

Macomber Statement on Withdrawal from NIC Representation

May 24, 2023

As NIC Counsel, I am obligated to bring circumstances to the attention of the Board and President that indicate laws are being broken or are in imminent peril of being broken by College personnel. This is a professional requirement of my license to practice law, which includes Rule 1.16 of the Idaho Rules of Professional Conduct. Even while I must safeguard client confidentiality, I cannot stand by when circumstances trigger that Rule.

In this case, I have made the President, and then the Board of Trustees aware of circumstances related to violations of portions of Title 6 of Idaho Code. I have given timely and appropriate advice about my concerns. That legal advice has not only been ignored, but attempts have been made to involve my NIC counsel position to further such wrongful acts to the detriment of NIC. In my view, such acts are morally and legally indefensible.

Even so, the College reasonably expects me to assist with the transition to new legal counsel, and I must do so as promised. Starting tonight, my work for the College will only be to facilitate the transition to new legal counsel. My contract with NIC will end on June 15, 2023, but tonight, these circumstances require me to now withdraw as NIC counsel.

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