



**Erin E. Byrnes**  
**Of Counsel**  
erin@berkelawfirm.com

### Legal Focus

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Government Liability; Employment Law; Education Law; and Indian Law.

Ms. Byrnes' primary areas of practice are in government liability, employment law, and Indian law. Her government work focuses on litigating employment law issues and defending civil rights claims. In the course of her employment law practice, Ms. Byrnes has represented the City of Phoenix, Pinal County, Maricopa County, the City of Flagstaff and various other government entities, including public schools and universities, in cases involving Title VII race, gender and religious discrimination claims, Americans with Disabilities claims, and the Fair Labor Standards Act. In her work with schools, Ms. Byrnes has often acted as general counsel, and handled personnel matters as they arise in collaboration with her clients. This work has included representing clients at the administrative level – before the ACRD, EEOC and the NLRB – and in litigation – before tribal, state, and federal tribunals.

Ms. Byrnes also has an active civil rights defense practice, in which she litigates 42 U.S.C. §§ 1981, 1983, and 1985 cases involving claims made pursuant to the First, Fourth, Fifth, Eighth and Fourteenth Amendments. This area of her practice has focused on representation primarily in federal court and often involves employee issues or prisoner claims.

### Achievements

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Prevailed on motion to dismiss in prisoner litigation involving ADA and § 1983 claims against Maricopa County and MCSO. See *Payne v. Arpaio*, 2009 WL 37566 (D. Ariz. Nov. 4, 2009).

Summary judgment in favor of City of Flagstaff in constitutional challenge to City's stormwater utility ordinance, the first law of its kind in Arizona.

Prevailed on motion to dismiss claims in a catastrophic injury lawsuit naming two Gila River Indian Community police officers as defendants and stemming from conduct that occurred off-reservation.

Defended City of Flagstaff in lawsuit brought by City firefighters challenging the City's drug testing policies; case settled by making only cosmetic changes to underlying policy.

Secured dismissal of lawsuit against Pinal County and its Sheriff challenging the County's treatment of a mentally ill prisoner pursuant to the Americans with Disabilities Act



## Erin E. Byrnes

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### Publications & Presentations

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*With the Click of a Mouse – From Surfing the Web to Suit*, Presented at the PRIMA Summer Learning Institute, August 2011

*Social Media in the Workplace – From the Web to the Want Ads*, Presented to Volunteers in Police Quarterly Meeting, May 2011

*Sticky Wickets: Tribal Court Jurisdiction and the Intersection of Indian and Employment Law Issues*, Presented at Arizona Paralegal Association's Legal Seminar, May 2010

*Using ADR, MOUs and IGAs to Lessen Anxiety in Working with Tribes*, Presented at the Public Practice Seminar for the Arizona County Risk Insurance Pool, Summer 2009

*Damage Control: Limiting Exposure to Harassment Claims*, US Law Magazine, Spring/Summer 2009

*Basics of Tribal Court Civil Jurisdiction*, Presented at the Public Practice Seminar for the Arizona County Risk Insurance Pool, Summer 2008

*Employment Law for Tribes and Tribal Entities*, Presented at Tribal First's Quarterly Conference, April 2008

*Conducting a Good Internal Investigation So You Are Prepared When The EEOC Comes Knocking*, Presented at Human Resources Specialists' Breakfast, September 2008

*Supreme Court Increases the Severity of Limits on Tribal Court Jurisdiction Over Non-Indian and Nonmember Defendants*, JS&H Reporter Fall 2008

*Conducting Harassment Investigations to Limit Employer Liability*, JS&H Employment Law Update, January 2008

*Certificated Personnel Non-Renewals and Dismissals – Timelines for Improvement of Learning*, Presented at the Arizona School Boards Association's Spring Legal Workshop, Spring 2006

*The Navajo Preference in Employment Act: Back to Basics*, Presented to the Native American Grant School Association, December 2006

*Ethics for School Board Members*, Presented to Casa Blanca School Board, February 2006

*Unmasking White Privilege to Expose the Fallacy of White Innocence: Using a Theory of Moral Correlativity to Make the Case for Affirmative Action Programs in Education*, 41 Ariz. L. Rev. 535 (1999)

### Professional Memberships

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Arizona, 2001

Oklahoma, 2000

United States District Court, District of Arizona (2001)

United States District Court, District of Oklahoma (2000)

United States Court of Appeals, Ninth Circuit (2002)

Gila River, Hopi, Navajo, Pascua Yaqui, Quechan, Tohono O'odham and White Mountain Apache Courts



## **Erin E. Byrnes**

### **Education**

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University of Arizona, J.D., 1999 (top 25% of class)

ARIZONA LAW REVIEW – Executive Note Editor (1998-99), Writer (1997-98)

Kalamazoo College, B.A., 1995

### **Court Admissions**

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Arizona, 2001

Oklahoma, 2000

United States District Court, District of Arizona (2001)

United States District Court, District of Oklahoma (2000)

United States Court of Appeals, Ninth Circuit (2002)

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