

 **RUMMEL**
ACCOUNTING
CERTIFIED PUBLIC ACCOUNTANTS

July 13, 2023

Governor Greg Gianforte

Via email nominatejudges@mt.gov

RE: Letter of Support for Kelly Wills for WCC judge vacancy

Honorable Governor Gianforte:

I am pleased to write this letter supporting Kelly Wills for the position of Workers' Compensation Judge. Over the past 20 years I have come to know Kelly as part of the Missoula society at large, the local business community and a member of our church.

During that time I have observed Kelly as a man of the highest character who values integrity, honesty and credibility. He is fair minded and judicious in his personal dealings and reflects well on his family and the legal community. He is humble, hard-working and determined and has dedicated his career to workers' compensation law. As a licensed professional myself I know a license or certificate is a common denominator of the profession, but Kelly has always practiced his chosen profession at the highest level.

I see that Kelly as a native Montanan shares the same values that me and three generations before me lived by. I have great respect for Kelly and believe he would be valuable to our great State of Montana as a Workers' Compensation Judge and I'm happy to write this letter of support.

Respectfully submitted,



Carl A. Rummel, CPA CGMA

From: [Andy Mathison](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] Judge for the Workers' Compensation Court
Date: Thursday, July 13, 2023 7:16:52 AM

Dear Governor Gianforte,

I am writing this letter in support of Mr. Wills for the above vacancy. Mr. Wills has worked in the workers compensation field in Montana since 1987 and has historical knowledge and perspective of the statute and case law.

Andy Mathison
Casino Creek Concrete, Inc.
Lewistown, MT

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows

From: [Jenifer Rather](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] Kelly Willis
Date: Wednesday, July 19, 2023 7:49:32 AM

Greetings,

My name is Jenifer Rather and I hereby submit the following comments in support of Kelly Willis.

I would highly recommend Kelly Willis to be appointed as the new Workers Compensation Judge. I have worked with Kelly over the years, and have found him to have a wealth of experience, knowledge, and he is very fair. Kelly is very communicative, and makes sure that you have the best information according to the Workers Compensation laws. He listens to all sides, and makes certain that all parties are involved and heard.

My contact information is below should you have any questions.

Regards,

*Jenifer Rather, GPHR
Human Resources/Safety Director
Kenyon Noble Lumber Company
Kenyon Noble Ready Mix
Bozeman Brick, Block, and Tile
JR'S Lounge, Inc.
[1243 Oak Street \[google.com\]](#)
[Bozeman, MT 59715 \[google.com\]](#)
406-587-9366 office
406-585-5400 FAX
406-220-1320 cell
www.kenyonnoble.com
jrather@kenyonnoble.com*



From: [Jodie Tooley](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] Letter of Support for Kelly Wills for Workers' Compensation Judge
Date: Thursday, July 27, 2023 10:02:02 AM

Dear Governor Gianforte,

I write to you today in support of Mr. Wills for the Workers' Compensation Judge vacancy.

Mr. Wills has worked in the Workers' Compensation field since 1987 and understands that it is a very different world than classic liability law.

In addition, his historical knowledge and perspective of the statute and case law gives him a unique perspective; he understands that it is the legislature's role to make law and the judge's role to apply the law.

In circumstances of a case coming before a judge, it is important for both the employer and the injured employee to move forward in a timely manner. Mr. Wills' knowledge and experience will allow him to be decisive as the Workers' Comp judge so that this can be accomplished.

Thanks!

Jodie Tooley
Office Manager
Montana Lines, Inc.
406.727.1316



GARLINGTON | LOHN | ROBINSON

MONTANA'S ATTORNEYS SINCE 1870

July 25, 2023

Governor Greg Gianforte
Attn: Hannah Slusser
Governor's Office
P.O. Box 200801
Helena, MT 59620
nominatejudges@mt.gov

RE: Support for Kelly Wills' Appointment as Workers' Compensation Judge

Dear Governor Gianforte:

It is with great thought and pleasure that I write in support of the appointment of Kelly Wills as Judge of the Montana Workers' Compensation Court.

It is important to note that my perspective in making this recommendation has been gained through being involved in the workers' compensation system in Montana for over 40 years. I have presented cases before all the Judges that have ever been appointed to the Court. My involvement has always been on behalf of the businesses of the State of Montana, with coverage under all three insurance plans. I have taught Workers' Compensation Law at the UM Law School. I was appointed to the Governor's Advisory Council on Workers' Compensation as the insurance defense representative. That group studied Montana workers' compensation laws and precedent for two years, resulting in a report to the Governor and Legislature outlining a package of overhauls for the entire system in 1987.

I have known Kelly Wills personally and professionally since he graduated from law school. I practiced closely with him in our firm for 24 years, often working side by side in the handling of numerous workers' compensation matters. My respect for his abilities in the work comp arena was so great that I eventually transferred a large part of my individual claim related practice to him as I focused on common fund and other system issues along with other areas of insurance law practice.

Workers' Compensation Law in Montana is very complex. It requires extensive understanding of the development of the law, statutorily and by precedent over the last 40 years. Kelly has been a part of the development of that law during that period. He is uniquely qualified in that regard. He has handled hundreds of employment injury claims for evaluation and resolution whether through

Governor Greg Gianforte

RE: Support for Kelly Wills' Appointment as Workers' Compensation Judge

July 25, 2023

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the Workers' Compensation Court or otherwise. His very extensive experience in litigating cases on behalf of employers and insurers is documented by a quick review of the records of the Court. With this experience comes an expertise that is not paralleled with active practitioners. That extensive experience has created for Kelly practical wisdom to supplement his technical expertise.

Kelly's review, evaluation, litigation, and resolution of cases for all these years has also required that he attain the highest level of expertise in medical and rehabilitation matters so critical to understanding and properly resolving employment injury and occupational disease claims. I can vouch for this expertise as I witnessed it being gained and mentored its development. In the 10 years since Kelly went out on his own to focus solely on workplace injury claims, I have watched with respect and admiration the high level of his practice and capabilities.

From a personal and professional standpoint, Kelly would bring a calm but challenging demeanor to the Court. He will focus on provable facts and the law. I would expect compassion and understanding for claimants, consistency in application of the law as written, professional demeanor with all that appear before him and the application of high standards and expectations for counsel on all sides of an issue. The combination of these considerations will be a Court that will be consistent, properly serve all that come before it and fairly apply the law to the particular facts and circumstances of each case.

Thank you for considering this input.

Very truly yours,

GARLINGTON, LOHN & ROBINSON, PLLP



Bradley J. Luck

Direct Line: (406) 523-2548

Email: bjluck@garlington.com

BJL;jdl

July 28, 2023

VIA EMAIL AND USPS

Greg Gianforte, Governor
ATTN: Hannah Slusser, Governor's Office
P.O. Box 200801
Helena, MT 59620
nominatejudges@mt.gov

Re: Letter of Support for Kelly M. Wills

Dear Governor Gianforte:

I write this letter in support of Kelly Wills' application to serve as the next judge of the Montana Workers' Compensation Court. By way of a brief background, I first met Kelly in the summer of 1998 while working as a summer law clerk at Garlington, Lohn & Robinson. Kelly subsequently served as one of my mentors during my time as an associate with the firm. In the years which followed, Kelly became a colleague, a trusted advisor, and a friend.

Kelly played an instrumental role in my introduction to, and comprehension of, Montana's complicated workers' compensation system. Kelly's exceptional knowledge of the governing statutes and case law allowed him to explain the concepts and nuances of the workers' compensation system to me in plain English, a quality which will serve him well as a judge. Kelly is one of the most experienced workers' compensation attorneys in Montana, and he appeared in front of the workers' compensation court countless times over course of his career. Notably, Kelly recognizes that it is the responsibility of the workers' compensation judge to apply the statutes and laws enacted by the Legislature in order to determine the rights of the injured workers as well as the liabilities of the insurers. Kelly's credentials, experience, philosophy, and knowledge of the system unquestionably make him the most qualified applicant.

Kelly possesses additional traits which make him the ideal choice to serve as the next judge. Kelly will bring his blue-collar work ethic and decisiveness with him to the bench, which will help ensure a quick turnaround between the close of trial and the court's written judgment. Further, Kelly conducts himself in a professional manner, acts with integrity, has a calm demeanor, and incorporates a fair and principled approach to the law.

Kelly established himself as one of the pre-eminent workers' compensation attorneys in Montana. I consider it a great privilege to offer my unequivocal recommendation for Kelly Wills to serve as the next judge of Montana's Workers' Compensation Court. If you or any members of the Advisory Committee have any questions, please do not hesitate to contact me.

Sincerely,

CROWLEY FLECK PLLP

A handwritten signature in blue ink, appearing to be 'Thomas J. Harrington', written over a horizontal line.

Thomas J. Harrington

TJH

From: [Kerri Wilson](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] Kelly Wills
Date: Wednesday, August 2, 2023 12:17:16 PM

Dear Governor Gianforte,

My name is Kerri Wilson, I am the Claims Manager for Associated Loggers Exchange. I am writing you today in support of Kelly Wills as judge for the workers' compensation court. I have known Kelly for over 20 years.

I met Kelly during his tenure as a partner at Garlington, Lohn, and Robinson law firm. Kelly's knowledge of workers compensation law spans many years. I've been especially impressed working with him the last ten years, as the defense attorney for our company. He possesses years of experience in this field, and would bring a wealth of expertise to the position as judge. I find Kelly to always be approachable, ethical, and committed. Kelly is methodical in his thinking on claims. He is very sound. He is fair. Kelly is devoted to his work, which speaks to his motivation.

Longevity, with experience and vast knowledge, is crucial in the field of workers compensation, and I encourage you to appoint him in the position as judge.

Feel free to call, if you have questions.

Sincerely,

Kerri Wilson
Claims Manager
Associated Loggers Exchange
4404 Expressway, #101
Missoula, MT 59808
PH#406-830-3336
FX#406-830-3342

From: [MaryJane Barrett](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] 8/2/23 Recommendation for Work Comp Judge Vacancy 2023 to Governor Gianforte
Date: Wednesday, August 2, 2023 2:14:18 PM

08/02/23 RE: Recommendation for appointment for Work Comp Judge position vacancy coming up/replace Judge David Sander

To: Governor Greg Gianforte

From: Mary Jane Barrett, MS, RN
Nurse Consultant-Worker's Compensation State of Montana since 1995
Forensic Nursing, Inc. Whitefish, MT.

Dear Governor Gianforte,

This is a letter of recommendation and strong request that you consider appointing Kelly Willis, Esq., Missoula, MT for position of Work Comp Judge / state of Montana.

The employers footing the bill for what should be the highest and best use of health care dollars in this state require assistance to push back against the overwhelming influence now in place against our employers and our injured workers to fairly manage health care dollars on behalf of injured workers.

Please review Kelly Wills, Esq. education and practice experience when you go to make a decision because I believe you will find he is the only qualified attorney that meets the criteria needed to help employers and injured workers in this state. Kelly Wills, Esq. has the credentials and experience in the industrial injury system, over 30 years, to bring knowledgeable, fair and experienced decisions to the work comp system in Montana.

Thank you for your consideration. Mary Jane Barrett, MS, RN
I can be reached at my office in Whitefish at: 406-257-8658

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows

From: [Tom Murphy](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] Opposition to the candidacy of Mr. Kelly Wills as Montana's next Workers' Compensation Judge.
Date: Wednesday, August 2, 2023 2:40:22 PM

Dear Sir/Madam,

I write this email in opposition to the candidacy of Mr. Kelly Wills as Montana's next Workers' Compensation Judge.

I have been a workers' compensation attorney in Montana for 38 years. I am the founding Co-Chairman of the MTLA Workers' Compensation Section, and I serve on the boards of two national workers' compensation organizations. I was the first attorney in Montana to be inducted as a Fellow in the College of Workers' Compensation Lawyers. This is an organization comprised of the most elite workers' compensation judges, defense attorneys, and claimant's attorneys in the country. These men and women possess the highest professional qualifications, legal expertise, and ethical standards. They lead the nation in scholarship, teaching, lecturing, and distinguished publishing on Workers' Compensation issues. In my association with these professionals, I have learned to recognize the attributes of an excellent judge.

I have litigated many cases before the last four workers' compensation judges in Montana. Some cases involved Mr. Wills, so I believe I have adequate knowledge to comment on his candidacy and to say he is not the right person for the job. Mr. Wills is a voracious defense attorney, but he lacks the necessary character and professional integrity to adjudicate the rights of injured workers. To illustrate, please review Mr. Wills' application for workers' compensation judge. He states that he has never been sanctioned. I believe his statement is false. In May of 2019, Mr. Wills' client was sanctioned for withholding approximately 4,000 pages of relevant documents. In a published opinion, the Workers' Compensation Court found that Mr. Wills had no legal basis to withhold the requested information. See, *Cooper v. Associated Loggers Exchange*; WCC No. 2019-4597. In his application, Mr. Wills implies that his associate received the sanction. It is telling that Mr. Wills would blame his associate for his own bad conduct.

The dispute in *Cooper* related to the claimant's entitlement to a motorized wheelchair. Mr. Wills represented to the Court that the insurer denied the motorized track wheelchair because it had already purchased 1) an electronic wheelchair, and 2) a manual wheelchair. Mr. Wills said the motorized track wheelchair was unnecessary, but numerous letters withheld by Mr. Wills confirm that he knew the insurer had not purchased an electronic wheelchair. The withheld documents also confirmed that the medical expert did not oppose the motorized wheelchair. Later discovery obtained from the expert showed that Mr. Wills did not produce all required documents even though he had been sanctioned. Even more disconcerting, additional documents show that Mr. Wills offered to "purge" his file rather than comply with the law.

Additional documentation also showed that Mr. Wills sent emails to his client stating

that a newly paralyzed 31-year-old logger, father, and husband, should be denied the motorized wheelchair comparing it to having a butler. In the end, Mr. Wills withdrew from representation in Cooper stating that he would testify under oath that the expert was originally opposed to the motorized wheelchair. After Mr. Wills withdrew from the case, his replacement attorney facilitated approval of the motorized wheelchair. Afterwards, the insurer (once again) was forced to pay another sanction for Mr. Wills' unreasonable conduct.

For years, Mr. Wills has exhibited a harsh attitude toward injured workers. In my opinion, he does not have the character or integrity necessary to be a tough but fair workers' compensation judge. I hope reading this email will assist you as you make a very important decision that will affect the rights of thousands of injured Montanans. Thank you.

Thomas J. Murphy

Murphy Law Firm

Great Falls, Montana

(406) 452-2345

tom@murphylawoffice.net

Fellow, College of Workers' Compensation Lawyers

Co-Chairman, MTLA Workers' Compensation Section

Board of Governors, College of Workers' Compensation Lawyers

Board of Directors, Workers' Injury Law & Advocacy Group*

*The Workers' Injury Law & Advocacy Group is a national non-profit organization of legal professionals dedicated to representing the interests of millions of workers and their families who suffer work-related injuries or occupational illnesses and who need expert legal assistance.

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From: thomas@bulmanlaw.com
To: [NominateJudges](#)
Subject: [EXTERNAL] Comment on Workers Compensation Court Judge Applicant Kelly Wills.
Date: Thursday, August 3, 2023 4:34:09 PM

Governor Gianforte

Candidate Kelly Wills should not be selected as the next Workers' Compensation Court Judge. Although he has many years of experience in the WC system, he is not fit to be the judge. The Canons of Judicial Conduct contain the following definitions:

"Impartial," "impartiality," and "impartially" mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 2, and 4, and Rules 1.2, 2.2, 2.9, 2.11, 2.12, 2.14, 3.1, 3.12, 3.13, 4.1, and 4.2.

Only the definition of "Law" has more cross-references in the Canons and Rules. It is the most important quality a judge must have.

I have spent the last 40 years of my legal career representing injured Montana workers. I have litigated cases before the last four judges and against Kelly Wills, who has never represented a single injured worker as far as I know. For the same reasons I would probably not be able to be an "impartial" judge, Kelly Wills will likely not be either.. 'You can't teach an old dog new tricks' is a true aphorism. I accept that, proudly. So should he. I have read Thomas Murphy's specific comments about Kelly Wills' fairly recent litigation behavior. No surprises there. Just red flags that you should pay attention to. If nothing else, Mr. Wills will never escape the perception among practicing workers compensation lawyers of probable bias based on his long practice history and specific conduct as a defense counsel to those of us who know him well. His selection is unnecessary and would send the wrong message to Montanans about your idea of fairness for working people.

Thomas C. Bulman AAL
Bulman, Jones & Cook PLLC
416 E. Pine St. P.O. Box 8202
Missoula MT 59807
(406) 721-7744

From: [jeannine olson](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] Kelly Wills
Date: Thursday, August 3, 2023 10:25:12 AM

Dear Governor Gianforte,

I am writing to address both the character and integrity of Kelly Wills. Over the last 40 years, I have and continue to be employed in the banking profession. I have had the privilege of knowing Kelly both personally and professionally for many years. My experience with him over these years can attest to his hard-working nature, honesty, and his desire to do the right thing. I've observed Kelly in various situations from competitive to relaxed and I can confidently vouch for his ability to be truthful, honest, and fair. He has demonstrated the ability to listen, to be compassionate, to make quick and well-informed decisions and is determined to do the right thing. I feel Kelly would do an outstanding job in the role of a Workers Compensation Judge. Thank you for your consideration.

Sincerely

David Olson

PEC, Inc.

Planned and Engineered Construction
3400 Centennial Drive
Helena, MT 59601

Telephone 406/447-5050
Fax 406/443-8583
www.pechelena.com

August 1, 2023

The Honorable Greg Gianforte
Governor of Montana
Governor's Office
Attn: Hannah Slusser
PO Box 200801
Helena, MT 59620-0801
Via email nominatejudges@mt.gov

Re: Appointment of the Worker's Compensation Judge

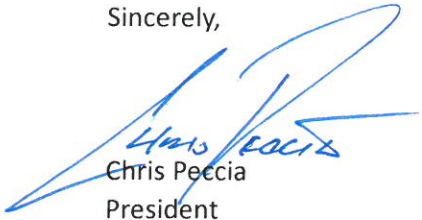
Dear Governor Gianforte:

We are writing this letter in support of Mr. Kelly Wills for appointment to the position of the Worker's Compensation Judge.

With over thirty years of experience, his vast knowledge of Montana work comp law and case law makes him an excellent candidate for the next Workers' Compensation Judge. Mr. Wills has always been knowledgeable, non-biased, and well spoken with any questions / concerns that our company has had over the years. He presents the laws with an unbiased, clear and concise analysis and in a very professional manner.

Please appoint Mr. Wills to the position of Montana Workers' Compensation Court Judge. Thank you for your consideration.

Sincerely,



Chris Peccia
President



Christy Austin
CFO/Treasurer

8/4/2023

The Honorable Greg Gianforte
Governor of Montana
Governor's Office
Attn: Hannah Slusser
PO Box 200801
Helena, MT 59620-0801
(Sent via email: nominatejudges@mt.gov)

RE: Appointment of the Workers' Compensation Judge

Dear Governor Gianforte:

I am writing this letter in support of Mr. Kelly Wills for appointment to the position of the Workers' Compensation Judge.

I have worked with Mr. Wills over the last few years as a member of the MCCF Board of Directors. Mr. Wills has extensive knowledge of Montana work comp law. He understands it is the legislature's role to make the law and the judge's role to apply the law. Mr. Will's knowledge and perspective of the statute and case law provides him with the experience that is needed to serve all of the stakeholders in the workers' compensation system.

Thank you for your time. Please appoint Mr. Wills to the position of Montana Workers' Compensation Court Judge.

Sincerely,



Rob Koelzer

From: [Dave Stewart](#)
To: [NominateJudges](#)
Subject: [EXTERNAL] WC Judge
Date: Thursday, August 3, 2023 10:26:47 AM
Attachments: [image001.png](#)

The Honorable Greg Gianforte
Governor of Montana
Governor's Office
Attn: Hannah Slusser
PO Box 200801
Helena, MT 59620-0801
(Sent via email: nominatejudges@mt.gov)

RE: Appointment of the Workers' Compensation Judge

Dear Governor Gianforte:

I am writing this letter in support of Mr. Kelly Wills for appointment to the position of the Workers' Compensation Judge. I have been the Safety and Health Director for Swank Enterprises for over twenty years. In that time, I have had the pleasure of work in conjunction with Mr. Wills on several workers compensation claims. Mr. Wells has always addressed the law in dealing with these cases. Even though Mr. Wills may have been representing an employer, he always applied the law as to what was the judicious way to address the claim.

Mr. Wills has extensive knowledge of Montana work comp law and has worked in the field since 1987. He also understands it is the legislature's role to make the law and the judge's role to apply the law. This combination of historical knowledge and perspective of the statute and case law provides him with the strong background needed to serve the many stakeholders of the workers' compensation system efficiently and effectively.

Thank you for your time and consideration. Please appoint Mr. Wills to the position of Montana Workers' Compensation Court Judge.

Sincerely,

David M. Stewart

David M. Stewart
Director Safety & Health
Swank Enterprises
Office:(406)-752-5411
Mobile: (406)-250-1313

