

KARL BAYER
Dispute Resolution Expert

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EDUCATION

- 1998 **The University of Texas at Austin**, classes in microbiology and digital systems design
- 1976 **University of Texas School of Law**, J.D.
- 1973 **Massachusetts Institute of Technology**, M.S. (Biomedical Engineering)
- 1971 **Rice University**, B.A. *cum laude* (Electrical Engineering)

EXPERIENCE

- 1991-present **Karl Bayer, Dispute Resolution Expert**
Private mediator, arbitrator and court master in all areas of conflict; solo litigation and arbitration practice in business and intellectual property disputes, Austin, Texas
- 1997-1999 **Resolution Architects**
Partner, Conflict resolution consulting on public policy, health care, technology and environmental issues, Austin, Texas
- 1989-1991 **Gibbins, Winckler & Bayer** - Partner, Austin, Texas
- 1988-1989 **Bickerstaff, Heath & Smiley** - Special Counsel, Austin, Texas
- 1988 **Texas Supreme Court Candidate** - Democratic Nominee for Place 5
- 1982-1988 **Pluymen & Bayer Attorneys** - Partner, Austin, Texas
- 1981-1982 **Brown, Maroney, Rose, Barber & Dye** - Associate Attorney, Environmental, Utility and Technology Section, Austin, Texas
- 1980-1981 **U. S. Environmental Protection Agency** - Staff Attorney, Office of General Counsel, Pesticides and Toxic Substances, Washington, D.C.
- 1979-1980 **U. S. House of Representatives** - Legislative Director for Representative Kent Hance
- 1977-1979 **Grambling, Mounce, Sims, Galatzan & Harris** - Associate Attorney, Business Litigation
El Paso, Texas
- 1975-1976 **Omnibus** - Founding Partner, Automated school bus routing, Austin, Texas and Washington, D.C.
- 1974-1977 **Texas Senate** - Legislative and Administrative Assistant to Senator Don Adams, Austin, Texas
- 1973 **Concord Research Corporation** - Staff Engineer, Design of radar tracking systems and computer systems for school desegregation, Boston, Massachusetts

SPECIAL MASTER EXPERIENCE

- 2006-present **Pretrial Discovery Master:** *Air Measurement Technologies, Inc., et al. v. Gary W. Hamilton, et al.*; Case No. SA-03-CA-0541-RF; In the United States District Court for the Western District of Texas, San Antonio Division
- Pretrial Discovery Master:** *Janaki Ramadoss, et al. v. Caremark, Inc.*; Case No. SA-99-CA-0914-RF; In the United States District Court for the Western District of Texas, San Antonio Division
- Markman Master:** *Spectranetics Corp. v. Medtronic, Inc.*; Case No. A-07-CA-548-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *Levitation Arts, Inc. v. Fascinations Toys and Gifts, Inc.*; Case No. A-07-CA-990-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *The Western Union Co. v. Moneygram Int'l, Inc.*; Case No. A-07-CA-00372-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *Victor Company of Japan, LTD v. Intervideo Ink and Corel Corporation*; Case No. 1:08-CV -00041-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *Xitronix Corporation v. KLA-Tencor Corporation, Individually and d/b/a KLA-Tencor, Inc.*; Case No. A:08-cv-723-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *CollegeNET, Inc. v. MarketLinx, Inc. et al.*; Case No. 1:09-CV-00544-SS; In the United States District Court for the Western Division of Texas, Austin Division
- Markman Master:** *Crossroad System, Inc. v. DataDirect Networks, Inc., et al.*; Case No. A-08-CA-861-SS; In the United States District Court for the Western Division of Texas, Austin Division
- Markman Master:** *Hydro-Quebec and The Board of Regents of the University of Texas System v. Valence Technology, Inc.*; Case No. A-06-CA-11_SS; In the United States District Court for the Western Division of Texas, Austin Division
- Numerous cases mediated and arbitrated involving claims construction, technical issues and patent issues. References available upon request and upon approval by counsel in those cases.
- 2005-2006 **Markman Master:** *Silicon Laboratories, Inc. v. Ali NikNejad and Axiom Microdevices, Inc.*, Case No. A-04-CA-155-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *Board of Regents of the University of Texas System v. Benq America Corp., et al.*; Case No. A-05-CA-181-SS; In the United States District Court for the Western District of Texas, Austin Division
- Markman Master:** *Pavilion Technologies, Inc. v. Emerson Electric Co., et al.*; Case No. A 05-CA-898-SS; In the United States District Court for the Western District of Texas, Austin Division
- 2004-2005 **Markman Master:** *Crossroads Systems Corp. v. Dot Hill Systems Corp.*; Case No. A-03 CV-754 SS; In the United States District Court for the Western District of Texas, Austin Division
- 2002 **Markman Master:** *VIA Technologies v. Intel Corporation*; Case No. A-01-CA-602-SS; In the United States District Court for the Western District of Texas, Austin Division

Markman Master: *Pavilion Technologies, Inc. v. Computer Associates International, Inc.*; Case No. A-01-CA-507 SS; In the United States District Court for the Western District of Texas, Austin Division

- 2000 **Pretrial Discovery Master:** *Western Aircraft, Inc. v. Grupo Nacional Provincial, S.A., et al.*; Case No. DR 97-CV-090-WWJ; In the United States District Court for the Western District of Texas, Del Rio Division
- 1997 **Markman Master:** *Crystal Semiconductor Corporation v. Opti, Inc. and Tritech Microelectronics International PTE Ltd.*; Case No. A-97CA-026-SS; In the United States District Court, Western District of Texas, Austin Division. Reported at 246 F.3d 1336.

PROFESSIONAL ACTIVITIES

- 2000-present Disciplinary Committee, Electronic Filing Committee, US District Court, Western District of Texas
- 2000-present Annual Guest Lecturer, Texas Civil Litigation: Pretrial and Trial Strategy Course, University of Texas School of Law
- 1999 Magistrate Selection Committee, US District Court, Western District of Texas
- 1996-1999 Supreme Court Advisory Committee on Court-Annexed Mediation
- 1996 Lecturer: "Alternative Methods of Dispute Resolution", St. Mary's Law School -- Anáhuac University Law School, Mexico City, Mexico
- 1992-1996 State Bar of Texas Pattern Jury Charge Committee, Volume 3 (Malpractice, Premises & Products)
- 1987-1996 Board of Directors, Legal Aid Society of Central Texas (President 1991)
- 1993-1995 State Bar of Texas Rules of Evidence Committee
- 1994-1995 Lecturer: "Alternative Methods of Dispute Resolution: Conciliation, Mediation and Arbitration," St. Mary's Law School -- University of Monterrey Law School Joint Venture, Monterrey, Mexico
- 1993 Lecturer: "Negotiations", St. Mary's Law School -- University of Monterrey Law School Joint Venture, Monterrey, Mexico
- 1987-1993 Instructor, "Winning at Trial", University of Texas School of Law
- 1991-1995 Guest lecturer on Professional Responsibility, University of Texas School of Law
- 1992 Member, Governor's Environmental Agency Transition Committee
- 1991-1992 President, Texas Consumer Association
Member, Air Control Board Task Force on Compliance History

PROFESSIONAL ASSOCIATIONS

- National:** American Arbitration Association; American Bar Association; Federal Bar Association
- State:** State Bar of Texas; Texas Bar Foundation
- Regional:** Austin Bar Association; Austin Association of Attorney Mediators (President 2004)

PUBLICATIONS

- Ongoing Author, "Disputing", blog focusing on Texas and Fifth Circuit opinions pertaining to arbitration, mediation, and dispute resolution in healthcare, www.karlbayer.com/blog

- 2010 Author, "Evidence and Discovery In Arbitration", 23rd Annual Advanced Evidence and Discovery, State Bar of Texas
- 2009 Author, "Arbitration: What's a Trial Lawyer To Do?", 33rd Annual Page Keeton Civil Litigation Conference, University of Texas School of Law
- Author, "Arbitration: What's a Trial Lawyer to Do?", Business Torts Institute, State Bar of Texas
- 2008 Author, "Discovery Issues in Arbitration Proceedings", 21st Annual Advanced Evidence and Discovery Conference, The State Bar of Texas
- 2007 Author, "Arbitration", Bench Bar "007", Austin Bar Association
- 2006 Author, "Arbitration". Page Keeton Civil Litigation Conference, University of Texas School of Law
- 2005 Author, "Standards of Review as Applied to Arbitral Decisions", Business Disputes and Litigation in the Digital Age, The State Bar of Texas
- 2001 Author, "Domain Names: Understanding What's New, How to Protect Your Client's Presence", High-Tech Megacourse: the New High Tech Industry, The State Bar of Texas
- Author, "Liability of Pharmacists," University of Houston Law Foundation Program on Medical Malpractice, Medical Device and Pharmaceutical Litigation
- Author, "Getting and Protecting Electronic Information" South Texas College of Law Advanced Civil Trial Law Conference
- 2000 TTLA Advanced Personal Injury Course: "Pre-Settlement Liens and Preserving Entitlement"
- Author, "State law Causes of Action in High-Tech Litigation" State Bar of Texas Advanced High Tech Litigation Program
- 1998 Author, "Pharmacists' Liability: Analysis of the Development of a Duty to Warn", Medical Malpractice, Medical Device & Pharmaceutical Litigation Seminar, University of Houston Law Center
- 1997 Author, "ADR in Complex Medical Malpractice/Pharmaceutical/Medical Device Liability Litigation", Advanced Course Medical Malpractice, Pharmaceutical and Medical Device Litigation, State Bar of Texas, Santa Fe
- Author, "Ten Suggestions For Managed Care Law Suits," Dynamic Advocacy Seminar, Texas Trial Lawyers Association, Whitefish, Montana
- 1996 Author, "Opinion Evidence After *Daubert* and *Robinson*", Medicine for Lawyers Conference, The University of Texas School of Law
- 1995 Author, "ADR in the Medical Malpractice Context", Advanced Medical Malpractice Course, State Bar of Texas, Santa Fe
- Author, "New Relevancy and Admissibility Problems", University of Houston Law Center
- Author, "Case Law and Legislative Update on Punitive Damages", The University of Texas School of Law Products Liability and Personal Injury Conference
- 1994 Author, "ADR in Complex Medical/Pharmaceutical Liability Litigation", Advanced Course Medical Malpractice, Pharmaceutical and Medical Device Litigation, State Bar of Texas

- Author, "Car Wrecks and Drunk Drivers on the Information Superhighway", Dynamic Advocacy Seminar, Texas Trial Lawyers Association
- Author, "Common Relevancy Problems - Admissibility of Prior Occurrence Evidence after Moriel", Advanced Evidence and Discovery Institute, University of Houston Law Foundation
- Author, "Assessing and Evaluating the Malpractice Case: Plaintiff's View", Medical Malpractice Seminar, National Business Institute
- Author, "Environmental Cases: Sick Building Syndrome", Premises Liability Seminar, Texas Trial Lawyers Association
- Author, "Other Occurrence Evidence, Gross Negligence and Exemplary Damages, Post Moriel", The University of Texas School of Law Products Liability and Personal Injury Conference
- 1993 Author, "Domestic Torts", The Rutter Group-Texas Family Law Treatise
- Author, "Damages Update", UT Product Liability Conference, University of Texas School of Law
- Author, "Habit and Character Evidence", Advanced Evidence and Discovery Course, State Bar of Texas
- Author, "Torts", Advanced Family Law Drafting Course, State Bar of Texas
- Author, "ADR Update", Advanced Civil Trial Course, State Bar of Texas
- Author, "Duty or Damage?, Emotional Distress and Mental Anguish Following *Boyles v. Kerr* and *Twyman v. Twyman*", Butterworth's Texas Personal Injury Law Reporter
- Author, "Toxic Torts - Plaintiff's Perspective", South Texas School of Law Environmental Symposium
- 1992 Author, "Update on Architect and Engineer Liability", The University of Texas School of Law Construction Law Conference
- Author, "Professionalism", Advanced Personal Injury Law, State Bar of Texas
- Author, "Environmental Insurance Litigation", The University of Texas School of Law Product Liability and Personal Injury Conference
- Author, "Insurance Coverage in Toxic Torts", The University of Texas School of Law Product Liability and Personal Injury Conference
- 1991 Author, "Attorney Work-Product and Attorney-Client Privilege", Discovery in the New Age, Texas Trial Lawyers Association
- Author, "Current Developments in Deceptive Trade Practices", Advanced Personal Injury Law Conference, State Bar of Texas
- 1990 Author, "Medical Negligence", Advanced Practice Pointers and Trial Techniques, Texas Trial Lawyers Association
- 1989 Author, "Intentional and Negligent Infliction of Emotional Distress", Domestic Torts, South Texas College of Law
- Author, "Computers as a Tool of Presenting Information Persuasively", The University of Texas School of Law Product Liability and Personal Injury Conference

- 1988 Author, "Repeal of the Interspousal Immunity: Torts Come to Family Law", Marriage Dissolution Institute, State Bar of Texas
- Author, "Deceptive Trade Practices Act: A Primer", The University of Texas School of Law Product Liability and Personal Injury Conference
- 1987 Author, "Strategic Consideration in Selecting a Products Theory", The University of Texas School of Law Product Liability and Personal Injury Conference
- Author, "Toxic Tort Developments", American Conference on Chemical Labeling
- Author, "Trying Marital and Family Torts after *Price*", Family Law Seminar The University of Texas School of Law
- 1986 Author, "Voir Dire in Product Liability Cases", The University of Texas School of Law Product Liability and Personal Injury Conference
- 1985 Executive Producer of 45 minute educational documentary sponsored by the Texas Bar Foundation entitled "The Earth, the Air, the Water, and ... the Law"
- "Governmental Regulation of Recombinant DNA Research and Manufacturing Processes" Comprehensive Biotechnology, Vol. 3, Chapter 63 (1985).
- 1983 Co-author of "Federal Regulation of Emerging Genetic Technologies", 36 Vanderbilt Law Review, 461 (1983)
- 1973 Author, "The Length and Organization of the Parallel Fibers of the Turtle Cerebellum", Masters Thesis, Massachusetts Institute of Technology. (1973)