

PROPOSAL TO PROVIDE LEGAL SERVICES FOR

Independent School District No. 2753 Long Prairie – Grey Eagle Schools



**SUBMITTED BY THE LAW FIRM OF:
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TABLE OF CONTENTS

Executive Summary	1
Attorneys/Qualifications	3
Team Approach	7
Office Location, Support Personnel, Professional Development, and Computer System	7
Statement of Conflicts	8
Proposed Fees	8
References	9

EXECUTIVE SUMMARY

Squires, Waldspurger & Mace, P.A. (“SWM”) is the premier school law firm representing Minnesota and Wisconsin school districts. Shareholders Jay Squires, Michael (Mick) Waldspurger, Amy Mace, Trevor Helmers, John Edison, Liz Vieira, Kristin Nierengarten, Zachary Cronen, Michael (Mike) Ervin, and Abbi Kelzer have dedicated their careers to working exclusively with school districts, charter schools, private schools, cities, counties, and towns. The firm’s shareholders have served more than 150 school districts and other public entities in Minnesota and Wisconsin. In addition to the ten shareholders, the firm employs seven associate attorneys and two law clerks (who are soon to be licensed attorneys) with extensive experience in school and other municipal law. The firm’s offices are centrally located in downtown Minneapolis.

SWM was founded with a common vision and a common commitment. Specifically, the firm is committed to:

Creative problem solving;
Tenacious representation of clients;
Goal-oriented advice;
Cost-effective service; and
Timely work product.

The attorneys at SWM have experience in virtually all areas of school law. By way of example, but without limitation, the firm’s attorneys have experience advising and representing schools in the following areas:

General School Law

- Board governance and training
- Open Meeting Law
- Data privacy issues, including Minnesota Government Data Practices Act and Family Educational Rights and Privacy (FERPA) compliance, and responses to data requests and media inquiries
- Policy review
- Contracts and leases
- Joint powers agreements
- Election laws
- School closings
- Constitutional law and civil rights (such as freedom of speech and religion, due process, freedom of religion, search and seizure, equal protection, and allegations of discrimination)
- Conflicts of interest
- In-services/presentations to school groups
- Investigations
- Litigation

Labor and Employment Law

- Drafting and reviewing employment agreements
- Drafting and reviewing personnel policies and employee handbooks
- Wage and overtime issues (Fair Labor Standards Act)
- Leave issues (ADA, Family Medical Leave Act, and ESST)
- Reasonable accommodations
- Employee dress and hygiene
- Drug and alcohol testing
- Veterans' preference in hiring and firing
- Negotiating and interpreting collective bargaining agreements
- Unit clarification hearings
- Arbitration hearings
- Employee investigations and discipline
- Continuing Contract Law
- Employee discipline
- Responding to charges of discrimination
- Constitutional and civil rights applicable to public employees
- Layoffs and restructuring
- Maltreatment of minors reporting

Student Rights/Discipline/Special Education

- Student discipline proceedings
- Student suspensions and expulsions under the Pupil Fair Dismissal Act
- Access to school facilities (Equal Access Act)
- Athletic eligibility and MSHSL hearings
- Responding to requests for educational data
- Student dress
- Pupil fee laws
- Open enrollment issues
- Transportation laws
- Curriculum issues
- Responding to parent complaints
- Section 504 of the Rehabilitation Act of 1973
- Rights and obligations under the Individuals with Disabilities in Education Act
- Due process hearings and appeals
- Advice and assistance with due process compliance
- Advice and assistance with drafting IEPs and other special education documents
- Discipline issues involving special education students
- Responding to MDE complaints and OCR complaints
- Special education due process hearings and appeals
- Litigation

Business Office

- Contract review, including AIA documents and energy efficiency contracts
- Bid law
- Best value purchasing

- Land purchase and sale
- Eminent domain
- Leases and lease purchase agreements
- Environmental issues
- Recreational use agreements

Teaching and Learning

- Teacher evaluations
- Staff development and in-services
- Data retention requirements
- Teacher licensing issues
- Student rights and student support services

ATTORNEYS/QUALIFICATIONS

Jay Squires is a shareholder of SWM. Jay received his B.A. from the University of Minnesota, Duluth and his J.D. from William Mitchell College of Law in 1989. Before founding SWM, Jay was an associate and shareholder at another law firm. Jay represents school districts, counties and cities throughout Minnesota and Wisconsin. His primary areas of practice and experience include general municipal and school law, real estate, land use and zoning, condemnation, construction disputes, and municipal litigation, including appellate work. He has argued over 60 cases to Minnesota's Appellate Courts. Jay has been a frequent presenter to professional groups and organizations in the areas of his practice. He is a Real Property Specialist certified by the Minnesota State Bar Association and is licensed to practice in both federal and state courts in Minnesota and Wisconsin.

Michael (Mick) Waldspurger is a founding shareholder of SWM. Mick is dedicated to providing practical, proactive, and effective legal advice to his clients. He represents Minnesota and Wisconsin school districts in all areas of school law, including labor and employment law, special education, student discipline, data practices, board governance, and civil litigation. Mick's successful litigation experience includes lawsuits, arbitration proceedings, due process hearings, and countless other administrative actions. Sharing the experience he has gained in the field, Mick frequently presents at school workshops, training sessions, and state-wide conferences. Mick has also been a keynote speaker at the national level on labor negotiations. Mick is a member of the Wisconsin School Attorneys Association and the Minnesota Council of School Attorneys. After graduating from law school, Mick had the honor of serving as a law clerk to the Honorable Justice Donald Steinmetz of the Wisconsin Supreme Court. Mick received his B.A., *cum laude*, from Knox College and his J.D., *cum laude*, from Marquette University Law School, where he was an Executive Editor of the Marquette Law Review.

Amy Mace is a shareholder of SWM. Before founding SWM, Amy was a shareholder in another law firm where she represented charter schools and school districts for more than 17 years. Amy currently represents numerous charter schools and school districts in Minnesota.

Her primary areas of practice include general school law, charter school law, labor and employment law, special education, student rights, student discipline, data practices, open meeting law issues, and civil litigation. Amy frequently presents at staff in-services and speaks to professional groups in the areas of her practice. Amy received her B.A., *magna cum laude*, from the University of Minnesota and her J.D., *magna cum laude*, from the University of Minnesota Law School.

Trevor Helmers is a shareholder of SWM. He joined SWM with the founding shareholders after having worked with them as an associate attorney. Trevor practices in all areas of school law, labor and employment law, construction disputes, contract negotiations, and civil and appellate litigation. He provides counsel to public schools, charter schools, private schools, and colleges. His successful litigation experience includes lawsuits, arbitration proceedings, special education hearings, and a host of other administrative actions. Trevor regularly presents on topics from all areas of his practice. He is a member of the Minnesota Council of School Attorneys and the Wisconsin School Attorneys Association, and he has served as a Board Member for the Minnesota School Boards Association Council of School Attorneys and the Hennepin County Bar Foundation. He earned his B.A. *with honors and distinction* from Iowa State University, and his J.D., *cum laude*, from the University of Minnesota Law School.

John Edison is a shareholder of SWM. He joined SWM with the founding shareholders after having worked with them as an associate attorney. John has devoted his entire legal career to working primarily with cities, counties, school districts and other government entities. As an advocate, John has experience making appearances in State and Federal District Court, the Minnesota Court of Appeals, administrative agency hearings, arbitration hearings and mediations. As an advisor, he works with clients to find practical, cost-effective solutions to a broad range of legal issues related to schools, such as open meetings and data privacy matters, conducting investigations, addressing allegations of student and staff misconduct, and drafting and reviewing contracts, ordinances, resolutions and other documents. John frequently conducts training sessions and presentations on school law topics, and has served as lead negotiator for collective bargaining. Before transitioning to private practice, John worked as a law clerk and Assistant County Attorney in the Civil Division of the Ramsey County Attorney's Office in St. Paul, Minnesota. John received a B.A., *summa cum laude*, from the University of North Dakota and his J.D., *summa cum laude*, from Hamline University School of Law

Elizabeth (Liz) Vieira is a shareholder of SWM. Her areas of practice include school law, charter school law, labor and employment law, and civil litigation. She is admitted to practice in state courts in Minnesota and Wisconsin and is a member of the Minnesota State Bar Association, Hennepin County Bar Association, Minnesota Women Lawyers, and the Phi Beta Kappa Honors Society. She earned her B.A., *magna cum laude*, from the University of Minnesota and her J.D. from the University of Minnesota Law School. Prior to joining the firm, Liz served as a judicial law clerk for the Honorable Marilyn Brown Rosenbaum in Hennepin County District Court.

Kristin Nierengarten is a shareholder of SWM. Her areas of practice include school law, charter school law, labor and employment, and civil litigation. She earned her B.A., *cum laude*, from Carleton College, and her J.D., *magna cum laude*, from William Mitchell College of Law. She is admitted to practice in state and federal courts in Minnesota and is a member of the Minnesota State Bar Association and Minnesota Women Lawyers. Prior to joining the firm, Kristin served as a judicial law clerk for the Honorable Terri J. Stoneburner and the Honorable Peter M. Reyes, Jr. at the Minnesota Court of Appeals.

Zachary (Zach) Cronen is a shareholder of SWM. His areas of practice include general municipal law, school law, labor and employment, and civil litigation. He earned his B.A. from the University of Minnesota and his J.D., *summa cum laude*, from William Mitchell College of Law. While in law school, Zach served as an intern for Federal Magistrate Judge Tony N. Leung and for Minnesota State Colleges and Universities. Zach is admitted to practice in state and federal courts in Minnesota.

Michael (Mike) Ervin is a shareholder of SWM. His areas of practice include school law, general municipal law, labor and employment law, and civil litigation for clients in Minnesota and Wisconsin. He earned his B.A., *magna cum laude*, from Bethel University and his J.D., *summa cum laude*, from William Mitchell College of Law. While in law school, Mike worked as a law clerk in the Washington County Attorney's Office and in the United States Attorney's Office. Before joining the firm, Mike clerked for the Honorable Matthew E. Johnson at the Minnesota Court of Appeals. Mike is admitted to practice in Minnesota and Wisconsin state courts, the Minnesota Federal District Court, the Eighth Circuit Court of Appeal, and the U.S. Supreme Court. Mike frequently presents at school workshops, training sessions, and continuing education conferences for attorneys and school administrators.

Abigail (Abbi) Kelzer is a shareholder of SWM. Her areas of practice include general municipal law, school law, labor and employment, and civil litigation. Abbi is admitted to practice in Minnesota state and federal courts. She received her B.A., *with highest honors*, from the University of Wisconsin-La Crosse and her J.D., *cum laude*, from the University of Minnesota Law School. Abbi previously served as a civil division law clerk in the Minneapolis City Attorney's Office and as judicial law clerk to the Honorable Caroline H. Lennon in Scott County District Court.

Tessa Wagner is a staff attorney at SWM. Before joining SWM, Tessa was an associate attorney in another law firm where she represented school districts for several years. Her primary areas of practice include general school law, charter school law, labor and employment law, data practices, open meeting law issues, and student discipline. Tessa earned her B.A. from the University of Wisconsin-Madison and her J.D., *magna cum laude*, from William Mitchell College of Law.

Marcus Jardine is a senior associate attorney at SWM. His areas of practice include general municipal law, school law, labor and employment, and civil litigation. He earned his B.A. from the University of Prince Edward Island, M.A. from the University of Victoria, and J.D., *summa cum laude*, from Mitchell Hamline School of Law. While in law school, Marcus

worked as a research assistant at a nonprofit, clerked at two law firms, and externed for the Honorable Donovan W. Frank at the United States District Court for the District of Minnesota. Before joining the firm, Marcus clerked for the Honorable Diane B. Bratvold at the Minnesota Court of Appeals. Marcus is admitted to practice in state and federal courts in Minnesota.

William (Will) Seiler is an associate attorney at SWM. His areas of practice include general municipal law, school law, labor and employment, and civil litigation. Will earned his B.A. from Simpson College in Indianola, Iowa, and his J.D., *magna cum laude*, from Mitchell Hamline School of Law. While attending law school, Will participated in Mitchell Hamline's Self-Help Clinic, was a student ambassador in the admissions office, and clerked in both the private and public sector. Will is admitted to practice in Minnesota state court.

Dalia Istephanous is an associate attorney at SWM. Her areas of practice include civil litigation, labor and employment law, municipal law, and school law. She earned her B.A. in psychology and neuroscience from St. Olaf College before receiving her J.D. from the University of St. Thomas School of Law. During law school, Dalia clerked at the Hennepin County Attorney's Office (Administrative Division), Minnesota Attorney General's Office, and the Minnesota Conviction Review Unit. Dalia is admitted to practice in both Minnesota state and federal court.

Molly Fischl is an associate attorney at SWM. Her areas of practice include municipal law, school law, and employment and labor law. Molly earned her B.A. with high honors from Michigan State University in East Lansing, Michigan, and her J.D. from the University of Minnesota Law School. She is admitted to practice in Minnesota state court.

Craig Hardie is an associate attorney at SWM. His areas of practice include general municipal law, school law, labor and employment, and civil litigation. Craig earned his B.A., *summa cum laude*, from Viterbo University in La Crosse, Wisconsin before receiving his J.D. from the University of St. Thomas School of Law. During law school, Craig clerked in the both the public and private sector. Prior to joining the firm, Craig clerked for the Honorable Timothy J. McManus in Dakota County District Court. Craig is admitted to practice in Minnesota state courts.

Shelby Borthwick is an associate attorney at SWM. Her areas of practice include general municipal law, school law, labor and employment, and civil litigation. Shelby earned her B.S. from American University in Washington, D.C. Following her graduation, Shelby taught middle school science for three years in South Carolina. Shelby received her J.D. from the University of Minnesota Law School. While in law school, Shelby clerked at Southern Minnesota Regional Legal Services and the Office of the Minnesota Attorney General. Prior to joining the firm, Shelby served as a judicial law clerk for the Honorable Matthew E. Johnson at the Minnesota Court of Appeals and the Honorable Gail T. Kulick in Mille Lacs County District Court. Shelby is admitted to practice in Minnesota state courts.

Max Blosser is a law clerk at SWM. His areas of practice include school law, labor and employment, municipal law, and civil litigation. Max earned his B.A. at the University of

North Dakota, and his J.D. from the University of Minnesota Law School. Before law school, Max worked in fair housing advocacy and civil rights. While attending law school, Max was the inaugural recipient of the Judge Pamela G. Alexander Scholarship, participated in the Employment Law clinic, and clerked at both public interest and private law firms. Max will be admitted to practice law in Minnesota state court upon admission to the bar.

Jesse Peterson is a law clerk at SWM. His areas of practice include school law, general municipal law, and labor and employment. Jesse earned his B.A. from Oglethorpe University in Atlanta, Georgia before receiving his J.D. from the University of St. Thomas School of Law. While attending law school, Jesse served as a research assistant at a municipal law nonprofit organization and President of the University's Employment & Labor Law Association. Prior to joining the firm, Jesse worked in a paralegal role in the higher education field.

TEAM APPROACH

SWM represents all of its clients with a team approach. It is our belief that clients receive better service if we work together to ensure that someone in the firm is always available to respond to calls or emails within a reasonable amount of time. It is also more cost-effective to allow us to assign individual projects that may be within one of our attorney's focus areas. Thus, we would consider your School District to be a client of SWM, and not a client of any individual attorney. With that said, we have found it helpful to designate lead attorneys to serve as the primary point of contact. The firm proposes that Mike Ervin and Abbi Kelzer serve as the initial lead attorneys working with your District.

OFFICE LOCATION, SUPPORT PERSONNEL, PROFESSIONAL DEVELOPMENT, AND COMPUTER SYSTEM

Squires, Waldspurger & Mace, P.A. is located in the SPS Tower in downtown Minneapolis. Our office is equipped with conference rooms capable of hosting mediations, depositions, arbitrations, and meetings.

In addition to a staff of seventeen attorneys, SWM employs an office manager, an assistant office manager, a billing specialist, two administrative assistants, and two law clerks who will become licensed attorneys upon admission to the bar. Our staffing model is designed to ensure that we are able to provide cost-effective service to our clients.

The firm's attorneys take a number of steps to keep current in the law that affects our municipal client base. We subscribe to services and belong to multiple organizations that keep us abreast of issues affecting our public sector clients. We also attend seminars and training, and frequently provide training ourselves to our clients to be sure we remain current in the law.

The firm utilizes a state-of-the-art computer network and modern case management software. Each attorney in the firm can connect to the firm's entire document management system from

any location that has internet access. Attorneys regularly use electronic resources, including Westlaw, to conduct cost-effective legal research. The firm also has convenient access to the vast resources that are available through the Hennepin County Law Library.

STATEMENT OF CONFLICTS

No attorney at the firm has ever been disciplined for a violation of ethical rules. No attorney at the firm has ever committed malpractice. SWM will ensure that all attorneys providing legal services to the school district are properly licensed, are in good standing, and are covered by professional liability insurance.

When new matters come into the office, the firm's attorneys consult one another and run a conflict check to ensure that no conflict of interest exists. In the event of a potential conflict of interest, the firm will promptly notify each client or prospective client. In the event our firm's relationship with an existing client could be materially limited by our relationship with a prospective client, we will not represent the prospective client.

FEE STRUCTURE

Attorney Rates

The hourly rate for all services provided by shareholders of SWM, including travel time, is two hundred seventy five dollars (\$275.00). The hourly rate for all services provided by senior associates of SWM is two hundred forty five dollars (\$245.00). The hourly rate for all other associate attorneys of SWM is two hundred thirty dollars (\$230.00). The hourly rate for paralegals or law clerks is one hundred forty dollar (\$140.00). The firm reviews its rates on an annual basis in December. The rates stated above are the rates for 2024.

Reimbursable Costs

SWM bills for the actual costs and expenses that the firm incurs in representing clients, including, but not limited to, the cost of any long distance telephone calls, the prevailing IRS rate for mileage, the cost of reasonable meals when providing services outside the office during a meal period, filing fees, and the cost of electronic research. SWM also bills for photocopies at the rate of twenty cents per page. The charge for producing transcripts from an audio recording is fifty dollars (\$50.00) per hour.

Our billing statements include the date of service, a detailed description of the services performed by each attorney, the time spent on the services, and the fees for those services. Our billing is done for actual time incurred in six-minute increments.

REFERENCES

We represent school districts across the State of Minnesota. The following is a list of school districts that are in relatively close proximity to Long Prairie-Grey Eagle that we have worked with recently: Detroit Lakes, Holdingford, Melrose, Paynesville, Pierz, Rocori, Royalton, Sartell, Sauk Rapids-Rice, St. Cloud, Walker, Wabun-Ogema-White Earth, and Willmar. Our firm has had a long-standing relationship with many school districts, and we hope to work with your District in 2024 and beyond. Please contact us if you have any questions or need any further information.

Respectfully Submitted:

SQUIRES, WALDSPURGER & MACE, P.A.

Mike Ervin

Michael J. Ervin

Abbi Kelzer

Abigail Kelzer