

John Morrison



Current/Recent

Morrison Sherwood Wilson Deola PLLP. *Senior Partner.* Eight member firm focusing on civil litigation; domestic and international insurance consulting. AV rating, Martindale Hubbell (Preeminent). www.mswdlaw.com.

National Alliance of State Health Cooperatives. *Founder, Immediate Past President.* Trade association for health insurance coops formed under the Affordable Care Act. Membership includes all 22 CO-OPs now covering over 1 million Americans with consumer governed, non-profit health insurance. www.nashco.org.

Montana Health CO-OP. *Co-founder, Vice Chair.* Consumer Oriented and Operated Plan, created under the Affordable Care Act, now insuring more than 40,000 consumers in Montana and Idaho. www.mhc.coop.

Senior Health Care Oversight Trust. *Past Lead Trustee.* Board of Trustees. Established by the Pennsylvania insurance commissioner as an alternative to liquidation for troubled long term care insurance entities. Appointed to replace former Surgeon General C. Everett Koop. www.shipltc.org/trust-questions.php.

Senior Health Insurance Company of Pennsylvania (SHIP). *Past. Chairman.* Board of Directors. Closed book insurer with \$3 billion in assets, managing long-term care claims in a closed book that formerly belonged to Consec. www.shipltc.org.

Fuzion, Inc. *Board of Directors.* Service company formed to provide data management and analysis and strategic direction to companies offering long term care insurance, using successful tools developed at SHIP.

PRC (Presidio Re). Board of Directors. San Francisco based reinsurance market for health carriers. Montana's largest captive insurance company. Acquired in 2012 by PartnerRe Ltd. <http://www.partnerre.com/news/partnerre-announces-acquisition-of-presidio#.VabKxjnw-gE>.

Center for Health Policy Development, National Academy of State Health Policy. *Vice Chair,* Board of Directors. CHPD is responsible for the legal and fiduciary management and oversight of the National Academy of State Health Policy. www.nashp.org.

Ethics Committee, Montana Bar Association. Writes ethics opinions for attorneys seeking guidance.

CASA of Montana. *Past Board President and Board member.* Court Appointed Special Advocates for abused and neglected children. (volunteer) www.casagal.org.

Background

Legal Career

Law practice. “AV” rated (“Preeminent”), Martindale-Hubbell. 2015 Appellate Advocacy Award, (Appellate Lawyer of the Year). Past President, Montana Trial Lawyers Association 1996-97. Montana Bar Association Ethics Committee 1996-2002, 2009-present (co-wrote dozens of published ethics opinions). Owner, The Morrison Firm (2009-10); Partner, Meloy and Morrison, 1994-2000; Morrison Law Offices, 1988-1994. Special Assistant Attorney General, chief Montana counsel, *State of Montana v. Phillip Morris, et al.* (The Tobacco Case). Represented NBC, New York Times and other media in *U.S. v. Kaczynski* (the Unabomber case). Created Montana’s first medical monitoring class (fen Phen). Numerous reported cases of first impression, Montana Supreme Court and Ninth Circuit. Legislative assistant/legal counsel, U.S. Senate, 1987-88.

Select reported cases. *Estate of Gleason v. Cent. United Life Ins. Co.*, 2015 MT 140, 379 Mont. 219; *Gazelka v. St. Peter’s Hosp.*, 2015 MT 127, 379 Mont. 142, 347 P.3d 1287; *MEA-MFT v. State*, 2014 MT 76, 374 Mont. 296, 323 P.3d 198; *MEA-MFT et al. v. McCullough*, 2012 MT 211; 366 Mont. 266; *Fossen v. Blue Cross and Blue Shield of Montana*, 660 F. 3d 1102 (9th Cir. 2011); *Ridley v. Guaranty Nat. Ins. Co.*, 286 Mont. 325, 951 P. 2d 987 (1997); *Webb v. TD*, 287 Mont. 68, 951 P.2d 1008 (1997); *Balyeat Law, P.C. v. Hatch*, 284 Mont. 1, 942 P.2d 716 (1997); *Hicklin v. CSC Logic, Inc.*, 283 Mont. 298, 940 P.2d 447 (1997); *Wood v. Den Herder*, 277 Mont. 147, 920 P.2d 105 (1996); *Poteat v. St. Paul Mercury Ins. Co.*, 277 Mont. 117, 918 P.2d 677 (1996); *Tanner v. Dream Island, Inc.*, 275 Mont. 117, 913 P.2d 641 (1996); *Webb v. T.D.*, 275 Mont. 243, 912 P.2d 202 (1996); *Matter of Paternity of Adam*, 273 Mont. 351, 903 P.2d 207 (1995); *Burlingham v. Mintz*, 270 Mont. 277, 891 P.2d 527 (1995); *KWA v. Blue Cross Blue Shield*, 270 Mont. 283, 891 P.2d 530 (1995); *Gabriel v. School Dist. No. 4, Libby*, 264 Mont. 177, 870 P.2d 1351 (1994); *Youngblood v. American States Ins. Co.*, 262 Mont. 391, 866 P.2d 203 (1993); *Beaverhead Bar Supply, Inc. v. Harrington*, 247 Mont. 117, 805 P. 2d 560 (1991); *McCall v. Dept. of Energy Through Bonneville Power Admin.*, 914 F. 2d 191 (9th Cir. 1990). See also, *Standard v. Morrison*, 584 F. 3d 837 (9th Cir. 2009).

Political/Policy Work

Montana State Auditor. Insurance Commissioner, Securities Commissioner, State Land Commissioner, Elected 2000, 2004. See, www.johnmorrison.us.

Led health insurance reforms. *Proposed, wrote and led passage of Insure Montana*, innovative small business health insurance program that covers 13,000 Montanans using tax credits and pooling, supported by tobacco tax. www.insuremontana.org. Created premium assistance plan, adding hundreds of low-income enrollees to Montana’s high

risk health pool and expanded pool coverage for mental health and prescription drugs. Used surplus to create permanent endowment. Led three-year effort culminating in passage of I-149 that increased the tobacco tax to fund Insure Montana, expand the Children's Health Insurance Program, and create the Big Sky Rx prescription drug assistance plan.

Shut down fake health insurance and medical discount scams and required registration, bonding and network adequacy for discount plans. Featured in *Consumer Reports*.

Proposed, wrote and led passage of the Healthy Montana Kids Plan, 2008 ballot initiative establishing near-universal children's health coverage; organized and chaired successful state-wide campaign; I-155 passed 70%-30%. HMK has covered 20,000 previously uninsured children since passage. www.healthymontanakids.org.

Banned discretionary clauses in Montana and led passage of NAIC model now followed in some 15 states, including New York, California, Michigan, Texas and Illinois; confers critical claim settlement rights on tens of millions of Americans covered under insured ERISA plans, affecting about 2 million claim denials per year. Successfully defended ban in state and federal court. See *Standard v. Morrison*, 584 F. 3d 837 (9th Cir. 2009). <http://www.ca9.uscourts.gov/datastore/opinions/2009/10/27/08-35246.pdf>.

Prosecuted historic securities cases. Obtained the largest fines and restitution ever recovered in Montana; changed national business practices regarding broker incentive programs. Exposed and prosecuted churning, trading without authority, unsuitability, failure to supervise, improper incentive programs, theft, securities fraud, pyramid schemes, Ponzi schemes, fake insurance, phony medical discount plans, and drug seeking. Established relationship with U.S. Attorney and sent violators to federal prison.

Launched Captive Insurance industry. Wrote and led passage of captive insurance law and revisions; helped recruit captives and create state association. More than 150 Montana based companies now provide affordable coverage for construction contractors, trucking firms, hospitals and doctors, nursing homes, and others, while bringing business and tax revenue to Montana. www.mtcaptives.org/i4a/pages/index.cfm?pageid=1.

Created InvestSmart Montana. Investor education program works with AARP, the Department of Justice and others, training local law enforcement and educating seniors and other citizens about financial fraud in 20 some communities across Montana. InvestSmart is funded by grants from the Investor Protection Trust. Also see "Film."

Wrote strong new consumer protection laws. Wrote and led passage of new laws governing insurance practices related to privacy, credit scoring, elder financial abuse,

medical discount plans, viaticals and conversion of non-profit health service corporations to for profit insurers.

Successfully rehabilitated health insurer. Took over, reorganized and found new parent for insolvent Montana health insurer, preserving coverage for 15,000 and saving jobs in Kalispell.

Led creation of State Land Bank. Allows purchase of publicly accessible land for school trust using revenue from selling isolated parcels. Published study showing most state trust lands are isolated and brought wildlife advocates and landowners together. First phase added 24,000 publicly accessible acres to the state school trust.

National leadership (National Association of Insurance Commissioners). Chairman, Market Regulation and Consumer Affairs Committee (www.naic.org/committees_d). Chairman, Health Insurance and Managed Care Committee (www.naic.org/committees_b). Also chaired Consumer Protection Working Group, and September 11 task force. Led creation of National Market Conduct Annual Statement information system that adds market conduct data to the (previously only financial/organizational) annual statement requirements and will collect, aggregate and analyze information pertaining to companies' treatment of consumers throughout the U.S. Led national crackdown on fake insurance and discount plans; opened internet portal for insurance consumers, www.naic.org/cis, (providing complaint and financial data); helped craft Interstate Compact for life and disability insurance products. Co-wrote NAIC conflict of interest policy that banned widespread practice of industry hosted dinners for commissioners. Co-wrote NAIC Climate Change White Paper.

International. Represented NAIC in first meeting with Chinese Insurance Regulatory Commission, Beijing and Shanghai, encouraging transparency and notice and comment and signing Memorandum of Understanding establishing cooperation with the USA. Represented NAIC at International Association of Insurance Supervisors (IAIS), Beijing, 2006, Fort Lauderdale, 2007, Budapest 2008. Co-organized and presented at NAIC-CIRC joint symposium regarding creation of a private health insurance market in China, Yi Chang, Hubei Province, 2007. Co-wrote recommendations to CIRC for development of commercial health insurance market in China (with Dr. Karen Eggleston, Stanford University). Presenter, representing U.S. Insurance regulators: U.S.-China Health Care Summit, U.S.-China Strategic Economic Dialogues, Washington, D.C., 2007; U.S.-China Insurance Dialogues (with U.S. Trade Representative), Hangzhou, China, 2008.

Congressional Testimony. U.S. House Committee on Education and Labor, HELP subcommittee, 2007 (regarding state health coverage initiatives). U.S. Senate Committee on Small Business and Entrepreneurship, 2005 (regarding small business health insurance).

Writing, Speaking, Awards, etc.

Publications. Book: *Mavericks, the Lives and Battles of Montana's Political Legends*, with Catherine Wright (Moscow: University of Idaho) 1998, 329 pp.; second edition (Helena: Montana Historical Society) 2003. Named Top Ten Montana History Books (*Missoulian*).
Articles: Co-author: "Exorcising Discretion: The Death Of Caprice in ERISA Claims Handling," 56 S. Dak. L. Rev 482 (2011); "Developing Commercial Health Insurance in China," Field Note in *Perspectives: China and the World (Stanford University)* 10(3): 141-155, 2008; "Products Liability," *Montana Commercial Practice Manual*, 1997; "Constitutional Challenges to Tort Reform: Equal Protection and State Constitutions," 64 *Den. U. Law Rev.* 719, 1987. Author: ERISA Preemption and the Loss of Just Remedies," *Trial*, p. 18, March 1995; "Fraudulent Concealment and the Medical Malpractice Statute of Limitation," *Trial Trends*, p. 10, Spring 1989; "Criminal Law" (10th Circuit Survey), 63 *Den. U. L. Rev.* 291, 1986. Author and co-author of numerous op/eds on health care policy and other matters, including "The Climate Change Peril that Insurers See," *The Washington Post*, 9/27/07 (with Alex Sink).

Film. Executive Producer, "Fraud Under the Big Sky," a feature length documentary narrated by Academy Award winning actor J.K. Simmons, profiling two historic Montana financial fraud cases. http://missoulian.com/news/article_eeee41a6-b3cc-5bf7-94d1-4806ac763b8f.html

Media. Extensive experience with television, radio and newsprint interviews. Covered by and/or published in *Wall Street Journal*, *New York Times*, *Washington Post*, *Politico*, *The Times (London)*, *USA Today*, *Money*, *Forbes*, *Smart Money*, *Consumer Reports*, *Best's Review*, CNN, NBC, ABC *Good Morning America* and other national publications and broadcasts.

Lectures/Speeches/Panels. Harvard Law School, Harvard Medical School, Harvard School of Public Health, Shorenstein Asia Pacific Research Center, Stanford University; National Academy of State Health Policy; National Insurance School, Milbank Fund; National Association of Insurance Commissioners; Beijing University; Renmin University; Association of Trial Lawyers of America; American Society for Public Administrators; National Association of Public Insurance Adjusters; Law schools of the Universities of Montana, South Dakota, Denver; Montana Bar Association; Montana Trial Lawyers Association; Montana Defense Trial Lawyers Association; Montana Chamber of Commerce; Montana Medical Association; Independent Insurance Agents; Association of Insurance and Financial Advisors; numerous other state and local organizations.

Private Endowments Created. Montana Endowment for Public Health and Safety/Safe Kids and Families Fund (provides hundreds of free bike helmets to Montana school kids each year); Mohammed Nasir Kahn Scholarship Endowment (provides support to foreign students studying at Whitman College).

Other Charities. Supervised creation of H2O 4 Hope, middle and high school students, in association with Engineers Without Borders chapter at Montana State University, raised money to drill a well, install a latrine and provide clean water to a school in Khwisero, Kenya www.facebook.com/pages/H2O-for-Hope/116598515050014. CASA of Montana (Cycle from Glacier Park to Yellowstone Park annually to raise money for program that advocates for abused and neglected children); Whitefish Community Foundation (Patron); Missoula Children's Theater; Discovery Center Children's Museum; Alpine Theatre Project; Myrna Loy Center for Performing Arts; Conservation groups; St. Labre Indian School; Wakina Sky; Kiva; world hunger groups; Habitat for Humanity; Special Olympics; local charities.

Businesses. Founding member: Morrison Ventures, LLC. (Real Estate); Northwest Montana Real Estate Fund, LLC (Real Estate); Harmonious Solutions (Joint Ventures).

Other Awards/Recognition. *Who's Who in the World; Who's Who in America; Who's Who in American Law.* 100 New Democrats to Watch (one of 10 leaders highlighted nationally), Democratic Leadership Council, 2003. Leadership Montana, Inaugural Class, 2004-5; Montana Trial Lawyers Association, Public Service Award, 2008; Healthcare Leadership Council, Honor Roll for Coverage Award, 2008; Excellence in Consumer Advocacy Award, NAIC Consumer Representatives, 2008.

Other Political Activity. Democratic National Platform Committee, 1992; Candidate for U.S. Senate, 2006 (raised \$1.7 million in Democratic primary from contributors in 50 states).

Education. Hellgate High School, 1979; Whitman College, BA, 1983 (student body vice-president, national debate finalist, varsity athlete); London Institute of Political and Economic Studies and Oxford University, 1982; University of Denver, JD, 1986 (assoc. law review editor, national trial competition finalist, Lewis Powell advocacy award, BNA top advocate award).

Personal. Wife: Cathy; daughters: Allison, 21 (Senior, Harvard), Amanda, 18 (Freshman, Princeton). Hobbies: Family, outdoor sports, music. Church: St. Helena Cathedral; St. Paul United Methodist.