



414 Church Street Suite 308  
Sandpoint, Idaho 83864  
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LEGISLATURE OF THE STATE OF IDAHO  
COMMITTEE ON FEDERALISM

# RESPONSE TO REQUEST FOR PROPOSALS **Establishing and Implementing a Process for Federal Land Appraisal**

Submitted to:

**Co-chair Sen. Steve Vick and Co-chair Rep. Sage G. Dixon**

c/o Katharine Gerrity, Legislative Services Staff

Idaho State Capitol  
Room W 133  
Boise, Idaho 83720  
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Proposal issued:  
January 14, 2022



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RESPONSE TO REQUEST FOR PROPOSALS

# Executive Summary

The United States federal government claims to own more than sixty percent—or 32.7 million acres—of the state of Idaho (the “Federally Claimed Lands”). The Payment in Lieu of Taxes (“PILT”) program, originally established by P.L. 94-565 on October 20, 1976 and codified at Chapter 69, Title 31 of the United States Code, was established in recognition of “the financial impact of the inability of local governments to collect property taxes on federally owned land.”<sup>1</sup> Yet there exists no mechanism by which the state of Idaho may determine whether the arcane formulae of the PILT program truly address the value of these lands, nor a resource to determine the opportunity cost to the State and its citizens of 32.7 million acres lying fallow. The state and its representatives have no tool to approach the federal government from an evidence-based position to work to protect Idaho’s sovereignty.

The Davillier Law Group has assembled a team composed of subject matter experts to create this advocacy tool.

An accurate, defensible, and repeatable analysis of the income potential of the Federally Claimed Lands within the state of Idaho is an instrumental first step to determine the foreclosed revenues to the State represented by untaxable land. The approach is twofold and based in expertise in two key areas: legal analysis and software development. The Davillier Law Group is the leading law firm working in public lands issues in the western United States and actively developing multistate litigation to challenge, among other issues, PILT’s compensation, federal compliance with the PILT formula, and a constitutional challenge to invalidate FLPMA’s perpetual halt to federal divestment of Federally Claimed Lands.<sup>2</sup> That unparalleled expertise and knowledge provides this advocacy tool with a strong underlying foundation in applicable law.

Hand-in-hand with legal expertise, the Davillier Law Group proposes a software-based technological solution, drawing on domain experts in the development of data-rich software products designed with federal audit and review in mind. Rather than pie in the sky dreams built from new and exotic technologies, the team proposes a data-driven approach spearheaded by software developers familiar with the requirements, timelines, and support of enterprise software for large multinational corporations.

The Pilot Project will provide the Committee on Federalism with two deliverables:

- 1) **Objectively defensible automated appraisals of Federally Claimed Lands within the Pilot Area of the State of Idaho, calculated from a limited pool of variables from data maintained by the Idaho State Tax Commission and County Assessors Offices, and output in both tabular and graphical formats; and**
- 2) **A report analyzing needed additional data in the control of state and county officials for the final version of the project and its technical feasibility for integration.**

The majority of the \$250,000 funding will be dedicated to creating the software infrastructure necessary to integrate existing and future data to appraise all the Federally Claimed Lands within the State of Idaho. Additional portions will be used to hire consulting experts in appraisals to conduct quality control of the results and to establish reports detailing the remaining data necessary to roll the Pilot Project out in a full and final statewide form suitable as an advocacy tool for federal litigation.

<sup>1</sup> Payments in Lieu of Taxes, DEPARTMENT OF THE INTERIOR, <https://www.doi.gov/pilt> (last visited January 14, 2022)

<sup>2</sup> Legal Analysis of the Legal Consulting Services Team Prepared for The Utah Commission For The Stewardship of Public Lands, <https://www.justice.gov/usao-or/file/851711/download> (last visited January 14, 2022)



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# Experience

## LEGAL TEAM

### The Davillier Law Group

The Davillier Law Group is a law firm experienced in litigation, government relations, and advocacy related to public lands issues in the western United States. Our prior experience includes, but is not limited to:

#### Utah Commission for the Stewardship of Public Lands

Comprehensive study of the constitutional law bearing on public lands from 1796 to the present. The team developed a detailed report to the Legislature, who adopted it. The study serves as the most comprehensive survey of this issue ever performed.

Federalism issues and the protection of State prerogative under the Constitution.

#### Special Counsel

To the Attorney General of the State of Utah.

#### National Monuments

Represented San Juan County, Utah in its successful effort to reduce the size of the Bears Ears and Grand Staircase Monuments.

#### REFERENCES:

**Utah House of Representatives Committee on Federalism**  
**Bonner County Assessor – Donna Gow**  
**Utah State Legislature – Federalism issues and the protection of State prerogative under the Constitution**  
**Attorney General of the State of Utah**

## SOFTWARE TEAM

### Gallar Holdings

Darek Gallar of Gallar Holdings has more than two decades of experience developing and managing real time environmental impact databases for Fortune 500 businesses in the energy industry. Gallar Holdings adds substantial value to their clients with a detailed understanding of EPA compliance and representation at any federal audits, experience that translates well to a mixed legal/technical project like the Pilot Project.

Gallar Holdings is cognizant of the need for auditable outputs for their software solutions and offers not only fully customizable solutions, but best-in-class technical support. The following are examples of entities for whom Mr. Gallar has directed and developed projects from inception to ongoing support.

#### Oil & Gas

Shell Oil, Eni, McWane, Husky

#### Auto

Ford, GM, Chrysler

#### Aero

Lockheed Martin, Boeing, Pratt & Whitney

#### REFERENCES:

**Husky Energy (Canada)**  
**Southern California Energy Companies**  
**Eni (Italian Oil & Gas Company)**



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# The Team

The following individuals are expected to be involved with the project. See Exhibit A for Résumés/CVs.

LEGAL CONSULTANT

## George R. Wentz Jr., J.D.

*Mr. Wentz will consult on the legal issues and development of the legal arm of this project.*

Mr. Wentz is a partner at the Davillier Law Group. He will provide the general direction of the project. He will use his experience as a representative of the western states on public lands matters to ensure that the deliverable data will be useful to educate Congress on the need for market-based PILT payments that more accurately reflect the Federally Claimed Lands' value, so that the citizens of Idaho have the means they need to both survive and thrive instead of struggling to fund their schools, infrastructure, and vital community services.

Mr. Wentz will also ensure that the IT solution provided is designed to withstand legislative inquiry and federal judiciary and congressional scrutiny. Mr. Wentz is directing the design of the Pilot Project to provide the IT infrastructure required for future updates that will support the damages component of a potential lawsuit against the Federal Government to compensate the Western States for the costs imposed by Public Lands (beyond those compensated by PILT).

LEGAL CONSULTANT

## Richard H. Seamon, J.D.

*Mr. Seamon will consult on the legal issues and development of the legal arm of this project.*

Richard H. Seamon serves as Special Counsel to Davillier Law Group, LLC, and is also a full-time professor at the College of Law, University of Idaho. As a distinguished practitioner, Mr. Seamon has over thirty years' experience litigating matters in federal courts and federal agencies, including matters before the U.S. Supreme Court, where he has presented oral argument over fifteen times. Professor Seamon has published law review articles and also co-authored a book on practice before the U.S. Supreme Court: *The Supreme Court Sourcebook* (Aspen Pub. 2013) (with A. Siegel, J. Thai & K. Watts). He teaches both administrative law and constitutional law courses, and has previously taught civil procedure, criminal procedure, federal courts, and U.S. Supreme Court practice.

Mr. Seamon provides another experienced eye reviewing the overall course of the Pilot Project and its deliverable, providing invaluable legal review of the end product and guiding its development.



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PROJECT COORDINATOR

**Mauricio Cardona, J.D., M.B.A.**

*Mr. Cardona will be coordinating the overall operations of the project.*

Mr. Cardona is an associate at the Davillier Law Group. He will provide project coordination services and serve as the day-to-day manager of the project. Additionally, Mr. Cardona has more than three years of experience analyzing public land issues. Before joining the Firm, Mr. Cardona was a Project Coordinator for a design/build contractor specialized in turnkey facilities for the energy industry. Mr. Cardona is familiar with and has expertise in managing custom turnkey solutions.

IDAHO ASSESSMENT STANDARDS CONSULTANT

**Evan Terbrueggen**

*Mr. Terbrueggen will consult regarding the Idaho Tax Commission's rules, regulations and appraisal standards.*

Mr. Terbrueggen is a certified property tax appraiser for the State of Idaho currently employed by Bonner County. He is experienced in determining market values in residential, commercial, and personal property. He is well versed in the Idaho Tax Commission's rules, regulations, and appraisal standards, and has completed the following International Association of Assessing Officers training:

- IAAO Course 102: Income Approach to Valuation
- IAAO Course 201: Appraisal of Land
- IAAO Course 311: Real Property Modeling Concepts
- IAAO Course 500: Assessment of Personal Property

LEGAL / IT COORDINATOR

**Allen Shoff, J.D.**

*Mr. Shoff will be coordinating the assembly of necessary data from local, state, and federal sources, bridging the legal and software arms of the project.*

Mr. Shoff is an associate at the Davillier Law Group. In addition to his legal analysis of public land issues, he has years of experience with information technology and technical systems, having worked as an assistant systems administrator in conjunction with legal duties as a Deputy Prosecuting Attorney in Canyon County, while also co-founding and operating a software, web development, and hosting firm. Mr. Shoff will liaise with outside experts and Idaho agencies to assemble the relevant databases necessary to objectively appraise federal lands, while serving as a bridge to unify the legal and information technology wings of the Pilot Project.

**Federal Appraisals and Rural Lands Consultant**

The Davillier Law Group will retain a nationally recognized expert on appraisals for privately owned land required for projects funded by federal dollars. This consultant will both assist in identifying reliable data and audit our results.



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## SOFTWARE/IT DEVELOPMENT

### **Darek Gallar**

*Mr. Gallar will be project managing and developing the software leg of the project, synthesizing data into the final deliverable product.*

Mr. Gallar is a software developer, project manager, and the managing partner of Gallar Holdings. In his more than twenty years of experience leading and managing professional services and technical support organizations, mostly within startup companies, Mr. Gallar has specialized in implementing rapid product deployment strategies and gold-standard customer support processes geared to maximize customer satisfaction and ROI. He has project-managed a total of over \$70M worth of software implementations and has been a trailblazer in the science of deploying high-technology solutions in traditional business environments, leveraging the power of technology to revolutionize business processes. He has executed, led, and project-managed multiple large implementation engagements of Environmental and Sustainability solutions, delivering on exacting and aggressive schedules and ROI goals.

He has also personally developed multiple custom software solutions for clients, delivering superior quality on extremely aggressive schedules. His experience spans the sales, development, implementation, and support of both software and hardware solutions based on leading edge technologies.



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# Scope of Work

## I. Summary

The Davillier Law Group will be directing the development and deliverables of the project to ensure they are a valuable government relation, education, advocacy, and litigation tool. The proprietary software design will allow for expansion and growth as the needs of the committee evolve. The software will also be designed to easily incorporate new data as the State generates or acquires it, via semi-periodic database updates.

## II. Design Goals

It is the old saw of real estate appraising that appraisals are more an art than a science. The reason for this axiom is simple: many of the choices made by an appraiser while weighing factors are made by instinct and by the experience of the appraiser. Market value actualizes only when property is sold. This process is, however, highly subjective, and highly expensive due to the “handmade” nature of each appraisal. Analogically, an appraisal is an artisanal teapot, made by a potter at a potter’s wheel, with each step done by hand.

The design goal of this software is to derive efficient, objective valuations based upon transparent parameters, with the end purpose of advocacy and damage proving standards always in mind. As such, to continue the analogy, the software is intended to implement a teapot factory, where the final output may not have

the same artisanal charm of a handmade piece but will serve the final function of articulating a reasonable and, ultimately, legally defensible position for the purpose of government relations, education, advocacy, and litigation.

## III. Solution Architecture

The first deliverable of the project shall be a secure cloud-based tool, accessible by internet browser with secure user access. Within the browser, the user will have access to a cloud-hosted user interface that displays the data and makes it available for tabular export. To aid the user in visualizing the data, the appraisal values shall be placed on a map of the state and tinted to display “heatmaps” of value, and other user-configurable factors.

Internally, the software will read data from a variety of databases currently utilized by the Idaho State Tax Commission. This data includes the information the State Tax Commission stores for the determination of taxation exemptions, like forestry or grazing exemptions: soil quality, hydrologic, and agricultural data. Concurrent with software infrastructure design, the team will work closely with state and county stakeholders to identify the most pertinent data for appraising federal lands. This information can be periodically updated into the secure cloud-hosted database or provided once and stored for future use. Once in the database, the proprietary software will implement a series of calculations and rules, based upon the methods, factors, and weighing information provided

# Scope of Work

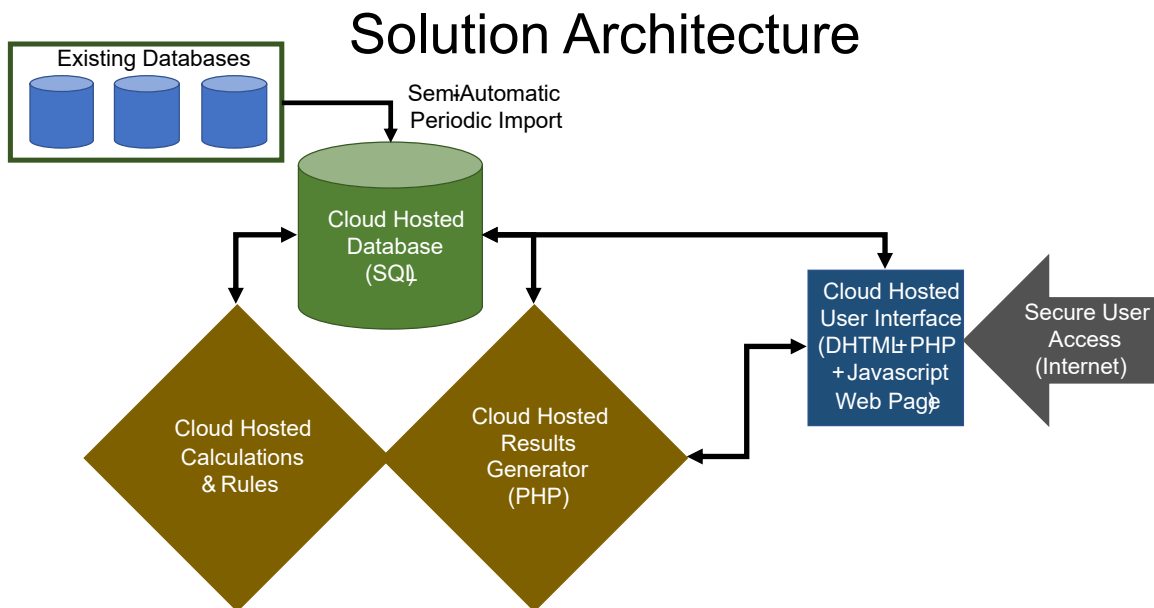
by the team appraisal experts, to derive a fact-based analysis of the possible uses of the property: forestry, grazing, mineral utilization, or recreational purposes. The software will then derive estimated values of the property for each of these possible values, select the maximally productive value, and display this value on the graphical interface.

The user can export the values of the parcels in tabular format in .csv or other non-proprietary format to be viewed as a standard spreadsheet, or alternatively run the reports in browser to view a graphical representation of value statewide. The user can also assign taxation values and regenerate the map and export data, showing not only the overall appraised value, but the total state revenue that would become available.

## IV. Appraisal Deliverables

The granularity, or the level of resolution, of the appraisals shall be to the parcel level. Therefore, the user could conceivably select individual parcels to review, or export the entire dataset of appraisals to output a single number of the total value of land in the state, and the taxation revenue foregone.

In answer to whether the appraisals will be conducted by region or property type, each appraisal will be calculated individually, based upon the unique features present in that parcel as stored by the Idaho State Tax Commission and any other data County Assessors may provide which is accessible and useable. Each region







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in the state of Idaho, for instance, is assigned a different value for forestry exemptions based upon soil quality, precipitation, and other hydrologic and geologic factors. The software will take these factors into account in deriving its final values, and create a highest and best value analysis for each parcel.

The final appraisal deliverable is date for each parcel, identified by parcel number and visible on the graphical map interface, displaying its highest and best value, as well as the estimated tax revenue depending on the taxation levels input by the user. This data can all be exported into common spreadsheet formats. At the conclusion of the Pilot Project, users will be able to output all federal parcels in the Pilot Area (see below), with exposed variables to permit modification based on the advocacy needs.

## V. Pilot Area

The funding currently available to the Committee is likely insufficient to implement a statewide project. The primary reason for this comes in the Assessment phase, as described further in detail below. Therefore, for the Pilot Project, Davillier Law Group proposes to limit the initial area for complete appraisal deliverables to the counties of Boundary, Bonner, Kootenai, Shoshone, and Benewah, which encompasses all or part of the Idaho Department Lands supervisory areas of Priest Lake, Pend Oreille Lake, Mica, and St. Joe (“Pilot Area”). This proposed Pilot Area is ideal for providing a representative sample of the Federally Claimed Lands due to the lands’ varied utility—mining, grazing, cultivated land,

forestry, and recreation—and the presence of large and small urban areas like Coeur d’Alene, Sandpoint, and Bonner’s Ferry, as well as numerous smaller towns throughout the region. This mix of population densities contrasted with large expanses of untouched forestland, as well as the mix of other property types, will provide a useful representative sample and survey. This region will also provide a benefit for the Pilot Project as Davillier Law Group and its team have personal knowledge of the database formats and procedures available in the northern counties, and can more readily estimate the costs and delivery schedules as a result.

Because of the extensible and updateable design of the planned solution architecture, if the Pilot Project is later expanded to statewide appraisal delivery development, the software will be ideally positioned for the update and display of the new data.

## VI. Technology and Methodologies

### a. Methodology: Appraisal Accuracy

Continuing the analogy of the teapot factory, alongside with the benefits of automation comes the downside that there is no human being ensuring quality during the product creation. This is why quality control and assurance is a major component of any factory, and is a critical step in the software development process.

Concurrent with the development process, the Davillier Law Group will work with the team’s appraisers to analyze the data generated by the software and determine its reliability.

A limited number of variables will be selected



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for the pilot stage of the project to bound it within the cost requirements of the Request for Proposals. But the Supreme Court has clearly held that “the amount awarded [as damages] shall be precisely commensurate with the injury suffered, neither more nor less.” *Birdsall v. Coolidge*, 93 U.S. 64, 64 (1876). It will be the State’s burden to objectively show and defend the precise amounts.

A better understanding of the available relevant data maintained by the State will be necessary to develop a fully featured statewide appraisal solution that can be used in federal litigation to prove damages based on the actual harms suffered by the State of Idaho. Developing such a tool is beyond the scope of the proposed pilot project, given the limited funding, but in order to develop such a tool an inventory of available evidence is necessary.

Therefore, the Davillier Law Group will provide, in addition to the proposed software, a report that contains:

- A survey of Counties, provided to County Assessors, to determine the existence of local sales of federal land, appraisals of lands acquired under federal grants, and any other relevant sales.
- A survey of state databases, determining the available data and IT infrastructure maintained by the State that may hold data that would improve the reliability and accuracy of the appraisal calculations. This survey will also include a technical feasibility analysis for the data’s integration into a future version of the software product.
- The state is already managing public lands adjacent to Federally Claimed Lands. An important part of our statewide approach

will be to work with State agencies to obtain and incorporate valuation data into our database. Endowment lands provide a clear example. By analyzing the characteristics of endowment lands used for grazing we will be able to provide a grazing potential coefficient for public lands and the associated market value. The same will be true for mining, oil and gas licenses, forestry exemptions, and more.

Fundamentally, this report serves as the other half of the pilot Project deliverable. The software demonstrates the technical possibilities for the full version of the software and the data it can provide, while the report will lay out the tasks necessary to develop this software to its full, legally useful advocacy/litigation purpose.

## b. Methodology: Updating Appraisals

While the methodology for updating appraisals was briefly addressed above, the benefits of the software package developed as the main deliverable of the Pilot Project are worth emphasizing.

The solution architecture is designed to be dynamic. That is, to take new data, analyze it, and output updated appraisals based upon the new data or the user weighing of the factors. While the initial data will be read into the cloud databases during development, the queries will exist to pull new and changed data in a semi-periodic fashion.

Because of this, the final appraised value, and its estimated tax revenue, are better thought as an updatable, exportable collection of calculated data rather than a static appraisal product.



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### c. Methodology: Local Taxation Variety

Counties and municipalities within the state of Idaho have the authority to set taxes to pay for essential services. Idaho also has a number of taxable districts that may be created in a variety of methods, providing additional benefits like hospital funding or ambulance service.

The software solution proposed by Davillier Law Group will be able to calculate potential tax revenues from the appraised values it develops for the federal parcels, on a per-parcel basis. In calculating this revenue, the software necessarily must take as input the taxes each particular parcel would be subject to, from county and municipality taxes to those of taxing districts. This will be a key element of the final output of the software.

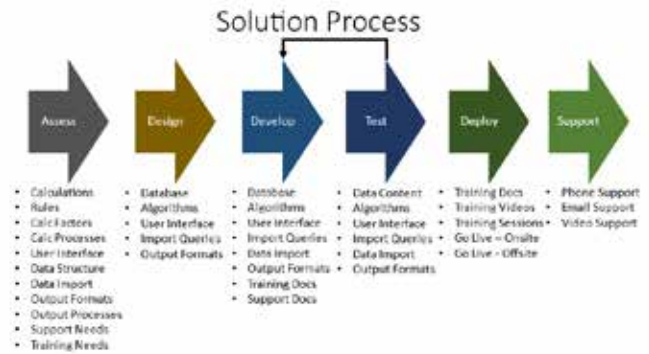
### d. Methodology: Factor Modification

The Request for Proposals asks whether the technology will permit the state of Idaho to modify factors used to produce appraisals based on conditions of the property or other matters. The ability to modify factors, assign weights, and analyze alternate uses of the property for income weighing is an essential part of the final product. User inputs and modifications serve, on a technical level, as a separate table in the database and can modify each parcel on a parcel-by-parcel basis if desired.

The exact specifications of which factors and weights the Committee on Federalism would desire for its purposes shall be established during the Assessment phase. The capability exists; its scope may be developed throughout the Assessment.

### VII. Proposed Delivery Schedule

The process for delivering a solution will be as follows:



The Assessment phase of this process will drive the majority of calendar constraints, such as when external data will become available to the team (specifically from the Idaho State Tax Commission, as well as some County Assessor Offices). The format in which said data becomes available is also important, and will require some discussion and definition. Until this information is obtained, the rest of the project can only be prepared for.

As such, we are providing an estimate of direct work effort for all phases and tasks rather than a calendar-based schedule. A true calendar-based schedule will be developed with all parties in the Assessment phase. Additionally, no estimates can really be provided for the support phase, as Technical Support is essentially an interrupt-driven process—when someone needs help, they receive it. Finally, the tasks in the estimate are assumed to be almost completely sequential for the purposes of the estimate; while two or



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three tasks may be worked on in parallel for efficiency, it does not reduce the time required for each task. All estimates provided are in business days.

## Schedule: Solution Development

Task #	Phase	Task Name	Duration (Days)
<b>Assessment</b>			
1		Data Structure	2.0
2		Data Import Queries	2.0
3		Output Formats & Processes	2.0
4		Calculation Library	2.0
5		Calculation Rules	2.0
6		Calculation Factors & Processes	3.0
7		User Interface Details	2.0
<b>Design</b>			
8		Database	3.0
9		Algorithms	3.0
10		User Interface	1.0
11		Data Import Queries	2.0
12		Output Formats	2.0
<b>Development</b>			
13		Database	5.0
14		Algorithms	5.0
15		User Interface	3.0
16		Import Queries	3.0
17		Data Import	2.0
18		Output	3.0
19		Training Docs	3.0
20		Support Docs	3.0
<b>Test</b>			
21		Data Content	3.0
22		Algorithms	4.0
23		User Interface	1.0
24		Import Queries	2.0
25		Data Import	1.0
26		Output	2.0
<b>Deploy</b>			
27		System Go-Live	2.0
28		Training Docs	2.0
29		Training Videos	1.0
30		Training Sessions	3.0
<b>Support</b>			
31		As Required	5.0
<b>TOTAL</b>			<b>79.0</b>

Estimates of the schedule required for the surveys and legal report, on the other hand, must necessarily leave additional time for state and county officials to gather the data and response to the surveys and requests. Therefore, rather than provide a strictly sequential duration in business days of the time directly invested in the final product, as with the solution development, the following table provides a general guideline of the time likely required to create the surveys, analyze the incoming data from state and county sources, test assumptions and results, and create the final report that serves as the second half of the Pilot Project deliverable.

## Schedule: Surveys and Legal Report

Task #	Phase	Task Name	Duration (Days)
<b>Design</b>			
1		Legal Review - Deliverables	60.0
2		Survey - County Assessors	
3		Survey - State Agencies	
<b>Analysis</b>			
8		Database analysis	15.0
9		Software/IT coordination	
10		Integration analysis	
<b>Testing</b>			
13		Assumption testing	30.0
14		Reliability testing	
15		"Sanity check" site visits	
16		Results analysis	
<b>Drafting</b>			
21		Draft report	30.0
22		Revisions	
23		Final report	
<b>TOTAL</b>			<b>135.0</b>



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# Cost Methodology

What follows is the cost methodology, describing each task in terms of business days worked. While some tasks may be completed concurrently, especially with regard to the report deliverable, the following table describes the methodology to arrive at the total bid of \$250,000.

This bid does not take into account the costs to state and county budgets that will be necessary in terms of employee time to provide the databases and tables to populate the cloud databases in the software architecture.

Task Name	Duration (Days)	Cost
Data Structure	10.0	\$20,000.00
Data Import Queries	12.0	\$24,000.00
Data Population	3.0	\$6,000.00
Output Formats & Processes	9.0	\$18,000.00
Algorithms	19.0	\$38,000.00
User Interface	7.0	\$14,000.00
Documentation	6.0	\$12,000.00
System Go-Live	2.0	\$4,000.00
Training	6.0	\$12,000.00
Support	5.0	\$10,000.00
<b>TOTAL</b>	<b>79.0</b>	<b>\$158,000.0</b>
Project Design	4.0	\$ 8,000.00
Legal review - Project Design Deliverables	3.0	\$ 6,000.00
Survey - County Assessors	2.0	\$ 4,000.00
Survey - State Agencies	2.0	\$ 4,000.00
Analysis of existing databases	3.0	\$ 6,000.00
Coordination with IT engineers	2.0	\$ 4,000.00
Testing of assumptions and reliability of program	2.0	\$ 4,000.00
Site visits to reality check assumptions and results	5.0	\$ 10,000.00
Draft Report - Needed data for full implementation	10.0	\$ 20,000.00
Status reports and feedback integration with Committee	5.0	\$ 10,000.00
Appraiser Consultant	6.0	\$ 12,000.00
Travel to Boise x2 to meet Committee	2.0	\$ 4,000.00
<b>TOTAL</b>	<b>46.0</b>	<b>\$92,000.0</b>
<b>GRAND TOTAL</b>	<b>125.0</b>	<b>\$250,000.0</b>



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# Conclusion

The Davillier Law Group believes that this proposal provides the State of Idaho with a powerful advocacy tool for governmental relations. With the combination of the legal deliverable, derived from the experience providing similar services to the State of Utah in their own analysis of Federally Claimed Lands, and the software approach of an efficient, cost-effective solution designed and developed by a leader in the field of data-rich analytics and

audit-ready integration, this proposal provides the Committee on Federalism of the Legislature of the State of Idaho with the tools it needs to address this timely and critical issue.

We thank the Committee on Federalism for the opportunity to provide this Proposal, and are happy to answer any questions or provide a further presentation on the benefits, design, and methodologies we envision. We are available for contact as provided below.



**The Davillier Law Group LLC**  
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# Exhibit A: Résumés/CVs of the Team

**George R. Wentz, Jr.**  
Partner, The Davillier Law Group  
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(504) 458-7143

George R. Wentz, Jr. is a partner with the Davillier Law Group in New Orleans, Louisiana. Mr. Wentz received his Bachelor of Sciences degree, magna cum laude, from the University of Delaware, where he was also a member of Phi Beta Kappa. He received his Juris Doctorate degree from Georgetown University Law Center, cum laude, in 1983. Mr. Wentz also served as the Administrative Editor of the Georgetown International Law Journal. Mr. Wentz was appointed to the Office of Policy Development of the Federal Trade Commission by President Ronald Reagan, where he analyzed the economic impact of trade laws and regulations, and developed and proposed legislative and regulatory approaches to enhance efficiency.

Mr. Wentz has over thirty years' experience in handling complex international litigation, maritime litigation, oil and gas exploration and production matters, alternative dispute resolution, international transactions, constitutional law analysis, providing general business advice, and representing state and local governments. He has a reputation as a result oriented lawyer known for innovative thinking and problem solving. During the course of his career, Mr. Wentz has worked in most aspects of the oil and gas business, representing clients including Global Marine (now Transocean), Occidental Petroleum, BP, Marathon and Noble. Mr. Wentz has also represented CFE (power company of Mexico) in various matters. Mr. Wentz has also represented underwriters of various energy and power generation companies in large subrogation matters, including Houston Casualty Company and underwriters at Lloyd's. He has expertise in international commodities transactions, including banking and financing related to those transactions, as well as international tax issues related to offshore banking. He also represents state and local governmental entities with regard to interaction and disputes with federal agencies with regard to public lands. He quarterbacked the production of a comprehensive constitutional analysis of Utah's Transfer of Public Lands Act on behalf of Utah's Commission for the Stewardship of Public Lands.

Mr. Wentz is an active member of the Louisiana State Bar Association. He is a recipient of the 2008 Leadership in Law Award from New Orleans City Business Magazine. Mr. Wentz was active in pro bono work following Hurricane Katrina, where his efforts assisted in the formation of New Orleans' public-private partnership for economic development.

Mr. Wentz is admitted to practice in the United States District Courts for the Eastern and Middle Districts of Louisiana, the United States Court of Appeals for the Fifth Circuit, the United States Supreme Court, and all Louisiana State Courts. He has also litigated cases in the United States District Court for the Southern District of Florida, as well as in various state courts in Texas.



# CURRICULUM VITAE

University of Idaho

**NAME:** Seamon, Richard Henry

**DATE:** June 1, 2020

**RANK OR TITLE:** Professor

**DEPARTMENT:** College of Law

**OFFICE LOCATION AND CAMPUS ZIP:** Law 207, 2321

**OFFICE PHONE:** 208-885-7061

**FAX:** 208-885-5709

**EMAIL:** richard@uidaho.edu

**WEB:** <http://www.uidaho.edu/law/faculty/richard>

**DATE OF FIRST EMPLOYMENT AT UI:** June 20, 2004

**DATE OF TENURE:** Tenured on July 1, 2006

**DATE OF PRESENT RANK OR TITLE:** July 1, 2006

## EDUCATION BEYOND HIGH SCHOOL:

### Degrees:

J.D. (Order of the Coif), Duke University, Durham, North Carolina, 1986  
M.A., Johns Hopkins University, Baltimore, Maryland, 1981 (Writing Seminars)  
B.A. (Phi Beta Kappa), Johns Hopkins University, 1980 (Writing Seminars)

### Certificates and Licenses:

Bar admission, District of Columbia, 1989 (active status)  
Bar admission, Maryland, 1986 (inactive status)  
Also admitted to practice before U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit,  
U.S. Court of Appeals for the District of Columbia Circuit, and U.S. Court of Federal Claims

## EXPERIENCE:

### Teaching, Extension and Research Appointments:

Margaret Schimke Distinguished Professor of Law, since July 2017  
Professor of Law, since July 1, 2006  
Associate Dean for Faculty Affairs, July 2014 – July 2016  
Interim Associate Dean for Faculty Affairs, July 2013 – June 2014  
Associate Dean for Administration and Students, July 1, 2006 – June 30, 2009  
Associate Professor of Law, University of Idaho, 2004-06  
Visiting Professor, Department of Political Science and History, South Carolina State University, fall semester 2003  
Professor of Law, University of South Carolina, Columbia, South Carolina, 2004  
Associate Professor of Law (with tenure), University of South Carolina, 2001-04  
Assistant Professor of Law, University of South Carolina, 1996-2001  
Visiting Associate Professor, Washington & Lee Law School, Lexington, Virginia, 2001-02

### Non-Academic Employment including Armed Forces:

Assistant to Solicitor General of United States, U.S. Department of Justice, Washington, D.C., 1990-96  
Associate, Covington & Burling (law firm), Washington, D.C., 1987-90

Law Clerk to Kenneth W. Starr, U.S. Court of Appeals for the District of Columbia Circuit, 1986-87  
 Summer Associate, Arnold & Porter (law firm), Washington, D.C., 1986  
 Summer Associate, Covington & Burling, 1985  
 High School Teacher, Calvert Hall College High School, Baltimore, Maryland, 1981-83

**Consulting:**

Utah Attorney General's Office, advised on litigation about national monuments in the State  
 San Juan County, Utah, helped county in dispute with federal government over public lands, 2016-2017  
 Jasper County, South Carolina, helped county defend proposed eminent domain proceeding, 2003  
 South Carolina Judicial Council, prepared report on reform of statutes governing judicial review of administrative agency action, 2000  
 South Carolina Office of Attorney General, assisted state defend legal challenge to state law banning video poker, 2000  
 South Carolina Office of Attorney General, assisted briefing of U.S. Supreme Court case in which state was a party, 1999  
 Office of General Counsel, University of South Carolina, advised university about statutes and regulations governing relationship between university and South Carolina Council on Higher Education, 1999  
 South Carolina Bar Foundation, wrote opinion letter about impact of U.S. Supreme Court decision on Bar Foundation's administration of legal aid program, 1998

**TEACHING ACCOMPLISHMENTS:**

**Areas of Specialization:**

Administrative law, appellate advocacy, civil procedure, constitutional law, criminal procedure, federal courts, U.S. Supreme Court practice

**Courses Taught:**

University of Idaho:

Administrative Law, LAW 907, every fall semester from 2004 through 2011 and fall semesters 2013-2018; spring 2011; spring 2012; spring 2020; and summer 2020  
 Agriculture Law, LAW 901, fall 2019  
 Conflicts of Law, LAW 960, fall semester 2014 & spring 2018  
 Constitutional Law I, LAW 816, each fall semester from 2009-2012; plus spring semesters 2012 through 2020  
 Constitutional Law II, LAW 905, fall 2016, summer 2017, and fall 2017-2020  
 Federal Courts, Spring 2012  
 Introduction to Law and Procedure, LAW 805, fall 2004, fall 2005, fall 2009, fall 2010  
 Lawyering Process, LAW 971, spring 2005 and spring 2006  
 Procedure II, LAW 806, each spring semester from 2005 through 2011 and spring 2017

University of South Carolina:

Administrative Law, Laws 709, spring semester 1997, fall semesters in 2000, 2002-03  
 Civil Procedure, Laws 546, spring semesters 1998-2001, 2004  
 Constitutional Law, Laws 525, fall semesters 1997-2000, 2003-04  
 Criminal Procedure, Laws 547, spring semesters 1998-2001, 2003-04  
 Supreme Court Practice Seminar, Laws 818, fall 2003  
 Supervised Legal Research I, Laws 570, fall 1996-spring 2004

South Carolina State University:

Constitutional Law, PS-308, fall 2003

Washington & Lee University:  
Civil Procedure, Laws 546, academic year 2001-02  
Supreme Court Practice Seminar, Laws 417, fall 2001

### **Students Advised:**

Through the 2015-2016 academic year, the Idaho College of Law assigned each faculty member 5-6 students from each year's entering class. A similar advising program resumed in 2018.

I have also served as a (or the) faculty advisor for many student organizations, including the *Idaho Law Review*, the Latino Law Caucus, Phi Alpha Delta, the Board of Student Advocates, the Federalist Society, and the Agricultural Law Society.

The University of South Carolina School of Law had a semi-formal system for advising individual students starting in the fall semester of 2002, in which I participated during the school years 2002-03 and 2003-04. I also served as faculty advisor to the following students groups while a law professor at the University of South Carolina: Black Law Students Association, The Forum (student newsletter), Moot Court Bar, and the Public Interest Law Society.

### **Honors and Awards:**

Peter E. Heiser Award ("teacher of the year"-type award; annually elected by the graduating class), University of Idaho College of Law, 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2017, 2018  
Outstanding Faculty Member Award ("teacher of the year"-type award; annually elected by entire law student body), University of South Carolina School of Law, 1998, 1999, 2000, 2001, 2003, and 2004

University of Idaho Alumni Association Award of Excellence, 2007-2008, 2009-2010, 2011-2012, 2012-2013, 2016-2017, and 2017-2018

Allan G. Shepard Professor, 2006-2007

First Year Teacher of the Year (elected by first-year law students), Washington & Lee Law School, 2001-02

Faculty Scholarship Award, University of South Carolina School of Law, 1998-99, 2003-04

### **SCHOLARSHIP ACCOMPLISHMENTS:**

#### **Publications, Exhibitions, Performances, Recitals:**

##### **Books:**

ADMINISTRATIVE LAW: A CONTEXT AND PRACTICE CASEBOOK (Carolina Academic Press, 2nd ed. 2020), lvii, 858 pages.

ADMINISTRATIVE LAW: EXAMPLES AND EXPLANATIONS (Wolters Kluwer 6th ed. 2020) (with William F. Funk), xix, 390 pages; (4th ed. 2012), xviii, 416 pages.

AMERICAN CONFLICTS LAW: CASES AND MATERIALS (Carolina Academic Press, 7th ed. 2020) (with Robert L. Felix, Ralph U. Whitten, and Jesse M. Cross), xlv, 1079 pages.

STRATEGIES AND TECHNIQUES FOR TEACHING ADMINISTRATIVE LAW (Aspen Publishers 2013), 52 pages.

SUPREME COURT SOURCEBOOK (Aspen Publishers 2013) (with Andrew Siegel, Kathryn Watts, and Joseph Thai)

**Book Chapters:**

“Domestic Surveillance for International Terrorists: Presidential Power and Fourth Amendment Limits,” in RUSSELL MILLER, ED., *US NATIONAL SECURITY, INTELLIGENCE AND DEMOCRACY: THE CHURCH COMMITTEE AND THE WAR ON TERROR* (2008)

“Administrative Agencies: General Concepts and Principles,” Chapter 1, pp. 1-106, in *SOUTH CAROLINA ADMINISTRATIVE PRACTICE AND PROCEDURE* (Randolph R. Lowell ed., South Carolina Bar, 2nd ed. 2008).

**Law Review Articles:**

“Patagonia v. Trump,” 86 *Tenn. L. Rev.* 73 (2018)

“Dismantling Monuments,” 70 *Florida L. Rev.* 553 (2018)

“Supreme Court Supremacy in a Time of Turmoil: *James v. City of Boise*,” 50 *Loyola L.A. L. Rev.* 175 (forthcoming 2017)

“Idaho Administrative Law: A Primer for Students and Practitioners,” *Idaho Law Review*, vol. 51, p. 421 (2015)

“Domestic Surveillance for International Terrorists: Presidential Power and Fourth Amendment Limits,” *Hastings Constitutional Law Quarterly*, vol. 35, pp. 449-504 (2008).

“Policy Formulation Versus Policy Implementation Under the Magnuson-Stevens Act: Insight From the North Pacific Crab Rationalization,” *Boston College Environmental Affairs Law Review*, vol. 34, pp. 239-272 (2007) (with S. Matulich, M. Roth, and R. Eppink)

“An *Erie* Obstacle to State Tort Reform,” *Idaho Law Review*, vol. 43, pp. 37-126 (expected publication March 2007).

“Lightening and Enlightening Exam Conferences,” *Journal of Legal Education*, vol. 56, pp. 122-139 (March 2006).

“U.S. Torture as a Tort,” *Rutgers Law Journal*, vol. 37, pp. 715-806 (Spring 2006).

“The Patriot Act and the Wall Between Foreign Intelligence and Criminal Law Enforcement,” *Harvard Journal of Law & Public Policy*, vol. 28, pp. 319-463 (2005).

“Slaying the Dying Dragon of State Sovereignty,” *University of Pittsburgh Law Review*, vol. 66, pp. 321-355 (2005) (book review of *NARROWING THE NATION’S POWER: THE SUPREME COURT SIDES WITH THE STATES*, by John T. Noonan, Jr. The University of California Press, 2002) (approx. 35 printed pages).

“The Provenance of the Federal Courts Improvement Act of 1982,” *George Washington Law Review*, vol. 71, pp. 543-598 (September/October 2003).

“Joint Teaching with a Colleague, for Just a Week or Two,” *Journal of Legal Education*, vol. 52, pp. 258-271 (with Steve Spitz) (March/June 2002).

“A Brief Comment on the Current Eleventh Amendment Jurisprudence of the Supreme Court,” *Georgetown Journal of Law & Public Policy*, vol. 1, pp. 9-12 (Fall 2002).

“*Kyllo v. United States* and the Partial Ascendance of Justice Scalia’s Fourth Amendment,” *Washington University Law Quarterly*, vol. 79, pp. 1013-1033 (2001), adapted for republication

in Search and Seizure Law Report, vol. 29, No. 8, p. 57 (John Burkoff ed., Thomson-West, September 2002).

“The Asymmetry of State Sovereign Immunity,” *Washington Law Review*, vol. 76, pp. 1067-1151 (Oct. 2001), reprinted in *2002 Zoning and Planning Law Handbook*, p. 203 (Patricia Salkin ed., West Group).

“An Analysis of Jurisdictional Issues Arising From *Eastern Enterprises v. Apfel*,” *Alabama Law Review*, vol. 51, pp. 1239-1259 (Spring 2000).

“The Missing Pieces of the Debate Over Federal Property Rights Legislation,” *Hastings Constitutional Law Quarterly*, vol. 27, pp. 1-87 (with Max Kidalov) (Fall 1999).

“Preparing for Oral Argument in the United States Supreme Court,” *South Carolina Law Review*, vol. 50, pp. 603-615 (Spring 1999).

“The Sovereign Immunity of States in Their Own Courts,” *Brandeis Law Journal*, vol. 37, pp. 319-414 (Spring 1998-99).

“Damages for Unconstitutional Affirmative Action: An Analysis of the Monetary Claims in *Hopwood v. Texas*,” *Temple Law Review*, vol. 71, pp. 839-886 (Winter 1998).

“Separation of Powers and the Separate Treatment of Contract Claims Against the Federal Government for Specific Performance,” *Villanova Law Review*, vol. 43, pp. 155-218 (1998).

“‘Not Now’ Does Not Necessarily Mean ‘Not Ever’: The Supreme Court’s Refusal in *Bennis v. Michigan* to Abandon the Guilty Property Fiction of Forfeiture Law,” *South Carolina Law Rev.*, vol. 48, pp. 389-403 (1997).

“Causation and the Discretionary Function Exception to the Federal Tort Claims Act,” *University of California at Davis Law Review*, vol. 30, pp. 691-784 (1997).

#### **Other Publications:**

Petition for a writ of certiorari and reply brief in *Miner v. Picatti* (pet. filed Jan. 2020)

Petition for a writ of certiorari and reply brief in *Marquardt v. Fletcher* (pet. filed July 2019)

Petition for a writ of certiorari and reply brief in *Eason Land Co., LLC v. Zinke* (pet. filed Oct. 2017)

Petition for a writ of certiorari and reply brief in *James v. City of Boise*, 136 S.Ct. 685 (2016)

Petition for writ of certiorari and reply brief in *Downs v. Orden* (No. 15-655, filed Nov. 2015)

Article: “The U.S. Supreme Court Sidetracks Idaho Implied Consent Law,” (*Idaho Advocate*, p. 54 (January 2014)

Brief in Opposition to Petition for writ of certiorari in *Hoagland v. Ada County* (U.S. Supreme Court, filed Dec. 23, 2013), *cert. denied*, 134 S. Ct. 1024 (2014)

Petition for a writ of certiorari in *Behenna v. United States* (U.S. Supreme Court, filed Jan. 2, 2013) (with co-counsel Jeffrey Fisher, Joseph Thai, and Donald Rehkopf, Jr.)

Article: “Achieving Regulatory Reform by Encouraging Consensus,” (*Idaho Advocate*, p. 27 (February 2013) (with Joan Callahan)

Article: "A Fresh Look at Punitive Damages," (Idaho) *Advocate*, p. 36 (Sept. 2010).

Article: "Tort Reform," *IQ Idaho*, volume 5, issue 6, pp. 33-35 (July 2007).

Brief: amicus curiae on writ of certiorari in *United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Management Authority* (U.S. Supreme Court, argued Jan. 8, 2007), for State and Local Legal Center, Washington, D.C. (filed Dec. 7, 2006) (dormant Commerce Clause).

Article: "Does the Six-Year Statute of limitations for Contract Claims by the Federal Government Apply to Administrative Proceedings?," *Preview*, vol. 34, no. 1, pp. 4-9 (American Bar Association, Division for Public Education, Oct. 3, 2006).

Letter to the Editor: "Law and Law," *Journal of Legal Education*, vol. 55, pp. 624-625 (December 2005)

Article: "Seamon's Picks: A review of U.S. Supreme Court decisions from the latest Term," *South Carolina Lawyer*, pp. 31-35, September 2003.

Article: "Federalism Cases in the Most Recent and Upcoming Terms of the U.S. Supreme Court," published in *Regional Resource*, an occasional newsletter of the Council of State Governments, Southern Legislative Conference (October 2002).

Article: "New Technology brings up old question: The Fourth Amendment and the issue of search [in *Kyllo v. United States*]," *South Carolina Lawyer*, pp. 23-25, November/December 2001.

Article: "Before the Court: Major Cases to Be Decided by the U.S. Supreme Court in the October 2000 Term," *South Carolina Lawyer*, pp. 45-47, January/February 2001.

Report: "Report to the [South Carolina] Judicial Council on Proposed Changes to the Administrative Law Judge Division's Jurisdiction, Authority to Render Final Agency Decisions, and the Structure of Judicial Review" (with James Flanagan) (November 2000).

Article: "Race and Redistricting," in *The Advocate*, published by Black Law Students Association, University of South Carolina Chapter, 2000-01.

Brief: amicus brief on writ of certiorari in *Alden v. Maine*, 527 U.S. 476 (1999) (state sovereign immunity), for State and Local Legal Center, Washington, D.C., February 12, 1999.

Brief: brief in opposition to petition for a writ of certiorari in *Westside Quik Shop, Inc. v. Stewart, cert. denied*, 531 U.S. 1029 (2000) (Just Compensation).

#### **Academic Editorial/Reviewer Projects:**

Member of Editorial Board for the book *APPELLATE PRACTICE IN SOUTH CAROLINA* (South Carolina Bar, 1999), by Jean Hofer Toal, Shanin Vafai, and Robert Muckenfuss.

Reviewer for Chapters 400-409, "U.S. Supreme Court Jurisdiction and Practice," in the legal treatise *MOORE'S FEDERAL PRACTICE* (3<sup>rd</sup> edition, Matthew-Bender Co. 1997).

#### **Presentation of Papers to Academic Organizations:**

"The Provenance of the Federal Courts Improvement Act of 1982," 15<sup>th</sup> Judicial Conference of the United States Court of Federal Claims, Washington, D.C., October 3, 2002.

"The Asymmetry of State Sovereign Immunity," Annual Conference of Environmental Policy Project, Georgetown Univ. Law School, San Francisco, California, November 10, 2000.

“An Analysis of the Jurisdictional Analysis in *Eastern Enterprises v. Apfel*,” 12<sup>th</sup> Judicial Conference of the United States Court of Federal Claims, Washington, D.C., April 30, 1999.

“The Tenth-and-a-Half Amendment,” Young Scholars Workshop, Southeastern Conference of Association of American Law Schools, Marco Island, Florida, July 25, 1998.

**Other Academic Presentations:**

“Designing and Teaching Courses on the U.S. Supreme Court: Strategies and Objectives for Different Audiences,” Roundtable Discussion, Law & Society Ass’n, Annual Meeting, June 5, 2011, San Francisco, California

“Civil Remedies for Torture and Extraordinary Rendition,” Cardozo Law School Panel Discussion, New York City (Feb. 7, 2011).

“The New Surveillance Law,” University of Idaho Interdisciplinary Colloquium Series, Moscow, Idaho, September 11, 2007.

“The Market for Trash,” a presentation on U.S. Supreme Court case *United Haulers v. Oneida-Herkimer Waste Management Authority* (2006) to UI core discovery class “Riddles and Paradoxes” (Professor Steven Peterson), Moscow, Idaho, September 6, 2007.

“Supreme Court and Legislative Update,” Annual Meeting of the Southeastern Conference of the Association of American Law Schools, Kiawah Island, South Carolina, July 28, 2002.

“The Rehnquist Court’s Eleventh Amendment Jurisprudence: Constitutional Fidelity or Judicial Overreach?,” Participant in Panel Discussion, Fourth Annual Conference of Federalist Society, Faculty Division, New Orleans, Louisiana, January 3, 2002

“U.S. Supreme Court Update,” Annual State Judicial Conference, Columbia, South Carolina, August 17, 2000

“Due Process and the Right to Discovery in Administrative Adjudications,” Annual Southern States Administrative Law Judges Conference, Charleston, South Carolina, March 17, 2000

**Other Professional Presentations:**

“Power-Hungry Bureaucrats: And the Judges Who Feed Them,” Presentation for the Annual Meeting of the Board of Directors of the Mountain States Legal Foundation, Denver, CO (Oct. 4, 2019)

“Justice Neil Gorsuch: Two Years on the Court,” Presentation for 2018 Idaho State Bar Annual Meeting, Sun Valley, Idaho (July 2018)

“The U.S. Supreme Court in an Era of Divisiveness, and How It Affects Idaho Lawyers,” Presentation for Bench-Bar Conference of U.S. District of Idaho, Coeur d’Alene, ID (Sept. 15, 2017)

“Four Supreme Court Decisions that Water Lawyers Should Know About,” Panel Presentation for Bench-Bar Conference of U.S. District of Idaho and U.S. Eastern District of Washington, Spokane, WA (Sept. 18, 2015)

“Science in Litigation: Admission of Evidence and Working with Experts,” Panel Presentation for Idaho State Bar, Environmental Law Section (Boise, ID, Jan. 15, 2015);

“Top Ten U.S. Supreme Court Cases from the Prior and Current Term,” Presentation for Idaho State Bar, Appellate Practice Section (Oct. 9, 2015; Boise, ID);

- “The State of the Federal Judiciary,” Presentation at annual meeting of Idaho Trial Lawyers Association (Oct. 9, 2015; McCall, ID)
- “*Bellingham* Revisited,” Panel Discussion, 2014 Bench-Bar Conference of United States District Court for the District of Idaho, September 26 (Fort Hall, ID) and October 3 (Boise, ID), 2014
- “U.S. Supreme Court Update,” Presentation to the Summer Meeting of the Idaho Prosecuting Attorneys Association, Boise, ID, August 14, 2014
- “Do we have a living Constitution, a dead Constitution, or a zombie Constitution?”, Continuing Legal Education Program, Annual Meeting of Idaho State Bar, Pocatello (Fort Hall), Idaho, July 17, 2014
- “The Patient Protection and Affordable Care Act: Resolved and Unresolved Legal Challenges,” Continuing Legal Education Program, Annual Meeting of Idaho State Bar, Coeur d’Alene, Idaho, July 18, 2013.
- (Invited) participant in panel discussion entitled “Serving the Needs of Law Students and Bar Applicants,” at Regional Meeting of American Bar Association Committee on Lawyer Assistance Programs, Boise, Idaho, July 12, 2013.
- “Two Models of Judicial Decision Making,” McNichols Inn of Court, Moscow, Idaho, March 14, 2013.
- “Two Models of Judicial Decision Making,” Idaho District Judges Conference, Boise, Idaho (Jan. 23, 2013)
- “The Deepwater Horizon Disaster and Its Connection to Idaho,” Continuing Legal Education Presentation, 6th Circuit Bar, Moscow Idaho, (Nov. 10, 2010)
- “A Fresh Look at Punitive Damages,” 2010 Idaho Trial Lawyers Association Annual Conference, Sun Valley, Idaho (June 19, 2010)
- “Constitution and Supreme Court Review,” 2009 U.S. Courts Conference, October 30, 2009 (Moscow Idaho)
- “The Shadow Sixth Amendment: Effective Assistance of Counsel in Sexually Violent Predator Proceedings,” South Carolina Public Defenders Conference, Charleston, South Carolina, September. 29, 2003.
- “History of the Federal Judicial System,” National Advocacy Center, U.S. Department of Justice, Program entitled “Introduction to the Federal Judicial System Seminar,” Columbia, South Carolina, December 15 and April 22, 2003.
- “Update on U.S. Supreme Court Decisions from the October 2002 Term,” South Carolina Court of Appeals, Continuing Legal Education Program, Columbia, South Carolina, July 18, 2003.
- “New Federal Rules of Evidence,” Continuing Legal Education Program, Columbia, South Carolina, March 30, 2001.
- “Effective Oral Appellate Advocacy,” Inns of Court, S.C. Chapter, Columbia, South Carolina, January 16, 2001.
- Testimony on S.C. Bill to Regulate Pornography on the Internet, S.C. Senate Judiciary Comm., Subcomm. on Constitutional Law, Columbia, South Carolina, March 1, 2000.



“Professionalism in Criminal Law,” Panel Discussion, Continuing Legal Education Program, S.C. Bar, Columbia, South Carolina, December 2, 1999.

“Federalism Cases of the Last Term,” talk for the Advisory Board, State and Local Legal Center, Washington, D.C., October 5, 1999.

“Prosecution by Snitch: The Ethical Considerations of Making Deals for Testimony,” Continuing Legal Education Program, S.C. Bar, Columbia, South Carolina, December 5, 1998.

“The Current Status of Affirmative Action,” Continuing Legal Education Program, Columbia Lawyers Association, Columbia, South Carolina, December 13, 1997.

“Random Drug-Testing of Public-School Students: A Checklist,” presented at program entitled “Creating Safe and Drug-Free Schools: Turning Research into Action,” U.S. Department of Education, Crystal City, Virginia, June 17, 1997.

#### **Faculty Colloquia:**

“New Voices in Administrative Law,” participated as “Senior Administrative Law Reviewer,” Annual Meeting of Association of American Law Schools, Jan. 3, 2017

“New Voices in Administrative Law,” participated as “Senior Administrative Law Reviewer,” Annual Meeting of Association of American Law Schools, Jan. 3, 2014

“The University of Michigan Affirmative Action Decisions: Some Initial Reactions,” University of South Carolina School of Law Faculty Colloquium,” June 26, 2003.

“Lessons from the AALS Conference for Experienced Law Teachers,” University of South Carolina School of Law Faculty Colloquium, Fall 1997.

#### **SERVICE:**

##### **Committee Assignments:**

###### State:

South Carolina Judicial Council, 2000-04

###### University of Idaho:

Administrative Hearing Board, University of Idaho, 2005 through 2011

Admissions and Financial Aid Committee, College of Law, 2005-06, 2006-07 (Chair)

Career Development, College of Law, 2006-07

College of Law Dean Search Committee, University of Idaho, 2014

Committee on Committees, 2019-2020

Curriculum Committee, College of Law, 2004-05, 2009-2011 (co-chair)

Diversity Committee, College of Law, 2004-2005, 2005-06, 2006-07 (Chair)

Faculty Affairs Committee, 2019-2020, 2020-2021 (chair)

Faculty Appeals Hearing Board, University of Idaho, 2011-2016

Faculty Appointments Committee, College of Law, 2005-06, 2006-07, 2014-2015

Faculty Senate, 2017-2018, 2018-2019

Honor Court, College of Law, 2019-2020

Self-Study Committee, College of Law, 2010-2011 (co-chair)

Student Engagement and Climate Issues Committee, College of Law, 2005-06 (Chair), 2006-07

Tenure and Promotion Committee, College of Law, 2015-2016, 2016-2017, 2017-2018, 2019-2020

University Safety and Loss Control Committee, 2016-2017, 2017-2018 (chair)

University of South Carolina:

University Faculty Senate, 1998-2000  
 Law School Dean Search Committee, 2003-04  
 Law School Executive Committee, 2002-03  
 Law School Minority Affairs Committee, 2000-01  
 Law School Faculty Selection Committee, 1998-2000  
 Law School Student-Faculty Task Force, spring semester 1997 through spring semester 2001,  
 school year 2002-03, and spring semester 2004  
 Law School Library Committee, 1996-97

**Professional and Scholarly Organizations:**

American Law Institute  
 American Bar Association  
 Phi Beta Kappa, Alpha Chapter of Idaho

**Law Reform:**

Presented testimony and provided consultation on proposed amendments to the Idaho Administrative Procedure Act (intermittent)  
 Presented oral and written testimony, on invitation, to the U.S. House of Representatives Permanent Select Committee on Intelligence, Hearing on Renewal of USA PATRIOT Act (May 19, 2005).  
 Presented written views, on invitation, to the U.S. Senate Select Committee on Intelligence, regarding renewal of USA Patriot Act (May 23, 2005).  
 Presented written views to the U.S House of Representatives Judiciary Committee, Subcommittee on Courts, the Internet, and Intellectual Property, on proposed legislation amending jurisdiction of the United States Court of Appeals for the Federal Circuit (May 2, 2005).

**Outreach Service:**

Opinion/Editorials:

“Guest Opinion: High court may soon consider gay marriage bans,” Idaho Statesman, May 20, 2014  
 “Court should reject arguments that put anyone above the law,” Idaho Statesman, Dec. 3, 2007;  
 “Tribunal showcases erosion of justice,” (Spokane, WA) Spokesman-Review, Mar. 20, 2007;  
 “Measures to Protect National Security May Actually Threaten It,” The Idaho Statesman, October 11, 2006.  
 “U.S. Torture as a Tort? Expanding Remedies for Victims,” JURIST Legal News & Research, Mar. 24, 2006  
 “Senators Should Not Ask Specific Questions,” The Idaho Statesman, September 15, 2005  
 “An Unripe Remedy: In Helping Landowners Pursue State Takings Claims in Federal Court, Congress Has Not Properly Invoked the Constitutional Authority It Needs,” The Legal Times, May 29, 2000 (with Max Kidalov)

Interview Articles (since 2010):

“Three Effects of Legalizing Gay Marriage in Idaho (Besides Gay Marriage), by Jessica Robinson, Northwest Public Radio Interview, Oct. 14, 2014  
 “Gay Marriage: Appeals court will rule on constitutionality lawsuit in coming months,” Samantha Malott, Moscow-Pullman *Daily News*, Aug. 4, 2014  
 “Idaho wants license-plate profiling claim tossed, citing immunity,” (Spokane, WA) Spokesman-Review, Betsy Z. Russell, Apr. 24, 2014  
 “Boise couples sue to overturn ban on same-sex marriage,” Dan Popkey, Idaho Statesman, Nov. 8, 2013

- “Government shutdown: Do national parks really need to be barricaded?” Patrik Jonnson, Oct. 3, 2013
- “Undue Process,” Roland Beres, Fox9, Boise, Idaho (July 1, 2013) (television interview)
- “Historic ruling? Not so in Idaho,” David Cole, CDAPress.com (Coeur d’Alene, Idaho) (June 27, 2013)
- “Idaho ban on gay marriage stands after Supreme Court decisions,” Dan Popkey, Idaho Politics blog, Idaho Statesman (June 26, 2013)
- “The Five NSA Slides,” Kyla Garvey, National Post (Canada) (June 14, 2013)
- ProPublica Storify Series on NSA Surveillance, Kara Brandeisky (June 12, 2013)
- “The Fourth Amendment’s Strange Bedfellows,” Jacob Gershman, Wall Street Journal Law Blog (June 3, 2013)
- “State lawmakers push to take over millions of federal acres,” Arizona Republic (Mar. 26, 2012)
- “City of Twin Falls struggles to define the 'obscene',” Nick Coltrain, (Twin Falls, Idaho) Times-News, Dec. 6, 2010
- “Know it when I see it' common response for defining murky term,” Nick Coltrain, (Twin Falls, Idaho) Times-News, Dec. 5, 2010
- “Idaho's health care lawsuit won't be cheap: Gov. Butch Otter said the challenge lodged by 13 states is intended to 'stop this insanity,’” Brian Murphy, Idaho Statesman, Mar. 24, 2010

#### Workshops and Public Presentations:

- Amending the U.S. Constitution, Presentation to Moscow, ID, chapter of League of Women Voters (Nov. 18, 2015)
- Participant in Panel Discussion, “Legal Justice versus Social Justice,” Co-Sponsored by University of Idaho College of Law’s Latino Law Caucus and *the crit* (online journal of University of Idaho College of Law), Moscow, Idaho (Feb. 25, 2013)
- Moderated panel discussion, “The Bill of Rights and State Constitutions: The Interplay between State and Federal Approaches to Constitutional Rights and Responsibilities,” Washington State University Business and Law Ethics Fourth Annual Symposium (Symposium Title: Business and the Bill of Rights: Celebrating 220 Years After Ratification,” Pullman, Washington, Nov. 5, 2011
- Moderated panel discussion, “Does the Bill of Rights Protect States, Too? The Nullification Controversy and the Ninth and Tenth Amendments,” University of Idaho, Moscow (Sept. 13, 2011) (part of Bellwood Lecture Series events)
- Participated in panel discussion, “Reckoning with Torture,” Moscow, Idaho (October 25, 2011) (sponsored by American Civil Liberties Union, Idaho Chapter)
- Constitution Day Panel Discussion, “Regulation of Violent Video Games,” University of Idaho, Moscow, Idaho (Sept. 17, 2010).
- Citizens Law Academy, “Introduction to the Legal System,” Moscow, Idaho (Sept. 10, 2009).
- Presented U.S. Supreme Court Update at 2009 U.S. Courts District Conference, Moscow, Idaho, October 30, 2009.
- Presented U.S. Supreme Court Update to Presentation for the American Inn of Court No. 130, Boise, Idaho, September 16, 2009.
- Participated in panel discussion sponsored by UI College of Law Black Law Students Association for undergraduates on Law School Admissions, September 28, 2009, Moscow Idaho
- Presented “Introduction to the Legal System” to Citizens Law Academy, September 10, 2009, Moscow, Idaho (with John Judge)
- Participated in panel discussion of Judge John Roberts’ Nomination to U.S. Supreme Court, University of Idaho Bureau of Public Affairs, Moscow, Idaho, September 8, 2005.
- Lectured on “The Next Battles in the War Over Affirmative Action,” for the Black History Month Program of South Carolina State University, Department of History and Political Science, Orangeburg, South Carolina, February 25, 2004.
- Lectured at South Carolina State University, Orangeburg, South Carolina, on “A Lawyer Looks at the Latest Affirmative Action Cases in the U.S. Supreme Court,” for Black History Month Program of Department of Political Science and History, September 27, 2003.
- Taught lesson on the U.S. Constitution to 5<sup>th</sup> graders at Satchel Ford Elementary School,

Columbia, South Carolina, September 12, 2003.

“”Participated on interview panel for “Stateline” television broadcast by South Carolina Educational TV on recent U.S. Supreme Court decisions about affirmative action, June 26, 2003.

Co-conducted workshop sponsored by South Carolina State University Chapter of Phi Alpha Delta fraternity on how to write effective personal statements for law school applications, Orangeburg, South Carolina, April 8, 2003.

Gave a talk entitled “Federalism Cases in the Most Recent and Upcoming Terms of the U.S. Supreme Court,” Annual Meeting of the Intergovernmental Affairs Committee of the Council of State Governments, Southern Legislative Conference, New Orleans, Louisiana, August 5, 2002.

“”Led a class entitled “[Bush v. Gore:] A Crisis of Constitutional Proportions?” Alumni University, Carolina Alumni Association, Columbia, South Carolina, June 22, 2001.

“”Participated in panel discussion entitled “The State of King’s Dream in 2001: Does Your Vote Really Count?” for Martin Luther King, Jr., Day Program, University of South Carolina School of Law, Columbia, South Carolina, January 15, 2001.

Gave talk on the U.S. court system to Institute on Politics and Public Policy of the Greater Columbia Chamber of Commerce, Columbia, South Carolina, November 8, 1999.

Gave talk on legal careers to students at Benedict College, Columbia, South Carolina, October 22, 1998.

Gave talk on “Academic Preparation for Careers in Law and the Legal Profession,” for the Benjamin E. Mays Academy for Leadership Development, University of South Carolina, College of Education, November 15, 1997.

## **PROFESSIONAL DEVELOPMENT:**

### **Teaching:**

Attended “Workshop on Innovative Teaching Methods and Materials,” held May 18-20, 2009, at Washburn University Law School, Topeka, Kansas.

Attended Conference entitled “Legal Education at the Crossroads,” held Sept. 5-7, 2008, at the University of Washington Law School, Seattle.

Made presentation on curriculum reform at the University of Idaho College of Law at a conference entitled “International Conference on the Future of Legal Education, held Feb. 20-23, 2008, at the Georgia State University Law School, Atlanta.

Attended workshop entitled “Fresh Looks at Teaching and Learning Law,” 6<sup>th</sup> Annual conference of the Institute for Law School Teaching, Gonzaga University, Spokane, Washington, June 11-12, 1999.

Attended “New Ideas for Experienced Law Teachers,” conducted by Association of American Law Schools, Washington, D.C., summer 1997.

Attended “Workshop for New Law Teachers,” conducted by Association of American Law Schools, Washington, D.C., summer 1996.

# MAURICIO CARDONA

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Sandpoint, ID 83860

mardona@davillierlawgroup.com  
608 444 2762

**Bar Admissions** Idaho (admitted 2018)  
Wisconsin (admitted 2014, inactive), Iowa (admitted 2013, inactive)

**Experience**

**Davillier Law Group** Sandpoint, Idaho  
*Associate* Aug. 2018 - Present

- Specialize in municipal law, administrative law, aviation law, business law, contracts, securities, private equity, constitutional law, elections law, federal regulations, and civil litigation.
- Advise public entities in strategies to reduce exposure and liability; implement programs to reduce risk.
- Represent public airport sponsors on FAA compliance, AIP grants, and property acquisition.

**Dane County District Attorney's Office** Madison, WI  
*Assistant District Attorney* May 2015 – Aug. 2018

- Manage all aspects of caseload.
- Research, draft, and argue motions; negotiate plea agreements and argue sentences.
- Conduct over 30 jury and bench trials.
- Represent State at OWI Court and Drug Diversion Court.

**Catholic Multicultural Center** Madison, WI  
*Staff Attorney* April 2014 – May 2015

- Specialize in immigration law services for underserved populations, including preparing provisional waivers, prosecutorial discretion, U-visa adjustment of status, consular processing and family petitions.
- Design and implement Pilot Immigration Clinics Parish Program.

**Briggs and Morgan P.A., and Xcel Energy** Minneapolis, MN  
*Summer Associate, Twin Cities Diversity in Practice Program* May – Aug. 2011

- Research and write memoranda in the areas of executive compensation, state and federal regulations, Mexican privacy laws, e-discovery, electronic filing, executive criminal liability.
- Work at client's facility to prepare its employees for a USDA investigation.

**Industrial Systems Inc.** Delta, CO  
*Project Coordinator / IT Director* Sept. 2008 – Aug. 2010

- Coordinated oil shale gasification project with customers' engineers.
- Performed project analysis to identify critical paths, set milestones and allocate resources.
- Worked directly with electrical and instrumentation manager, project managers and fabrication manager to procure specialty materials, equipment and professional services.

**WeatherPORT Corporation** Delta, CO  
*Account Executive - National and Regional Sales* Jan. 2006 – Sept. 2008

- Managed regional sales office.
- Coordinated with C-level executives to develop product mix, sales and marketing strategies.
- Developed and maintained General Service Administration and Federal accounts.

**Education**

**The University of Iowa College of Law** Iowa City, IA  
*Juris Doctor,* May 2013  
Honors: Philip G. Hubbard Human Rights Award; Dean's Award in Contracts and Sales Transactions (4.3, highest in class); Law Opportunity Fellowship; Jessup International Law Moot Court Competition  
Activities: Dean's Advisory Council on Diversity, member; Pro Bono Society, member; Latino Law Student Association, president; International Law Society, vice president

**The University of Colorado at Colorado Springs** Colorado Springs, CO  
*Master of Business Administration, emphasis in management* Dec. 2009

**Bradley University** Peoria, IL  
*Bachelor of Arts, International Business* June 2004

# ALLEN J. SHOFF

414 Church St. Ste. 308 Sandpoint, ID 83864 • (208) 920-6140 • [ashoff@davillierlawgroup.com](mailto:ashoff@davillierlawgroup.com)

Admitted to **Idaho State Bar** (admitted 2013)

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## EMPLOYMENT

### **DAVILLIER LAW GROUP LLC, Associate**

September 2021 – present

Sandpoint, ID

Specializes in municipal law, constitutional law, aviation law, and civil litigation. Advises public entities in liability and risk management. Represents clients in negotiations and state and federal litigation.

### **ANNOVA SOFTWARE LLC (DBA SUGAR APPLE MARKETING), Co-Founder**

September 2016 – present

Sandpoint, ID

Evolved from a side business into a full-time concern in January 2019 as a provider of hosting, website design and development, marketing, and content creation services. As half of the founding team, handles everything from client contact to accounting, website development, server upkeep, photography, copywriting, and marketing services.

### **POST FALLS LAW, Associate**

July 2018 – December 2018

Post Falls, ID

Handled primarily misdemeanor and felony criminal defense and civil litigation. Left to pursue Sugar Apple Marketing as a full-time opportunity.

### **CANYON COUNTY PROSECUTING ATTORNEY'S OFFICE, Deputy Prosecuting Attorney**

October 2013 – June 2018

Caldwell, ID

Served for two years in the Criminal Division, representing the County in hearings, jury trials, and court trials. Tried and won six misdemeanor cases and one felony case before juries, while carrying a yearly case load in excess of one thousand cases. Promoted to the Civil Division in July 2015 to handle contracts, medical indigency, and tax assessment appeals, while providing legal advice to and representation of the Board of County Commissioners and county elected officials. Simultaneously served as assistant sysadmin administering SQL databases and case management system.

### **CLEARWATER COUNTY PROSECUTING ATTORNEY'S OFFICE, Legal Extern**

March 2012 – September 2012; May 2013 – September 2013

Orofino, ID

Wrote briefs, legal memos, and complaints; researched cases and arguments; negotiated plea agreements at pre-trial hearings; participated in several felony and misdemeanor hearings.

### **VARIOUS FIRMS, Editor/Copywriter**

March 2010 – September 2016

Hillsdale, MI; Moscow, ID; Caldwell, ID

Wrote and edited copy for commercial websites; more than two hundred and fifty articles written. In one firm, placed in the top fifty copywriters out of over twenty thousand by score calculated from grammar, reliability, and overall customer satisfaction.

### **HILLSDALE COLLEGE, Videographer, Music Department**

September 2009 – December 2012

Hillsdale, MI; Moscow, ID

Contracted to film concerts and recitals, edit footage, author DVDs for archival and distribution purposes. Completed nearly 125 projects ranging from thirty minutes to two hours in length.

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## EDUCATION

### **UNIVERSITY OF IDAHO COLLEGE OF LAW, Moscow, Idaho**

J.D., May 2013

*Activities:* Federalist Society, VP for Advertising and Marketing, Spring 2011 – Spring 2012

### **HILLSDALE COLLEGE, Hillsdale, Michigan**

B.A., *cum laude*, History, May 2010. GPA 3.475

*Honors:* Dean's List; Honors Program; Phi Alpha Theta National History Honor Society; History Department Honors; Mu Alpha- Men's Music Honorary, secretary for one term; Edward Everett Oratory Competition- placed twice, finalist once

*Theses:* *The God of Death Has Come: A Corrective to the Revisionist Defamation of the 2<sup>nd</sup> Marine Division at the Battle of Tarawa, November 20-23, 1943* (History Department Honors) *The Invisible Hand is the Hand of God: The Compatibility of Christianity and Free Market Capitalism* (Honors Program)

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## SKILLS

Proficient in professional-level videography, graphic design, digital modeling, and software development (C++, C#, PHP, HTML, and SQL among others).

# Darek Gallar

*Managing Partner, Gallar Holdings LLC*

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## **SUMMARY**

Mr. Gallar is the Managing Partner of Gallar Holdings. He is the founder, and the originator of the business plan and overall strategy.

In his more than 20 years experience leading and managing professional services and technical support organizations, mostly within startup companies, Mr. Gallar has specialized in implementing rapid product deployment strategies and gold-standard customer support processes geared to maximize customer satisfaction and ROI. He has project-managed a total of over \$70M worth of software implementations, and has been a trail blazer in the science of deploying high-technology solutions in traditional business environments, leveraging the power of technology to revolutionize business processes. He has executed, led and project-managed multiple large implementation engagements of Environmental and Sustainability solutions, delivering on exacting and aggressive schedules and ROI goals. He has also personally developed multiple custom software solutions for clients, delivering superior quality on extremely aggressive schedules. His experience spans the sales, development, implementation and support of both software and hardware solutions based on leading edge technologies.

## **EXPERIENCE**

- Gallar Holdings, LLC – Company Manager and Chief Technical Officer, personally developing and implementing customized solutions derived from both commercial off-the-shelf platforms and small and medium software platforms developed from scratch.
- ESP Europe, B.V. – Managing Director. Established and managed this European wholly owned subsidiary of ESP/IHS, Inc.
- ESP/IHS, Inc. – VP of Services, Support, and QA. Created and managed global services organization, in addition to managing large-scale implementations, with extensive customization, for clients in the U.S. and Europe. Also created and managed the global Support and QA organizations.

- Voxa, Inc. – VP of Customer Services. Created and managed global technical sales, professional services, and customer support organizations.
- eTime Capital - VP of Technical Sales. Created and managed the technical sales organization.
- NexPrise, Inc. – Director of Customer Services. Designed and implemented pre-sales and post-sales strategies and processes. Created and managed Technical Services, Hosting and Technical Support departments with full P&L responsibility.
- Cad Lab, Inc. – Director, Technical and Field Marketing. Developed marketing strategies, sales methodology, and training procedures to make product suitable for the U.S. market.
- Silicon Graphics – Manager, Technical and Field Marketing. Defined and built the first Silicon Works Solution Center personally to create a realistic, heterogeneous environment with multiple CAE and PDM systems.
- Frontier Engineering – Process and Technology Consultant. Founded company to provide consulting on business process re-engineering, ISO certification, CAD / CAE / PDM integration, selection, and benchmarking.
- Varian Associates – Project Manager/Senior Mechanical Engineer. Designed hostile-environment high-precision robotic systems, revolutionizing mechanism solutions and applications.

## **FIELDS OF COMPETENCE**

- Environmental Compliance & Reporting
- Project Management & Process Engineering
- Technical Sales (Executive, C-Level)
- Management Consulting
- Systems Interface Design & Development
- Database Design & Development
- Algorithm Design & Development

## **PAST CLIENTS (EXAMPLES)**

- Oil & Gas: Shell Oil, Eni, McWane, Husky
- Auto: Ford, GM, Chrysler
- Aero: Lockheed Martin, Boeing, Pratt & Whitney