

Montana Employment Law Seminar

for corporate counsel, business owners & human resource professionals

SEPTEMBER 9, 2025 | RESIDENCE INN DOWNTOWN

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Presentations:

Policy Evolution: Changing Your Company's Policies to Keep Up With Changing Times

Michael Judd and Paul R. Smith

I Have Seen This Movie Before . . . But I Am Not Sure How it Ends This Time

Liz M. Mellem and Mark D. Tolman

Wage and Hour: Hot Topics and Real-Life Examples of Employers Running Afoul of the Fair Labor Standards Act

Susan Baird Motschieder and Leah Trahan



A Different
LEGAL
PERSPECTIVE

**PARSONS
BEHLE &
LATIMER**

Montana Employment Law Seminar

Policy Evolution: Changing Your Company's Policies to Keep Up With Changing Times

Michael Judd

801.536.6648 | mjudd@parsonsbehle.com

Paul R. Smith

801.536.6941 | psmith@parsonsbehle.com

Michael Judd's practice centers on competition and information. He guides clients through complex litigation in varied industries, including disputes related to employee mobility, antitrust and trade secrets. He also maintains a vigorous First Amendment practice in which he represents media organizations in their news-gathering efforts.



Michael Judd

Shareholder | Salt Lake City

Biography

Michael is a commercial litigator focused on competitive issues. His work includes employment litigation where he represents employers in cases related to employee movement, compensation and compliance with state and federal law, including the ADA, FLSA, and FMLA.

Michael's practice also includes complex business and intellectual-property matters, including trade-secret disputes, enforcement of restrictive covenants and anti-competitive business practices.

In his First Amendment practice, Michael also represents clients, including news media organizations, in matters that enable reporting and public oversight through access to government records, defense of defamation claims and similar legal issues.

Experience

Represented client against antitrust complaints (Sherman Act)

Parsons represented Ute Conference against anti-trust (Sherman Act Section 1 & 2) complaints regarding boundary rules for a youth football team. The plaintiffs also asked the federal court to enjoin the Ute Conference from enforcing boundary rules through a temporary restraining order (TRO). Parsons obtained a complete victory for the client. The judge declined to enter any aspect of the requested TRO and found for the client on likelihood of success on the merits, on irreparable harm and on the balance of harms.

Contact information

801.536.6648

mjudd@parsonsbehle.com

Capabilities

Antitrust & Competition

Appeals

Business & Commercial Litigation

Employment & Labor

Employment Litigation

Trade Secret Litigation

Licensed/Admitted

Utah

Defended Client in Competitive Misconduct with Antitrust Issues

Defended a pharmacy services client in allegations of competitive misconduct with antitrust issues.

Nondisclosure, Nonsolicitation, Noncompetition Defense of Solar Sales Company

Defending a solar sales company in several lawsuits in Utah state and federal courts and Texas state court for competitive claims including nonsolicitation, nondisclosure and noncompetition claims.

Public Records Access Motion for Summary Judgment

Parsons' client The Salt Lake Tribune asked for copies of officer interviews from the City of West Jordan, as part of a project assembling a database of Utah police involved shootings. The city refused to release the records, and The Tribune challenged that access denial in an appeal to the district court. The court issued a ruling granting the Tribune's Motion for Summary Judgment and ordered West Jordan to turn over those records, with minimal redactions.

Accomplishments**Professional**

"Utah Legal Elite," *Utah Business Magazine*, Civil Litigation 2022

Mountain States Super Lawyers, Rising Stars, 2019–2023

Academic

University of Iowa, J.D.

- Editor in Chief of the Iowa Law Review
- Captained the Jessup Moot Court team
- Received the Dean's Award for Constitutional Law
- Earned a joint MBA at Iowa's Tippie College of Business

Princeton University & Brigham Young University, B.A, English, Economics

Associations**Professional**

Advisory Committee, Utah Rules of Appellate Procedure, Recording Secretary, 2019–present

Board Member, Utah Chapter, Federal Bar Association, 2020–present

Community

President, Alumni Association, The Waterford School, 2013 – present

Articles

"Federal Court Sides with Whole Foods in Dress-Code Dispute Over Black Lives Matter Masks," *Employment Law Update* (Jan. 30, 2023)

Presentations

I Have Seen This Movie Before . . . But I Am Not Sure How it Ends This Time (April 8, 2025)

Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

Policy Evolution: Changing Your Company's Policies to Keep Up With Changing Times (April 8, 2025)
Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

Remote Work — Managing the Perk That's Become a Presumption (October 23, 2024)
Parsons Behle & Latimer 2024 Idaho Employment Law Seminar

Remote Work: Managing the Perk That's Become a Presumption (May 14, 2024)
Parsons Behle & Latimer/SHRM 2024 Salt Lake City Employment Law Seminar

Salt Lake SHRM's Annual Chapter Meeting (February 13, 2024)

"Every Case Really is a Story: Four State and Federal Caselaw Stories and Lessons," Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar (Oct. 5, 2022)

From providing real-time counsel, to reviewing and drafting key employment documents, training on best practices, investigating allegations of misconduct or defending against claims of wrongful termination, Paul assists employers in all facets of the employment relationship.



Paul R. Smith

Shareholder | Salt Lake City

Biography

Your workforce is one of your company's most valuable assets. It's also one of the trickiest to manage. As a seasoned management-side employment lawyer, Paul helps companies navigate the various facets of the employment relationship. This goes far beyond simply representing employers when they are sued for wrongful termination. The adage "an ounce of prevention is worth a pound of cure" couldn't be truer in the employment arena. But when claims arise, Paul is an experienced litigator who can vigorously defend his clients without blowing up the situation or breaking the bank.

Contact information

801.536.6941

psmith@parsonsbehle.com

Capabilities

Employment & Labor

Employment Litigation

Business & Commercial Litigation

Licensed/Admitted

Utah

Counseling Clients in Real Time

The best way to handle employee claims of mistreatment (e.g., wrongful termination, failure to accommodate, retaliation, etc.) is to avoid them in the first place. Paul consistently counsels companies with issues related to disability-accommodation requests, leave requests, misconduct, performance, discipline, classification (exempt vs. non-exempt, employee vs. independent contractor) and termination. Handling these issues immediately avoids escalation. And thinking through issues and putting in place preventative procedures in real time can make your case imminently easier to defend in future litigation.

Reviewing and Drafting Documents

Having the right documents in place is vital to avoiding employment disputes and mitigating risk. Carefully crafted employment agreements, offer letters, company policies, procedures and employee handbooks ensure your employees understand expectations, and if disputes arise, you're well positioned to enforce your rights. Paul analyzes companies' current employment documents to ensure they comply with

applicable law and contain proper protections. He also helps employers craft new agreements, policies and manuals, filling gaps in companies' current catalogues.

Training

Formal trainings that educate supervisors and subordinates regarding duties and legal landmines help set expectations and reduce risk. Paul presents informative and entertaining trainings for companies of all sizes, local to national, regarding harassment, discrimination, conflicts of interest and company policies. In 2023, Paul was recognized with the Outstanding Faculty Award by the National Business Institute for his trainings on employment law issues.

Investigating

Sometimes, despite employers' and managers' best efforts, allegations arise of misbehavior and injury, leaving companies to determine what happened, who is telling the truth and what they should do next. Paul commonly conducts investigations that involve interviewing witnesses, reviewing documents (including text messages, emails, Slack messages, etc.), analyzing company policies and providing factual findings that enable employers to make informed decisions on next steps and remedial measures.

Defending

From claims of discrimination (racial, gender, age, disability, etc.), harassment, failure to accommodate a disability and retaliation, Paul routinely defends companies in litigation before the Equal Employment Opportunity Commission (EEOC), state agencies like the Utah Antidiscrimination and Labor Division (UALD) and in federal district court. Such litigation also often involves settlement negotiations, including through formal mediation. Paul excels at resetting unreasonable plaintiffs' expectations from six-figure demands to nuisance-value settlements. And when settlement isn't successful, Paul has a strong track record obtaining favorable rulings from tribunals—including on motions for summary judgment—avoiding costly trials.

Paul's litigation experience extends beyond the employment sphere into general commercial and contractual disputes. He has years of experience litigating at the administrative and trial-court level (including in state and federal court) as well as at the appellate level, briefing and arguing cases before the Tenth Circuit Court of Appeals, the Utah Court of Appeals and the Utah Supreme Court.

Experience

Defense of Healthcare Company Against Sex Discrimination Claim

Former employee filed charge of discrimination with Utah Labor Commission, alleging sex discrimination and retaliation. Settled matter within a month of the charge being filed for nuisance value.

Defense of Restaurant Company Against Sexual Harassment Claim

Defending company against charge of discrimination filed with Utah Labor Commission, alleging sexual harassment and retaliation. Settled case during mediation for nuisance value.

Defense of Logistics Company Against Disability Discrimination Claim

Former employee filed a charge of discrimination with Utah Labor Commission, alleging disability discrimination, failure to accommodate and retaliation. Former employee then filed lawsuit in federal district court. Case settled for nuisance value during discovery.

Employment Investigation into Sex Discrimination Allegation

Conducted investigation into allegation of sex discrimination on behalf of public employer, including interviewing numerous witnesses, reviewing documents and making factual findings in investigative report.

Employment Investigation into Sex Harassment Allegation

Conducted investigation into claims of sexual harassment on behalf of insurance company, including interviewing witnesses, reviewing documents (including police records) and making factual findings in investigative report.

Employment Investigation into Coworker Romantic Relationship

Conducted investigation into romantic relationship between CEO and subordinate and advised board of directors regarding options and strategy.

Handbook Review

Review dozens of employee handbooks for dental practices across the country to ensure compliance with federal, state and local law.

Conduct Reduction in Force

Assisted video game company in conducting complex reduction in force, including counseling client, drafting severance agreements and disclosure statements, and communicating and negotiating with departing employees.

FMLA and ADA Discrimination Defense

Represented a large Intermountain region bank in two discrimination claims in U.S. District Court concerning FMLA and ADA.

Accomplishments**Professional**

Business Editor, Arizona State Law Journal

Utah Legal Elite, Civil Litigation, 2022

Best Lawyers in America “One to Watch”

National Business Institute 2023 Outstanding Faculty Award

Academic

Arizona State College of Law (J.D., cum laude, 2012, Willard H. Pedrick Scholar)

University of Utah (B.S., 2009, Major in Mechanical Engineering)

Associations**Professional**

Utah State Bar

Federal Bar Association

American Bar Association

Society for Human Resource Management (SHRM)

Board Member, Jefferson Academy

Articles

“*Employment Law Update*,” (January 17, 2023)

“*Employment Law Update*,” (August 16, 2022)

Presentations

Policy Evolution: Changing Your Company’s Policies to Keep Up with Changing Times (April 8, 2025)
Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

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“Social Media: What’s Not to Like About Social Media in the Workplace?,” (October 5, 2022)
Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

“Key Employment Laws Every New HR Professional Must Know,” (August 30, 2022)
WECon Utah SHRM Conference

“Social Media: What’s Not to Like About Social Media in the Workplace?,” (June 16, 2022)
34th Annual Parsons Behle & Latimer Employment Law Seminar

Montana Employment Law Seminar

I Have Seen This Movie Before . . . But I Am Not Sure How it Ends This Time

Liz M. Mellem

406.317.7240 | amellem@parsonsbehle.com

Mark D. Tolman

801.536.6932 | mtolman@parsonsbehle.com

Liz Mellem is a skilled litigator and an experienced neutral investigator regarding employment claims. Her experience with an array of complex commercial issues, including significant employment counseling and litigation, helps guide her clients toward effective and satisfactory resolutions both in and out of court.



Contact information

406.317.7240

amellem@parsonsbehle.com

Capabilities

Employment & Labor Counseling

Employment Litigation

Business & Commercial Litigation

Licensed/Admitted

Utah

U.S. Dist. Court, Dist. of Utah

Montana

U.S. Dist. Court, Dist. of Montana

Liz M. Mellem

Director and Vice President | Shareholder
Missoula | Helena | Salt Lake City

Biography

Liz Mellem represents companies in a wide range of employment and commercial issues including:

- Neutral investigations of internal claims of harassment, discrimination, and ethical violations
- Harassment and discrimination defense
- Wrongful termination defense
- Handbook review and revision
- Employment practices training including harassment and discrimination training of management and non-management employees
- General commercial litigation including breach of contract, trade secret misappropriation, and ownership disputes
- Pre-litigation negotiation and resolution of disputes

Liz focuses on creating innovative business solutions for her clients and zealously advocates for their interests from the beginning of a matter through resolution, including through trial.

Liz has spent much of her career representing clients in both Utah and Montana by traveling between the two states. She is active in the local running and biking communities in Missoula.

Experience

Racial Discrimination Defense

Defending client against claims of race discrimination and national origin discrimination under Title VII, Section 1981 and breach of contract, breach of duty of good faith and fair dealing.

Nonsolicitation or Noncompete Contracts

Successfully resolved numerous cases alleging violations of non-solicitation and non-competition contract provisions.

Employee Handbooks

Worked with both large and small companies to revise and improve employee handbooks.

Wrongful Termination

Successfully defended company in alleged wrongful termination case.

Defending Client in FLSA Claims

Defending call center client against claims of violation of the Fair Labor Standards Act, Utah Wage Payment Act and Montana Wage Payment Act.

Provide Counsel in Copper and Molybdenum Mining Activities

Representing client on matters related to ongoing copper and molybdenum mining activities, including cleanup of legacy impacts and future water treatment process.

Defending a Large Gold Mine Against Royalty Claims

Representing an international gold mining company's mine against royalty claims by another world-class gold mine.

Fiduciary Duty Trial

Obtained six-figure jury verdict for plaintiff in breach of fiduciary duty case.

Fraudulent Misrepresentation

Obtained defense verdict in fraudulent misrepresentation case involving allegedly hidden assets.

UCC Product Dispute

Successfully resolved UCC "battle of the forms" dispute in pre-litigation, saving client time and expenses of litigation.

Accomplishments

Professional

Parsons Behle & Latimer, Director, Vice President and Secretary 2024 – 2026

Admissions:

Utah State Bar, 2010

United States District Court, District of Utah, 2010

State Bar of Montana, 2013

United States District Court, District of Montana, 2014

Mountain States Super Lawyers Rising Star: 2014, 2018, 2019, 2020

Academic

University of Utah, S.J. Quinney College of Law (2010, J.D.)

Montana State University (2004, B.S.) Major: Sociology

Associations

Professional

Utah State Bar Labor & Employment Section, Chairperson, 2017 – 2018

American Bar Association, Member, (2010 - Present)

Community

Missoula Economic Partnership, Board of Directors member, 2023 – present

Humane Society of Western Montana

- Board of Directors (2017 - 2023)
- President of Board (2020 - 2023)

Run Wild Missoula, member (2013 - present)

Articles

“New COVID Relief Statute: Second Round of PPP Loans, Extension of FFCRA Leave Rights, and Tax Code Changes,” December 23, 2020

“Montana Face Coverings Mandates,” July 21, 2020

“Montana Civil Cases Can Resume, But With Significant Restrictions,” May 18, 2020

“Strategies on acing the SBA’s new PPP Loan Forgiveness Application,” May 18, 2020

“Beware the Whistleblower: Avoiding Fraud Liability under the PPP,” May 12, 2020

“Montana’s Employers Can Open for Business – Sort Of,” April 28, 2020

“Re-opening for Business: Employers Should Begin Planning Now,” April 14, 2020

“Top Nine Takeaways from New FFCRA Regulations,” April 3, 2020

Additional Guidance from the Department of Labor Including the Frequently Asked Question: “What is the ‘small business exemption’ under the Families First Coronavirus Response Act? March 30, 2020

“Montana’s ‘Stay at Home’ Directive from Governor Bullock” March 30, 2020

“CARES ACT: Emergency Appropriations,” March 27, 2020

“Emerging Questions for Employers Under The Families First Coronavirus Response Act And Other Coronavirus Employment Issues,” March 24, 2020

Presentations

The Next Right Thing: Choosing Your Path Through the ADA Mine Field, April 8, 2025

Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

Winning the Case Before it Starts: Investigations, Documents and Lawyers, April 8, 2025
Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

Handbook Updates – 2024 Policy Pointers and Pitfalls, September 25, 2024
Parsons Behle & Latimer 2024 Montana Employment Law Seminar

Documents are an Employer’s Best Friend: How to Properly Document Employee Interactions with HR,
May 14, 2024
Parsons Behle & Latimer/SHRM 2024 Salt Lake City Employment Law Seminar

Regulatory Hot Topics, May 9, 2023
Parsons Behle & Latimer 35th Annual Employment Law Seminar in partnership with Salt Lake SHRM

Preventing and Responding to Workplace Violence and new HB 324, May 9, 2023
Parsons Behle & Latimer 35th Annual Employment Law Seminar in partnership with Salt Lake SHRM

Hiring and Firing Employees, January 23, 2023
National Business Institute (NBI) Seminar – Montana Employment Law 2023

Employee Discipline and Termination: Avoiding Problems with Effective Communication and
Documentation, October 5, 2022
Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

Hot Employment Topics Sessions #1 and #2, October 28, 2021
33rd Annual Parsons Behle & Latimer Employment Law Seminar

Hot Employment Topics Session #1 and #2, September 22, 2021
Parsons Behle & Latimer Ninth Annual Boise Employment Law Seminar

COVID-19 Vaccinations in the Workplace: Mandatory, Voluntary or None at All, February 10, 2021

Remote Working Considerations in the ERA of COVID-19, November 10, 2020

Strategies on Acing the SBA's New PPP Loan Forgiveness Application, May 20, 2020

Back in Business: Information Every Idaho Employer Should Know, May 13, 2020

Moving Forward: Resuming Business in a Changed Environment, May 7, 2020

**To view additional insights and related news items, visit parsonsbehle.com/people/liz-m-mellem#insights*

Mark is co-chairperson of the firm's Employment and Labor practice team. Mark helps his employer clients avoid disputes through preventative practices, policies and training, and advocates for them in litigation when disputes cannot be avoided.



Mark D. Tolman

Employment & Labor Practice Area Co-chairperson | Shareholder | Salt Lake City

Biography

Mark practices employment law and commercial litigation in matters before state and federal courts, the Utah Labor Commission and Equal Employment Opportunity Commission. He was recognized by the Utah State Bar as the 2018 Labor & Employment Attorney of the Year. Mark litigates cases involving complex factual and legal matters, including employment discrimination, harassment and retaliation, breach of fiduciary duty, covenants not to compete, solicit, or disclose confidential information, interference with contract, trade secrets and defamation. Mark has tried cases before state and federal courts and before the Adjudication Division of the Utah Labor Commission. He has also argued cases to the Utah Supreme Court, the Utah Court of Appeals and to the United States Tenth Circuit Court of Appeals. Most importantly, Mark helps his clients avoid litigation by daily counseling on employment law problems, developing preventative practices and policies and providing regular inhouse training.

Mark is an experienced independent investigator. He has conducted dozens of fact investigations involving matters of alleged harassment and abuse, discrimination and retaliation. Mark regularly trains HR professionals and others on how to conduct effective investigations.

Mark also volunteers as the Director of Legal Affairs for the Utah SHRM State Council and as Co-Director of Legal Affairs for Salt Lake SHRM. Mark is a regular presenter at SHRM events and provides a monthly *Ask a Lawyer* webinar for members of Salt Lake SHRM.

Contact information

801.536.6932

mtolman@parsonsbehle.com

Capabilities

Appeals

Healthcare

Employment & Labor

Trade Secret Litigation

Employment Litigation

Licensed/Admitted

Utah

Idaho

Wyoming

Experience

Utah's Workplace Violence Protective Order Law

Mark lobbied on behalf of Salt Lake SHRM and Utah SHRM for passage of House Bill 324, Workplace Violence Protective Order Amendments. This bill allows an employer to seek a protective order against individuals who harm, or threaten to harm, its employees or property. The bill passed and took effect July 1, 2023. For additional information on how to obtain a Workplace Violence Protective Order, please contact Mark or visit the Utah Court's website here: Protective Orders (utcourts.gov)

Independent Investigation of Sexual Harassment

Conducted an independent investigation of sexual harassment claims against Senator Gene Davis by a legislative intern.

ADA Discrimination Defense

Represented a Utah city regarding discrimination charges under the ADA and in retaliation for filing worker's compensation claims.

FMLA and ADA Discrimination Defense

Represented a large Intermountain region bank in two discrimination claims in U.S. District Court concerning FMLA and ADA.

Nondisclosure, Nonsolicitation, Noncompetition Defense of Solar Sales Company

Defending a solar sales company in several lawsuits in Utah state and federal courts and Texas state court for competitive claims including nonsolicitation, nondisclosure and noncompetition claims.

Accomplishments

Professional

Recognized in *Best Lawyers in America*

Utah Business Magazine's Legal Elite, Labor and Employment

Recognized in *Chambers USA*, Labor & Employment – Utah, 2017 - 2025

Mountain States Super Lawyers (Employment & Labor)

2015 "Outstanding Mentor Award," Utah State Bar

Academic

University of North Carolina at Chapel Hill (J.D., with honors, 2004)

Weber State University (B.S., *summa cum laude*, Economics, 2001)

Associations

Professional

Member, Society for Human Resource Management (SHRM)

Director of Legal Affairs, Utah State SHRM Council

Co-Director of Legal Affairs, Salt Lake Chapter of the Society for Human Resource Management (SHRM)

Community

Weber State University Business Advisory Council

Articles

“Congress Passes the Speak Out Act, Outlawing the Use of NDAs to Silence Victims of Sexual Harassment and Assault,” (November 30, 2022)

“*Employment Law Update*,” (June 29, 2022)

Presentations

Ask Us Anything (About Employment Law), (April 8, 2025)

Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

One Unlikely Rise, One Potential Demise: The Realities of Reverse Discrimination Claims and DE&I Initiatives in 2025, (April 8, 2025)

Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

Quiz Game: Test Your Knowledge of Recent Legal Developments (October 23, 2024)

Parsons Behle & Latimer 2024 Idaho Employment Law Seminar

Handbook Updates – 2024 Policy Pointers and Pitfalls (September 25, 2024)

Parsons Behle & Latimer 2024 Montana Employment Law Seminar

Handbook Updates: 2024 Policy Pointers and Pitfalls (May 14, 2024)

Parsons Behle & Latimer/SHRM 2024 Salt Lake City Employment Law Seminar

SE Idaho SHRM Half-Day Employment Law Conference (October 19, 2023)

Southeast Idaho SHRM Chapter

Conducting Effective Workplace Investigations (May 9, 2023)

Parsons Behle & Latimer 35th Annual Employment Law Seminar with SL SHRM

“Parsons Attorneys to Present at SHRM Annual Employment Update,” (February 14, 2023)
Salt Lake SHRM

“Everything You Want to Ask Your Lawyer But Are Afraid to Ask,” (October 5, 2022)

Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

“Common Mistakes and Horror Stories,” (August 31, 2022)

WECon Utah SHRM Conference

“2022 Legislative and Regulatory Update,” (June 16, 2022)

34th Annual Parsons Behle & Latimer Employment Law Seminar

“Key Employment Laws Every New HR Professional Must Know,” (August 30, 2022)

WECon Utah SHRM Conference

“Everything You Want to Ask Your Lawyer But Are Afraid to Ask,” (June 16, 2022)

34th Annual Parsons Behle & Latimer Employment Law Seminar

“The ADA, FMLA and Other Leave Essentials,” (June 16, 2022)

34th Annual Parsons Behle & Latimer Employment Law Seminar

“Emerging Employment Law Issues and Trends for Municipal Employers,” (June 3, 2022)
Utah Municipal Attorneys Association

Montana Employment Law Seminar

Wage and Hour: Hot Topics and Real-Life Examples of Employers Running Afoul of the Fair Labor Standards Act

Susan Baird Motschiedler

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Leah Trahan

406.317.7244 | ltrahan@parsonsbehle.com

Susan Motschiedler provides deep employment and labor experience primarily to medium and small businesses on routine and crisis administrative matters; long-term growth planning and protection; and employment litigation. Her collaboration with multidisciplinary teams benefits clients in matters of business structure; acquisition; acquisition planning and more.



Susan Baird Motschiedler

Of Counsel | Salt Lake City

Biography

Susan Baird Motschiedler is a member of Parsons Behle & Latimer's employment and labor law and litigation practice groups. With an eye toward avoiding litigation, she excels at providing up-front advice and counsel to business owners and management regarding employment discrimination, harassment and retaliation; disciplinary action and documentation; disability accommodation issues; benefits; employment policies and practices; employee leave laws; layoffs; protection of trade secrets and other confidential and proprietary information through the use of confidentiality, noncompetition and nonsolicitation agreements; wage and hour laws; and other employment-related issues. Susan also regularly conducts real world client training programs for employers on topics including harassment and discrimination, disability accommodation, hiring and firing, conducting investigations, record keeping and coaching/disciplining employees. When disputes arise, Susan confidently defends clients in litigation, administrative proceedings and alternative dispute resolution forums.

Susan regularly counsels and represents employers in lawsuits in a variety of areas including:

- Sex discrimination and sexual harassment
- Age discrimination
- Religious discrimination
- Americans with Disabilities Act, disability and employee medical issues
- Wrongful termination

Contact information

801.536.6923

smotschiedler@parsonsbehle.com

Capabilities

Employment & Labor

Employment Litigation

Business & Commercial Litigation

Licensed/Admitted

Utah

U.S. Court of Appeals, 10th Circuit

- Employment contracts and compensation
- Non-compete, confidentiality, and non-solicitation agreements
- Handbooks
- Social media in the workplace
- Fair Labor Standards Act (FLSA), overtime, exemptions, and wage issues
- Independent contractor issues
- Drug and alcohol testing
- Family Medical Leave Act and other leave issues
- Terminations and unemployment
- Union issues
- Investigations
- UALD and EEOC charges and audits
- Training for management and employees

Ms. Motschieder also maintains a practice of black lung defense counsel in workers' compensation claims brought under the federal Black Lung Benefits Reform Act.

She has represented employers with coal mine or other non-coal mine operations in Utah, Colorado, Kentucky, West Virginia, Tennessee, and Alabama before the Department of Labor Office of Administrative Law Judges, the Benefits Review Board, and in appellate proceedings before the United States Court of Appeals for the Tenth Circuit.

Experience

Racial Discrimination Defense

Defending client against claims of race discrimination and national origin discrimination under Title VII, Section 1981 and breach of contract, breach of duty of good faith and fair dealing.

Accomplishments

Professional

Recognized in Utah Legal Elite, 2013, 2014, 2017, 2018, 2019, 2020, 2021

Recognized by *Mountain States Super Lawyers* as Rising Star in Business Litigation, 2012, Employment & Labor, 2015

Academic

University of Utah, S.J. Quinney College of Law (J.D., 2005)

Rhodes College (B.A., 1994)

- Major: Anthropology/Sociology
- Major: German

Universität Tübingen, Germany (1992-1993)

Associations

Professional

Utah State Bar
Ethics Advisory Committee
Member

Women Lawyers of Utah
Past President

Co-author, "The Utah Report: The Initiative on the Advancement and Retention of Women in Law Firms"
(October 2010)

David K. Watkiss Sutherland II Inn of Court
Member

Salt Lake County Bar Association
Member

Articles

Employment Law Update, April 13, 2023

Did Twitter's Mass Layoff Violate Federal (and State) Law?, November 17, 2022

Employment Law Update, June 15, 2022

DOL Issues Proposed Rule Easing Factors for Classifying Workers as Independent Contractors for Purposes of the FLSA, October 6, 2020

Looking Forward: How to Manage Your Workforce In 2020 and Beyond, June 30, 2020

OSHA Issues New Enforcement Policies Regarding Workplace Inspections And Employer Recording Requirements For Covid-19, May 22, 2020

Re-opening for Business: Employers Should Begin Planning Now, April 14, 2020

Top Nine Takeaways from New FFCRA Regulations, April 3, 2020

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Wage and Hour: Hot Topics and Real-Life Examples of Employers Running Afoul of the Fair Labor Standards Act, April 8, 2025

Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

The Next Right Thing: Choosing Your Path Through the ADA Mine Field, April 8, 2025

Parsons Behle & Latimer/SHRM 2025 Salt Lake City Employment Law Symposium

Drugs and Alcohol in the Workplace, October 23, 2024

Parsons Behle & Latimer 2024 Idaho Employment Law Seminar

"I Have a Note From My Doctor" - Engaging with Employees' Medical Providers on ADA Accommodation and Fitness for Duty Issues, September 25, 2024

Parsons Behle & Latimer 2024 Montana Employment Law Seminar

Drugs and Alcohol in the Workplace, May 14, 2024

Parsons Behle & Latimer/SHRM 2024 Salt Lake City Employment Law Seminar

Parsons Attorneys to Present at SHRM Annual Employment Update, February 14, 2023
Salt Lake SHRM

Employee Discipline and Termination: Avoiding Problems Through Effective Communication and Documentation, June 16, 2022

34th Annual Parsons Behle & Latimer Employment Law Seminar

Conducting an Effective Internal Investigation, October 27, 2021

33rd Annual Parsons Behle & Latimer Employment Law Seminar

Conducting an Effective Internal Investigation, September 22, 2021

Parsons Behle & Latimer Ninth Annual Boise Employment Law Seminar

COVID-19 Vaccinations in the Workplace: Mandatory, Voluntary or None at All February 10, 2021

Trends in Employment Law Cases Related to COVID-19, November 10, 2020

32nd Annual Parsons Behle & Latimer Employment Law Seminar - Virtual

Getting Your Company Ready for a Sale or Acquisition: How to Get Your Employment House in Order, November 10, 2020

32nd Annual Parsons Behle & Latimer Employment Law Seminar - Virtual

What Every Employer Should Know Before Resuming Business in Utah, May 12, 2020
Visit Salt Lake

Moving Forward: Resuming Business in a Changed Environment, May 7, 2020

Missoula Economic Partnership

Employer Considerations To Successfully Reopen A Business, May 5, 2020

South Valley Chamber

Leah Trahan is a member of the firm's Litigation Group. With more than eight years' legal experience in both the public and private sector, Leah brings her varied experience to the table to provide practical solutions to complex problems for her clients.



Leah Trahan

Associate | Missoula

Biography

Leah Trahan is a member of the firm's Litigation and Employment & Labor practice teams. Since 2014, Leah has worked in various legal roles in both the public and private sector. During this time, Leah gained valuable experience in a wide variety of practice areas, including Title VII and Title IX defense, administrative proceedings, insurance defense, tribal tax law and employment counseling for both private and government employers. Leah's current practice focuses on civil litigation, including employment litigation and commercial litigation.

In 2022, Leah earned her J.D. with high honors from the Alexander Blewett III School of Law. During law school, Leah mentored new law students as a member of the school's Academic Success Program and was a Constitutional Law teaching assistant.

When not in the office, Leah enjoys traveling with her family, gardening, and experimenting with new recipes.

Accomplishments

Academic

Associate Dean of Students Award for Highest Academic Achievement in Legal Writing, Legal Analysis, Administrative Law, and Business Transactions.

Associations

Professional

Montana Bar Association

Utah Bar Association

Contact information

406.317.7244

ltrahan@parsonsbehle.com

Capabilities

Business & Commercial Litigation

Civil Rights Including Title VII and Title IX

Employment & Labor

Employment Litigation

Insurance Litigation

Medical Malpractice and Hospital Negligence

Plaintiffs Litigation

Licensed/Admitted

Montana

Utah

U.S. Court of Appeals, 9th Circuit

Articles

“We’re Clearing the Docket, Whether You Like It or Not,” ABA Litigation Section News, January 29, 2025

“What’s in a Name? Judge Says Plenty, ABA Litigation Section News,” January 22, 2025

“Attorney Can Take Business Without Compensating Former Firm,” ABA Litigation Section News, September 9, 2024

“Montana Court Rules the State Can’t Ignore Climate Change in Project Permitting,” August 15, 2023

Presentations

“I Have a Note From My Doctor” - Engaging with Employees’ Medical Providers on ADA Accommodation and Fitness for Duty Issues, September 25, 2024 - Parsons Behle & Latimer 2024 Montana Employment Law Seminar

Documents are an Employer’s Best Friend: How to Properly Document Employee Interactions with HR, May 14, 2024 - Parsons Behle & Latimer/SHRM 2024 Salt Lake City Employment Law Seminar