



Mark E. Haynes

OF COUNSEL

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Mark Haynes is a trial attorney at Ireland Stapleton.

In his practice, he maintains an active litigation practice defending professionals and businesses, such as accountants, lawyers, contractors, companies and their directors and officers, members and shareholders of privately held businesses and aviators, in all aspects of commercial litigation including antitrust, contract, partnership, intellectual property, ERISA, securities and employment law litigation. Mark has in depth experience defending accountants and lawyers in complex matters with unique factual and legal issues circumstances. Mark maintains an active bankruptcy litigation practice. Further, Mark has successfully litigated complex product liability cases including toxic tort matters.

Mark serves as pro bono counsel and as a board member for Friends of Patan Hospital (USA), Inc., an organization that supports the work of Patan Hospital in Nepal. He helps the group with obtaining and maintaining 501(c)(3) status, corporate matters, and regulatory filings.

He received a B.A. with honors from the University of Wyoming and a J.D., cum laude, from the University of Michigan in 1982. He served as an officer in the U.S. Army, including a tour as a tank company commander. Prior to joining Ireland Stapleton, he was with the firm of Gorsuch, Kirgis, Campbell, Walker and Grover from 1982 – 1986 and joined Morrison and Foerster in 1986, becoming a litigation partner in 1990. Mark was with Pryor, Carney and Johnson and Pryor, Johnson, Montoya, Carney and Karr between 1993 – 2005 where he served as head of the firm’s commercial litigation practice.

Legal Experience

- Handling major litigation for the bankruptcy trustee of a bank holding company concerning the ownership of a large tax refund vis a vis the FDIC as receiver of the failed bank. In 2019, Mr. Haynes appeared before the United States Supreme Court in the matter, *Simon E. Rodriguez, as Chapter 7 Trustee for the Bankruptcy Estate of United Western Bancorp, Inc. v. Federal Deposit Insurance Corporation, as Receiver for United Western Bank*, Case No. 18-1269. The Court found for our client, the trustee, in a 9-0 opinion.
- *Cagle v. Mathers Family Trust*, 11 SC 496. Won an appeal to the Colorado Supreme Court. The client was Martin Harper CPA, a CNA insured. Mr. Harper was sued for his role in providing accounting services to certain partnerships. The partnership agreements had forum selection clauses requiring that suit be filed in Dallas, Texas. We obtained a dismissal in the trial court that the Colorado Court of Appeals reversed. We obtained a unanimous reversal of the Court of Appeals from the Colorado Supreme Court.
- *Eagle View Development LLC v. Bondi & Co. LLC*, Civil Action No. 2008 CV 1718. Two week trial of a claim of accounting malpractice against a regional accounting firm, a CNA insured in which plaintiffs sought approximately \$2.7 million. The court entered a defense verdict on all claims.
- Represented several clients in connection with SEC subpoenas and investigations.
- Two-week trial before the District Court of Montrose County, Colorado, in a complex case concerning contracts and leases relevant to a fixed-base operator general aviation business at the Montrose Regional Airport, in opposition to Montrose County, the airport operator and a competitor. The result was mixed, but considered very favorable by the client.
- *Professional Security Alliance, Inc. v. Hanson Professional Corporation*, Case No. 02-CV-381.

Practice Areas

Litigation

Bar Admissions

Colorado

U.S. District Court for the District of Colorado

U.S. Court of Appeals for the Tenth Circuit

U.S. Supreme Court

Education

J.D., University of Michigan, 1982, cum laude

B.A., University of Wyoming, 1975, with honors in history

Honors & Awards

Selected to The Best Lawyers in America® for Litigation Insurance Law, 2019-2024

Phi Beta Kappa, Phi Kappa Phi, Department Honors in History

Phi Alpha Delta Law Fraternity, Book Award in Conflicts of Laws



District Court, Adams County, Colorado. This was a two-week trial of an accounting professional negligence case defending Hanson Professional. This case was tried because plaintiff refused to negotiate within the amount of the reasonable case exposure. The damages awarded by the trial court accorded with our valuation of the case.

- District Court, City and County of Denver, Colorado. The two-day trial of suit against a former employee for alleged theft of trade secrets. The case settled after trial.
 - District Court of Mesa County, Colorado. One-week trial of a lawsuit between two owners of a Grand Junction nursing home alleging breach of fiduciary duty and misappropriation of funds between the two of them. All claims against our client were dismissed and our client was awarded attorneys' fees.
 - Successfully represented defendant accountancy firm in a 5-day federal jury trial adjudicating a breach of fiduciary duty dispute brought by a former client and obtained a defense verdict finding the defendant did not commit fiduciary breaches.
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Presentations & Publications

- "Bankruptcy Exemption Manual" in West's Bankruptcy Series, 2018
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Memberships

- American Bar Association, Litigation, Business Law, and Intellectual Property, past chairman of special projects group
 - Colorado Bar Association
 - Denver Bar Association
 - Colorado Defense Lawyers Association
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Community Involvement

- Friends of Patan Hospital (USA), Inc.
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