

AGENDA

CONVENE SPECIAL MEETING

Driftwood Bay Room, Edminster Student Union Building, 495 N College Dr, Coeur d'Alene

Zoom: <https://nic.zoom.us/j/82176592495>

CALL TO ORDER / VERIFICATION OF QUORUM Brad Corkill

PLEDGE OF ALLEGIANCE..... Brad Corkill

NEW BUSINESS

- Discussion: Process and Evaluation of Legal Services Applicants..... Nick Swayne
 - (Tab 1) Summary
 - (Tab 2) Request for Proposals
 - (Tab 3) Lake City Law Proposal Submission
 - (Tab 4) Stevens Clay Proposal Submission
- Action: Choose Legal Services Brad Corkill

ADJOURN

The NIC Board of Trustees welcomes public comment on agenda items from in-person attendees at its regular monthly meetings. The Board does not include public comment at Special Meetings. Individuals interested in providing public comment outside of the meeting may email board@nic.edu.

Tab 1

BOARD OF TRUSTEES MEETING
December 11, 2024

SUBJECT: Choose Legal Services

BACKGROUND: During the November 20, 2024 regular meeting of the NIC Board of Trustees, the Board voted and authorized the College to put out an RFP for legal services.

DISCUSSION: The College issued a Request for Proposals for Legal Services on November 21, 2024. The deadline for submitting proposals was December 5, 2024 at noon. The college received two responses:

Lake City Law

Principle Attorney: Eric Smith
Hourly Fee Range: \$180-\$275 per hour

Stevens Clay

Principle Attorney(s): Jason McKay, Jason Brown, Kevin O'Neill, Garrett Williams
Hourly Fee Range: \$150-\$295 per hour

The proposals were reviewed by five members of the President's Cabinet who frequently need or require legal support and assistance. The candidates were rated based on the criteria outlined in the proposal. Summaries of the information requested, the evaluation criteria, and the resulting rating are summarized below. The full RFP and full submitted materials are included as attachments.

REQUESTED BOARD ACTION: The College requests the Board review the summaries below and supporting attachments, then entertain a motion to approve one of the firms to serve as general counsel for NIC.

SUMMARY OF INFORMATION REQUESTED IN PROPOSAL

- Information about the attorney/firm that would serve the College as well as general information about the attorney/firm overall including practice areas and size of firm.
- A summary of the strengths of the firm and how the firm could assist NIC in the capacity of legal counsel. Include any experience serving public entities, particularly public colleges and or universities.
- An 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 in a timely manner.
- As appropriate, provide information on the experience of other firm members who may assist the college.
- A (comprehensive) fee schedule for services.

SUMMARY OF REQUIRED SERVICES OUTLINED IN RFP

- Advise and alert the Board and Administration on how the law may affect current and emerging business and policy decisions of the college. Monitor proposed legislation and changes in the law that may impact the College and notify the Board and Administration of such changes or proposed legislation in a timely fashion.
- Provide legal opinions, advice, and assistance to the College, and the Board.
- Assist the college in reviewing proposals and contracts for services when requested

BOARD OF TRUSTEES MEETING
December 11, 2024

- Attend board meetings (scheduled monthly) and prepare responses to legal issues on the agenda. When requested, draft board resolutions. Review minutes following board meetings
- Be available and accessible for designated college staff.
- Provide advice and counsel on personnel issues.
- Handle litigation, either directly or as liaison to insurance retained council for matters covered by applicable liability insurance. Demonstrated experience in education law, contract drafting, and review.
- Licensed to practice law in Idaho. License to practice in Washington preferred but not required.

SUMMARY OF EVALUATION CRITERIA OUTLINED IN RFP

Points Available	Evaluation Criteria from RFP	Lake City Law	Steven's Clay
35 pts	Experience related to the firm, and Principal Attorney, on matters related to potential College business. This includes but is not limited to experience as a public solicitor and knowledge of the Open Meeting Laws, FERPA, Title IX, HIPPA, disability service experience, and general experience with contract and employment law.	31.2 89%	34.2 98%
40 pts	Firm's experience in working with governmental agencies at the federal, state, and local levels on matters relevant to the College, including compliance requirements. <ul style="list-style-type: none"> ▪ Demonstrated experience in sensitive human resource, employment/personnel issues ▪ Demonstrated experience with state and federal law involving student rights and obligation issues (such can include compliance with state and federal statutes and regulations such as FERPA, Title IX, and disability service matters) ▪ Demonstrated experience with matters related to public works and other bidding compliance issues ▪ Significant experience and demonstrated expertise in current public records law compliance 	35.4 89%	38.6 97%
10 pts	Firm's apparent ability to provide timely services to the College.	9.8 98%	10 100%
15 pts	Proposed price structure.	12.5 83%	13.6 91%
100 Total Points Available	Overall Scores of RFP Materials Received	88.6 89%	96.4 96%

Tab 2

**NORTH IDAHO COLLEGE
1000 W. GARDEN AVE.
COEUR D'ALENE, IDAHO 83814**



**REQUEST FOR PROPOSAL
NORTH IDAHO COLLEGE LEGAL COUNSEL
RFP 25-03**

Release Date: THURSDAY NOVEMBER 21 12:00 PM PDT
Due Date: THURSDAY DECEMBER 5 12:00 PM PDT (via email)

Responders are required to respond to this RFP solicitation via one electronic copy via email using an MS Word or PDF format. The subject line of the email shall state: *REQUEST FOR PROPOSAL North Idaho College Legal Counsel RFP 25-03*. All required response documents are to be completed and submitted before the stated due date and time. Responses must be emailed to NICpurchasing@nic.edu. Responses submitted by mail or in person will not be accepted.

It is advised that responders not wait until the last day to start submitting RFP responses. Responders may edit up until the due date and time.

All communications regarding this RFP and the selection process must be coordinated through NIC Purchasing via email. Any individual or vendor that contacts any member of the campus, a member of the North Idaho College Board of Trustees, or any North Idaho College Administrator except NIC Purchasing, may be disqualified from further consideration.

NIC Purchasing
North Idaho College
Office of Finance and Business Affairs
1000 W. Garden Ave.
Coeur d'Alene, ID 83814
nicpurchasing@nic.edu

Respondents are notified that North Idaho College reserves the right to reject any parts of the RFP.

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1. Introduction:

A. Purpose of Proposal:

North Idaho College (NIC or the College) invites law firm(s) and attorney(s) to submit proposals for Legal Services provided to North Idaho College. It is anticipated that Legal Services will be required on an ongoing basis to address a wide range of issues concerning the business of North Idaho College.

B. College Profile:

North Idaho College (NIC or the College) is a community college located in the panhandle of Idaho in the City of Coeur d'Alene, Idaho. NIC is Idaho's oldest public community college, having been founded in 1933 as Coeur d'Alene Junior College. It began with a faculty of nine and held its classes on the third floor of the City Hall. It was financed entirely from public contributions. In January 1939, the state legislature passed the Junior College Act, which permitted qualified areas to establish junior college districts by a vote of eligible electors. Coeur d'Alene Junior College became North Idaho Junior College in June of 1939. On July 31, 1971, the College changed its name to North Idaho College. NIC's service area is the Idaho panhandle, which includes Kootenai, Benewah, Bonner, Shoshone, and Boundary counties.

NIC meets the diverse educational needs of students, employers, and the northern Idaho communities it serves through a commitment to student success, educational excellence, community engagement, and life-long learning. As a comprehensive community college, North Idaho College strives to provide accessible, affordable, and quality learning opportunities. North Idaho College endeavors to be an innovative, flexible leader recognized as a center of educational, cultural, economic, and civic activities by the communities it serves.

NIC offers Associate of Arts and Associate of Science degrees in various college transfer programs and Associate of Applied Science degrees and technical certificates in its career-technical programs. Many credit courses are offered evenings and during the summer on the NIC campus and at outreach sites. NIC's enrollment in credit courses is approximately 6,600 students annually. NIC also includes Workforce Training/Community Education Center, which is located in the Riverbend Commerce Park in nearby Post Falls. Noncredit classes and workforce training programs serve another 9,500 students each year.

The College is fully accredited in all instructional areas by the Northwest Commission on Colleges and Universities and the Idaho State Division of Career Technical Education. The Nursing Program is accredited by the National League for Nursing Accrediting Commission.

The College operates a full-year Head Start Program under a federal grant. The Head Start Program provides comprehensive early child development for disadvantaged preschool children and their families.

The College operates an office for Aging and Adult Services. This office has been charged with the responsibility of coordinating a comprehensive program for all senior citizens in the five-county area of North Idaho. Funding is primarily received through federal grants under Title III of the Older Americans Act of 1965.

The College operates under the authority of Idaho Statute Title 33, Chapter 21 for Junior Colleges. These statutes embody considerable requirements and guide day-to-day operations and governance.

The College's Administrative Offices are at 1000 West Garden Ave, Coeur d'Alene ID. Dr. Nick Swayne is the college's President. He oversees a cabinet made up of administrators across campus divisions who oversee the day-to-day operations of the college.

The College is governed by a volunteer five-member board of trustees who are elected at large from within Kootenai County for staggered, four-year terms. The board of trustees derives its authority from statutes enacted by the legislature of the State of Idaho. The board is subject to the provisions of the Constitution of the State of Idaho, the rules and regulations of the State Board of Education as they apply to community colleges, and the Board's policies and procedures.

2. Scope of Services

A. Scope of work to be performed:

Required Services:

- Advise and alert the Board and Administration on how the law may affect current and emerging business and policy decisions of the college. Monitor proposed legislation and changes in the law that may impact the College and notify the Board and Administration of such changes or proposed legislation in a timely fashion.
- Provide legal opinions, advice, and assistance to the College, and the Board.
- Assist the college in reviewing proposals and contracts for services when requested.
- Attend board meetings (scheduled monthly) and prepare responses to legal issues on the agenda. When requested, draft board resolutions. Review minutes following board meetings.
- Be available and accessible at all times for designated college staff.
- Provide advice and counsel on personnel issues.
- Handle litigation, either directly or as liaison to insurance retained council for matters covered by applicable liability insurance. Demonstrate experience in education law, contract drafting, and review.
- Licensed to practice law in Idaho. License to practice in Washington preferred but not required.

3. Applicable Laws and General Conditions:

A. Conflict of Interest:

By Idaho Title 74 Chapter 4, the bidding Firm warrants that it presently has no interest and shall not acquire any interest directly or indirectly which would conflict in any manner or degree with a fair competition or the performance of services required under this request.

B. Compliance with Law, Licensing, and Certifications:

The Firm shall comply with all requirements of federal, state, and local laws and regulations applicable to the Firm or the Property provided by the Firm under this Agreement. For the duration of the Agreement, the Firm shall maintain in effect and have in its possession all

licenses and certifications required by federal, state, and local laws and rules. An agreement shall be governed by the laws of the State of Idaho and shall be deemed executed at Coeur d'Alene, Kootenai County, Idaho. Jurisdiction: The parties shall bring any legal proceedings arising hereunder in the State of Idaho, District Court of Kootenai County.

C. Public Records and Confidentiality:

Under Idaho's Public Records Act, Title 74, Chapter 1, Idaho Code, as may be amended from time to time (the "Public Records Law") information or documents received from the Firm may be open to public inspection and copying unless exempt from disclosure. If the Firm believes information provided to the College is exempt from disclosure under the Public Records Law, the Firm shall designate individual documents or portions thereof as "exempt" and shall indicate the proposed basis for such exemption. The College will not accept the marking of an entire document as exempt. In addition, the College will not accept a legend or statement on one (1) page that all, or substantially all, of the document is exempt from disclosure. The College does not warrant or otherwise promise that information marked as such will be exempt under the Public Records Law. The Firm shall indemnify and defend the College Parties against all liability, claims, damages, losses, expenses, actions, attorney fees, and suits whatsoever for honoring such a designation or for the Firm's failure to designate individual documents as exempt. The Firm's failure to designate as exempt any document or portion of a document that is released by the College shall constitute a complete waiver of any claims for damages caused by any such release. If the College receives a request for materials claimed exempt by the Firm, the Firm shall provide the legal defense for such a claim.

D. Non-Discrimination:

North Idaho College hereby notifies all firms that no person or organization shall be discriminated against based on race, religion, color, age, sex, sexual orientation, or national origin in consideration for an award issued under this advertisement.

E. Contract Term:

The intended awarded contract will be for three years (36 months). This contract will be renewed automatically for a term of two years (24 months) to a total term length not to exceed five years (60 months). It is anticipated that this will be renewed for the max duration unless renewal terms are terminated by written change order to the contract at least 90 days before the expected annual renewal.

F. Termination:

North Idaho College reserves the right to cancel without penalty, this request, the resultant contract, or any portion thereof for unsatisfactory performance or unavailability of funds.

a. Upon termination of the Contract the Firm/Contractor will:

- 1) stop work on the date and to the extent specified;
- 2) terminate and settle all orders and subcontracts relating to the performance of the terminated work;
- 3) transfer all work in process, completed work, and other material related to the terminated work to the College; and
- 4) Continue and complete all parts of the work that have not been terminated; and
- 5) surrender to the College all files, exhibits, and documents maintained or prepared in conjunction with the provision of services under this Agreement; and
- 6) surrender and return any College owned and furnished equipment used in conjunction with the provision of services under this Agreement.

G. Award:

A contract award will not be final until the College and prospective Firm have executed a written Agreement. North Idaho College (NIC) reserves the right to make an award without further negotiation of the proposal submitted therefore the proposal should be submitted in final form from a budgetary, technical, and programmatic standpoint. The College may elect, after the selection process, to request clarifications, alterations, or changes in the submitted proposal including, but not limited to, prices to provide the best service at the best price for the College.

H. Addenda:

The only method by which any requirement of this RFP may be modified is by a written addendum issued by North Idaho College. Responses to inquiries that directly affect an interpretation or change to the RFP will be issued in writing by addenda. Any addenda will be posted to the college’s website at: <http://www.nic.edu/Procurement>. All such addenda issued by the College before the time that proposals are received shall be considered binding. Oral and other interpretations or clarifications shall be without legal effect.

I. Timelines and Schedules:

North Idaho College intends to adhere to the following schedule in seeking responses to this RFP:

November 21, 2024	RFP is issued and available.
December 5, 2024	Responses to RFP due to NIC by Noon PST
December 6-10, 2024	Response Review
No Later than December 18, 2024	Estimated time to have fee agreement complete

4. Evaluation Considerations

A. Proposal Requirements:

Each proposal will be evaluated based on all of its contents and a contract awarded to the responsible Firm whose proposal is, in the opinion of NIC, determined to be most advantageous to NIC, when all factors are considered.

The following items must be included in the proposal:

- Information about the attorney/firm that would serve the College as well as general information about the attorney/firm overall including practice areas and size of firm.
- A summary of the strengths of the firm and how the firm could assist NIC in the capacity of legal counsel. Include any experience serving public entities, particularly public colleges and or universities.
- An 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 in a timely manner.
- As appropriate, provide information on the experience of other firm members who may assist the college.
- A comprehensive fee schedule for services.

B. Evaluation Factors:

Factors to be considered in the award of the contract will include:

• 35 pts	• Experience of the firm, and Principal Attorney, on matters related to potential College business. This includes but is not limited to experience as a public solicitor and knowledge of Idaho Open Meeting Laws, FERPA, Title IX, HIPPA, disability service requirements, and general experience with contract and employment law.
• 40 pts	• Firm's experience in working with governmental agencies at the federal, state, and local levels on matters relevant to the College, including compliance requirements.
○	○ Demonstrated experience in sensitive human resource, employment/personnel issues
○	○ Demonstrated experience with state and federal law involving student rights and obligation issues (such can include compliance with state and federal statutes and regulations such as FERPA Title IX and disability service matters)
○	○ Demonstrated experience with matters related to public works and other bidding compliance issues.
○	○ Significant experience and demonstrated expertise in current public records law compliance
• 10 pts	• Firms' apparent ability to provide timely services to the College.
• 15 pts	• Proposed price structure.

C. Selection Process:

Proposals will be reviewed by a selection committee. The award shall be made to the responsible Firm whose proposal is most advantageous to North Idaho College, taking into consideration the evaluation factors, as outlined in the Evaluation Criteria.

Tab 3



435 W. Hanley Ave., Ste. 101.
Coeur d'Alene, ID 83815
Tel: (208) 664-8115

December 5, 2024

North Idaho College
Office of Finance and Business Affairs
1000 W. Garden Ave.
Coeur d'Alene, ID 83814

Sent via E-mail: nicpurchasing@nic.edu

We are very pleased to submit our Proposal to serve as Attorneys for North Idaho College (NIC). With a combined total of over 200 years of experience, the attorneys of our firm are well suited to serve NIC's needs. We offer the following for your consideration.

Philosophy

Lake City Law Group brings a wealth of experience in serving the legal needs of a variety of clients, both public and private. Our attorneys represent many public entities, including school districts, municipalities, fire districts, highway districts, water and sewer districts, and cemetery districts. Moreover, our attorneys have represented numerous public entities throughout Idaho in defense of a variety of legal proceedings. We take pride in providing professional, value-added services to our clients, and we are committed to excellence and integrity in everything we do. Our philosophy is simple; to provide the highest quality legal services to our clients in the most cost-effective manner.

Experience and Qualifications

1. **Principal Attorney.** The firm has selected Erik P. Smith to serve as principal Attorney for NIC. For more than thirty years he has represented numerous public and private clients throughout northern Idaho with an emphasis on civil litigation, business litigation, Charter School law, HOA Board compliance, real estate transactions and litigation, estate planning, probate, trusts, and civil mediation. Mr. Smith has been general counsel for the Board of Trustees, Kootenai Bridge Academy Charter School since its Charter in 2009, and continues to represent them on all educational, employment, transactional, and Board matters. Mr. Smith is a certified Title IX Coordinator, Title IX Investigator, and Title IX Decision Maker. His curriculum vitae is attached to this Proposal.

2. The firm recommends Fonda L. Jovick to represent NIC with respect to personnel matters, as the need arises. Mrs. Jovick has extensive experience representing individual clients and public entities regarding personnel issues. She formerly represented West Bonner County School District following the retirement of Nicholas Lamanna from 2007 to 2009 and she once again represents West Bonner County School District beginning in 2024. She currently serves as the City Attorney for the Cities of Sandpoint, Hayden and Kellogg, Idaho. Mrs. Jovick has been with the firm since its inception and is one of four founders of Lake City Law. Previous to Lake City Law, Ms. Jovick was a Partner with Paine Hamblen, LLP. She practiced with Paine Hamblen, LLP from the time of her graduation from law school in 2004 until the establishment of Lake City Law in 2015. Ms. Jovick is licensed to practice law in the State of Idaho, State of Washington, U.S. District Court, District of Idaho, and Ninth Circuit Court of Appeals. Her curriculum vitae is attached to this Proposal.
3. The firm also recommends that Laura L. Aschenbrener represent NIC as special counsel, concerning prelitigation matters, personnel matters and risk management as the need arises. Ms. Aschenbrener is experienced defending governmental entities and their employers regarding litigation matters, appellate briefing, public records requests, subpoena compliance, administrative hearings, and providing legal analysis. She previously represented the Division of Child and Family Services in administrative hearings in the State of Utah; and defended our largest local community hospital and related clinics in litigation matters, which formerly constituted a political subdivision of the State of Idaho. Ms. Aschenbrener worked at Witherspoon Kelley Davenport & Toole from 2014-2022 where her practice focused on litigation matters, including medical negligence and professional negligence defense, commercial litigation, land use and real estate litigation. She also served as a Deputy Public Defender for the Kootenai County Public Defender's Office from 2012-2014, including service on multiple problem-solving alternative courts, and worked in the Office of General Counsel for the University of Utah prior to law school. Ms. Aschenbrener is licensed in the State of Idaho, State of Washington, and U.S. District Court in the District of Idaho. Her curriculum vitae is attached.
4. Lake City Law is also counsel for the Idaho Counties Risk Management Program (ICRMP). Lake City Law currently advises public clients on a variety of issues affecting government entities, including employment matters, liability and risk management.
5. Scope of Work to be Performed. The firm is well suited to provide the tasks required by NIC to ensure effective assistance of counsel. Members of the firm routinely provide written legal opinions to its clients on a variety of matters affecting the various operations of public entities. The Members also routinely draft and review contracts and proposals for procurement of goods and services; attend board and other meetings for their clients; provide counsel on personnel issues; handle or assist clients with litigation when the need arises; provide review and counsel directly on issues affecting school districts; and provide general counsel and support. These skills have been honed by the Members of the firm as part of their individual experiences over the course of their careers.

6. Qualifications of NIC Attorney and Supporting Counsel.

Erik P. Smith was admitted to practice before the Idaho Bar in 1994. He has, throughout his career, represented a variety of clients concerning the full spectrum of legal matters in Idaho. He has counseled school districts on matters affecting employment matters and labor negotiations, open meeting laws, and board compliance. He has regularly responded to requests for public records disclosure, and matters affecting Idaho's Open Meeting laws. If selected, he intends to meet regularly with the Board of Trustees and President in person to discuss matters affecting NIC's affairs. He has never been sued by any governmental entity or individual for malpractice, nor has he had any disciplinary action brought against him by the Idaho State Bar.

The remaining attorneys at Lake City Law, including but not limited to Fonda L. Jovick and Laura Aschenbrener, are well-versed in multiple areas of the law, work tirelessly to solve problems for their clients and spend an enormous number of hours volunteering on community and state-wide boards. All of the attorneys are professional, thorough and highly regarded and respected in the legal communities of Kootenai and Bonner County. The attorneys at Lake City law offer a wide array of practice areas to include, municipal defense and loss prevention, business and civil litigation, personal injury, zoning and land use, criminal defense, family law, guardianship and conservatorship, mediation and arbitration. Lake City Law was reported by U.S. News & World Report as one of the best law firms in 2018 through 2023. The breadth of legal experience and practice areas covered by the attorneys at Lake City Law make them well suited to serve the legal needs of the City of Sandpoint.

Performance

1. Working Relationship. While the firm will be representing the College, it will develop and maintain a personal relationship with the Board of Trustees, President, and staff, by conferring with these individuals on a regular basis in order to determine the particular needs of NIC. The best way to accomplish this goal is to maintain effective personal relationships with each of these individuals so that their particular needs can be met and questions answered. The attorneys with the firm will ensure that the lines of communication are continuously maintained and preserved.
2. Time Frames. Because of the size and diversity of our firm, any inquiries made by NIC to the firm will be returned within 24 hours. Nonetheless, an attorney from the firm will be available for response to time-sensitive inquiries on a daily basis.
3. Staffing. Our firm is staffed by very competent and capable paralegals. In addition, our staff of legal assistants also serve as support for our offices. It is not anticipated that the firm would make any changes at this time, unless it would be advantageous to NIC to have an individual attorney personally visit with NIC on a regular basis (i.e. weekly).
4. Reporting. The firm will provide NIC with monthly reports on the status of any assignments made to it, preferably at the regularly scheduled Board meetings. The firm's

attorneys will provide reports on specific projects, as necessary, on a regular and continuous basis. Such reports will be made to NIC by mail, email, or personally, as the case may be.

5. Public Records Confidentiality. The firm routinely handles review of public records requests for a variety of clients. It will stand by its decisions affecting the applicability of exempt status of records on behalf of NIC.
6. Compliance with Law. The firm shall comply with all applicable laws affecting its obligations to NIC, including all licenses necessary to practice law in the State of Idaho. The firm also agrees that any legal proceedings necessary to enforce the terms of an agreement between the party shall be brought in NIC Court of the First Judicial District, Bonner County, Idaho.

Current Clients/Conflict of Interest

Unfortunately, it would be ethically inappropriate for the firm to list its current or former clients who may have a possible conflict of interest within NIC. A determination of whether a conflict of interest exists, and whether it can or cannot be resolved can only be made on a case-by-case basis. Nonetheless, the firm is not aware of any current or former clients which pose a foreseeable or potential conflict of interest affecting the firm's ability to provide services to NIC.

Compensation and Reimbursement

Based upon NIC's Request for Proposal, it is understood that an attorney will be in attendance at regularly scheduled Board meetings and if requested, and weekly meetings staff as required, and will devote such time as is necessary to carry out its responsibilities under the term of an agreement with NIC. As compensation, the firm seeks compensation at our government rate of \$275.00 per hour, for all legal services provided by an attorney of the of the firm. Paralegal time, if advantageous to NIC, will be billed at \$180.00, per hour. This rate excludes litigation that may arise and would require a separate engagement agreement at our standard rates.

We would be happy to address any of these matters in more particular detail at your request. Any inquiries regarding this matter should be directed to either Erik Smith or Fonda L. Jovick, managing partner of our firm.

Very truly yours,

LAKE CITY LAW GROUP PLLC

Erik P. Smith

Attorney at Law

esmith@LCLattorneys.com

EPS: lk
Enc. CVs

Curriculum Vitae

Erik P. Smith, J.D.



Summary/Overview:

Erik P. Smith is one of 7 partners with the law firm of Lake City Law Group, PLLC. Mr. Smith has over 30 years of experience working in specific areas of the law with an emphasis on civil litigation for both plaintiffs and defendants, business litigation, HOA Board compliance, real estate transactions and litigation, estate planning, trusts, probate, and civil mediation. He also has over 20 years of experience in criminal defense, including as administrator and lead public defender for Shoshone County. Mr. Smith is a partner in River's Edge Mediation Center and a practicing civil mediator.

Mr. Smith has been general counsel for the Board of Trustees, Kootenai Bridge Academy Charter School since its Charter in 2009, and continues to represent them on all educational, employment, and Board matters.

Education/Licensing:

- Juris Doctorate: University of Idaho College of Law, 1994
- Bachelor of Arts, Seattle Pacific University, *Cum Laude*, 1988
- Attorney, Idaho State Bar Certified and Licensed, 1994 to present
- Admitted, U.S. District Court, District of Idaho, 1994 to present
- Admitted, Washinton State Bar, 2019 to present
- Idaho Supreme Court Certified Civil Mediator

Professional Experience:

Lake City Law Group, PLLC
Coeur d' Alene, ID / Priest River, ID / St. Maries, ID
Partner 2017 to present

In September 2017 Mr. Smith merged his established solo practice with Lake City Law Group, PLLC. He provides leading litigation and mediation roles in the Coeur d'Alene office. With the assistance of his new partners, Mr. Smith provides a high level of client service and has an active, thriving practice.

Lake City Law is comprised of 11 lawyers in three office locations that practice in a variety of practice areas. Cumulatively, the attorneys at Lake City Law have over 200 years of legal expertise and it shows in the high-quality legal services that are provided each day.

Erik P. Smith, P.C.
Coeur d'Alene, ID
2007 - 2017

Built and managed an active solo law practice that focused upon all aspects of civil and criminal litigation.

Andrews & Smith, PLLC
Coeur d'Alene, ID
1997 - 2007

Private practitioner and partner in Andrews & Smith, PLLC. The focus of Mr. Smith's practice was on civil litigation, criminal litigation, real estate, personal injury litigation, and domestic law.

North Idaho College
Coeur d'Alene, ID
2004- 2005

Part-time legal instructor, including Torts and Paralegal Ethics.

Shepstone & Wylie, Attorneys
Durban, South Africa
1996 – 1997

Associate attorney in Environmental & Local Planning Department for South Africa's largest law firm. Mr. Smith's practice included counseling national and provincial government agencies on land tenure transfers to indigenous people, implementation of United Nations conventions for the Department of Environmental Affairs, corporate due diligence exercises, and environmental impact assessments for large mining ventures.

Rosholt, Robertson & Tucker
Twin Falls, Idaho
1994 - 1996

Associate attorney in southern Idaho law firm of 15 lawyers. Mr. Smith's practice included municipal and zoning law, real estate transactions, natural resource and environmental law, water rights, federal regulatory agencies, and employment law. Specialized in land use, environmental compliance, and litigation.

Community Activity:

Current and Past Boards/Associations:

- Advisory Board Member of The Salvation Army Kroc Community Center
- Counsel for Board of Trustees, Kootenai Bridge Academy Charter School
- Former Board Member of the Coeur d'Alene Church of the Nazarene
- Founding Member of the Shoshone County Specialty Drug Court Program
- Former President, Coeur d'Alene Area Swim Team

References:

- Matthew Wilde, Boise State University General Counsel
- Lita Burns, Former Board of Trustees, Kootenai Bridge Academy
- Charles Kenna, Superintendent, Kootenai Bridge Academy

Curriculum Vitae

Fonda L. Jovick, J.D. MFP



Summary/Overview:

Fonda L. Jovick is one of 7 partners with the law firm of Lake City Law Group, PLLC. Ms. Jovick has over 20 years of experience working in specific areas of the law to include municipal/governmental representation, commercial and complex civil litigation, real estate transactions and litigation, estate planning, probate and trusts as well as being an Idaho Supreme Court Certified Mediator.

In an effort to broaden her expertise and skill set in working with high conflict dynamics, Ms. Jovick also obtained her Master's Degree in Forensic Psychology from the Chicago School of Professional Psychology. Forensic Psychology is an intensive study of the intersection between psychology and law, specifically addressing human behavior during times of legal crises and involvement.

Education/Licensing:

- Juris Doctorate: Gonzaga University School of Law, *Cum Laude*, 2004
- Masters of Forensic Psychology, Chicago School of Professional Psychology, 2013
- Bachelor of Arts, Gonzaga University, *Magna Cum Laude*, 2001
- Attorney, Idaho State Bar Certified and Licensed, 2004 to present
- Admitted, U.S. District Court, District of Idaho, 2004 to present
- Admitted, U.S. Court of Appeals, Ninth Circuit, 2006 to present

- Attorney, Washington State Bar Certified and Licensed, 2009 to present
- Idaho Supreme Court Certified Civil Mediator, 2007 to present
- Idaho Supreme Court Certified Child Custody Mediator, 2007 to present

Professional Experience:

Lake City Law Group, PLLC **Coeur' d Alene, ID / Sandpoint, ID / St. Maries, ID** **Partner 2015 to present**

January 1, 2015 Ms. Jovick along with six of her colleagues established Lake City Law Group, PLLC where she has taken a role in managing the day-to-day operations of the firm. From 2007-2022, she managed and provided all of the legal services in the Priest River office that she established in 2007 while at the same time providing a leading management role in the Coeur d'Alene office and the St. Maries office. In 2022, Ms. Jovick organized and effectuated the move of the Priest River office to Sandpoint, Idaho, where it currently operates. During each of these transitions, Ms. Jovick maintained her high level of client service and as a result still has a very high energy, active, thriving practice.

Lake City Law is comprised of 11 lawyers that practice in a variety of practice areas. Cumulatively, the attorneys at Lake City Law have over 200 years of legal expertise and it shows in the high-quality legal services that are provided each day.

Paine Hamblen, LLP **Coeur d'Alene, ID** **Associate 2004 to 2009** **Partner 2009 to 2014**

Paine Hamblen, LLP is a regional law firm with multiple locations. In 2007, Ms. Jovick spearheaded the establishment of a branch office of Paine Hamblen, LLP in the Priest River, Idaho area.

Served on the Executive Board for the law firm from 2012-2014.

Legal Experience:

- Representation of a variety of governmental entities with special projects and general representation.
- Provide legal opinions regarding public policy, open meeting law, land use related matters, code interpretation, public entity processes, and public records law.

- Lobby on behalf of a special interest group regarding change to legislation pertaining to annexation.
- Representation of clients in complex and commercial litigation, real estate transactions and litigation, dissolution and family law matters, as well as estate planning, probate litigation and establishment and litigation of trusts.
- Preparation of pre-trial documents including: complaints, petitions or motions to the court, response briefs, trial briefs, answers to complaints, objections, interrogatories, requests for production of documents, affidavits, notices of depositions, settlement agreements, stipulations, proposed orders, and correspondence to clients and opposing counsel.
- Attend and conduct depositions, attend and conduct settlement conferences, attend hearings to include pretrial conferences, hearings on motions, contempt proceedings and trial.
- In court trial activities to include: voir dire, opening statements, introduction of evidence, direct and cross-examination of witnesses, closing arguments.
- Provide testimony as an expert witness.
- Conduct Mediation for a variety of matters including many areas of the law.
- Facilitate Settlement Conferences.
- Act as a Special Master

Additional Experience:

Current and Past Boards/Associations:

- Member, Board of Directors, Idaho Volunteer Lawyers
- District Chairperson, Partners Against Domestic Violence
- Board Member for Tesh, 2008-2011
- Member of Implementation and Oversight Team for Kootenai County Domestic Violence Court 2014 to current
- Alternative Dispute Resolution Committee
- Access to Justice Board Member 2014
- Idaho Law Foundation Board Member 2016 to current
- Member of the Board of Directors for Gonzaga School of Law 2020-current
- Board Member for Gonzaga School of Law Foundation 2023-current

Laura L.D. Aschenbrener
Lake City Law Group, PLLC
435 W. Hanley Ave.
Coeur d'Alene, ID 83815
Phone: 208-664-8115
Email: laschenbrener@lclattorneys.com

EXPERIENCE

Lake City Law Group, PLLC

Partner, November 2022- Present

- Practice focuses on litigation matters including real estate, commercial and construction matters, medical malpractice and professional licensing defense.
- Volunteer, Idaho Law Foundation Access to Justice Committee, First District, 2023.

Witherspoon Kelley

Partner/ Associate Attorney, October 2014 – October 2022

- Litigation attorney in multiple areas of practice including medical malpractice and professional negligence defense, construction, real estate, land use and commercial matters.

The Law Office of the Public Defender of Kootenai County, Coeur d'Alene,

Idaho Deputy Public Defender, August 2012 – Present

Law Clerk, October 2011 – August 2012

- Represent clients in all phases of criminal cases, child protection, involuntary commitment and juvenile corrections act proceedings.

State of Utah Office of the Attorney General, Salt Lake City, Utah

Law Clerk, Child Protection Division, May 2009 – September 2011

- Drafted pleadings, appellate briefs and research memoranda.
- Represented the Division of Child and Family Services at administrative hearings.

University of Utah Office of General Counsel, Salt Lake City, Utah

Administrative Assistant and Receptionist, September 2007 – May 2009

- Assistant to four attorneys, including the General Counsel and Deputy General Counsel

EDUCATION

University of Utah S.J. Quinney College of Law, Salt Lake City, Utah

Juris Doctor, May 2011

University of Idaho, Moscow, Idaho

Bachelor of Arts, Sociology/French December 2004

Université Pierre Mendès, Grenoble, France, 2003-2004

Mount Holyoke College, South Hadley, Massachusetts, 1999-2000

Tab 4



December 05, 2024

North Idaho College
1000 W Garden Ave.
Coeur d'Alene, ID 83814

Request for Proposal North Idaho College Legal Counsel
RFP 25-03
Due Date: December 05, 2024

To Whom It May Concern:

Thank you for giving Stevens|Clay, P.S. the opportunity to represent North Idaho College.

Our firm was founded in 1982 as a specialty law firm committed to representing educational institutions. Today, our law firm represents well over one hundred educational institutions, governmental agencies, and insurers for public entities.

Our attorneys are the most experienced education law experts in the region. Utilizing a team approach, we leverage that experience to provide each client with unrivaled legal services in the areas of general counsel, human resources, facilities and public works, contracts and bidding, disability services, public records, litigation, and union bargaining. We enhance that experience with three core values—a client-centered approach, a team-oriented focus, and a quality-driven assurance.

We want to bring that expertise to North Idaho College. While much of our experience has been with K-12 educational entities, several of our attorneys have represented postsecondary educational entities. Moreover, a great deal of our K-12 experience is directly applicable to North Idaho College, especially regarding board governance, Family Educational Rights and Privacy Act (FERPA), public records, Title IX, public contracts, disability laws, and even human resource/personnel issues.

Contained within this Request for Proposal packet are the Firm's Resume and Fee Schedule. The Firm's Resume is a comprehensive document. It details information about each attorney within the Firm, it describes our strengths, our legal experience, and our client-centered approach—including our unwavering commitment to have an attorney available 24/7 to serve your needs.

Our Fee Schedule describes our hourly billing rates and invoice practices. As noted in the Fee Schedule, we have never had a dispute with a client about rates or fees charged in 40 years. We pride ourselves on providing efficient and effective legal representation, and if chosen to represent North Idaho College, we would continue that practice.

Given our unwavering commitment to 24/7 legal services, the Firm has identified four attorneys who would function as Principal Attorneys. They are Jason MacKay, Jason Brown, Kevin O'Neill, and Garrett Williams. All are licensed in Idaho and Washington and are immediately available to assist.

All four have vast education law experience. Moreover, Jason MacKay and Jason Brown both have extensive postsecondary experience prior to joining the firm. Jason MacKay served as General Counsel for Eastern Washington University. Jason Brown served as General Counsel for Eastern Washington University, the Community Colleges of Spokane, and Big Bend Community College. In this work, both Jasons worked closely with the Boards of Trustees and administrative staff of these institutions on policy development, compliance, public records and open public meetings issues, risk management, and high-level personnel and labor matters.

Our firm utilizes a team approach with clients and a client-centered focus. So, we offer the opportunity for North Idaho College to utilize multiple subject matter experts in the firm, and lower-cost associates and interns when appropriate.

We thank you again for giving Stevens | Clay, P.S. the opportunity to represent North Idaho College, and we look forward to hearing from you.

STEVENS | CLAY, P.S.

/s/ *Jason K. MacKay*

/s/ *Kevin F. O'Neill*

By: Jason K. MacKay
jmackay@stevensclay.org

Kevin F. O'Neill
koneill@stevensclay.org

Encl.: Firm Resume
Fee Schedule

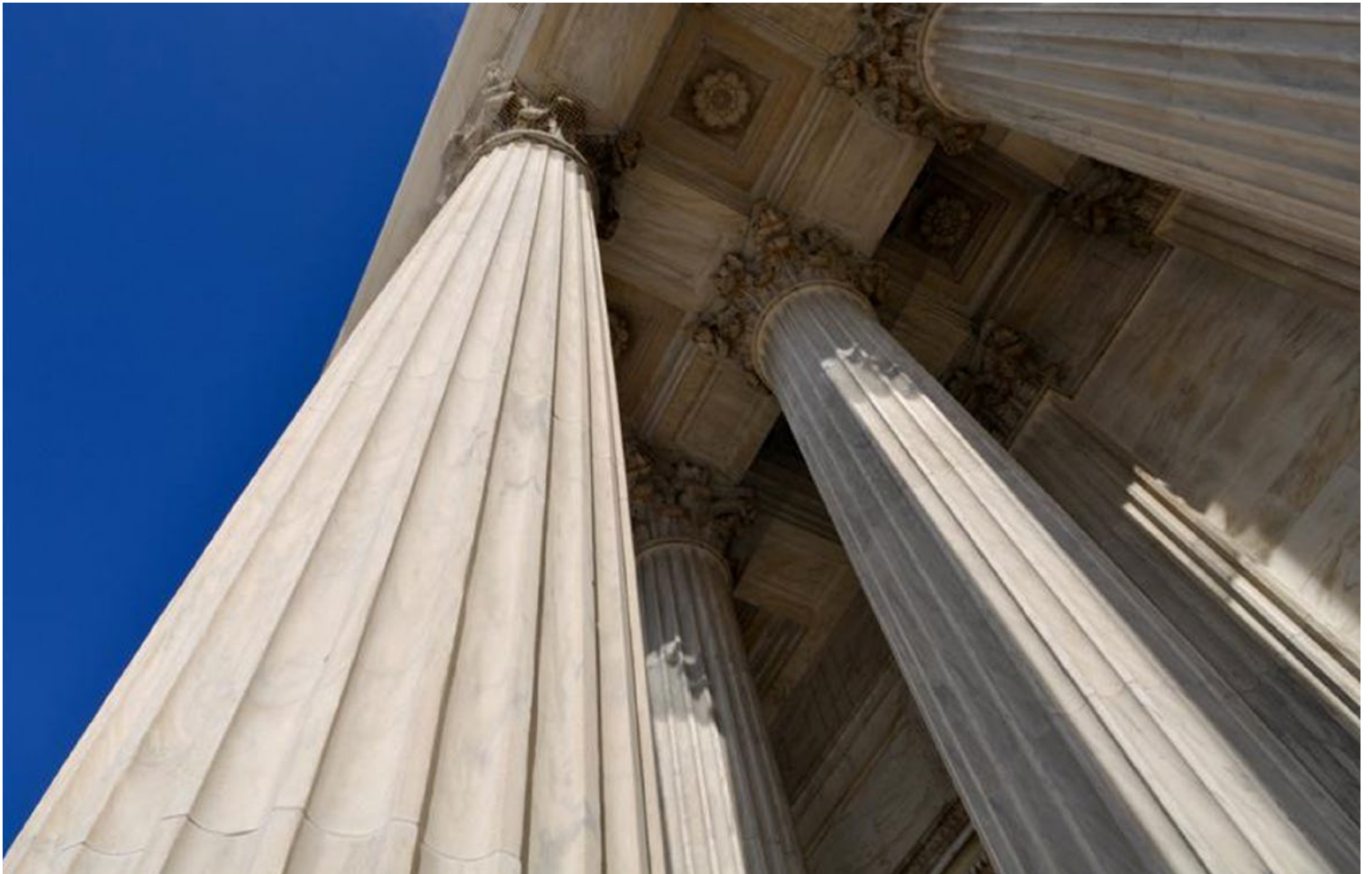




STEVENS CLAY, P.S.

421 W. Riverside, Suite 1575 • Spokane, WA 99201 • (509) 838-8330

FIRM RESUME



DESCRIPTION OF THE FIRM

Founding of Our Firm as Education Law Specialists

Our firm has been committed to representing educational institutions for over 40 years, making us one of the oldest and most-experienced education law firms in the region. The firm is committed to representing the general counsel and litigation needs of our clients and the organizations that support them. Each of our partners has robust experience serving the legal needs of educational institutions, and we now employ thirteen attorneys who are committed to representing our clients' interests.

Given the ever-growing complexity of public education laws over the past two decades, each of our partners has strategically developed areas of specialization within the general field of education law. Each of us keeps abreast of new federal and state laws and regulations, as well as judicial and administrative decisions, which impact educational institutions within our respective areas of expertise. Consequently, we are a truly comprehensive education law firm, equipped to address even the most novel and complex issues that arise, requiring the highest levels of legal knowledge, experience, and expertise available.

We are committed to maintaining a strong presence across the region. Partners in our firm have served as general counsel to public colleges in Washington. Our firm has maintained a strong presence in the Washington State Council of School Attorneys (COSA). We are recognized as experts in education law by that organization, as our attorneys are frequently invited to present at the Council's twice-yearly conferences, to train other school attorneys from across the state on pressing school law issues.

Our Approach to Serving Your Needs

A significant percentage of our client communication with North Idaho College would be through personal meetings, telephone calls, email, and other digital communication. We can respond to North Idaho College's immediate needs. It is common for us to attend meetings on short notice. It is also common for us to attend board meetings, hearings, or other engagements as desired, again some on very short notice and outside typical business hours. We can attend in person, via telephone, or via other electronic means.

We commit to taking the following approach to meet your needs:

- We will return phone calls on the day we receive them nearly without exception.
- We will promptly respond to emails and texts.
- We will use the lowest cost attorney for doing legal research.
- We will provide consistent communication with administrators and board members on all matters.
- We will borrow each other's expertise rather than spending time researching new areas.
- We will continuously update and maintain the most current hardware and software resources available to maximize the quality and efficiency of our work product.
- We will keep our overhead low so that our hourly rates are competitive and are not unnecessarily increased.
- We will give preventative and proactive advice to help you avoid liability.
- We will use quality control at all levels of our practice.
- We will provide you with options and alternatives to help you problem-solve.
- We will stay current on new areas of the law.
- We will continue to cultivate relations with other attorneys (both locally and across the region), legislators, state elected officials and local elected officials, and other education administrators.
- We will be available to attend all meetings, including board meetings, in person as desired by you, including on short notice and on weekends.
- We will be available 24/7 every day of the year to meet your needs.

Our Areas of Specialization for Serving Your Needs

Two partners in the firm have served as general counsel for higher education institutions. Our firm has also represented approximately a third of all school districts in Washington State, and numerous other government entities, including cities and special interest districts. Our firm has thus developed specializations that represent each sub-area of education law (except for bond counsel, with whom we have a close working relationship):

- General Counsel
- Human Resources
- Special Education/Disability Services
- Facilities, Public Works, and Bidding
- Public Records

Within these broad areas, our firm's expertise includes the following:

General Counsel

- All aspects of federal, state, and local compliance requirements
 - Board meetings and Open Public Meetings requirements
 - Board elections and ballot measures
 - Leadership and Team Training for Board/Administration Governance
 - Development and review of standard procurement terms and contracts, including development and review of contract templates for outside services as needed
 - Federal Educational Rights and Privacy Act (FERPA)
 - Health Insurance Portability and Accountability (HIPPA)
 - Laws and Regulations relating to all matters that impact operation of a public institution
 - Board Members Conflicts of Interest
 - Board Policy and Procedures Development and Drafting
 - Student Free Speech and Constitutional Rights
 - Student matters, including discipline, hearings, and related proceedings
 - Student Civil Rights Litigation
 - Harassment, Intimidation, and Bullying
 - Tort and Injury Law
 - Risk Management
 - Liability Insurance and Defense, Indemnification, and Hold Harmless Agreements
 - Funding
 - Audit Opinions, Audit Findings, and Consultation on Audits
 - Parent/Student Support Groups
 - Equal Access Act and Religious Discrimination
 - Interscholastic Athletics
 - Interlocal and Cooperative Agreements
 - Directors' and Officers' Liability Insurance
 - Records Retention Laws
 - Employee Subpoena Obligations
-

Human Resources

- All aspects of Employee Relations and Collective Bargaining Negotiations and Contracts
- Legal qualifications for employees, teaching credentials and certificates
- Strikes and Work Stoppages
- Discrimination and Harassment, including Title IX
- Pre-Employment Inquiries, hiring, development of employment contracts
- Disability and Accommodation Law under the ADA, § 504 Accommodations
- Public Employee Free Speech Rights and Limitations
- Grievance Processing and Litigation
- Discipline, Discharge, and Non-Renewal of Staff
- Performance Deficiencies, Plans of Improvement, and Probation
- Reductions in Force, seniority, and tenure
- Leaves of absences, leave laws, and attendance issues
- Unfair Labor Practices and Public Employment Relations Commission Litigation
- Civil Rights
- Employment Practices Liability Insurance
- Employee Misconduct Allegation Investigations

Special Education/ Disability Services

- Evaluations and Eligibility Determinations
 - Placements, Programs, and § 504 Plans
 - Procedural Compliance
 - Due Process Litigation
 - Responses to Citizen Complaints
 - Federal District Court Original Actions and Circuit Court Appeals
-

Facilities and Public Works

- Public Works
- Contracting and Procurement of Goods and Services
- Competitive Bidding
- Requests for Proposals for Professional Services
- Architect and General Contractor Contracts
- Construction Law and Construction Lien Laws
- Prevailing Wage Act
- Construction Disputes and Litigation
- Real Property Purchase, Sale, Leasing, and Environmental Impact Statements
- Independent Contracting
- Condemnation
- Adverse Possession
- Transportation Department Policies and Procedures
- Property and Casualty Insurance
- Bond and Levy Electioneering Issues
- Zoning and Impact Fees

Public Records

- Responding to Public Records Requests
 - Representing Institutions in Public Records Litigation
 - Interplay Between Education Records under FERPA, Health Records under HIPPA, and Public Records under State law
-

Our Overall Commitment to You

We value a close, trusting, and problem-solving relationship with each of our clients. Our commitment is that we will provide unsurpassed quality and an economical approach to handling your legal interests. We will be preventative, proactive and practical in our advice with the intention of avoiding liability and unnecessary litigation. Nevertheless, we recognize the need at times to protect your legal, financial, political, and other interests, and thus to aggressively pursue certain matters through litigation. We will collaborate with the administration team and the board to determine when it is appropriate to use alternative dispute resolutions such as mediation.

In all, we provide practical, honest, innovative advice and will partner with you to strategize for the long-term as well as the short-term. We will be insightful, creative, deliberate, forthcoming, direct and, above all, sensitive to your needs.

THE FIRM'S EXPERIENCE

Our Firm's General Counsel Experience

Our firm serves as stalwarts for our clients when it comes to resolving conflicts. We support and advocate for the vital need for healthy educational institutions and government entities in our communities. Because our firm has been representing school districts and government entities for over forty years and because of our close working relationships with regional support organizations, we are uniquely aware of the financial, political, social, and practical issues faced by our clients. We thus have untold experiences helping our clients resolve matters through creative problem-solving and practical as well as legal options.

Our attorneys have provided advice on practically every legal issue faced by administrators and boards. We have often seen the same issue many times in a wide variety of situations. However, because every client is unique, we recognize the need to address each situation individually. We understand the scrutiny faced by our clients in social media, mainstream media, at board meetings, and through nearly instant email communication. Because of that knowledge, we are skilled at helping our clients find alternative solutions.

One of the great strengths of our firm is that we are much more than the sum of our individual parts. We have successfully served as a general counsel “team” to our clients – a team that is informed by over 100 years of combined general counsel law experience and expertise.

Board of Director Issues

Our firm has considerable experience with board conflict-of-interest situations and extensive knowledge of how to help individual board members with legal issues they sometimes face in their role on the board.

We also have extensive experience drafting board policies. Our firm is one of only a few firms chosen by the Washington State School Directors Association (WSSDA) to serve as a “cadre law firm” to assist WSSDA in drafting school board policies that can be used by all 295 school districts in the State of Washington.

Likewise, we have been relied upon numerous times by boards and board presidents to help them navigate all aspect of Open Public Meetings requirements, including contentious and disruptive board meetings. We have provided in-services and training for board members on all aspects of public records, board meetings, on board members' role in human resource issues, and many other matters.

Our Firm's Litigation and Mediation Experience

With litigation, results matter. Our lawyers have an unrivaled record of successful results for our clients. We are seasoned litigators with a clear understanding of our clients' paramount need to protect the public trust.

Our lawyers have vast experience serving as litigation counsel to educational institutions, government entities and their insurers for nearly half a century. We have a long history of successful results in all types of litigation, including employee discharge and discipline cases, employee strikes and labor disputes, arbitrations, administrative hearings, employment discrimination matters, liability/negligence claims, contract breach actions, student rights and special education, and public records cases.

Our firm has successfully litigated cases establishing important legal precedent in public records withholdings, termination of employees, arbitration rights, special education eligibility, IEP provisions, and statute of limitations.

Along with successful litigation results, we have also obtained numerous successful settlements for our clients, saving millions of public tax dollars in litigation costs, potential liability judgments, all while protecting countless students, staff, and administrators from the trauma and stress of the adversarial system.

Overall, the successful and extensive litigation and settlement experience of Stevens | Clay, P.S. has resulted in attorneys with a perspective not shared by many. We are one of the most sought-after education/government law firms in the region for good reason. We know how to help educational institutions and government entities succeed in litigation. We also know how to help them succeed outside of litigation. We understand the ebbs and flows of our court system along with the political and cultural nuances of the judiciary.

PROFESSIONAL DEVELOPMENT

In addition to significant experience with litigation, dispute resolution and general counsel advice, Stevens | Clay, P.S. is also committed to providing professional development opportunities for our clients. Our attorneys are presenters for WSSDA, WASA, AWSP, WASBO, WSRMP, and WSPA, and the State Attorney General's Office. We cannot possibly list all the professional development presentations and in-services we have provided over the years. Nevertheless, set forth below is a sample of presentations we have provided:

Education Entities

- Board of Director training on Open Meetings and Public Records
- Administrator training in employee investigations and discipline
- Training on FERPA
- Administrator training on campaign rules
- Administrator training on liability issues
- Administrator training on HIB, Title IX, and discrimination laws
- Administrator training on employee evaluation
- Administrator training on laws governing students with disabilities
- Administrator training on public records
- Administrator training in student discipline

Professional Development for Board of Directors

- Training for New Directors
- Boot Camp for New Directors
- Voting Rights Act Webinar
- Campaign Rules Training
- Student Discipline Training

OUR TEAM

Partners

Paul E. Clay
Anthony N. Anselmo
Kevin F. O'Neill
Jason K. MacKay
Jason D. Brown
Jon B. Dalley
Garrett J. Williams

Associate Attorneys

Stephanie M. Faust
Holli L. Higgins
Macy M. Disney
Ida B. Donohue
Lauren M. Wheeler

Of Counsel/Consultants

Kimberly A. Holland, Client Consultant and Director of Operations and Marketing
Gregory L. Stevens, Of Counsel

Paralegal/Support Staff

Kimberly N. Reber
Laurel A. Braun

PARTNERS

Paul E. Clay

Paul has represented countless school districts and government entities for over 35 years. He is a Washington State University undergraduate where he served as President of the Student Senate, President of the Political Science Honorary, and member of Phi Beta Kappa. He graduated from the University of Washington Law School where he served in the distinguished position as Editor-in-Chief of the Washington Law Review. His experience covers the gamut of legal, political, practical, policy, and litigation issues.



School boards, human resource administrators, student service administrators, and numerous other administrators have relied on Paul's practical approach as well as his vast experience and knowledge regarding laws, policies, and political issues facing school districts. Paul's advice is sought not only by school districts, but also by local legislators, state elected officials, all level of government bureaucrats, as well as state-wide government support organizations. His knowledge of education and human resources law is well-known across the region and lawyers from other law firms frequently seek his advice. He is frequently asked to speak on legal issues and engage in training for state-wide organizations and higher education institutions. We cannot possibly list all the presentations and in-services he has provided over the years.

Anthony N. Anselmo

Tony brings over 25 years of dedicated experience representing school districts and government entities throughout the region. His experience covers a wide range of areas, including public contracting, procurement, real property, government-to-government transactions, employment matters, student issues, and policy and procedure development. Tony's practical approach to legal counsel empowers clients to navigate complex statutory and regulatory frameworks with confidence and clarity.



As trusted legal counsel to school districts and government entities, Tony has successfully addressed and resolved numerous challenges, particularly in contracting, procurement, and real property transactions. He is also a respected speaker on legal issues impacting public schools, having presented for state-wide organizations and higher education institutions. Tony also provides tailored training sessions for key employees, sharing his knowledge and practical insights to support their work.

Kevin F. O'Neill

Kevin has over 18 years of experience representing educational institutions. He has represented school districts in both private practice and as in-house counsel, including as General Counsel for two large school districts in Washington State and as Senior Assistant General Counsel for the largest school district in Washington State. Kevin has extensive knowledge of school law matters and specializes in advising school districts in a variety of legal areas, including board governance and district operations, public disclosure and open public meetings act compliance, labor and employment issues, student issues, special education, constitutional issues, and litigation and risk management.



Prior to practicing law in Washington and Idaho, Kevin served as an attorney at a Michigan law firm that specialized in representing various educational institutions, including public school districts and public community colleges. Kevin has successfully defended educational institutions in state and federal courts and such administrative forums as the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Washington State Public Employment Relations Commission, and the American Arbitration Association.

Kevin is licensed to practice in both Idaho and Washington and is a proud resident of Kootenai County.

Jason MacKay

Jason MacKay has extensive experience in K-12 and higher education and labor law, including as an Assistant Attorney General in the Education Division of the Washington State Office of the Attorney General, where he served as General Counsel to Eastern Washington University. As EWU's General Counsel, Jason worked closely with the University's Board of Trustees and administrative staff on policy development, compliance, public records and open public meetings issues, risk management, and high-level personnel and labor matters. Jason also worked as Assistant General Counsel at Public School Employees of Washington, a labor union representing public school employees.



Given his prior experience working in labor, Jason is one of very few school law attorneys in Washington state who has previously worked on the other side. This unique perspective allows Jason to spot and advise on potential labor issues early in the process, with the goal of avoiding costly and contentious litigation and labor unrest. Jason has vast experience helping employers navigate grievance arbitrations, unfair labor practice complaints, unit clarifications, representation cases, and fact-finding hearings, to name a few. In addition to his advice and litigation experience in this field, Jason also has experience bargaining classified and certificated

collective bargaining agreements. Jason's labor experience and his unrivaled knowledge of labor law makes him an invaluable asset to bargaining teams.

Jason is a proud graduate of the Coeur d'Alene School District and enjoys spending time outdoors with his wife and daughter.

Jason D. Brown

Jason Brown has a wealth of experience representing school districts and other public sector clients. He graduated from Gonzaga University School of Law, where he was the Executive Editor of the Gonzaga Law Review. Before joining Stevens Clay in 2022, Jason served as an Assistant Attorney General with the Washington State Attorney General's Office for over 14 years. During that time, he served in the Labor and Industries, Torts, Education, and Transportation and Public Construction Divisions. As a member of the Labor and Industries Division, Jason defended decisions of the



Washington Department of Labor and Industries in workers' compensation claims and contractor citations. As a member of the Torts Division, Jason defended state agencies and employees against lawsuits in state and federal court. Although Jason defended a broad variety of cases, he specialized in employment discrimination cases. As a member of the Education Division, Jason served as general counsel to three institutions of higher education, an educational service district, and a museum. As a member of the Transportation and Public Construction Division, Jason represented the Washington State Department of Transportation in eminent domain and other real property cases.

Jason has extensive experience advising on a wide range of legal issues, including employment matters, board governance, open government compliance, constitutional issues, contracts, and litigation and risk management. Jason has developed extensive expertise in advising clients on public records issues. He regularly advises on the Washington Public Records Act, the Family Educational Rights and Privacy Act, and records retention laws. Jason leads the firm's Public Records Team and is a frequent presenter on public records issues to school districts and various organizations.

Jon B. Dalley

Jon Dalley serves as general counsel for school districts. In that role, he collaborates with administrators and board members about the day-to-day operations of schools, advising them on a range of topics. Some of those topics include employee discipline, employee benefits, collective bargaining, student discipline, special education, school board obligations, and school board policies. He enjoys working with educators to find practical solutions to their problems. Jon is a *summa cum laude* graduate from Gonzaga University School of Law. During law school Jon received the highest grade in eleven different courses, and overall ranked second academically in his class.



Jon grew up in Southeast Idaho. He graduated from Pocatello High School and from Idaho State University. Much of his family still lives in Idaho, and he has strong ties to it. He is an Idahoan at heart.

Garrett J. Williams

Garrett Williams advises and defends public school districts and other large employers on a broad range of legal issues, including labor and employment, board governance, general liability, special education, and insurance and risk pool defense.

Garrett leads the firm's Litigation Team. His litigation experience includes defending against actions brought in state and federal courts, administrative hearings, statutory hearings, and arbitrations. Garrett also defends against investigations by administrative agencies, conducts neutral workplace investigations, and advises school districts and employers on their internal policies and procedures.



Garrett received his undergraduate degree from the University of Washington. He then graduated *summa cum laude* and second overall in his class from Gonzaga University School of Law. During law school, Garrett was a finalist in the Linden Cup Oral Argument Competition, and a regional champion and national competitor in the National Appellate Advocacy Competition.

ASSOCIATE ATTORNEYS

Our firm's associates – Stephanie Faust, Holli Higgins, Macy Disney, Ida Donohue, and Lauren Wheeler provide extensive support covering virtually every area of education law. We are fortunate that the reputation and success of our firm has allowed us to attract attorneys who were at the top of their law school classes.

Stephanie M. Faust

Stephanie Faust graduated *cum laude* from Gonzaga University School of Law. She is the Secretary for the Spokane County Bar Association's Young Lawyers Division. While in law school, Stephanie was an Associate Editor for the Gonzaga Law Review and a member of the Saul Lefkowitz National Moot Court Team. Stephanie clerked for a local law firm as well as the Washington State Office of the Attorney General. Prior to attending law school at Gonzaga, Stephanie graduated from Western Washington University's Fairhaven College where she received a B.A. in Interdisciplinary Studies with a concentration in Law, Diversity, and Justice.



Stephanie is licensed to practice in Idaho and Washington.

Holli L. Higgins

Holli Higgins advises and defends school districts on a broad range of legal issues, including labor and employment, special education, and general liability matters. Holli joined the firm following her clerkship with the Honorable Thomas O. Rice at the United States District Court for the Eastern District of Washington. Holli graduated *magna cum laude* from Gonzaga University School of Law, where she served as an Associate Editor of the Gonzaga Law Review and Captain of the Saul Lefkowitz National Moot Court Team.



Macy M. Disney

Macy Disney represents and advises public school districts on a broad range of legal issues, including special education, labor and employment, and Public Records Act matters.

Macy graduated *cum laude* from Gonzaga University School of Law, where she was Executive Editor of Gonzaga Journal of International Law and a Thomas More Social Justice Scholar.

Prior to joining Stevens Clay, P.S., Macy defended clients in state court, administrative hearings, statutory hearings, and unlawful detainers in Spokane County Superior Court. She is passionate about finding creative solutions to solve client problems.



Ida B. Donohue

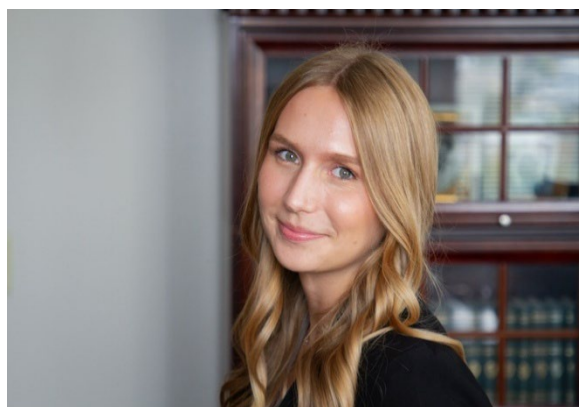
Ida Donohue represents and advises public school districts on a broad range of legal issues, including labor and employment, general liability matters, and special education. Ida's background in education exposed her to the often-times complex and nuanced issues that can arise in the school setting. She is enthusiastic about helping clients navigate these complexities to find satisfactory solutions.



Lauren M. Wheeler

Lauren Wheeler represents and advises school districts on a wide range of legal issues, including labor and employment, special education, and general liability matters.

Before joining Stevens Clay, P.S., as a full-time associate attorney, Lauren spent two summers clerking with the firm, gaining valuable insight and experience in employment and education law. She also served as a law clerk for the Federal Defenders of Eastern Washington and Idaho and as a judicial extern for Judge Tracy Staab at the Washington State Court of Appeals. Lauren graduated first in her class from Gonzaga University School of Law.



OF COUNSEL/CONSULTANTS

Kimberly A. Holland, Consultant

Kim is a sought-after consultant in school districts. She is a former teacher, school principal, and Human Resources administrator. She also served as the Executive Director for the Washington Schools Personnel Association. Kim provides consultation services in employee evaluation, probation, onboarding, student teachers, and a variety of other areas. Kim did her undergraduate work at Western Washington University and earned a Masters degree from Washington State University and from Gonzaga University. In 2013, she was awarded the Dick Stannard Distinguished Elementary Principal of the Year. Throughout her 31 years in education, Kim has served on multiple state level committees and delivered presentations at the local, state, and national level.



Gregory L. Stevens, Of Counsel

Along with Paul Clay, Greg co-founded Stevens Clay, PS. Greg is now serving as Of Counsel, having retired from full-time practice.



PARALEGALS/SUPPORT STAFF

We are proud of our staff and their consistent excellent performance over their lengthy tenures with the firm.

Laurel A. Braun

Laurel has been with the firm for 40 years. She provides internal administrative support, records management, accounting, and attends to the firm's day-to-day office needs.



Kimberly N. Reber

Kim Reber has 36 years' experience as a legal assistant/paralegal. Kim has been with the firm for 24 years. Kim received her B.A. degree from Washington State University and received her Paralegal Certificate from the University of San Diego.



CONCLUSION

Every one of the attorneys and staff at Stevens | Clay, P.S. has a strong commitment to representing educational institutions and government entities. The very essence of our firm is invested in the success of our clients. Our historical knowledge of education law gives us a broad perspective as to what education means to the students, families, and community. We feel a deep connection to K-12 and higher education.

FEE SCHEDULE



Invoices

We pride ourselves on providing efficient and effective legal services. Indeed, in 40 years, we have never had a dispute with a client as to our hourly rates or fees charged.

Each month we review the time recorded to your account before an invoice is sent. We bill clients monthly unless other arrangements are made.

Disbursements and other charges often do not appear on a statement until a few weeks after the cost is incurred. Payment on all statements is due upon receipt of the statements. We have never assessed a past due payment charge to any client in the past 40 years but reserve the right to do so on balances not paid within 30 days. The past due payment charge would be 1.25 percent per month.

Hourly Rates

\$295.00 per hour for Principal Attorney and Partner General Counsel Services

\$315.00 per hour for Principal Attorney and Partner Litigation Services

\$195.00 - \$250.00 per hour for Associate Legal Services

\$150.00 per hour for Paralegal and Consultant Services

Our billing increments are 1/10 per hour. Whenever feasible, and to provide the most cost-effective services possible, we offer clients the opportunity for work, such as research or document preparation, performed by the attorney or staff with the lowest rate who can perform the work.

Costs and Expenses

Travel expenses are negotiable.