D. litigation consultants, to help our clients assess their cases and, if necessary, prepare for trial. Persuasion Strategies is an integrated team of nationally recognized litigation consultants and mixed-media professionals dedicated to maximizing the efficacy of litigation messaging and advocacy for our clients. They assist in developing case themes and trial strategies by conducting focus groups and mock trials, or simply assisting with the analysis of key factual and legal issues.

Public Records and Public Records Requests, Open Meeting Laws, and General Issues

We have extensive experience representing Idaho state agencies and local government entities, as well as public figures in Idaho. Presently, we represent the Office of the Speaker and the Office of the Senate President Pro Tem in legal affairs relevant to their responsibilities. As a result, we have in-depth knowledge of the laws affecting public meetings and hearings, procurement, elections,

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finance, boards, commissions, employment, taxation, legislation, risk management and records retention.

Employment

Our dedicated management-side employment team works closely with clients to prevent and resolve employment disputes. We form partnerships with our clients and strive to understand their business reality, so we can provide practical solutions to day-to-day issues. We assist clients with hiring, training, position descriptions, compensation structures and decisions, employee classification, policy creation and implementation, employment contracts, promotions, leave management, employee discipline, dispute resolution, terminations, severance agreements, handbook and policy development, and many other issues affecting today's workforce.

We have experience handling administrative charges and complaints filed with the Equal Employment Opportunity Commission and its state counterparts, the United States Department of Labor and state Labor Commissioner offices, the National Labor Relations Board, and the Occupational Health and Safety Administration (at the federal and state levels), including preparing client witnesses for investigator interviews, and conducting internal investigations. We have a dedicated team of employment lawyers in our Boise office who understand the nuances and processes of the Idaho Human Rights Commission based on years of experience negotiation with and appearing before the IDHR.

Healthcare Experience

Our team provides holistic guidance on regulatory issues, including HIPAA, Stark, Anti-Kickback Statute, Medicare/Medicaid, and similar state laws. We handle provider and payor contracting; mergers, acquisitions, and joint ventures; data privacy and security; licensing, credentialing, and medical staff issues; government investigations and False Claim Act litigation

Data Privacy Experience

Before data incidents arise, we help clients develop defensible data security through business reviews and risk assessments. Our experienced technical team interprets data protection requirements, guidelines, and frameworks to recommend improvements to prevent, detect, and respond to data breaches. If litigation or enforcement actions result from a breach, we provide experienced, vigorous defense.

Our privacy and security team also includes experienced technology and commercial transactions lawyers who assist with vendor and service provider diligence and oversight, incorporation of

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privacy and security requirements into transactions, and other forms of transaction risk management.

We counsel clients on federal and state laws that regulate data security practices, including the collection, use, and handling of personal, sensitive, and critical business information. We also advise on compliance considerations, ranging from international to local laws, industry standards, consensus frameworks, and other laws regulating the collection, use, and handling of data.

Insurance Coverage Experience

Our team helps clients identify, analyze, and determine how best to manage insurance coverage risk. This requires industry knowledge, insurance insight, and legal finesse. It demands understanding risk transfer strategies, sourcing the right insurance coverage, and making sure policies are accurate and comply with indemnity and insurance requirements.

With lawyers who worked for decades in the insurance industry, we capitalize on a nuanced understanding of insurance coverage and claims denial litigation, effectively advocating for clients and efficiently managing cases. Through extensive agent and broker contacts nationwide, we help clients find insurance coverage for their precise needs, based on their unique risk profiles.



Responsive, efficient, and effective, we assess the facts, legal theories, and potential coverage arguments. We strive for early, out-of-court resolution whenever possible, but are well prepared to litigate to recover on denied insurance claims. From routine insurance matters to the latest industry trends, clients rely on us for guidance every day.

Affirmation of the ability of the firm's representative to attend to College needs, including availability at early morning or evening meetings and the firm's ability to handle ad hoc issues on time.



Partner Bob Faucher is proposed as your key relationship partner and main point of contact. His role will be to seamlessly provide North Idaho College with successful, efficient legal services; coordinate the staffing of each matter in an effective and inclusive way; and help make sure the Holland & Hart team warrants your trust and addresses any concerns that may arise. As the key relationship partner, Bob will be available to ensure your satisfaction with Holland & Hart and is available for early morning and evening meetings as stated. Holland & Hart is well-prepared to handle *ad hoc* issues on time.

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Proposed Team

	<p>Kim Stanger, Partner KCStanger@hollandhart.com 208.383.3913 <u>Areas of Expertise:</u> Health, Health Insurance, and HIPAA</p> <p>Kim Stanger guides facilities and professionals through the many regulatory, transactional, and practical challenges facing the rapidly evolving healthcare industry. He has expertise on unique laws facing healthcare providers, including HIPAA, Stark, the Anti-Kickback Statute, civil monetary penalties law, EMTALA, Medicare/Medicaid regulations, and licensing requirements. With 20 years of experience, he understands the needs of his healthcare clients and how to address those needs in a cost-efficient manner.</p>
	<p>Alex Grande, Partner ASGrande@hollandhart.com 208.383.3975 <u>Areas of Expertise:</u> Employment, Employment Counseling, and Human Resources</p> <p>Alex provides insightful counsel on a range of complex employment and commercial disputes. Alex advises clients through all phases of the employment relationship from hiring to termination, guiding them through state and federally regulated workforce compliance issues. She provides counsel on employment-related documents and policies, including employment and separation agreements, compliance matters, and employee handbooks. In addition, she represents employers in court and before state and federal agencies to resolve claims of discrimination, retaliation, and wrongful discharge.</p>

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	<p>Rich Spilde, Partner RDSpilde@hollandhart.com 303.473.4808 <u>Areas of Expertise:</u> Data Privacy, including Family Educational Rights and Privacy Act ("FERPA")</p> <p>Rich is the leader of Holland & Hart’s Privacy and Data Security group, co-leader of Holland & Hart’s Telecommunications Group, and a member of the Firm’s IP Transactions Group. Rich’s practice focuses on data privacy and information security matters including US and international privacy and security law compliance, biometric technology implementation, critical infrastructure protection, data aggregation and anonymization, FERPA, information security risk assessments and audits, data breach incident response, records management and retention, service provider and vendor diligence, management, and oversight, and managing Nth party risk in technology transactions.</p>
	<p>Tori Osler, Associate TJOsler@hollandhart.com T:208.383.3986 <u>Areas of Expertise:</u> Real Estate</p> <p>Clients look to Tori for advice and counseling in commercial real estate transactions including affordable housing development and finance matters. Tori’s practice includes a focus on representing clients in commercial real estate development, real estate finance, and multifamily and affordable housing projects.</p>

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	<p>Annie Henderson, Associate AEHenderson@hollandhart.com T:208.342.5000 <u>Areas of Expertise:</u> Corporate Governance, Contracting, Litigation and Litigation Management, Public Records and Public Records Requests, Open Meeting Laws, and General Issues.</p> <p>Clients turn to Anne for experienced counsel through complex litigation matters in federal, district, and state court. Anne’s knowledge of statutory law and procedure and her strategic application of that knowledge provides distinct value to clients. She has experience in matters that fall within federally regulated areas, including environmental and employment law.</p>
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Fee Schedule

Name	Office	Title	Hourly Rate
Bob Faucher	Boise	Relationship Partner	\$500
Kim Stanger	Boise	Partner	\$525
Alex Grande	Boise	Partner	\$440
Tori Osler	Boise	Associate	\$385
Annie Henderson	Boise	Associate	\$395
Rich Spilde	Denver	Partner	\$765