



AAA Mediation.org™

**FN-2433948 MN-2433948 LN-2433948,  
Esq.**

**Kansas City, Missouri**



**Current Employer-Title** Jay Daugherty Mediation and Arbitration – Owner

**Profession** Attorney, Arbitrator, Mediator, Retired Judge, Consultant, Executive

**Work History** Owner, Jay Daugherty Mediation and Arbitration, 2015 – Present;  
Member, Shaffer Lombardo Shurin, 2011 – 2015;  
Circuit Judge, State of Missouri, 1991 – 2011;  
Administrative Law Judge, State of Missouri, 1984 – 1991;  
Assistant Attorney General, State of Missouri, 1981 – 1984.

**Experience** January 2011 – Present, Mediator and Arbitrator - Left the bench at age 55 after a 27 year judicial career. Currently has a standalone ADR practice, Jay Daugherty Mediation and Arbitration, which features a conference center with 12 conference rooms and a capacity of up to 60 participants for arbitration or mediation. Practice employs a total of 10 mediator/arbitrators most affiliated with the AAA. Previously, from 2011 to 2014, was with the law firm of Shaffer Lombardo Shurin practicing full-time, five days per week, as a mediator and arbitrator.

As a mediator, has conducted over 3,500 mediations' in the last eight years and over 25 arbitration's through hearing, including the following case types: medical, legal, engineering and architectural malpractice; construction law; products liability; intellectual property; condemnation; complex insurance/bad faith cases; employment discrimination; personal injury/other torts; commercial/business litigation; real estate; class actions; and environmental. Has mediated or arbitrated cases involving settlements or awards in excess of \$1,500,000,000.

Chair of the Supreme Court Commission on Alternative Dispute Resolution, 2009 – Present. Has twice led the efforts to expand court ordered mediation in the State of Missouri.

1991 – 2011, Circuit Judge - Was one of the mediation and arbitration leaders in Missouri helping create the modern version of Rule 17 in 1997 while chairing the Supreme Court Commission on ADR. Later helped court create Missouri's first automatic referral process for mediation for all civil cases filed at the circuit court level. Also served as the Chair of the Supreme Court Commission on ADR from 2009 to the Present. One of the few trial judges in the United States to receive a Masters

in the Judiciary from the National Judicial College. Represented Missouri at the Summit of the States on ADR in 2000. As a trial judge, was regularly recognized as one of Missouri's highest rated trial judges in anonymous MoBar retention surveys of attorneys. Throughout career, has taught continuing legal education course on various areas of the law including mediation and arbitration to Missouri's judges and attorneys. As a trial judge, conducted thousands of court trials and hundreds of jury trials in every area of the law mention above. Many were complex, multi-week cases conducted in Missouri's largest trial court.

1984 – 1991, Administrative Law Judge, Division of Workers' Compensation - Conducted hundreds of trials writing findings of fact and conclusions of law in each case. Was exposed to a wide variety of injury cases involving orthopedics, neurological injuries, occupational conditions, machine and equipment injuries, and other accidental injuries.

## **Mediator Experience**

As a full-time mediator, has conducted over 3,500 mediations in nearly every area of the law and across the United States, including the following substantive areas:

- Malpractice-in the areas of medical, legal, geological, engineering, architectural. Most were multi-party disputes with many cases in excess of \$1 million and a more recent case resolving at over \$22 million. Cases ranged from brain-damaged infant cases to defective roof system design to foundation repair cases.
- tort/personal injury
- Intellectual Property
- class action/mass tort
- employment discrimination
- wage and hour
- product liability
- complex commercial/business and more.

## **Representative Issues Handled as a Mediator**

Malpractice-in the areas of medical, legal, geological, engineering, architectural. Most were multi-party disputes with many cases in excess of \$1 million and a more recent case resolving at over \$6 million. Cases ranged from brain-damaged infant cases to defective roof system design to foundation repair cases. Medical malpractice cases involved issues of fetal heart monitors, esophageal cancer, brain damaged babies, unnecessary surgeries to the abdomen, perforated colon, perforated esophagus, failure to warn, dental cases, and others. Most involved significant damages including loss of income, complex medical, PT, voc rehab, medical bills, and economic testimony.

Product Liability- Automobile defect cases involving brakes, steering defects and others; pneumatic jacks; airplane fuel line defects; asbestos; and others.

Construction- scores of construction cases involving windows (defective latches, sealants), foundations, flatwork, framing, wall system, multi-building project defects, roads and sewers, grading, and others.

Personal injury/bad faith- nearly every type of case possible from car wrecks of all types, cases involving abusive priests, slip and fall, complex multi-party bad faith cases, false imprisonment/arrest, assault, FELA and many others.

Environmental - hog farm trials, odor cases, water run off issues, sewer and water cases, cases involving the Department of Natural Resources, EPA cases, contaminated soil groundwater cases, and others.

Real Estate/Condemnation-involving apartment complexes, shopping malls, urban planning, raw land, roads and highway condemnation.

Intellectual Property - glass blowing and glass fabrication technologies; IT issues including software, hardware, internet related cases including reservations systems; drug development; chemical engineering cases; and others.

Commercial/business- myriad cases in this area involving franchise agreements with one case involving 27 parties settling for over \$220 million; banking disputes; internet and IT disputes; power generation cases; and others.

Class Action - involving utilities, phone companies, retailers, life insurance companies, professional

sports franchises and others.

As a general jurisdiction trial judge for 20 years, has handled nearly every type of civil case with over 300 jury trials and thousands of court trials.

## **Mediator Style & Process Preferences**

Relentless Passion - "My mediation goals extend beyond merely achieving a resolution of the case. Disputes are also about emotion. Mediation results should please clients and clients should leave the mediation with an enhanced regard for their attorneys." - Jay Daugherty

Commitment to Mediation - From 1995-2000, Jay chaired the Supreme Court Committee on ADR, helping create Missouri's modern court-initiated mediation system. In 2000, he served as Missouri's representative to the national Summit of the States on Dispute Resolution. Since 2009, he has served as Chair of the Supreme Court Commission on ADR. The Commission is currently in the process of revising Rule 17.

Full-time - The practice of ADR should be is a full-time professional endeavor where the ADR professional has a deep commitment to neutrality and a passion for helping attorneys and their clients resolve their cases or problems.

Training and Education - Jay Daugherty is one of the few judges in the country to receive a Masters in the Judiciary. He studied mediation at the National Judicial College, at the National Center for State Courts, and at the University of Missouri School of Law. He studied "guerrilla mediation" under the tutelage of Robert Benjamin and completed training in arbitration through the ABA's Dispute Resolution Section. On numerous occasions, Jay has taught mediation, ADR and judicial settlement techniques to judges at the Missouri Judicial College and to attorneys throughout the state of Missouri.

## **Education**

University of Nevada, National Judicial College (Masters in the Judiciary-1995);  
University of Missouri, Kansas City (JD-1981);  
University of Missouri, Columbia (BS, Public Administration-1978).

## **Professional Licenses**

Admitted to the Bar: Missouri, 1982.

## **Professional Associations**

International Academy of Mediators  
The American Arbitration Association  
American Bar Association (Dispute Resolution Section)  
Kansas City Metropolitan Bar Association  
Missouri Supreme Court Commission on ADR

## **Recent Publications & Speaking Engagements**

Chairman of the Board, The ALS Association (Lou Gehrig Disease), 2009- 2013. Member of the Board of Trustees since 1995. Substantial experience in not-for-profit field in nearly every area of their operation and organization. Numerous speaking engagements in this area.

Lecturer, Missouri Judicial College and New Judge Orientation Sessions, 1994, 1995, 1996, 1997, 2000, 2004, 2008, 2014, 2015.

Lecturer, Missouri Bar and KCMBA, on numerous occasions on topics including ADR, Mediation, Trial Techniques nearly every year since 1991.

Publication: "The Missouri Non-partisan Court Plan: Dinosaur on the Edge of Extinction or Survivor in a Changing Socio-Legal Environment", 62, MO. L. REV. 315 (1997). Thesis for Masters in the Judiciary, University of Nevada.

## **Locations Where Parties Will Not be Charged for Travel Expenses**

Kansas City metro area.

## **Mediation Rate**

\$565 Per Hour

## **Languages**

English

**Citizenship**

United States of America

**Locale**

Kansas City, MO

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.