

## **David R. Lombardi, Esq.**

Givens Pursley, LLP

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*A broad range of individual and institutional clients has provided me with significant experience in civil trial and appellate litigation and the non-litigation resolution of problems and disputes. That experience provides the foundation for a practical, creative and seasoned approach to litigation and alternative dispute resolution.*

### **Givens Pursley LLP, Boise, Idaho, September 1990 to Present. Partner.**

Prior to undertaking mediation and alternative dispute resolution as a practice area, the greater part of my practice at Givens Pursley was devoted to major and complex civil litigation. This practice included litigation overturning an unlawful award of \$60 million contracts for statewide broadband services, the dissolution and valuation of minority ownership interests in closely held businesses, the defense of claimed groundwater contamination in a case brought by the United States under the Safe Drinking Water Act, recovery of RCRA remediation costs by the City of Boise; recovery of greater than \$3.0 Million for a national bank in an insurance coverage dispute; the defense of multiple professional liability and negligence cases involving physicians, hospitals, attorneys and others; successful appeals resulting in the reversal of arbitrary administrative actions; and a variety of other litigated and arbitrated cases involving issues such as real estate and commercial transactions, construction, government contracting, physicians' rights, personal injury, property damage and environmental compliance.

### **Imhoff & Lynch, Boise, Idaho, 1985 to September 1990. Partner.**

While at Imhoff & Lynch, I successfully represented St. Luke's Regional Medical Center against medical malpractice and corporate negligence claims at the trial court and appellate levels in *Sparks v. St. Luke's Regional Medical Center, Ltd.*, 768 P.2d 768 (1989). I also represented the Bench Sewer District in the trial and appeal of a decision overturning a 50 year sewage service contract between the City of Boise and the Bench Sewer District on the grounds of public policy and commercial impracticability in *City of Boise v. Bench Sewer District*, 773 P.2d 642 (1989). In addition, I handled multiple claims involving negligence, hospital and physician liability, lender liability, trust administration, actuarial liability, ad valorem taxation and federal administrative law impacting wilderness mining claims subject to the jurisdiction of the United States Department of Agriculture and the Department of the Interior.

### **Langroise, Sullivan & Smylie, (Holland & Hart) Boise, Idaho, 1976-1985. Partner.**

I began practicing with Langroise, Sullivan & Smylie and became a partner in approximately 1980. While at Langroise, Sullivan & Smylie, I handled a wide variety of commercial transactions and litigation matters including negligence, trust administration, banking, collection and professional liability claims, general corporate representation and right-of-way negotiation and documentation with the Coeur d'Alene tribe in northern Idaho. Langroise, Sullivan & Smylie merged with Holland & Hart of Denver, Colorado in 1985 after which I joined Imhoff & Lynch.

#### **EDUCATION**

University of Santa Clara, J.D., Magna Cum Laude, 1976.  
Stanford University, B.A., 1971.

#### **CERTIFICATION**

Certified as a Civil Trial Specialist by the Idaho State Bar 1996-2021

#### **PROFESSIONAL MEMBERSHIPS**

Idaho State Bar - Admitted July 24, 1976  
U.S. District Court - Admitted September 24, 1976  
9th Circuit Court of Appeals - Admitted March 29, 1985  
Federal Bar Association

American Board of Trial Advocates (ABOTA)  
American Inns of Court No. 130, President 2002-2003  
National Academy of Distinguished Neutrals  
Idaho Mediation Association

Listed in *The Best Lawyers in America* since 2001  
and *Best Lawyers Medical Malpractice Lawyer of the Year* in 2016  
Listed as an *Idaho Superlawyer* since July 2007  
Listed in *Chambers USA* 2009 – 2019 (Band 1, Litigation: General Commercial, 2015-2019).

#### APPOINTMENTS

Appointed as FRCP 53 Discovery Master in *Dale L. Miesen v. Hawley Troxell Ennis & Hawley LLP et. al.*, 1:10-CV-00401-DCN-CWD October 24, 2018; issued 35 Discovery Master Orders through August 2020.

Appointed IRCP Discovery Master in *Phillips v. Johnson, et. al.*, CV01-19-15160 In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of Ada

#### PRESENTATIONS

*Professional Liability*, Idaho Law Foundation, June, 1986.

*Civil Trial Practice*, Idaho Trial Lawyers, 1988 (also contributed chapter entitled *Pleadings to Civil Trial Practice Manual*).

*Trial Advocacy in Idaho*, National Business Institute, July, 1990.

*Donated Wills, Non-Engagement and Other Ethical Potholes*, Idaho State Bar, July, 1991.

*Effective Motion Practice In Idaho*, Lorman Education Services, June, 1992.

*Taking Effective Depositions*, Lorman Education Services, September, 1994.

*Audio Teleconference EMTALA/COBRA*, Catholic Health Corporation, January 23, 1996.

*Taking and Defending Depositions*, Idaho Law Foundation, February, 1997.

Panelist, *How to Respond to Unethical or Questionable Conduct*, November 1998.

Panelist, *Annual Conference*, Idaho Association of Medical Staff Services, 2000 and 2001.

*Risk Management Issues and Liability Arising from Medical Staff Operations*; Catholic Health Initiatives Risk Management Conference, Minneapolis, Minnesota, February, 2001.

*Risk Management and Liability Issues Arising From Operations*, Catholic Health Initiatives Conference of CEO's, Minneapolis, Minnesota, November, 2001.

*Voir Dire*, Idaho State Bar, February, 2002.

*Effective Voir Dire*, Idaho State Bar, June, 2003.

*The Emergency Medical Treatment and Active Labor Act*, Ada County Medical Education Consortium, January 7, 2004.

Panelist, *Legal/Ethical Issues Concerning Medical Decisions for Children*, Treasure Valley Continuing Nursing Education Network, Inc., January 12, 2004.

Panelist and presenter, *Successful Medical Malpractice Suits*, National Business Institute, October 31, 2007.

Speaker, *Motion Practice*, U.S. Courts District Conference 2011, *From Commencement to Appeal*, November 4, 2011.

Speaker, *Anatomy of an Environmental Crimes Trial: The Case of United States v. Cory King*, presentation to American Bar Association Section of Environment, Energy and Resources Environmental Enforcement and Crimes Committee, September 21, 2012.

Speaker, *Science and Litigation: Admission of Evidence and Working with Experts*, Idaho State Bar Environmental Resources and Natural Resources Law Section, January 15, 2015.

Panelist, *Arbitration Best Practices*, Idaho State Bar Litigation Section, May 18, 2018.

Panelist, *How to Settle Any Case Using Mediation: Insights from the Mediators' Perspective*, 2018 Idaho State Bar Annual Meeting.

Moderator and Panelist, *The Lawyer as Advocate and Problem Solver in Federal Court*, 2019 U.S. District Court Bench Bar Program.

Adjunct Faculty, *Deposition Practicum*, Concordia University School of Law, 2017.

**ACADEMIC  
APPOINTMENTS**

**COMMUNITY  
INVOLVEMENT**

I was one of the founders and served as President of Idaho 2 Fly, Inc., an Idaho based 501(c)(3) organization incorporated in 2013 that provides expense paid fly fishing retreats and support to Idaho men with cancer. I also served as a member and 2018 Chair of the Community Advisory Board of Boise State Public Radio, an NPR affiliate.