



AAA Mediation.org™

FN-9637 MN-9637 LN-9637, Esq.

Kansas City, Missouri



Current Employer-Title Shaffer Lombardo Shurin, P.C. – Of Counsel

Professional Summary Nominated by President Clinton to U.S. District Court for the Western District of Missouri. Withdrew from nomination due to delays in nomination and confirmation process.

Attorney for the B.B. King 70th Birthday celebration in Memphis, Tennessee negotiating with sponsors, venue, and talent.

Appointed by the Cole County Circuit Court as Special Deputy Liquidator of the General American Mutual Holding Company; total liquidation proceeds were greater than \$1.5 Billion Dollars.

Appointed by Circuit Court to provide an accounting of funds due from defendant to plaintiff for required capital expenditures and charity, indigent & uncompensated care from a hospital association.

Profession Attorney, Full-Time Neutral

Work History Of Counsel, office at Shaffer Lombardo Shurin, P.C., 2017 – Present;
Shareholder/Director, Shaffer Shaffer Lombardo Shurin P.C., 1996 – 2016;
Shareholder/Executive Committee, McDowell Rice & Smith, 1989 – 1995;
Shareholder, Horowitz Shurin & Johl P.C., 1968 – 1989;
Assistant Counselor/Land Tax Attorney, Jackson County Missouri, 1969 – 1973.

Experience General Trial and Business Practice: Litigation of commercial, negligence and employment matters, equally for plaintiffs and defendants. Litigated and negotiated on behalf of small businesses. Fortune 500 companies and individuals in regard to mergers, acquisitions, leasing, contracts, franchising and employment related matters. Defense litigation attorney for design professionals and law enforcement officers.

Bodily Injury/Wrongful Death: Represented and recovered damages for numerous clients in pursuit of bodily injury and wrongful death claims caused by automobile collisions, gun shots, construction site accidents, and slip & fall claims. Defended companies, police departments and individuals on such claims.

Business: Pursued litigation on behalf of minority shareholders and numerous breaches of contract and breach of lease claims. Represented parties in mergers, acquisitions, and contract negotiations. One acquisition which included an earn out resulted in a 55Million Dollar purchase/sale. Negotiated contracts for Fortune 500 companies as outside counsel on numerous issues.

Construction: Represented contractors, subcontractors in many specialties, architects and engineers and have dealt with almost every aspect of a commercial, governmental and residential construction.

Employment: Have been on both sides of almost every employment issue, representing current or former employees and representing employers, both large and small. Regularly represented HR department of a Fortune 500 company in litigation/arbitration. Litigated issues of religious accommodations for employees who consider Saturday as their Sabbath and reasonable accommodations for disabled employees.

Financial Services: Represented numerous banks, both negotiating loans and pursuing claims against banking clients.

Franchising: Represented a large franchisor in the fast-food industry and numerous local franchisees in various industries. Personally owned several franchise businesses while in law school. Represented franchisees in one industry that included numerous sub franchisees.

Law Enforcement: Litigation against law enforcement agencies claiming wrongful arrest, strip search and breach of constitutional rights; Represented numerous law enforcement agencies, including rural sheriffs in defense of such claims and wrongful imprisonment. Served on the Kansas City Board of Police Commissioners for almost 5 years and have a good understanding of police procedures, policies, and practices.

Mediator Experience

Mediated hundreds of cases which have settled. Many cases involve multiple parties with adverse interests. As a mediator, have had a broad range of assignments, including cases involving professional fees, employment-related disputes, insurance, construction, commercial disputes (including, but not limited to, family succession of businesses, and shareholder disputes), and numerous breach of contract claims, bodily injury and wrongful death claims. Amounts in dispute range from a few thousand dollars to hundreds of millions of dollars.

Court appointed Special Discovery Master and Mediator for a group of cases against a car dealer. Developed a formula for settlement resulting in 126 cases settled.

Representative Issues Handled as a Mediator

Construction cases have involved all construction issues, including: delay damages, claims of poor workmanship or improper/poor quality material, design errors, calculation of amount due, failure to execute (and pay) change orders, and general contract breach. Employment matters have involved: breach of employment agreement, breach of covenant not to compete, sexual harassment, and severance issues such as wrongful discharge or severance pay. General commercial disputes have included: allegation of breach of insurance policy provisions, claims for failure to perform per loan agreement, fraud, breach of contract provisions and franchisor/franchisee disputes.

Mediator Style & Process Preferences

Aggressively pursue settlement of cases, making suggestions and comments concerning both the facts and legal positions without giving legal advice. Do not mislead the parties/attorneys in regard to facts, law, chances of recovery or reasonable amounts of recovery. Expect the attorneys to be knowledgeable of the case and to have fully prepared their clients for mediation. Invariably when the mediation fails, have contacted the attorneys after the mediation to attempt to restart mediation by telephone or in person. These attempts often lead to successful post-mediation resolution of the issues.

Education

University of Missouri-Kansas City (JD-1968); University of Missouri-Columbia (BA, Economics-1965).

Professional Licenses

Admitted to the Bar: Arizona (2016), Kansas (2006), Missouri (1968); U.S. District Court: Western District of Missouri and District of Kansas; U.S. Court of Appeals: Eighth and Tenth Circuits.

Professional Associations

Missouri Bar Association; Kansas Bar Association; Kansas City Bar Association; Arizona Bar Association; American Bar Association (Litigation Section; Alternative Dispute Resolution Section); Distinguished Fellow, International Academy of Mediators; National Academy of

Distinguished Neutrals.

Recent Publications & Speaking Engagements

Police Procedures and Policing Issues -"Who Watches Over the Kansas City Board of Police Commissioners?", Rotary Club of Kansas City, 2018; Group of 40, July 2022; "ADR, Advantages and Disadvantages," ROMEO Meeting, January 2017; Keynote speaker at Governor's dinner for 35 judges in Missouri appointed by Governor, May 2016; Sports and Entertainment Law Class, UMKC Law School, 2009; "Annual Employment Law Update," for large Kansas City-based client, 1996-2008; "Negotiating Contracts with Sports and Entertainment Personalities," April 2005; "Drafting Effective Arbitration Clauses," AAA Seminar, March 2004. Special Masters authority and procedure; Mo CLE - 2019, 2020, 2021, 2022.

Mediation Rate

\$495 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.