

**John W. Hays**  
**Jackson Kelly PLLC**  
**Member**

**Areas of Practice**

Commercial Litigation; Construction Litigation and Transactions; Mediation; Arbitration

**Education**

1985 B.A. - Princeton University

1988 J.D. (with distinction) - University of Kentucky

**Legal Experience**

2001-2004 Stites & Harbison PLLC

1988-2001 Frost Brown Todd\Brown Todd & Heyburn

**Alternative Dispute Resolution Training**

2005 Mediation Workshop, Program of Instruction for Lawyers, Harvard Law School

2002 Arbitrator II Training – American Arbitration Association

2001 Arbitrator I Training – American Arbitration Association

1995 Mediation Training (40 hours) – Mediation Center of Kentucky

**Alternative Dispute Resolution Experience**

Mr. Hays has been mediating cases as a mediator since 1995 and has extensive experience with mediating construction, employment, commercial and personal injury disputes. He has served as a mediator for cases from all parts of the Commonwealth and several surrounding states. He is a past member of the Board of Directors for the Mediation Center of Kentucky and is a past president of the Mediation Association of Kentucky. References from attorneys who have retained Mr. Hays as a mediator are available upon request.

**Professional Involvement**

National Academy of Distinguished Neutrals (Diplomate Member)

American Arbitration Association (Mediation and Arbitration Panel Member)

Kentucky Bar Association (ADR Section, Construction and Public Contract)

## **Bar/Court Admissions**

1988 Kentucky

1988 Sixth Circuit and U.S. District Court, Eastern and Western Districts of Kentucky

## **Teaching**

Law 825 – Negotiating Process, University of Kentucky College of Law, May 2011 to date

"Mediation Practice in the Construction Industry," Construction Law Institute, Lexington, Kentucky (Oct. 20, 2022)

"Trying Your Case without a Judge: Arbitration and Private Judging Alternatives," ABA 2022 Section of Family Law, New Orleans, Louisiana (April 23, 2022)

"Legal Aspects of Interpersonal Communications," Water Professionals Leadership Academy, Lexington, Kentucky (2018, 2019, 2021, 2022)

"How to Win Clients and Influence Partners," DRI Construction Law Seminar, January 2022

"The Economics of Settling Employment Litigation," 36th Annual Carl A. Warns, Jr. and Edwin R. Render Labor and Employment Law Institute, Louisville, Kentucky (June 2019)

"Common Sense Negotiating," KSPE Annual Convention, Louisville, Kentucky (April 2019)

"Alternative Dispute Resolution in Employment Matters," 2018 Biennial Employment Law Institute, University of Kentucky (June 2018)

"Common Sense Negotiating," KSPE Annual Convention, Owensboro, Kentucky (April 2018)

"Negotiating Claims in Arbitration," Kentucky Defense Counsel, Lexington, Kentucky (March 2018)

"Arbitration 101," Kentucky Bar Association Annual Convention, Owensboro, Kentucky (2017)

"The Ethics of Confidentiality and Non-Cooperation Agreements in Kentucky," Webinar, Kentucky Defense Counsel, Inc. (March 2016)

"Construction Claim Arbitration," KSPE/ACEC-KY Seminars, Fall/Winter 2009

"Making Changes and Resolving Disputes during the Construction Process," September 2008

"Mediation Ethics," AOC Mediation Training, Frankfort, Kentucky, July 2008

"Advantages and Disadvantages of Arbitration," KBA Convention, Lexington, Kentucky, June 2008

"Professional Conduct for Professional Engineers," Louisville, Kentucky, October 2005

“Mediation and Arbitration: Getting Your Money’s Worth,” 2004 KSPE Annual Convention, Owensboro, Kentucky

“Proving the Structural Engineer’s Standard of Care with CASE Guidelines,” 2004 Risk Management Program Convocation, Reston, Virginia

“Still Looking for WMD’s? Try Your Contracts and Office Practices,” 2004 ASCE Structures Congress, Nashville, Tennessee

“Claims Against the Design Professional,” ABA Forum on the Construction Industry, Minneapolis, Minnesota, October 2002

“Multi State Practice and Unauthorized Practice of Law Rules,” 2000 Biennial Midwest/Construction Law Institute, University of Kentucky College of Law

“Ethical Guidelines Concerning Mediation and Arbitration,” 1998 Biennial Midwest/Construction Law Institute, University of Kentucky College of Law

### **Publications**

“Mediating Construction Disputes,” BENCHMARK, vol. 26, issue 1, Spring 2001.

“Construction Defect Claims Against Design Professionals and Contractors,” THE CONSTRUCTION LAWYER, Spring 2003.

“Prompt Payment Acts: Recent Developments and Trends,” THE CONSTRUCTION LAWYER, vol. 22, no. 3, Summer 2002.

Co-author, “Admissibility of Expert Testimony under the Daubert Standard,” CONSTRUCTION BRIEFINGS, June 1997.

### **Awards and Honors**

Best Lawyers' 2023, 2021, 2018, and 2016 Lexington Construction Law “Lawyer of the Year”

Named to Woodward/White's *The Best Lawyers in America*® in the practice area of Construction Law since 2013

ACEC of Kentucky President’s Recognition Award, 2011

Named in the list of Kentucky Super Lawyers® since 2009

AV Preeminent rating by Martindale-Hubbell

Order of the Coif, 1988