



CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

NEUTRAL QUALIFICATION FORM
Pursuant to Local Rule 38

I am applying for inclusion on the list of neutrals to be maintained by the Circuit Clerk pursuant to Local Rule 38 of the Circuit Court of St. Louis County. The following information is supplied in support of this application.

1. Name: Keller James R.
(Last) (First) (Middle)

2. Address: HERZOG, CREBS & MCGHEE, LLP
One City Centre, 24th Fl.
515 N. 6th St.
St. Louis, MO 63101-2409
(City) (State) (ZIP+4)

3. Telephone Number: 314-231-6700

4. Facsimile Number: 314-231-4656

5. State the standard hourly fee for your services as a neutral. \$195.00 per hour

6. List your appropriate training or equivalent experience in conducting alternative dispute resolution as required for certification under Supreme Court Rule 17.04.

	Hrs.
<u>Mediation of Civil Cases - Univ. of MO @ Columbia (Columbia, MO) 12/13-12/15/00</u>	20.4
<u>Arbitrator II Training - Amer. Arbitration Assn. (St. Louis, MO) 4/27-4/28/01</u>	11.4
<u>Construction Arbitrator Training - AAA (Cleveland, OH) 8/25/00</u>	8.4
<u>Commercial Arbitrator Training - AAA (St. Louis, MO) 6/16/00</u>	6.6
<u>Dispute Resolution Day Conference - Bar Assn. of Metro St. Louis (St. Louis, MO) 5/27/99</u>	4.0

7. Please list all areas of substantive law or experience which are or have been a significant part of your professional background or practice.

While focusing on Business Litigation and Construction Law, I have tried to completion cases involving Admiralty, Business, Commercial, Computer, Condemnation, Consumer, Construction, Contract, Distributor, Employment, Environmental, Equity, Franchise, Fraud, Health Care, Intellectual Property, Malpractice, Mechanics' Liens, Negligent Misrepresentation, Patent, Personal Injury, Real Estate, Tort, Trademark, Trusts and Estates.

8. [If the answer to any of the following questions is yes, please explain the circumstances on a separate sheet and attach.]

- a. Have you ever been disciplined for violation of any code of professional ethics or responsibility? NO
- b. Have you ever pled guilty to or been found guilty of a felony? NO
- c. Have you ever been found liable for fraud or any other intentional tort? NO
- d. Have you ever had a professional license revoked or suspended for reasons other than non-payment of dues? NO
- e. Have any professional malpractice judgments been entered against you? NO

9. List the courts and professional organizations in which you currently hold certifications as a neutral, mediator, arbitrator, or other ADR service provider.

University of Missouri - Mediation

American Arbitration Association - Commercial & Construction Neutral


United States District Court - Eastern District - Mediation and Early Neutral Evaluation

10. In the space below, briefly describe your experience, qualifications, special areas of expertise, and any other reasons why you should be selected as a neutral.

Since 1980, I have tried more than 40 jury and bench trials lasting at least one week each, representing almost equally plaintiffs and defendants in state and federal courts in Missouri, Illinois, New York and Iowa. I have tried another 30 plus cases of shorter duration, and briefed and argued 13 appeals in state and federal courts. I focus on business litigation and construction law, but have tried cases in many other areas as well. Longer jury trials include a one-month jury trial and five-month bench trial in state court in Benton, Illinois, a nine-month jury trial in federal court in Buffalo, New York, and a three-week jury trial in federal court in Des Moines, Iowa. I focus on business litigation and construction law, but have tried cases in many other areas as well.

I am a neutral with the American Arbitration Association, where I have been an arbitrator on fourteen cases from March 2000 to August 2001, ranging in dispute size from \$10,000 to \$10,000,000. When not in trial, I routinely counsel clients on trial matters, including the merits and the hazards. I also have authored fourteen published articles since 1999, including articles on ADR in *Missouri Lawyers Weekly* (also featured in *Wall Street Reporter*) and *the St. Louis Construction News & Review*, where I serve as its legal writer. I am the program chair for the American Arbitration Association ("AAA"), St. Louis Region, and serve on the Advisory Committee of the Construction Law Section of AAA's St. Louis Region.

I also represent on an ongoing basis clients in matters of arbitration and mediation. Although a trial lawyer, I am an avid, outspoken supporter of ADR, and routinely chair seminars for the AAA on arbitration and mediation to various organizations.

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October 26, 2001