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June 1, 2023

***Via Email***

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

**Re: *REQUEST FOR QUALIFICATION  
North Idaho College Legal Counsel RFQ 23-04***

To Whom It May Concern:

On behalf of our law firm, Boyles Law, we submit this proposal to provide legal services to North Idaho College ("NIC"). Information about our law firm and our experience related to government and education is summarized below.

Introduction

Boyles Law is located in Sandpoint, Idaho and consists of seven staff members and two consulting, outside contract attorneys: Mr. Boyles, contract attorney Rocky Wixon, contract attorney Seth Diviney, Mr. Boyles' secretary and bookkeeper, and five legal assistants. Because Mr. Boyles represents a wide variety of corporate and individual clients nationwide, he has a large pool of consultants, like Messrs. Wixom and Diviney, that he may call upon should the need for specialized knowledge be required or beneficial to the client. Mr. Boyles has provided general legal representation and services to a variety of local government entities including Whitman County Washington, Bonner County, Pend Orielle Hospital District, San Juan County Utah and the State of Utah and various county officers including Bonner County Sheriff Wheeler, and Kootenai County Assessor Bela Kovacs. Mr. Boyles has additionally represented legislators and executives in several states.

In addition to our direct experience with public entity/agency law, our firm has extensive knowledge and experience in real property matters, employment issues, contracts, administrative law, business law, insurance law and civil litigation. Mr. Boyles has unique and specialized experience in managing public entity exposure and risk management through the design and

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implementation of wholistic self-insured retention programs for entities that do not have access to a reasonable policy premium based upon prior loss runs. Prior to earning the right to practice law, Mr. Boyles cummulated over fifteen years of residential and commercial insurance adjusting experience.

Boyles Law does not shy away from new challenges or novel problems. We are in the business of providing solutions and have consistently expanded our area of practice in response to client needs. We have a proven record of delivering timely and exceptional solutions-based service to clients with complex and novel issues other risk-averse firms hesitate to take on. Any allegation that we are not qualified is without any basis in fact or law, and fails to recognize that proper representation for an entity like NIC requires thoughtful analysis under pressure to properly allocate limited resources across competing objectives and sometimes adverse stakeholders. We are not in the business of responding to litigation although we excel at it. Instead, we take the better approach of anticipating and aggressively resolving disputes before they arise. That unique talent is a product of our experience on the front end handling transactional matters and the back end handling litigation. Critically, our firm has experience executing comprehensive risk management programs that identify, and then focus resources on, the areas of greatest exposure. We provide excellent advice on emerging exposures, policy, and claims handling and render timely guidance to protect the client, its constituent members, executive team, faculty, staff and students.

One particular NIC value that resonates with Boyles Law's culture is stewardship. We strive to properly steward client resources like finances and time. Stewardship is one of our primary focus areas. We offer a unique skillset to our clients by formulating strategies to avoid litigation, quietly resolve disputes and minimize exposure. We understand that taking calculated risks is a necessary component of decisionmaking and we help preserve the space for board and executive leadership to guide those important decisions while remaining fully informed from a legal perspective. We are positioned to handle all early morning or late evening meetings and any ad hoc issues in a timely manner.

**RELEVANT EXPERIENCE:**

- Extensive experience representing state and local governments and elected officials.
- Unique experience discretely handling high stakes, sensitive political issues for high profile elected official clients.
- Represented state and local governments versus the federal government on constitutional, statutory and regulatory matters.
- Advised public records custodians for county and state officials starting in 2016.
- Advised Idaho political subdivisions and taxing districts on constitutional issues, statutory and regulatory requirements, aviation, avigation easements, property and easement acquisition and inverse condemnation, contract law, human resources, employment, internal investigations and litigation.
- Experience drafting public sector policies including employment policies and procedures.
- Successfully handled Idaho Attorney General investigations.

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- Supervised internal employment investigations and sensitive personnel matters in both the public and private sector in the normal course of business and in anticipation of litigation.
- Negotiated and drafted severance agreements and employment contracts.
- Reviewed thousands of pages of contracts for public sector clients.
- Advised public sector clients related to state and federal grant requirements and grant assurances.
- Designed and implemented comprehensive insurance and risk mitigation programs for public entities from implementing appropriate policies to claims handling to litigation.
- Designed, managed and oversaw self-insured retention programs for public entities.
- Represented public clients and elected officials in state and federal courts, including appellate courts.
- Experience representing boards, legislators and executive branch officials in private and official capacities.
- Experience as general counsel for international ministries, national non-profits, and national companies in the software, medical and marketing industries.
- Knowledge and experience with the unique challenges of representing entities and ethically interacting with constituent members and entity employees, faculty and staff.
- Experience in administrative law and administrative procedures including appeals and appearing before Idaho agencies.
- Supervised cutting edge insurance litigation in federal court on untested, novel, financial policy provisions.
- Experience advising public hospital districts, clinics, doctors and nurses in public entity and medical compliance including HIPAA.
- Represented doctors, nurses, clinics and hospitals.
- Experience advising public entities related to liability, Idaho Human Rights Act claims, whistleblower claims and notice of tort claims.
- Advised public entities on procurement, public bid compliance, administrative procedures, and quasi judicial roles.
- Extensive experience drafting board governance documents.
- Experience advising clients on issues related to FERPA, Title IX and campus safety and enforcement.
- Experience drafting construction contracts, purchase agreements and litigation including NORA.
- Experience drafting and negotiating a variety of commercial real estate transactions including purchase and sale and lease.
- Management experience in employment contract administration including advice on grievances, alternative dispute resolution, contracts drafting and interpretation.
- Provided comprehensive public entity policies and procedures.
- Knowledge and experience with discipline issues regarding employees and elected officials.
- Knowledge and experience with ADA, FMLA, and FLSA matters.

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- Knowledge and experience with harrassment, retaliation, whistleblowers and hostile work environment.
- Knowledge and experience drafting employment handbooks.
- Knowledge and experience defending and prosecuting employment litigation including administrative hearings before hearing officers, mediators and Human Rights Commission of Idaho and other states.
- Knowledge and experience with compliance and audit correspondence, conflicts of interest, and legislative versus quasi judicial proceedings.
- Knowledge and experience in open meetings laws and public records requests and experience defending clients regarding the same.
- Knowledge and experience training staff regarding discrimination, harassment, disability and emerging state and federal statutory and regulatory requirements.
- Knowledge and experience advising clients on legislative changes and recent judicial rulings impacting public entity clients.
- Experience drafting internal guidance, procedures and compliance recommendations.
- Knowledge and experience advising boards on governance issues, Robert's Rules of Order and open meeting laws.
- Knowledge and experience overseeing panel counsel and managing claims.
- Knowledge and experience in public construction, procurement, solicitation and related matters.
- Experience litigating and advising on purchase and sale of real estate, easement disputes, inverse condemnation, zoning and state and county codes.
- Knowledge and experience in conducting and overseeing internal investigations into allegations of discrimination, harassment, retaliation and protection of whistleblowers.
- Knowledge and experience as panel counsel for various insurance carriers and organizations, overseeing panel counsel, and litigating coverage and claims disputes.
- Knowledge and experience drafting internal liability analysis and analyzing loss reserve estimates, loss runs, insurance policies, endorsements and exclusions.
- Proven track record of maintaining coolness under pressure, consistent ability to provide timely services, and the ability to swiftly and appropriately react under urgent, emerging circumstances.

Although we are confident that our team will be able to meet all of NIC's legal needs, Boyles Law frequently advises entities that engage specialized outside counsel and can leverage relationships along multiple vectors to provide temporary, specialized expertise. This valuable experience managing outside contract counsel is coupled with our experience associating with local counsel to assist clients with matters in other jurisdictions across the United States. Because of these relationships and experience, Boyles Law will be able to assist NIC in creating a plan to leverage diverse outside counsel, if necessary, to minimize legal costs and provide the best suite of specialized services without the need for continued engagement resulting in unnecessary expense. There is no need for a large, bloated, outdated firm model. That just adds costs. The majority of NIC's needs can be handled by a boutique, local Idaho firm. With advice from Boyles Law, the Board will be empowered to make informed decisions whether to authorize

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limited engagements as necessary to handle any specialized tasks that may infrequently or frequently arise.

Mr. Boyles has over 20 years of combined legal and insurance experience. Mr. Wixom has over 20 years of litigation experience in Idaho. Mr. Diviney has over 11 years experience in personal injury, workplace harassment, wrongful death, civil settlements, business litigation, medical malpractice and employment disputes.

Boyles Law is a boutique civil litigation firm with a unique, entrepreneurial model leveraging over 50 years of combined professional experience. We work well in a team environment and encourage coalition building. We immediately own and fix mistakes and we have a knack for assembling the best team to handle any challenge. We are adaptable, responsive and resilient, and we stand ready to diligently provide NIC with a full suite of competent legal services and handle any ad hoc issues in a timely manner. Although the RFQ anticipates a three year term, plus two, our engagement agreements provide that the client may terminate our services at any time.

Requested 2023 Public Entity Attorney Rate:       \$275/hr  
Requested 2023 Public Entity Paralegal Rate:     \$120/hr

Please do not hesitate to contact me if you have any questions regarding anything herein.

Sincerely,

BOYLES LAW, PLLC



D. Colton Boyles, Esq.