

Montana Arbitrators Association
44th Annual
Arbitration & Labor Relations Conference
Presenters Bios

BRIAN CLAUSS

Clauss ADR. Inc.

Chicago Minneapolis Seattle Tucson

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Brian Clauss is a neutral Arbitrator, Mediator, and attorney from Chicago. He is admitted to the National Academy of Arbitrators. In his twentieth year as a neutral, he has resolved thousands of labor, employment, and commercial disputes in arbitration, mediation, and mediation-arbitration. Clauss ADR, Inc. is a national dispute resolution practice.

Brian is a popular speaker. He has done hundreds of presentations in the United States and many countries. He is also a frequent author. He has more than twenty-five books, articles, chapters, law review articles, and practice guides. Also an educator, Brian has co-founded a legal clinic for military veterans at a Chicago law school and a dispute resolution concentration for the University of Arizona Rogers School of Law.

Brian and his wife, attorney Andrea Stulgies-Clauss, are principals of Clauss ADR, Inc. They are bilingual English-German. Contact them at brianclauss@claussadr.com and andreaclauss@claussadr.com

AUDREY B. EIDE, ESQUIRE

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Arbitrator Eide has the unique experience of truly being on all sides of labor management relations during her career. She managed a staff as Assistant Vice President of Business Retirement Services for Seattle-First National Bank, served as a Hearing Examiner for the Washington State Personnel Appeals Board and was General Counsel of Washington State Council of County and City Employees, Council 2, AFSCME, AFL-CIO. She has long been held in high esteem by the labor relations community in the Pacific Northwest for her experience with labor law and labor negotiations, arbitration, and mediation. For the last five years she has been a full-time Arbitrator and Mediator, speaker, and trainer. She earned a Bachelor of Arts Degree in Business Administration from the University of Washington (1975) and a Juris Doctor Degree from Seattle University School of Law formerly the University of Puget Sound School of Law (1978).

JEAN E. FAURE

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Jean E. Faure represents public and private employers in all labor and employment-related issues throughout Montana. She litigates wrongful termination, discrimination, wage and hour, trade secret, non-compete, and FMLA claims. She also is actively engaged in traditional labor law, representing employers in unionizing campaigns, unfair labor practices, grievance arbitration and contract negotiations.

Since 2009, Jean has been selected to the Mountain States Super Lawyers® in labor and employment law and employment defense litigation and now is placed in the Mountain States Top 100 Super Lawyers. Best Lawyers in America has named Jean the Employment Lawyer of the Year in Great Falls, Montana consistently since 2017. Jean is a member of Association of Defense Trial Attorneys and the Federation of Defense and Corporate Counsel, both of which are limited invitation organizations for trial attorneys who devote their professional time to defending businesses, insurance companies, insureds, associations or governmental entities in civil litigation. In 2024, Jean was elected to membership in the American Board of Trial Advocates (ABOTA).

KATHY FRAGNOLI

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Kathy Fragnoli has been a full-time neutral since 1994. She provides ADR services nationwide and has offices in San Diego and Dallas. Kathy is a Magna Cum Laude graduate of Boston College and graduated from Gonzaga University School of Law. She attended the Harvard Law School negotiations program in 1995. Kathy was a senior attorney for American Airlines for 12 years and prior to that a Public Defender. She worked as an adjunct professor at the University of Texas, Arlington, teaching graduate level employment and labor law classes. She has conducted over 3,500 employment-related mediations and trained over 4,200 students in ADR. Kathy has served under contract with the Pentagon to mediate high profile cases for the Air Force and regularly trains their JAG officers in ADR and interest-based negotiation skills. She is often asked to act as a facilitator by organizations experiencing internal discord. In 2022, Kathy was a candidate for Congress, representing the Dallas/Ft Worth area in the House of Representatives. The Dallas Morning News described her as having “a skillset which could certainly be helpful on a polarized Capitol Hill.”

Kathy was admitted to the National Academy of Arbitrators in 2010 and arbitrates labor cases nationwide. She serves or has served on several permanent panels including the Screen Actors Guild (SAG/AFTRA), UCLA and the police departments of Ft. Worth, Houston and Los Angeles.

Ms. Fragnoli is one of 23 mediators in the nation profiled in *ADR Personalities and Tips* published by the American Bar Association and is the author of *Creating Peace at Work: When Work Isn't Working*. Her new book *What to Say, How to Say It: How Not to Screw Up Life's Uncomfortable Conversation* will be published soon. Kathy is the founder of The Resolution Group, a woman-owned business specializing in ADR training.

EMILY HALL

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Emily Hall is a retired military judge and former Labor and Employment Counsel for the Department of the Navy. She has a B.A. from Texas A&M, a J.D. from The University of Texas at Austin, and an LL.M. in labor and employment law from the University of San Diego. She began her career as an aircraft maintenance officer for the F/A-18 Hornet. After becoming a judge advocate, she prosecuted cases in Arizona, California, Virginia, and Forward Operating Base Fiddler's Green and Camp Leatherneck, Afghanistan. She later served as the Deputy Circuit Judge for the Eastern Judicial Circuit of the Navy-Marine Corps Trial Judiciary. Mrs. Hall retired from the Marine Corps as a lieutenant colonel after more than 20 years of service, and entered private practice in rural Alaska handling criminal, civil, and labor and employment matters. She is currently an arbitrator and mediator at Hall ADR.

MAX HALLFRISCH

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Max joined the Montana Department of Labor as a labor mediator in April of 2014. He specializes in all types of Mediations including Labor Mediation, Grievance Mediation and Wage and Hour Mediations. Max also provided Training and Facilitation services for Interest Based Bargaining (IBB), Labor Management Committee (LMC) and Affinity Bargaining. Living in the Great Falls area he has two grown children and two grandsons. He has been married for 37 years and enjoys spending time with his grandsons, fishing, cooking, and meeting new people.

Jeffrey M. Hindoien

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Jeff Hindoien was born and raised in Great Falls, is a graduate of MSU-Bozeman and the University of Wyoming College of Law, and currently serves as Agency Legal Counsel at Montana Fish, Wildlife & Parks. He has served as the City Attorney in both Great Falls and Helena, and as a contract City Attorney for Deer Lodge, Philipsburg and Choteau. He has also served as Chief Legal Counsel for the Office of the Governor, the Montana Secretary of State and as a Deputy Attorney General for the Montana Department of Justice. He also engaged in a private law practice for many years that focused on providing counsel and representation to Montana school districts in all aspects of public-school operations, including employment and labor relations, student affairs and discipline, contracting and procurement, facility design and construction, open meetings and finance and budget matters. In addition to his experience at the State of Montana and as a municipal attorney and private practice attorney, Jeff also served as a Commissioner in the chambers of Judge Charles E. "Chip" Erdmann of the U.S. Court of Appeals for the Armed Forces in Washington, DC.

Barry Ivanoff

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Barry Ivanoff was born in Chicago, IL, but grew up in the Cody, Wyoming. In 1989, he joined the Army and served 8 years before returning to Cody, where he worked as a police officer for a couple years. In 2000, Barry and his wife moved to Billings. After arriving in Billings, he worked as a Probation and Parole Office for 13 years, the last 5 of which he was a supervisor. In 2013, Barry began working for the Montana Human Rights Bureau as an investigator, which eventually led to his current position as the Trainer/TER (Targeted Equitable Relief) Coordinator for the Bureau. Barry loves working for the Bureau and is passionate about the work they do. Barry is married to an amazing lady and have an adult son, as well as three cats that seem to be the rulers the house.

Wendy Jackson
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Wendy received her Bachelor of Science degree in History from Indiana University and spent several years working in Food Science Research and Development before relocating to Montana in 2016 and beginning her career with the state of Montana. Wendy has worked for the state of Montana in several roles including Workers' Compensation Claims Examiner, Workers' Compensation Mediator, Labor Mediator and, currently, as the Section Chief for the Department of Labor and Industry, Dispute Resolution Section (DRS). The DRS consists of six mediators who work to assist employees and employers to mediate workers' compensation and labor and collective bargaining issues. In her free time, Wendy enjoys hiking and camping with her husband, two sons, and three springer spaniels. She also enjoys expressing herself artistically through painting, drawing, embroidery, and carving.

JEFFREY W. JACOBS
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Jeff began practicing law in Minnesota in 1980 and became a full-time labor arbitrator in 1995. He was inducted into the National Academy of Arbitrators in 2005. Prior to that he practiced extensively representing union and management clients in both the private and public sectors. Jeff is on the Minnesota, Iowa, Wisconsin, Oregon, Montana, U.S. Virgin Islands and Washington state lists of arbitrators and is on two FMCS panels. He is also on numerous permanent panels in the public and private sectors, including IRS/NTEU, NMB railroad matters, Endeavor Airlines and CWA, and Compass Air and ALPA. He has numerous published decisions in BNA Arbitration Reporters along with hundreds of cases on public sector lists around the country.

Jeff is a frequent lecturer at arbitration seminars around the country doing both live and webinar presentations for the AAA, Labor Arbitration Institute, Montana Arbitration Association, Iowa PERB, Minnesota Continuing Legal Education, Minnesota BMS and FMCS seminars. He has authored numerous articles in labor arbitration, including an update to two sections of the 6th Edition of Elkouri and Elkouri, How Arbitration Works. In addition to his labor arbitration work, Jeff arbitrates and mediates civil and administrative matters in the District Courts and in the Minnesota Workers Compensation system.

ELIZABETH A. KALEVA, ESQ.
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Elizabeth A. Kaleva is from Missoula, Montana, where she graduated from Loyola Sacred Heart High School in 1987. She received a bachelor's degree in history from Boston College in 1991. Bea graduated from the University of Montana School of Law in 1995 and, after graduation, clerked for a judge for year before joining the Montana School Boards Association as a staff attorney. She rose to the General Counsel position and remained with the MTSBA until 2004, when she returned to Missoula in private practice. Bea serves as counsel for school districts in all areas of employment and school law. Specific practice areas include contract negotiations, employee misconduct and discipline, student misconduct and discipline,

special education and federal programs, and Board of Trustees practice and procedure. She provides litigation defense to school districts and their employees in federal and state courts, arbitrations, and administrative agencies relating to all aspects of school district operations. Bea is admitted to practice before all Montana courts, the United States District Courts, and the United States Court of Appeals for the Ninth Circuit. She is a member of the American Bar Association, the National Council of School Attorneys, the Montana Council of School attorneys, a former Board member of the National Council of School Attorneys and is the President of the School Law Section of the Montana State Bar. She has been selected by her peers for inclusion in the Best Lawyers in America since 2014 for the areas of education law and employment law and was named the Best Employment Law Lawyer for the Missoula area in 2015, 2019, and 2023. In 2021, Elizabeth was honored with the AV Preeminent® Rating by Martindale-Hubbell®. This rating is the highest possible rating in both legal ability and ethical standards.

HOWELL L. LANKFORD

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Howell L. Lankford began working in private practice as a fulltime labor relations arbitrator and mediator in 1984 (after being an Administrative Law Judge for the Oregon Employment Relations Board from 1979 to 1984). He is a past Governor and a past Northwest Regional Chair of the National Academy of Arbitrators, a past Chair of the Oregon State Bar Labor & Employment Law Section; founder and past Editor of the Washington Labor Law Digest; past Editor of the annual University of Oregon PERC Casebooks and of the LERC Monograph series, including Individual Statutory Rights of Represented Employees; and author of the Oregon State Bar Public Sector Labor & Employment Law CLE chapter on enforcing public sector collective bargaining agreements (1990, 1994, 1997, 2002, & 2011). He is on the public panels of the FMCS, AAA and of labor relations agencies in Washington, Oregon, Montana, and Hawaii and is on a variety of limited panels throughout the Northwest, including: State of Alaska & APEA; State of Alaska & ASEA; State of Washington & WFSE; State of Oregon & SEIU (sole classifications arbitrator between those parties); Anchorage School Dist. & Teamsters; Oregon State Hospitals (nurse units) & AFSCME; Oregon Health Science University & AFSCME; Oregon Health Science University & Oregon Nurses Assn.; University of Washington & SEIU; IAM and Boeing; and ATC & The FAA (Prearb Panel). He holds a BA from Reed College, an MA (K.Phil.) from Northwestern University (Evanston, IL), and a JD from the University of Oregon and has taught philosophy (University of Alabama) and labor law and arbitration (University of Oregon LERC and AAA). He presents workshops throughout the year for the AAA, the Oregon LERC, and for any interested organization, on either side of the isle, at no cost other than expenses.

DAVE LUCKEY

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Dave has been employed with the Montana Department of Labor for 12 years and joined the team of Labor Mediators for the Dispute Resolution Section in July of 2018. He has been investigating and writing Determinations for the Board of Personnel Appeals, performing Mediations, Interest Based Bargaining sessions, and conducting Labor Management Committee training for public unions, employees, and agencies. Prior to being a Labor Mediator, Dave worked as a Compliance Specialist for the Montana

Department of Labor, where he performed Prevailing Wage Audits and Investigations as well as Wage and Hour Claims and Determinations. Dave is a lifelong Montanan and enjoys floating and fishing the rivers of Montana in the summer and skiing in the winter.

NATE MCCONNELL

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Nate McConnell represents numerous unions throughout Montana. His work involves both public sector and private sector collective bargaining units. Nate has litigated both unfair labor practice charges and arbitration hearings, and he has participated in numerous collective bargaining negotiations, unit clarifications, and duty of fair representation actions. Prior to serving working people as a labor attorney, Nate proudly served in the Montana Legislature in both the House of Representatives and the Senate. Nate is most proud of his two kids, Grace and Jack, who currently benefit from Montana's public education system.

JONATHAN MCDONALD

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Jonathan McDonald practices law in Helena at McDonald Law Office, PLLC. He graduated from the University of Montana School of Law in 2006 with high honors and his practice is focused on civil litigation. He is the co-recipient of the Montana Trial Lawyers Association's Appellate Advocacy award and the co-recipient of its Trial Lawyer of the Year award. The representation of labor unions has formed part of his practice since 2014. Notable labor cases he has handled include: *Byrne v. Montana* (successfully challenging a legislative attempt to remove GABA from Teachers Retirement System pensions); *Arechaga v. Victor School Dist. No. 7* (successfully challenging a nonrenewal of a nontenured teacher's contract); *City of Great Falls v. IAFF, Local No. 8* (addressing unilateral change to CBA regarding drug testing).

YUVAL MILLER, ESQ.

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Yuval Miller maintains a nationwide practice as an arbitrator and mediator of labor and employment disputes, including public- and private-sector permanent panels throughout the Western United States. An esteemed speaker and moderator on labor issues, he serves on the Faculty of the Labor Arbitration Institute (LAI), Tulane Law School's Berlin ADR Program, and Burstein-Prihar Arbitration Training (BPAT), and is Editor in Chief of the treatise Aitchison et al., *INTEREST ARBITRATION* (3d ed., LRIS Books, 2022).

Prior to becoming a full-time neutral, Arbitrator Miller earned his JD at Yale Law School, served as a Fulbright Scholar, taught courses at the Budapest University of Public Administration, and received his BA with Highest Distinction from the University of California, Berkeley. After clerking for the Honorable Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit, he represented management (Munger, Tolles & Olson LLP) and unions (McCracken, Stemerma & Holsberry, LLP) for over a decade.

ADAM MORRISON
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Adam is a Senior Field Attorney with Region 19 of the National Labor Relations Board. He has been with the Agency since 2001 and he has been the NLRB's Resident Agent in Spokane, Washington since 2010. Adam handles some of the NLRB's most complex litigation cases, including recently serving as lead counsel in several high profile, nationwide trials against Starbucks Corp. He handles unfair labor practice and representational matters throughout the country, but primarily in Eastern Washington, Northern Idaho, and Western Montana. Prior to becoming the Resident Agent in Spokane, Adam was an attorney in the NLRB's Portland office (Subregion 36). When Adam is not litigating cases, you can often find him with a fly rod in his hand on rivers throughout the Pacific Northwest or hiking with his Alaskan Malamute, Elias.

ARTHUR PEARLSTEIN
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Arthur Pearlstein has a substantial background in arbitration, mediation, and negotiation, with experience as a practitioner, manager, professor, and trainer. In addition, he has worked extensively in dispute systems design in the organized workplace. He has previously served FMCS as a field mediator, as general counsel, and as head of the Agency's ADR and International Program. Arthur was also inaugural director of the Werner Institute for Negotiation and Dispute Resolution and Professor of Law at Creighton University in Omaha. He is co-author of a textbook on dispute resolution and the author of the chapter on arbitration (*Dispute Resolution: Readings and Case Studies*, 3rd Ed. 2011, Edmond Montgomery pub.) He was a contributing author of *The Legal Guide to Human Resources* (West pub.) and wrote sections on dispute resolution. He has presented on arbitration as well as grievance management at a variety of conferences, programs, and trainings across the United States and overseas.

Arthur is a Fellow of the College of Labor and Employment Lawyers who received his J.D. with honors from Harvard Law School, holds a master's in dispute resolution from the Straus Institute for Dispute Resolution at Pepperdine University in California, and a B.A. from Haverford College in Pennsylvania.

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Shianne Scott is a labor arbitrator and mediator and the principal of Scott Dispute Resolution. Ms. Scott is a former Administrative Law Judge for the State of Oregon and the former Civil Service Board Administrator and Labor Relations Coordinator for the City of Portland. Ms. Scott holds a Bachelor of Arts in English from Andrews University and a J.D. from Southwestern Law School.

JASON SLEAD
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Jason Slead is the Communications Director for the Department of Revenue (DOR). He has worked for the department for 17 years, with 14 years of experience in the HR Department. Jason is also the DOR's resident recruiter and trainer. He is an excellent communicator and has a knack for using humor to build positive relationships with everyone he meets. He's always up for a good laugh and can usually be found with a cup of coffee in one hand and a guitar in the other. His passion for music and his family keeps him going, and his loyalty to his furry friends keeps him grounded.

MICHAEL SNYDER

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Michael Snyder works as a Field Examiner for the National Labor Relations Board's Seattle office where he handles unfair labor practice investigations and representation petitions throughout the northwest, including western Montana. Michael previously worked as a mediator and hearing examiner for Washington's public sector labor relations agency, the Public Employment Relations Commission, as well as an organizer and researcher for the Transport and General Workers Union in the UK. He earned a Master's Degree in Labor Studies from the University of Massachusetts Amherst's Labor Center, and a Bachelor's Degree in Industrial and Labor Relations from Cornell University. Michael currently lives in Tacoma, Washington where he and his wife try to find time to enjoy the outdoors while chasing around their two young daughters.

MATTHEW B. THIEL

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Matt Thiel was born and raised in Montana and practices law in Missoula. Matt started his career in the labor arena in 1987 as a field representative with the Montana Federation of Teachers, AFL-CIO. He left that position to attend the University of Montana Law School, where he was Editor-in-Chief of the Montana Law Review, graduating with Honors in 1993. His law practice focusses on labor law, representing several Montana and Washington based unions. His practice also includes personal injury and general litigation. He is listed in The Best Lawyers in America for Labor and Employment Law. Matt was elected to the Montana State Bar Board of Trustees in 2008 and President of the Montana State Bar for 2015-2016. Matt currently serves as Chair of the University of Montana Museum of Art and Culture Collections Committee and is the American Bar Association Delegate for Montana.

ARTHUR PEARLSTEIN

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Arthur Pearlstein has a substantial background in arbitration, mediation, and negotiation, with experience as a practitioner, manager, professor, and trainer. In addition, he has worked extensively in dispute systems design in the organized workplace. He has previously served FMCS as a field mediator, as general counsel, and as head of the Agency's ADR and International Program. Arthur was also inaugural director of the Werner Institute for Negotiation and Dispute Resolution and Professor of Law at Creighton University in Omaha. He is co-author of a textbook on dispute resolution and the author of the chapter on arbitration (*Dispute Resolution: Readings and Case Studies*, 3rd Ed. 2011, Edmond Montgomery pub.) He was a contributing author of *The Legal Guide to Human Resources* (West pub.) and wrote sections on dispute resolution. He has presented on arbitration as well as grievance management at a variety of conferences, programs, and trainings across the United States and overseas.

Arthur is a Fellow of the College of Labor and Employment Lawyers who received his J.D. with honors from Harvard Law School, holds a master's in dispute resolution from the Straus Institute for Dispute Resolution at Pepperdine University in California, and a B.A. from Haverford College in Pennsylvania.