

## HONORABLE JAMES R. EYLER (RET.)



Honorable James R. Eyer (Ret.) brings to the ADR process depth of knowledge of the law, an understanding of the need to achieve closure of disputes, and experience and success in resolving legal disputes. His legal career has spanned 53 years: 28 as a practicing lawyer in state and federal courts and as a mediator and arbitrator; 16 and-one-half years (pre-retirement) as an appellate and prehearing/settlement conference judge on Maryland's intermediate appellate court; and over eight years as a mediator, arbitrator, and evaluator, post-retirement. The Maryland Court of Appeals approved Judge Eyer to continue to hear cases as a specially assigned judge. Since retirement, he has done so on a part time basis and will continue to do so.

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<https://www.facebook.com/>

**NOTE: I am available for in-person hearings/proceedings or via video conferencing.**

### **LEGAL EMPLOYMENT:**

Associate Judge, Maryland Court of Special Appeals, designee of Second Appellate Circuit, January 9, 1996 – April 30, 2012.

intermediate appellate court judge; authored in excess of 1700 opinions, approximately 300 of which were reported, in all areas of law (civil, criminal, commercial, administrative, domestic, and others), filed promptly after each case's disposition date.

Miles & Stockbridge, Baltimore, Maryland, July 13, 1968 – January 8, 1996.

Chairman of Firm, January 1, 1992 – January 8, 1996

Vice-Chairman of Firm, January 1, 1990-January 1, 1992

Chairman, Litigation Section, and Member, Firm's Governing Committee, February, 1975-January 8, 1996

Partner, March 1, 1973 to January 8, 1996

Associate, July 13, 1968 to February 28, 1973

Appellate Law Clerk, Associate Judge, Court of Appeals of Maryland, 1967-1968.

### **ALTERNATIVE DISPUTE RESOLUTION TRAINING AND EXPERIENCE:**

Since his retirement in early 2012, Judge Eyler has mediated, arbitrated, or evaluated a broad spectrum of cases, including disputes among business owners; class actions; race, gender, and age discrimination claims; employment disputes; contract interpretation issues; consumer disputes; medical malpractice claims; legal malpractice claims; lease disputes; credit card disputes; torts; loan disputes; construction disputes; commercial disputes; workers' compensation claims; equitable claims; police misconduct claims; securities law violations; real estate issues; and estate distribution issues.

Since retirement, participated as an instructor or enrollee in continuing education programs related to mediation and arbitration.

Judge responsible for administering Court of Special Appeals prehearing/settlement conference program, 1996-2011. In that capacity, played a leading role in the design and implementation of an appellate mediation program. The mediation program has been very successful and has become a permanent part of the Court's dispute resolution procedure.

As prehearing/settlement conference judge and mediator, conducted over 400 conferences, using principles of settlement conferences, facilitative mediation, evaluative mediation, transformative mediation, and hybrids, as appropriate.

Completed forty-hour training course in mediation and forty-hour advanced course in mediation given by ADR Associates in the early 1990's. Served as a mediator in the Baltimore City court system before appointment to the bench. In that same time frame, served as a mediator and arbitrator in private matters, on an hourly rate basis.

Approved as a mediator, arbitrator, and settlement conference panel member by the American Arbitration Association <http://adr.org>; as a neutral by the International Institute for Conflict Prevention and Resolution <http://cpradr.org>; as a neutral by <http://www.finra.org>, and as a neutral by the Maryland trial and appellate courts <http://mdcourts.gov>.

### **LAW PRACTICE EXPERIENCE**

Almost all practice was civil, with approximately 50% in federal courts and 50% in state courts. Many of the cases were protracted. Over 90% of cases handled were resolved before trial. Tried to judgment, as sole or chief counsel, over 50 jury cases and unknown number of non-jury cases. Practice consisted of general civil and regulatory litigation and alternative dispute resolution with differing areas of emphasis from time to time. The areas of practice included business and commercial litigation, products liability, toxic torts, negligence actions, contract disputes, insurance coverage,

fidelity bond issues, professional malpractice, and ERISA and other employee benefits matters. Extensive appellate practice experience in administrative and court settings, state and federal.

Tried and argued on appeal cases in state and federal courts in Maryland, the District of Columbia, Virginia, New York, Connecticut, and Delaware involving various tort actions (i.e., premises liability, products liability, professional malpractice, defamation, and negligence); securities law violations; commercial law disputes; insurance coverage questions; bonding issues; employee benefits; and governmental and public law issues. The cases presented claims for damages, declaratory relief, and injunctive relief. Heavily involved in mass tort litigation, including asbestos litigation, from 1978 through 1995. Handled protracted cases in Maryland, Delaware, Connecticut, and New York, in which there was substantial discovery and motions practice, but the cases did not go to verdict.

During tenure at Miles & Stockbridge, the firm grew from less than 20 lawyers in two offices to approximately 200 lawyers in 8 offices. As Chairman of the Firm and in other firm management positions, devoted significant time to administrative and business matters.

**TEACHING EXPERIENCE:**

Adjunct Faculty, University of Maryland School of Law and University of Baltimore School of Law. (Taught several courses in Trial Practice and Advocacy from 1998 until 2005).

**PUBLICATIONS:**

Contributing writer, *Maryland Tort Damages*.

**CHARITABLE AND SERVICE ACTIVITIES:**

Engaged in numerous activities during entire professional career, but less so after appointment to the bench because of potential conflicts.

**BAR ASSOCIATION ACTIVITIES:**

Member, American Bar Association, Business and Dispute Resolution sections member  
Member, Maryland State Bar Association Special Committee on Law Reform, July 1, 2011 –  
Treasurer and Section Council Member, Maryland State Bar Association Committee on Animal Law,  
July 1, 2011 – June 30, 2014  
Former ADR section council member  
Former Vice Chairman, Inquiry Committee, Maryland State Bar Association  
Former Member, Review Board, Maryland State Bar Association  
Member of several State and local bar association committees, at varying times.

**JUDICIARY COMMITTEES:**

Positions held during tenure as a judge on the Court of Special Appeals:

Chairman, Ethics Committee of the State Judicial Conference, 2011- May 1, 2012 (Member, 2008)(Member 2013- as recalled retired judge)

Chairman, Public Awareness Committee of State Judicial Conference, 2009-2011 (Member, 2002)

Member, Judiciary Commission on Professionalism

Member, Editorial Board, Justice Matters (judiciary publication)

Member, Judicial Conference ADR Committee, Operations Committee, and Technology Committee

Chair, Workgroup to develop record retention policy for paper and electronic records.

In addition, from time to time, addressed groups on substantive areas of the law and the administration of the court system.

### **EDUCATION:**

University of Maryland School of Law, L.L.B. (J.D.), 1967

- Order of the Coif
- Research Editor, Maryland Law Review

University of Maryland, B.A., with high honors, 1964

Berry College, Rome, Georgia (transferred upon changing major from physics to pre-law)

Taneytown High School, Taneytown, Maryland, 1960

### **AFFILIATIONS:**

American Bar Association

Maryland State Bar Association

Anne Arundel County Bar Association

Baltimore County Bar Association

Permanent member, Fourth Circuit Judicial Conference

Barrister's Law Club

Wednesday Law Club

Maryland Bar Foundation

J. Dudley Digges Inn of Court, executive committee

### **BAR MEMBERSHIPS:**

Maryland

District of Columbia

Fourth Circuit and several other federal District Courts and Courts of Appeal

Supreme Court of the United States

### **CONTINUING LEGAL EDUCATION:**

While practicing law, attended various seminars and bar association programs, as a speaker and as an attendee. As a judge, attended numerous seminars and programs given by the Maryland Judicial Institute and others on many topics. (There are no records from which details may be obtained.)