



**4th Biennial
Business and the Law
Conference**

Holiday Inn Downtown
22 North Last Chance Gulch, Helena, MT



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Agenda

- 8:30-8:45 **Welcome**
Ed Bartlett, Esq., *Bartlett, LLC; Montana Chamber Board of Directors*
- 8:45-9:30 **Legal Reform Update and Montana's Legal Climate**
Harold Kim, Esq., *U.S. Chamber Institute for Legal Reform, Washington, DC*
- 9:30-10:15 **Improving the Legal Environment: Civil Justice Reform Through Legislatures, the Courts, and Media**
Mark Behrens, Esq., *Shook, Hardy & Bacon, Washington, DC*
- 10:15-10:30 **Break**
- 10:30-11:15 **Emerging Issues in Montana Employment Law**
Oliver Goe, Esq., *Browning, Kaleczyc, Berry & Hoven, Helena*
- 11:15-Noon **Subrogation in Workers' Compensation**
Michael Marsh, *Midland Claims, Billings*
- Noon-1:00 **LUNCHEON KEYNOTE** – Alan Joscelyn, Esq., *Montana Chief Deputy Attorney General*
- 1:15-2:45 **Panel: Legal Reforms in the 2015 Legislature**
Moderator:
Aimee Grmoljez, Esq., *Crowley Fleck, Helena; Chair, Montana Chamber Board of Directors*
Panelists:
 Montana's New Patent Trolling Law (Senate Bill 39)
 Jon Bennion, Esq., *Deputy Attorney General, Montana Attorney General's Office*
 Liability Waiver for Recreation Providers (House Bill 204)
 Rep. Greg Hertz (HD 12 - Polson)
 Data Breach Notice Requirements (House Bill 74)
 Rep. Ryan Lynch (HD 76 - Butte)
 Insurance Issues Addressed by State Auditor's Office
 Jesse Laslovich, Esq., *Legal Counsel, Montana State Auditor's Office*
- 2:45-3:00 **Break**
- 3:00-3:45 **The President, the States, and the Clean Power Plan**
Anthony Johnstone, Esq., *UM Law School, Missoula*
- 3:45-4:30 **Exempt Wells – Regulatory and Legal Status and Industry Impact**
Abigail St. Lawrence, Esq., *Bloomquist Law Firm, Helena*
- 4:30-4:45 **Concluding Remarks**
Webb Brown, *President & CEO, Montana Chamber of Commerce*
- 4:45-6:00 **Reception**

Speaker Biographies



Ed Bartlett, Esq.

Ed Bartlett recently returned to Helena where he is self-employed in his government relations law practice. He spent 2007 through 2013 running his practice in Billings. Prior, he was a member of the Browning, Kaleczyc, Berry, and Hoven Law Firm in Helena where he served in an “of counsel” position from January 2005 to October 2007.

From October 2001 to January 2005, Ed was a Council Member, appointed by Montana Governor Judy Martz, of the Northwest Power and Conservation Council. Ed was Chief of Staff and Chief Legal Counsel for Governor Martz from January 2001 to October 2001.

Prior to joining the Governor’s staff, he was the Director of Government Affairs and an attorney for the Montana Power Company in Butte, Montana. During his employment with Montana Power, from 1981 to 2000, he represented the utility and its subsidiaries in numerous natural resource and contract matters in Montana, several other western states, Canada, and Brazil.

Ed is a past President of the State Bar of Montana (1999-2000). He is a member of the University of Montana School of Law Board of Visitors. He has served on the Board of Directors of the Montana Chamber of Commerce (1999-2001 and current), the Montana Petroleum Association, the Western Environmental Trade Association, and several other non-profit and charitable boards and committees.

Ed’s spouse, Marilyn, is the Director of the Health Care and Benefits Division of the Montana Department of Health and Human Services. They have two daughters.



Harold H. Kim, Esq.

Executive Vice President, Legal Reform Initiatives
U.S. Chamber of Commerce Institute for Legal Reform

Harold H. Kim serves as the executive vice president of the U.S. Chamber Institute for Legal Reform. He is responsible for providing strategy, policy guidance, programmatic management, and leadership support for ILR’s comprehensive program aimed at improving the nation’s litigation climate.

Before joining ILR, Kim was special assistant to the President in the White House Office of Legislative Affairs. In that position, he served as former President George W. Bush’s liaison to the Senate on matters involving national security, the judiciary, civil justice reform, intellectual property, and criminal law enforcement. During his tenure, he helped win confirmation for several of President Bush’s judicial and executive nominees and worked closely with Congress to advance the administration’s policy priorities.

From 2003 to 2007, Kim served as counsel to the Senate Judiciary Committee, as deputy chief counsel to ranking member Arlen Specter, and as senior committee counsel for then-Chairman Orrin Hatch. During the passage of the 2005 Class Action Fairness Act, Kim was the committee’s chief civil counsel and advised Republican members during the bill’s committee markup and Senate floor action. He also advised the committee members in the areas of asbestos, class action, medical malpractice, and bankruptcy litigation reform.

Prior to government service, Kim was a senior litigation associate at the Washington D.C.-based law firm of Patton Boggs, LLP. Kim is a graduate of the University of California, Irvine. He earned a J.D. from the Catholic University of America.

Speaker Biographies



Mark Behrens, Esq.

Shook, Hardy & Bacon

Mark Behrens co-chairs Shook, Hardy & Bacon L.L.P.'s Washington, DC-based Public Policy Group. Mark has been listed as one of Washington, DC's "top lawyers" by *Washingtonian* magazine and as a leading product liability defense attorney by *Who's Who Legal: The International Who's Who of Business Lawyers*. He is a Martindale-Hubbell® AV Preeminent Peer Review Rated attorney and holds the highest Avvo Rating. In October 2015, Mark received the U.S. Chamber Institute for Legal Reform's Individual Achievement Award.

Mark has authored or co-authored over 150 amicus briefs on behalf of national and state business and civil justice organizations in cases before the United States Supreme Court, federal appellate courts, state courts of last resort, and state appellate courts. He has testified before the U.S. Congress and numerous state legislatures. In addition, he has served as an expert witness in trials. He is also a frequent lecturer at legal conferences.

Mark is a member of the U.S. Chamber Litigation Center's State Litigation Advisory Committee, Washington Legal Foundation's Legal Policy Advisory Board, and the NFIB Small Business Legal Center's Advisory Board. In addition, Mark is a member of the Product Liability Advisory Council, Inc. (PLAC), IADC, Lawyers for Civil Justice, and the Lawyers Committee of the National Center for State Courts.

Mark received his J.D. in 1990 from Vanderbilt University Law School, where he was a member of the *Vanderbilt Law Review* and received an American Jurisprudence Award for achievement in tort law. He received his B.A. in Economics from the University of Wisconsin-Madison in 1987.



Oliver Goe, Esq.

Browning, Kaleczyc, Berry & Hoven

Oliver Goe was born and raised in Bakersfield, California, and earned his undergraduate degree in Political Science at the University of California Berkeley in 1977. He earned his Juris Doctorate three years later from the Santa Clara University School of Law. After passing the California Bar Exam, Mr. Goe began his legal career as a public defender for the County of Santa Clara where he gained trial experience and skills. Mr. Goe and is moved to Montana in 1986 to enjoy the great quality of life offered only in Montana and shortly thereafter joined Browning, Kaleczyc, Berry & Hoven where he has practiced now for 25 years. Mr. Goe is rated AV by his peers, according to Martindale Hubbell.

Mr. Goe has been a frequent lecturer to government and private employers on employment law issues. He has also been a speaker for a variety of continuing legal education seminars addressing Montana employment and labor law issues. Representative of the topics covered in these seminars include discharge, workers' compensation, employment discrimination, and the Americans With Disabilities ct.

Mr. Goe has also consulted with and successfully represented Montana employers and insurers on a variety of labor and employment law issues before the Montana Supreme Court, in the district courts of Montana, and before the Department of Labor and the Workers' Compensation Court.

Mr. Goe is located in BKBH's main office in Helena. He and his wife, Christina, have three daughters, Rebecca, Carrie, and Emily. Christina Goe is a native of Billings, Montana, graduate of Stanford University, and the Santa Clara University School of Law. She is General Counsel for the State Auditor of Montana.

Speaker Biographies



Michael Marsh

Midland Claims

Michael Marsh is currently the President of both Underwriting Solutions, Inc. (USi) and Midland Claims Service, Inc., Montana corporations. He has a diverse insurance and technology skill set and is a licensed Adjuster, WC Examiner and Agent/Producer in Montana. Midland Claims Service, Inc., and its wholly owned subsidiary Industrial Injury Claims®, is a leading provider of third party workers' compensation claims administration service to self-insured companies and organizations doing business in the state of Montana.

Since 2001, MCSi has been responsible for more than 27,000 WC claims, over 25% of all self-insured (Plan 1) claims filed in the state of Montana, in addition to providing property/casualty claims service to the insurance industry. Mr. Marsh has served as an expert witness in multiple claim-related UTPA suits.

Michael is a graduate of Billings West High School (1976), a member of the National Honor Society and several music performing groups. He received five years of secondary education, with concurrent majors in Architecture and Business Management, at Montana State University – Bozeman.



Alan Joscelyn, Esq.

Chief Deputy Attorney General
State of Montana

Alan L. Joscelyn serves as Chief Deputy Attorney General for Attorney General Tim Fox and the Montana Department of Justice.

A fourth-generation Montanan, Alan grew up in Choteau, Helena, and Missoula, graduated from Hellgate High School in 1968, and then spent seven straight years at the University of Montana earning degrees in radio-television and in law. After graduating, Alan served as counsel to the former Montana Department of State Lands for two years. After five years of solo practice, he joined the Gough, Shanahan, Johnson & Waterman law firm in Helena where he was a partner for more than 30 years, emphasizing natural resources and environmental law.



Aimee Grmoljez, Esq.

Crowley Fleck Law Firm

Aimee Grmoljez is a Partner at Crowley Fleck and manages its Department of Government Affairs. Since 2001, she has advocated for clients in matters of governmental affairs and litigation. Aimee joined Crowley Fleck in 2009 and as a partner specializes in lobbying, procurement and grassroots lobbying, and chairs the firm's government affairs group.

She is a member of the State Bars of Montana and Colorado and is current the Chair of the Montana Chamber of Commerce Board of Directors and has served on the Board since 2010. Aimee serves as Trustee for the Healthcare Section of the Montana State Bar.

She is an appointed member of the Montana Supreme Court's Access to Justice Task Force and the Governor Bullock's Equal Pay Task Force. Aimee was raised in Billings and graduated from Boston College in 1994 with a B.S. in English and the University of Montana School of Law in 1998. She clerked for U.S. District Judge Don Molloy in 1999 and served as the Chief Legal Counsel for Governor Marc Racicot from 1999-2001.

Speaker Biographies



Jon Bennion, Esq.

Deputy Attorney General
State of Montana

Jon Bennion is Deputy Attorney General for the Department of Justice and Administrator for the Legal Services Division. He is a native of Billings, MT. Bennion received a B.A. in Political Science and a Juris Doctorate from the University of Montana. In 2004, he authored *Big Sky Politics*, a book about the history of campaigns and elections in modern Montana. Following law school, he clerked for a state district court judge in Billings. From 2006 to 2012, Jon worked at the Montana Chamber of Commerce as Government Relations Director. In 2009, he was appointed to serve on the Montana Districting and Apportionment

Commission. He lives in Clancy with his wife, Jessi, and son, Jack.



Greg Hertz

Montana House of Representatives, District 12 – Polson

Greg was first elected to the House in 2012 and is currently serving in his second term. He is running for reelection in House District 12.

Greg was born in Malta and raised in Lake County. In 1980 he graduated with a degree in Business Administration from the University of Montana and passed the Certified Public Accounting exam. He worked for accounting firms in Kalispell and Billings before coming back to Polson to start his own accounting practice in 1983. In 1989 he became involved in the grocery business as the controller of Moodys Market, Inc. in Polson. In 1998 he became the majority owner of the company and the President/CEO. Moodys Market Inc. currently operates six grocery stores including Super 1 Foods in Polson; Harvest Foods in Ronan, Lolo, Thompson Falls and St. Maries, ID; and Blacktail Grocery in Lakeside. Moodys Market, Inc. currently employs approximately 225 employees.



Ryan Lynch

Montana House of Representatives, District 76 – Butte

Ryan Lynch is currently employed by Community, Counseling & Correctional Services, Inc. (CCCS) as the Director of Development and Administration. CCCS is a not-for-profit that is dedicated to working within the correctional system to provide opportunities for treatment and education in lieu of incarceration.

Prior to working for CCCS, he was a Student Life Program Coordinator for Gonzaga University in Florence, Italy. He is a graduate of Butte Central High School holds a Bachelors Degree with an emphasis in Marketing and International Business from Gonzaga University in Spokane, Washington. After graduating from Gonzaga he worked an employee recruiter in Seattle Washington.

Lynch currently sits on the Butte Central Foundation Board as well as the St. James Finance Committee. Lynch is in his second term of the Montana House of Representatives where he served as the vice-chair of the Business and Labor Committee as well as a member of the Federal Relations, Energy and Telecommunications Committee. Lynch currently chairs the Economic Affairs Interim Committee.

Speaker Biographies



Jesse Laslovich, Esq.

Chief Legal Counsel
Montana Commissioner of Securities and Insurance

In 2000, Jesse Laslovich was elected to the Montana House of Representatives, becoming the second youngest person ever elected to the Montana legislature. In 2004, he was elected to the Montana Senate where he represented Senate District 43 and served through 2010.

During his time in the Montana Senate, he chaired the Senate Judiciary and Ethics Committees and served as Assistant Democratic Leader. Laslovich resigned from the Montana Senate on February 10, 2010, to become Chief Legal Counsel to Montana's Commissioner of Securities and Insurance Monica Lindeen.

As a lawyer, Jesse Laslovich has worked in the private sector as an Attorney for Datsopoulos, MacDonald & Lind PC of Missoula. He also served as an adjunct professor at the University of Montana School of Law and was Assistant Attorney General to Attorney General Mike McGrath.

Laslovich earned his B.A. in Political Science and Juris Doctorate from the University of Montana in 2003.



Anthony Johnstone, Esq.

Associate Professor
University of Montana School of Law

Anthony Johnstone is an Associate Professor at the University of Montana School of Law. He teaches and writes about Federal and State Constitutional Law, Election Law, Legislation, and related subjects. Professor Johnstone has testified before the United States Senate Judiciary Committee and the Montana Legislature, and spoken at academic, professional, and popular events across Montana and the United States.

His legal work has been featured in the state and national press, including *The Los Angeles Times*, *The New York Times*, *The Wall Street Journal*, and *The National Law Journal*, which named him its Appellate Lawyer of the Week in May 2012.

Before joining the School of Law, Professor Johnstone served as the Solicitor for the State of Montana, practiced litigation as an associate at Cravath, Swaine & Moore in New York, New York, and clerked for the Honorable Sidney R. Thomas, United States Court of Appeals for the Ninth Circuit.

Anthony received his Juris Doctorate with Honors in 1999 from the University of Chicago. He received his B.A. from Yale University in 1995.

Speaker Biographies



Abigail St. Lawrence, Esq.

Bloomquist Law Firm

Originally from Great Falls, Ms. St. Lawrence builds on her prior experience clerking with the Office of Counsel in the U.S. Army Corps of Engineers, Walla Walla District, and working on Clean Water Act permitting with the Oregon Department of Environmental Quality in providing services to her clients. Ms. St. Lawrence returned to Montana in 2004 and practiced law at Doney, Crowley, Payne & Bloomquist in Helena until 2012. She then managed her own practice prior to joining the Bloomquist Law Firm in 2015.

Ms. St. Lawrence practices primarily in water rights, natural resources, environmental law, administrative law, and government relations, serving a broad range of clients in regulatory and litigation matters and representing her clients' interests before the Montana Legislature. In addition, Ms. St. Lawrence is a frequent lecturer at continuing legal education courses, presenting on topics related to her practice areas.

Ms. St. Lawrence received her Juris Doctorate in 2004 from Northwestern School of Law of Lewis and Clark College in Portland, Oregon with a Certificate in Natural Resources and Environmental Law. In 2000, she received a B.A. in Psychology with Honors from Whitman College in Walla Walla, Washington.



Webb Brown, President/CEO

Montana Chamber of Commerce

Webb attended Trout Creek Elementary and Noxon High School, then attended his last year and graduated from Lima High School in southwestern Montana. Following one year at Carroll College and one year at Chaminade University in Honolulu, Webb earned his Bachelor of Arts degree in Political Science from the University of California at Riverside in 1983. During that time he also served an internship with the Greater Riverside Chamber of Commerce and one with Montana's US Senator Max Baucus in Washington, D.C.

He continues his education through professional organizations and has graduated from a five-year program with the U.S. Chamber of Commerce Institutes for Organization Management. He also earned his Certified Association Executive (CAE) designation.

Webb worked on the ranch most of his life and he and Kathy still own a small cow-calf operation. Annual woods work led him and two brothers to form 2 B's Logging in 1983, of which he was the Business Partner until 1991. He worked for a natural resources-based not-for-profit, Communities for a Great Northwest, based in Libby 1989-1990. During that time, he also helped organize and became Executive Director of the Sanders County Economic Development Corporation.

He chose to make business promotion his career with a job as the Executive Director of the Lewistown Area Chamber of Commerce in 1991. Four years later, he moved to Billings as the Vice President of the Billings Area Chamber of Commerce. January 1999 he was hired as the President/CEO of the Montana Chamber of Commerce.

Webb has served on the Trout Creek-Noxon-Heron Community Ambulance Service, on the Clark Fork Valley Hospital Board of Directors, the Lewistown Art Center Board of Directors, and the Boards of the Montana Council on Economic Education, the Montana Ambassadors, and the Chamber of Commerce Committee of 100 of the U.S. Chamber of Commerce. He is also Past-President of the Montana Society of Association Executives, the Council of State Chambers, and is 2nd VP of the Conference of State Manufacturers' Associations, thereby serving on the Board of Directors of the National Association of Manufacturers.

Upcoming Events

Events.MontanaChamber.com

Manufacturing/International Trade Day

May 2, 2016

Holiday Inn—Missoula

Spring/Summer Meeting

June 15-16, 2016

Fairmont Hot Springs Resort

Governors' Cup Golf Tournament

July 28-30, 2016

Flathead Valley

11th Annual Economic Update Series

July 28-August 11, 2016

Fall Meeting

October 27, 2016

Billings

Business Days at the Capitol 2017

January 2-3, 2017

Helena

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NOTES

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