



AAA Mediation.org™

**FN-5948137 MN-5948137 LN-5948137,
Esq.**

Springfield, Missouri

Profession

Mediator, Arbitrator

Work History

Mediator, Jay Daugherty Mediation & Arbitration, 2023 - Present; Circuit Judge, 31st Circuit (Greene County, Missouri), 2015 – 2022; Associate Circuit Judge, 2005 – 2015; Partner, Lathrop & Gage, LLC, 2001 – 2004; Partner, Carmichael, Garner, Turner & Brown, 1996 – 2001; Of Counsel, Couch, Strausbaugh, Pierce & King, PC, 1993 – 1995; Associate, Watson & Marshal, LC, 1988 – 1993.

Experience

Judicial experience included conducting over 100 jury trials and hundreds of bench trials, involving complex matters such as anti-competition and non-solicitation clause violations, business dissolutions, equitable garnishment insurance claims, insurance coverage issues (primary/excess), real estate (fraud, title defects and realtor commission), construction disputes (construction managers, warranty claims, delay damages, equipment suppliers) employment discrimination (including whistleblower retaliation), consumer protection, medical negligence, auto injury, product liability and premises liability. Composed and drafted detailed and lengthy findings of fact, conclusions of law and judgments.

Private legal practice included representing both plaintiffs and defendants in medical negligence, business torts (tortious interference, shareholder derivative actions, defamation, malicious prosecution, breach of duty of loyalty and other fiduciary obligations), commercial (RICO, security interest priority, good faith purchaser status), employment discrimination (gender, race, age, religion, whistleblower), Fair Credit Reporting Act, personal injury (auto, premises liability, intentional infliction of emotional distress), banking, products liability and domestic matters in Missouri and Kansas state and federal courts.

Mediator Experience

Conducted approximately 60 mediations during initial months of ADR practice, often featuring shareholder and partnership dissolutions, probate and trust, anti-competition/solicitation/disclosure enforcement, personal and auto injury, employment discrimination and real estate, medical negligence and wrongful death disputes and claims.

**Representative Issues
Handled as a Mediator**

Resolved multi-party semi-truck/pedestrian accident for over \$2.5M; resolved gender, age and whistleblower discrimination and retaliation claims; resolved sexual assault claim against summer camp facility for \$1M; resolved medical negligence/wrongful death claim involving death of 10 month old child; resolved trademark infringement claim against former employee and new business; resolved unjust enrichment claim involving faith-based youth camp; resolved fraud claim asserted by retired partner against medical service practice; resolved multi-party, high asset trust dispute featuring competing claims amongst trustees and beneficiaries; resolved damages claim after specific performance granted to house purchasers after sellers' default.

**Mediator Style & Process
Preferences**

I approach each mediation as an opportunity to immerse myself in the facts, dynamics and procedural history of the claim or case. I request the parties provide a confidential position statement, whether formal or informal, as well as any pertinent documentation, in advance. I routinely telephone counsel sufficiently in advance of the mediation to learn more about the human

factors that will likely play a role, as well as the likely areas of both sensitivity and strengths for all parties, based on the facts and the law. I believe thorough preparation and knowledge of the case equips me to be effective when I caucus with each party. I do not conduct an opening session with both parties in the same room, as I believe that can lead to counter-productive unease. I am an empathetic and active listener and measured when I inject appropriate candor, insight and perspective as to prospects at trial. I try to provide a cathartic process and atmosphere so that the parties are better conditioned to give up and avoid a costly, uncertain, risky and stressful trial. I am careful not to cross lines into my former and vastly different role as a judge. I always endeavor to enhance the parties' views and relationships with their counsel.

Technology Proficiency	Have conducted several mediations where some or all parties and counsel appear via the Zoom virtual platform, some involving more than two parties. Also have extensive experience conducting hearings and legal motions where some or all participants appear via the Webex virtual platform. Willing to conduct mediations, arbitrations, conferences and meetings utilizing either such platform.
Education	Vanderbilt University Law School (JD - 1988); University of Missouri, Columbia (BA Political Science, Phi Beta Kappa, Honors College Graduate - 1985).
Professional Licenses	Admitted to the Bar: Missouri (1988), Kansas (1989).
Professional Associations	Missouri Bar Association (ADR Committee); Springfield Metropolitan Bar Association (former director and bench/bar committee member); Member, Association of Missouri Mediators.
Recent Publications & Speaking Engagements	Presenter; Missouri Supreme Court's Trial Judge Education Committee (2016 – 2022); Presenter on Civil Jury Trials at New Judge Orientation (2019 – 2022); Frequent presenter of civic education programs to adult civic groups, college classes and middle-high school classes, such as at Missouri State University, Drury University and rotary and other service club meetings.
Mediation Rate	\$350 Per Hour
Languages	English
Citizenship	United States of America
Locale	Springfield, 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.