



AAA Mediation.org™

## **FN-2706706 MN-2706706 LN-2706706, Esq.**

**Kansas City, Missouri**



**Current Employer-Title** Jay Daugherty Mediation - Mediator, Arbitrator

**Profession** Attorney, Arbitrator, Mediator, Educator

**Work History** Jay Daugherty Mediation, 2020 – Present; Of Counsel, Foland Wickens Roper Hofer & Crawford P.C., 2013 – 2020; Circuit Judge, State of Missouri, 1996 – 2012; Partner/Associate, Wyrsh Atwell Mirakian Lee & Hobbs P.C., 1986 – 1996; Assistant U.S. Attorney, Department of Justice, 1983 – 1984; Assistant Prosecuting Attorney, Jackson County Missouri, 1978 – 1981.

**Experience** Work experience involves virtually everything that could come before state court trial judge with the exception of probate. Work has involved several complex cases that included the following: securities fraud; commercial litigation which includes such issues as TIF bonds, capitalization rates, evaluation of real estate interests, allegation of bank fraud, foreclosure of real estate, county and tax land issues, loan commitment litigation, shareholder derivative suits including one involving Sprint and Worldcom, valuation of construction projections; product liability cases both in automobile crash worthiness area and airplane manufacturer liability; medical malpractice cases; insurance coverage cases; antitrust cases; motion to compel arbitration cases; employment cases; constitutional interpretation cases; and, constitutional construction of statute cases.

Has appeared as a visiting Judge on multiple occasions at the Missouri Court of Appeals – Western District and also has served as a Special Judge in the Missouri Supreme Court.

In lawyer cases, commercial topics dealt with include: securities fraud, civil and criminal; antitrust, civil and criminal; tax fraud, civil and criminal; bank fraud, civil and criminal; health care fraud; environmental cases; and, fraud touching on various federal governmental contracting agencies.

As a trial judge in a non-jury context heard cases involving: securities fraud including litigation with General Electric Corporation as a plaintiff; business dispute involving multiple LLCs in conjunction with the purchase of \$40 million of commercial real estate; business dispute over office building hotel that involved determining fair market of 20% interest in office building (the office buildings construction cost was approximately \$100 million and had substantial amount of projected cash flow from rental income).

Since 2013 have been in over 1000 arbitration matters. Have also been involved in several hearings that were actually held. The cases have generally touched upon typical issues that would arise in business or commercial litigation. They have included several matters in the health care industry, generally involving disputes between hospital groups and insurance companies. On several occasions been involved in business breakups including law firms and doctor's offices. Also done cases involving construction projects. Have at times been involved in the disputes regarding cases that were resolved during the course of mediation but the amount of damages was undetermined. By way of specific example been involved in several cases in which there's been dispute over health care insurance reimbursement between hospitals insurance companies, that was one of the cases tried as a wing arbitrator. Also as lead arbitrator in a hearing that touched upon insurance reimbursement for indigent children in the state of Missouri and lastly was a wing arbitrator in a case that was tried for nine days involving executive severance package which included the evaluation of stock options.

## **Mediator Experience**

Conducted over 1,000 mediations. Such mediations have included some of the following issues: breach of contract; real estate disputes including disputes over loans and security agreements; severance agreements; disputes in break-ups of professional corporations; banking disputes; disputes touching upon business acquisitions; personal injury; medical malpractice; legal malpractice; employment fraud; products liability and, securities fraud. Conducted several mediations involving business disputes that arose in Circuit Court in the context of being a Circuit Judge.

## **Mediator Style & Process Preferences**

I think that the two most important things that a mediator needs is to be prepared and to be in a position to listen. I think it is very important that the parties get to have their say and have their needed input. I think it is not only important for the lawyers but the parties to participate and to talk in the process.

## **Education**

University of Missouri-Kansas City (JD-1978); University of Kansas (BS, Education-1972).

## **Professional Licenses**

Admitted to the Bar: Missouri (1972); U.S. District Courts: Western District of Missouri; District of Kansas, U.S. Supreme Court and U.S. Court of Appeals: Previously admitted to 6th, 8th, and 10th Circuits; U.S. Supreme Court; Previously admitted to the United States District Court for the District of Kansas; 4th Circuit, Previously provisionally admitted in a variety of state and federal jurisdictions.

## **Professional Associations**

Missouri Association of Criminal Defense Lawyers, Past President; National Associations of Criminal Defense Lawyers, Board of Directors and Life Member; National Association of Distinguished Neutrals; International Academy of Mediators; Association of Missouri Mediators; National Association of Distinguished Neutrals (NADN); the Missouri Bar Association; The Kansas City Metropolitan Bar Association (KCMBA).

## **Recent Publications & Speaking Engagements**

Speaking Engagements:

Regular faculty member of State Judicial College teaching on special topics and part of the regular criminal core team; Faculty member for State Judicial College on jury and non-trial issues. This involves evidentiary, procedural, substantive and practical training for new judges. Civil topics include such things as evidence, jury instructions, motions in limine and generally conducting the trial; Has regularly appeared on panels for the Missouri Association of Criminal Defense Lawyers, the Missouri Association of Defense Lawyers, the Missouri Association of Trial Attorneys and the Missouri Bar.

Served on panel regarding use of masters and discovery disputes; Missouri Judicial College, 2022; Served on panel of mediators of a meeting on agriculture claims adjusters, 2020; Lead Panel discussions in IAM on the topic of after care, 2019; Speaker for Kansas City Metropolitan Bar Association on Mediation Practices in conjunction with the annual review of the law, 2019; I have taught multiple times at the National Program in Boulder, Colorado for the National Institute of Trial Advocacy. Program Director for the National Institute of Trial Advocacy Deposition Program, 2015-2019; Chaired a panel on Mediation Technics, Kansas City Missouri Bar Association, 2014; Member of Appellant Forum, State Court Administrators and the Missouri Supreme Court, 2010; Co-Instructor on jury selection and voir dire procedures; Jury Selection in Capital Cases, 2009; Instructor, Midwest Regional of National Institute of Trial Advocacy, 1993-2019.

2022 faculty member of the Missouri Judicial College making the presentation of the use of masters

and discovery disputes; 2020 served as a panel of mediators and a continuing education program for insurance adjusters in the agricultural industry; 2019 spoke on the issue of aftercare for the International Academy of Mediators in Scottsdale, AZ; 2019 speaker for the Kansas City Metropolitan Bar Association mediation practices, in conjunction with the annual law seminar; 2018 spoke on the issue of judicial misconduct at the advanced criminal law seminar an Aspen Co; gave same presentation for the Missouri Association of Criminal Defense Lawyers in the spring of 2018 and for the Missouri chapter of the American College of trial lawyers 2014 member of faculty for the Missouri judicial conference the topic was the appellate forum revolving discussion of trial judges issues regarding appellate review it's 2010 2009 college structure on jury selection and volunteer procedures capital cases St. Louis MO. Regular structure for the National Institute of trial advocacy from 1993 to 2019 both at the Midwest regional you know 3 occasions at the national session Boulder, CO.

Authored an article An Alliance for Justice: The Exoneration of Kevin Strickland, The Champion, April 2022.

<b>Mediation Rate</b>	\$450 Per Hour
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	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.