

AB CONFLICT RESOLUTION SERVICES



Ms. Byers has practiced law and alternate dispute resolution for 15 years. She has expertise in employment law, and is a certified mediator, sitting on several alternate dispute resolution panels: American Arbitration Association's Affiliate Panel, Mediation Association of Colorado, and the World Intellectual Property Organization's Arbitration and Mediation Center.

ANN MARIE BYERS, ESQ

1. Interview Experience/Methodology

Preparation and pre-ADR interviews are key to a successful ADR proceeding. Ms. Byers has specialized training in interviewing, and has interviewed a wide-range of people throughout her career. Her interviewing methodology assists her in working with clients to define the nature and scope of relevant issues, identify applicable laws/rules, and devise creative resolution strategies. In addition to saving clients time and money, proper preparation more often results in successful resolution.

2. Relevant Legal Knowledge

As described more fully below, Ms. Byers has a comprehensive knowledge of the statutory and case law encompassing a wide-range of legal subject areas.

3. Mediation Experience/Methodology

Ms. Byers has been conducting mediations since 2002, and this year converted her practice from a mix of litigation and alternative dispute resolution to focus purely on alternative dispute resolution. She has mediated over 200 hours, and is specially trained to handle high-conflict matters. She is trained in facilitative, transformative, evaluative and directive mediation styles, and applies the mediation method(s) that will work best in each unique situation.

SPECIFIC EXPERIENCE

Intellectual Property Law – Her experience includes a fifteen-year litigation practice in various related areas, including copyright, trademark, patent and licensing negotiation and disputes. The specific areas that she has handled thus far involved: software, firmware, hardware, alternative energy, pharmaceutical, medical devices and many others.

Civil/Commercial Law - Ms. Byers has represented clients in Asia, the United Kingdom and the United States in numerous cases in the United States state and federal courts. She handled all aspects of litigation from due diligence, motion practice, and trials. She has mediated and arbitrated cases while practicing litigation, and recently converted her entire practice to alternative dispute resolution

ALTERNATIVE DISPUTE RESOLUTION FOCUS AREAS:

Intellectual Property – intellectual property disputes and transactions require special skills and a knowledge of the constantly changing relevant law. U “ brings both to bear when acting as a neutral for you or your clients. Years of litigation and alternative dispute resolution practice in intellectual property has provided U “ with a unique insight and a host of creative business strategies that can be used to resolve your dispute.

- Patents
- Copyright
- Trademark
- Domain Name
- Medical Device
- Alternative Energy Sources
- Software
- Firmware
- Pharmaceuticals
- Licensing (negotiation and enforcement)

Civil Disputes – Ms. Byers has litigated, mediated, and arbitrated many high-value civil disputes. Her experience in this area includes litigating cases against the Colorado Attorney General, defending clients in investigations by the US Attorney, and handling both sides of insurance disputes, product liability, construction defect and personal injury cases. She is an expert in social security law, having drafted hundreds of social security appeals opinions as a law clerk, and assisting her judge to draft a social security handbook for magistrate judges.

- Insurance Disputes
- Personal Injury
- Consumer Fraud
- Contract Disputes
- Product Liability
- Social Security
- Malpractice/ Professional Responsibility
- Construction Law (contract, performance, & defect disputes)

Commercial Disputes – Ms. Byers finds that thorough preparation and her business acumen consistently assists the parties to obtain a mutually beneficial resolution. Mediation of commercial disputes and stagnant deal negotiations requires more than mere shuttle diplomacy, as the parties would likely have resolved their issues if it were only a matter of bartering. In fact, an ADR specialist with knowledge of the relevant business is the only way to obtain creative commercial solutions.

- Distributor Agreements
- Business Dissolution
- Shareholder Disputes
- Partnership Agreements
- Complex Commercial Transactions
- Breach of Contract

Employment Disputes – Employment disputes are one the most complex to resolve. Each party has something precious to lose, *i.e.* employment, benefits, company reputation, etc. And these cases are often fraught with emotion that must be considered before a resolution can be achieved. Ann Marie has a thorough knowledge of federal and state employment law, which can assist parties in understanding their likelihood of success in litigation. This includes but is not limited to: §1983, Title VII of the Civil Rights Act, Title VI of the Public Health and Welfare Act, Age Discrimination and Employment Act, Americans with Disabilities Act, and Colorado’s employment laws such as the Anti-Discrimination Act and the Governmental Immunity Act.

- Termination and Severance Disputes
- Discrimination
- Wage and Hour Disputes
- Workplace or Work Group Disputes
- Harassment and Hostile Work Environment
- Unemployment Benefits
- Union and Fair Labor Disputes

Domestic Relations – Parties seeking assistance for **divorce**, **parenting time disputes**, and **adoption agreements** are often experiencing the greatest turmoil in their lives, and this needs to be acknowledged before resolution can even be discussed. When one’s life is in chaos it is hard to make any choices, much less those with lifelong consequences. Often the block to resolution in domestic relations cases is one or both party’s inability to move past perceived wrongs committed by the other party. Ms. Byers has the experience and understanding to help parties acknowledge this and work together toward a mutually-beneficial resolution. Her expertise in domestic relations law can also assist parties in determining their litigation position. Ms. Byers also has experience in domestic violence, having worked as a legal advocate in a domestic violence shelter. Cases involving abuse allegations require special attention and expertise, and Ann Marie can bring this to your dispute.

PROFESSIONAL EDUCATION AND MEMBERSHIPS

University of Michigan Law School – J.D.

University of Wisconsin - Nuclear Medicine and Psychology, B.S., with a minor in chemistry

- Munich University of Law – summer semester program
- Colorado Bar Association – Intellectual Property, Alternative Dispute Resolution, Lawyers Professional Liability/Ethics, Legal Fee Arbitration, Employment Law
- American Bar Association – Intellectual Property, Alternative Dispute Resolution, International Alternative Dispute Resolution, Litigation, Employment Law
- Michigan Bar Association
- U.S. District Courts – District of Colorado, Eastern District of Texas, Eastern District of Michigan
- Delaware Chancery Court
- WIPO Panel of Neutrals
- American Arbitration Association Affiliate

RATES

Ms. Byers' rates vary from \$300-400/hour depending on the complexity of the matter. She also takes a limited number of sliding scale and pro bono cases each year. Please contact AB-CRS to determine if you are eligible.

Ms. Byers charges \$150/hour for travel time for matters outside the Denver/Boulder area, and other possible expenses include but are not limited to parking, meals, airfare, hotel, and ground transportation.

SERVICES

Mediation – essentially mediation involves a negotiation between two or many parties, that is facilitated by a neutral third party. Ms. Byers is trained in facilitative, transformative, evaluative and directive mediation styles, and applies the mediation method(s) that will work best in for each unique situation.

Arbitration – arbitration is effectively a trial process taken place outside of the court that results in an enforceable opinion. While arbitration typically involves less discovery and more lax evidentiary rules, many arbitrations involve almost as much discovery as a trial before a judge. Ms. Byers is an expert in trial practice and the rules of procedure and evidence. Thus, her arbitrations are most often conducted as if the parties are in court, albeit it quicker, less formal, more discreet, and often less expensive. In addition to a lower cost, the added benefit of arbitrating is that the entire process is dictated by the parties, and this allows for a process that is specially designed for your unique dispute.

Med/Arb – this practice is becoming more popular, as it gives the parties a chance to resolve their dispute through traditional mediation, and ensures that if no resolution is achieved an arbitration will take place immediately or very soon thereafter. Depending on the complexity and timing of the mediation, parties can choose whether the mediator/arbitrator:

- writes an enforceable opinion immediately following the mediation, or
- obtains further briefing from the parties before drafting the opinion, or
- holds an arbitration hearing.

Some parties chose to allow time for additional discovery following the mediation, and others wish to proceed without further discovery. The process is flexible and Ms. Byers will work with you to construct a structure that works for you.

Facilitation – this process is especially useful in workplace or other group disputes. Ms. Byers investigates the dispute or difficulty and (a) helps the parties to understand each other's unique views and (b) assists them in creating a resolution that is mutually beneficial.

Ms. Byers also presides over mock trials, and discovery disputes. Basically, Ms. Byers believes that any dispute that needs a resolution can be approached creatively and resolved with the parties.