

03/02/2020

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0533

|                                                      |                        |
|------------------------------------------------------|------------------------|
| <b>Atty Status</b>                                   | <b>Jurisdiction(s)</b> |
| _____                                                | _____                  |
| <b>Discipline</b>                                    | _____                  |
| <b>Appearance: Applicant</b> _____ <b>Firm</b> _____ |                        |
| <b>MT Attorney</b> <b>SBM</b> _____ <b>ODC</b> _____ |                        |

(Boxes for State Bar use only.)

|                                     |                       |
|-------------------------------------|-----------------------|
| <b>Application Number</b>           |                       |
| 03/02/2020 30                       |                       |
| <b>Date Received</b>                | <b>Staff Initials</b> |
| \$49.5                              | 381932                |
| <b>Fee Paid</b>                     | <b>Check No.</b>      |
| _____                               |                       |
| <b>Date Sent to Court or Agency</b> |                       |
| _____                               |                       |

STATE BAR OF MONTANA  
P.O. Box 577, Helena, MT 59624  
Street Address: 33 S. Last Chance Gulch, Suite 1B, Helena, MT 59601  
Telephone: (406) 442-7660  
Fax: (406) 442-7763

**PRO HAC VICE APPLICATION**

The original application must be submitted to the State Bar of Montana with a fee of \$495 for each *pro hac vice* appearance requested **and** a certificate of good standing from each state the attorney is a member of.

- |    |                   |                |                     |
|----|-------------------|----------------|---------------------|
| 1. | Mary Beth Forshaw | (212) 455-2846 | mforshaw@stblaw.com |
|    | Applicant's Name  | Phone          | E-Mail              |
- |    |                                                             |  |  |
|----|-------------------------------------------------------------|--|--|
| 2. | Simpson Thacher & Bartlett LLP                              |  |  |
|    | Firm Name (List all firm(s) with which you are associated.) |  |  |
- |    |                      |          |          |       |
|----|----------------------|----------|----------|-------|
| 3. | 425 Lexington Avenue | New York | New York | 10017 |
|    | Office Address       | City     | State    | Zip   |
- |    |                        |          |          |       |
|----|------------------------|----------|----------|-------|
| 4. | 270 Broadway, Apt. 21D | New York | New York | 10007 |
|    | Residence Address      | City     | State    | Zip   |
- List the name, address, and telephone number of the active member of the State Bar of Montana who is the attorney of record in the case for which this application is being made.

|                                                     |                      |
|-----------------------------------------------------|----------------------|
| D. Wiley Barker, Crowley Fleck PLLP                 | (406) 449-4165       |
| Attorney & Firm Name                                | Daytime Phone Number |
| 900 N. Last Chance Gulch, #200 Helena Montana 59601 |                      |
| Address                                             | City State Zip       |
- List all state and federal courts in which you have been admitted to practice and the dates of admission **and** provide certification of good standing for each State only. **Do not** include pro hac vice admissions.

A. State Courts: Connecticut (December 4, 1989); New York (May 16, 1990)

B. Federal Courts: U.S. District Court Southern District of New York (June 19, 1990); U.S. District Court Eastern District of New York (June 21, 1990); U.S. District Court North District of New York (February 4, 2016); U.S. Court of Appeals for the Second Circuit (July 15, 1998); U.S. Court of Appeals for the Third Circuit (October 15, 2004); U.S. Court of Appeals for the Seventh Circuit (March 6, 1998); U.S. Court of Appeals for the Ninth Circuit (October 9, 2012); U.S. Court of Appeals for the Tenth Circuit (December 30, 1998); U.S. Court of Appeals for the District of Columbia (September 8, 1997)

7. Are you currently suspended, disbarred, or otherwise not licensed to practice in any of the above courts?  
If so, attach copies of all relevant court documents or disciplinary documents. ☐ Yes ☒ No
8. Are you subject to pending disciplinary proceedings in any jurisdiction? ☐ Yes ☒ No  
If so, attach a description of the nature and status of each pending disciplinary proceeding.
9. Do you maintain a residence in Montana? ☐ Yes ☒ No
10. Are you regularly employed in Montana? ☐ Yes ☒ No
11. Are you regularly engaged in the practice of law or in substantial business or professional activities in Montana? ☐ Yes ☒ No
12. Do you have an application for admission to the State Bar of Montana pending? ☐ Yes ☒ No
13. List the title of each state court and cause in Montana in which you **OR YOUR FIRM** have filed an application to appear as counsel pro hac vice, the date of each application, and whether it was granted or denied. *(Do not list Federal court pro hac vice appearances.)*

**List the current title, court, and cause number for which you are applying.**

|                                                 | Title, Court, Cause #                                                                                                  | County | Date | Granted: (Yes, No) |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------|------|--------------------|
| A. <b>Previous Cases:</b>                       | Weems v. State of Montana, et al., Cause No. DA 18-0308 (Mont.)                                                        |        |      | Nov. 13, 2018 Yes  |
|                                                 |                                                                                                                        |        |      |                    |
|                                                 |                                                                                                                        |        |      |                    |
|                                                 |                                                                                                                        |        |      |                    |
| B. <b>CURRENT Case:</b> (please include County) |                                                                                                                        |        |      |                    |
|                                                 | National Indemnity Company v. State of Montana, Cause No. DA 19-0533 (Mont.), on appeal from                           |        |      |                    |
|                                                 | National Indemnity Company v. State of Montana, Cause No. XDDV-2012-140 (Mont. 1st. Jud. Dist. Ct. Lewis & Clark Cty.) |        |      |                    |

14. I agree to comply with the applicable statutes, laws, and procedural rules of the State of Montana. I further agree to be bound by the Montana Rules of Professional Conduct (except as to Rules 6.1-6.4) and will submit to the jurisdiction of the Montana courts, the Montana disciplinary process, and the State Bar of Montana with respect to acts and omissions occurring during admission under this application.
15. I understand that a lawyer not admitted to practice in Montana is subject to the disciplinary authority of Montana for conduct that constitutes a violation of the Montana Rules of Professional Conduct and that: a) involves the practice of law in Montana by that lawyer; or b) involves that lawyer holding himself or herself out as practicing law in Montana; or c) involves the practice of law in Montana by another lawyer over whom this lawyer has the obligation of supervision or control.
16. I state that payment has been made to the State Bar of Montana in accordance with the requirements of Section IV of the Rules for Admission and in accordance with the requirements of Rule 6 of the Rules for Lawyer Disciplinary Enforcement.
17. I understand I have an on-going obligation to advise the State Bar of Montana and court/administrative agency if my standing or status changes in any of the jurisdictions in which I am admitted during the term of my pro hac vice admission.

18. I agree to provide the State Bar of Montana with the court or administrative agency's order to grant or deny this application. (All applications will be counted as an appearance unless the State Bar of Montana is advised the application was denied by the Court.)
19. I agree to notify the State Bar of Montana of any appeals if the case is referred to a higher court. (If the above action proceeds to a court of higher jurisdiction, I understand the appealed case will not be counted as an additional appearance.)
20. I agree to provide current certificates of good standing from the jurisdiction(s) in which I am admitted.
21. I understand that the \$495 assessment is an **annual** assessment and agree to promptly pay the assessment as long as this proceeding is pending before a Montana administrative agency or any Montana court (except federal court).

State of New York

County of New York

The above statements are true based upon applicant's knowledge and belief. Further, I agree to submit to the pro hac vice rules, the Montana Rules of Professional Conduct, and the Montana Rules for Lawyer Disciplinary Enforcement.

Mary Behn Prishan      2/27/20  
Signature of Applicant      Date

Subscribed and sworn to (or affirmed) before me this 27<sup>th</sup> day of February, 2020.

SHEYLA FLORES  
Notary Public, State of New York  
Notary ID: 6365705  
Qualified in Queens County  
My Commission Expires October 16, 2021

Notary Signature: [Signature]  
Printed Name of Notary: Sheyla Flores  
Notary Public for the State of: New York  
Residing in: New York  
My commission expires: October 16, 2021

ATTACH:      **Certificate(s) of Good Standing**  
                 **\$495.00 Pro Hac Vice Fee**

Rules and information about pro hac vice are available on the State Bar's website at [www.montanabar.org](http://www.montanabar.org). Please direct questions to Sean O'Connor: [soconnor@montanabar.org](mailto:soconnor@montanabar.org) or (406) 447-2204.