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JAN 21 2014

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY



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: Slavens Kenneth A.  
(Last) (First) (Middle)

2. Address: 190 Carondelet Plaza  
Suite 600  
St. Louis MO 63105  
(City) (State) (Zip+4)

3. Telephone Number: (314) 345-6419

4. Facsimile Number: (314) 480-1505

5. State the standard hourly fee for your services as a neutral. \$445.00

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

16.0 hours of mediation training at Saint Louis University School of Law

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

Construction litigation, professional liability, tort and commercial disputes.

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 organization in which you currently hold certifications as a neutral, mediator, arbitrator, or other ADR service provider.

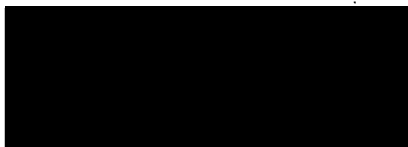
American Arbitration Association

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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.

I have litigated matters in state and federal courts and I have arbitrated disputes for over 33 years. For the past 7 to 10 years I have served as the mediator for between 6 and 12 disputes per year. The matters are usually construction disputes though not exclusively. I have mediated matters at the request of the American Arbitration Association and the United States Arbitration and Mediation service. However, most of the mediations I have conducted have been party-selected mediations held at my law firm.



(Signature)

1/17/14  
(Date)

THIS FORM WILL BE MADE AVAILABLE TO THE PARTIES TO ASSIST THEM IN CHOOSING A NEUTRAL.

Missouri Society of Professional Engineers and the Builders Association of Missouri

Speaker and Author, "Missouri Evidence Workshop Seminar," May 12, 1994, St. Louis, Missouri, Professional Education Systems, Inc.

Speaker and Author, "Insurance Litigation in Missouri," Topic: Rights and Obligations Between Insured, Insurer and Co-insurer in a Multiple Year Exposure Claim, May 11, 1994, Lorman Education Services, Inc.

Speaker, "Construction Advocacy Workshop," American Arbitration Association, Department of Education and Training, April 12, 1991, St. Louis, Missouri

Speaker and Author, "Minority Contractor Workshop," Associated General Contractors of St. Louis, December 4, 1990, St. Louis, Missouri

Speaker and Author, "Missouri Uninsured and Underinsured Motorist Coverage Issues," May 4, 1989 in St. Louis, Missouri and May 5, 1989 in Kansas City, Missouri, Professional Education Systems, Inc.

Speaker and Author, American Consulting Engineers Council's 1998 Fall Conference, The Greenbrier, White Sulphur Springs, West Virginia, November 5-7, 1998, Topic: Allocation of Risk Through Contract Negotiations

Speaker and Author, "Architect and Engineer Liens in Missouri;" September 23, 1997, St. Louis, Missouri; November 13, 1997, Springfield, Missouri; Consulting Engineers Council of Missouri

Panelist and Author, "The Danger from Within: A Mock Mediation Addressing the Interplay of Property, CGL and Builders' Risk Policy Issues in the Context of a Sick Building Syndrome Claim," presented November 7, 1997, Defense Research Institute Annual Meeting, Baltimore, Maryland

Speaker and Author, "Missouri and Illinois Law for Design Professionals," July 31, 1997, St. Louis, Missouri, Lorman Education Services

Speaker and Author, "Missouri Evidence Workshop," April 18, 1997, St. Louis, Missouri, Professional Education Systems, Inc.

Panelist and Author, "Missouri Construction Law, 1996," presented June 20, 1996 in Kansas City, Missouri, June 26, 1996 in Columbia, Missouri, and June 27, 1996 in St. Louis, Missouri, Presented by the Missouri Bar Association in cooperation with the AIA/Missouri, the AGC of Kansas City, the AGC of St. Louis, the Consulting Engineers Council of Missouri, the Missouri Society of Professional Engineers, and the Surety Underwriters Associations of Kansas City and St. Louis

Speaker and Author, "Missouri Evidence Workshop," March 28, 1996, St. Louis, Missouri, Professional Education Systems, Inc.

Speaker and Author, Construction Law Seminar, San Diego, California, March 7 & 8, 1996, Presented by The Defense Research and Trial Lawyers Association, Topic: When the Professional Witness is Inept: The Liability of the Construction Expert

Speaker and Author, 34th Annual Meeting of Invited Attorneys, Newport Beach, California, May 18-20, 1995, Presented by Victor O. Schinnerer & Company, Inc., The American Institute of Architects and Professional Engineers in Private Practice (A Division of NSPE), Topic: Partnering: The Road to Project Success or a Dead End?

Panelist, "Risk Allocation for a Construction Project," November 18, 1994 in Springfield, Missouri, December 1, 1994 in Kansas City, Missouri and December 2, 1994 in St. Louis, Missouri, Presented by the Missouri Bar in cooperation with the AIA/Missouri, the American Subcontractors Association, AGC of Kansas City, AGC of St. Louis, the Consulting Engineers Council of Missouri, the

- Speaker and Author, "Missouri and Illinois Law for Design Professionals," September 16, 1998, St. Louis, Missouri, Lorman Education Services
- Speaker and Author, American Council of Engineering Companies 2003 Fall Conference, J.W. Marriott Desert Ridge Resort & Spa, Phoenix, Arizona, October 8 - 11, 2003, Topic: Yours, Mine & Ours: Consequential Damages and Who Bears the Burden
- Speaker and Author, Construction Law Conference entitled "Construction Law: Getting the Contract; Avoiding Liability," St. Louis, Missouri, September 27, 2001, Presented by The Seminar Group, Topic: Construction Liability and Claims: Claims Against the Design Professional
- Speaker and Author, Construction Law Seminar, San Diego, California, September 20 -21, 2001, Presented by the Defense Research Institute, Topic: The Design Professional's Exposure
- Panelist, Influence of Government on Construction: Recent and Potential Legislation, Regulation and Court Rulings, April 20, 2001, Presented by the St. Louis Council of Construction Consumers, presenter on Arbitration and the Statute of Repose Issues
- Speaker and Author, Law for Design Professionals in Missouri, St. Louis, Missouri, November 28, 2000, Presented Lorman Education Services, Topic: Construction Liability - Claims Against Design Professionals and Potential Defenses
- Speaker and Author, Construction Law Conference, St. Louis, Missouri, May 18 and 19, 2000, Presented by The Seminar Group, Topic: Construction Liability: Claims Against Design Professionals
- Speaker and Author, Illinois Construction Law: Can This Job Be Saved? Creative Strategies for Project Completion and Litigation Avoidance, May 3, 2000, Presented by Lorman Education Services, Topic: Bid Mistakes
- Speaker and Author, Construction Law Seminar, Orlando, Florida, February 24 - 25, 2000, Presented by the Defense Research Institute, Topic: Don't Blame Me, I Just Designed It - Defense of the Design Professional
- Speaker and Author, Construction Litigation, Insurance and Surety Issues, Phoenix, Arizona, September 15 - 17, 1999, Presented by the Defense Research Institute, Topic: The Construction Defect Suit: Causes of Action, Defenses and Cross Complaints
- Panelist and Author, The American Bar Association Forum on the Construction Industry Spring Meeting, When to Hold and When to Fold: Practical Advice on Recurring Construction Issues, Las Vegas Nevada, April 28 - 30, 1999, Workshop: Diffusing Rambo Tactics

- Speaker and Author, Construction Law Seminar, entitled “AIA Contracts,” St. Louis, Missouri, July 18, 2007, Presented by Lorman Education Services, Topics: General Conditions and Related Documents and Claims and Claims Preparation
- Speaker and Author, Seminar for Design Professionals, entitled “Legal Issues for Missouri Design Professionals,” St. Louis, Missouri, May 11, 2007, Presented by HMS Continuing Legal Education, Topic: Contract Law for Design Professionals
- Speaker and Author, Construction Law Seminar, entitled “How Design Document Can Prevent or Cause Construction Claims in Missouri,” St. Louis, Missouri, January 31, 2007, Presented by Lorman Education Services, Topic: Contracts as a Means to Allocate Risk and Loss
- Speaker and Author, Construction Law Seminar, entitled “Legal Issues for Missouri Professional Engineers,” St. Louis, Missouri, November 17, 2005, Presented by Halfmoon LLC, Topic: The Law of Engineering Malpractice: Claims Exposure and Defenses
- Speaker and Author, Construction Law Seminar entitled “AIA Contracts,” Collinsville, Illinois, August 24, 2005, Presented by Lorman Education Services, Topic: Selected Roles of the Architect During Construction
- Speaker and Author, American Council of Engineering Companies Annual Convention, Washington, D.C., April 12, 2005, Topic: Staying on the Straight and Narrow: A Look at Selected Roles of the Design Professional During Construction Administration
- Speaker and Author, Missouri Society of Professional Surveyors 47<sup>th</sup> Annual Meeting, Kansas City, Missouri, September 25, 2004, Topic: Contractual Issues and E&O Insurance
- Speaker, Construction Arbitration Seminar entitled “Best Practices in Complex Construction Arbitration,” St. Louis Missouri, Presented by the American Arbitration Association, September 9, 2004
- Panelist, Construction Law Seminar entitled “The Anatomy of a Construction Contract,” St. Louis, Missouri, Presented by the Missouri Bar Association, Associated General Contractors of St. Louis, AIA Kansas City Chapter, American Subcontractors Association, American Society of Estimating Engineers, and the Associated Builders and Contractors, Inc. – Heart of America Chapter, June 3, 2004, Panelist representing the Design Professional’s Legal Perspective
- Speaker and Author, Construction Law Seminar entitled “Law for Design Professionals in Missouri,” St. Louis, Missouri, February 26, 2004, Presented by Lorman Education Services, Topic: The Design Professional’s Responsibility During Construction

Presented by Lorman Education Services, Topic: Consideration of Significant Contract Provisions

Speaker and Author, Seminar entitled "Fundamental of Construction Contracts: Understanding the Issues in Missouri," St. Louis, Missouri, October 28, 2010, Presented by Lorman Education Services, Topic: Changes in the AIA Contract Documents

Speaker and Author, Seminar entitled "Current Issues in Construction Law Arbitration," St. Louis, Missouri, January 22, 2010, Presented by Washington University Law Dispute Resolution Program and United States Arbitration & Mediation Midwest, Inc., Topic: Identifying the Interests of Owners, Architects, Contractors & Subcontractors

Speaker, Seminar entitled "Reduce the Risk Drag: Practical Strategies for Design Firms to Increase Profitability," St. Louis, Missouri, September 16, 2009, Presented by Ames & Gough, Topic: Mediation Strategies

Speaker and Author, Seminar entitled "Green or Sustainable Construction in Missouri," St. Louis, Missouri, April 29, 2009, Presented by Lorman Education Services, Topic: Legal and Risk Management Issues

Speaker and Author, American Council of Engineering Company's 2009 Annual Convention & Legislative Summit, April 27, 2009, Topic: What the Design Professional Needs to Know About the New "form" Documents

Speaker and Author, Seminar entitled "AIA Contracts," Fairview Heights, Illinois, September 10, 2008, Presented by Lorman Education Services, Topic: Selected Roles of the Architect During Construction Administration

Speaker and Author, Seminar entitled "Green or Sustainable Construction in Missouri," St. Louis, Missouri, April 29, 2008, Presented by Lorman Education Services, Topic: Legal and Risk Management Issues

Speaker and Author, Seminar entitled "Exploring New Forms and Current Construction Topics," St. Louis, Missouri, May 8, 2008, Presented by the Bar Association of Metropolitan St. Louis Construction Law Committee, Topic: 2007 AIA Documents

Speaker and Author, Seminar entitled "Green or Sustainable Construction in Missouri," St. Louis, Missouri, April 29, 2008, Presented by Lorman Education Services, Topic: Legal and Risk Management Issues

Speaker, Society for Design Administrators, "Legal Pitfalls of the Construction Industry: What You Should Keep and For How Long?" St. Louis, Missouri, November 28, 2007, Presented by the St. Louis Chapter of the Society for Design Administrators

## Articles and Presentations

### Publications

Author, Supplement to the Chapter of Missouri Bar Continuing Legal Education Deskbook Missouri Construction Law, Second Edition, Chapter 11, Liability of Design Professionals, Published November 2009

Author, "Changes in the AIA Documents: Consideration of Selected Provisions and the Impact on the Project Participants," The St. Louis Bar Journal, Volume 54, Number 4, Spring 2008

Author, Chapter of Missouri Bar Continuing Legal Education Deskbook Missouri Construction Law, Second Edition, Chapter 11, Liability of Design Professionals, Published October 2004

Contributing author, "Construction Law & Risk Management, Case Notes and Articles," edited by J. Kent Holland, Jr., Arch Insurance Group and Constructionrisk.com., published by Ardent Publications

Author, "Missouri Does Not Allow Engineer to Testify as to the Standard of Care for Architects," *Construct!*, Fall 1994, Committee on Construction Litigation, American Bar Association, Section of Litigation

Author, "Economic Loss Doctrine Recognized in Missouri," *Construct!*, Spring 1994, Committee on Construction Litigation, American Bar Association, Section of Litigation

Author, "Change Orders: What is Good Enough?" The Journal of Light Construction, February 1993, the Legal Column, Volume 11, Number 5

Author, Chapter of Missouri Bar Continuing Legal Education Deskbook Missouri Construction Law, Chapter 13, Alternative Dispute Resolution, Mediation and Partnering, Published October 1994, and the 2000 Cumulative Supplement

Author, "Missouri: Current Issues in Insurance and Tort Law," February 14, 1991 in Kansas City, Missouri and February 15, 1991 in St. Louis, Missouri

### Seminars and Programs

Presenter, Seminar entitled "Civil Trial CLE," St. Louis, Missouri, March 21, 2013, Presented the St. Louis County Bar Association, Topic: Jury Instructions

Speaker and Author, Seminar entitled "Fundamental of Construction Contracts: Understanding the Issues in Missouri," St. Louis, Missouri, March 19, 2013,



## Achievements

Selected as the 2014 Best Lawyers in America Lawyer of the Year in Construction Law for St. Louis, Missouri, *Best Lawyers in America*, Woodward / White

Selected as the 2011 Best Lawyers in America Lawyer of the Year in Construction Law for St. Louis, Missouri, *Best Lawyers in America*, Woodward / White

Selected as one of the Best Lawyers in America in Construction Law, Listed in *Best Lawyers in America*, for St. Louis, Missouri, Woodward / White, 2005 through 2014

Selected as a Construction Litigation Super Lawyer by *Super Lawyers Magazine* for Missouri and Illinois, 2007 through 2013, Top 100 for the State of Missouri 2009 and 2010, Top 50 "Super Lawyer" for St. Louis 2009, 2010 and 2013

AV Preeminent Rating, Martindale-Hubbell Lawyer Ratings, Past Twenty Years

Contributor, International Risk Management Institute's Website, Commentator on Legal Trends for Design Professional Liability, May 2000 to the present

Member, Regional Advisory Committee, Construction, to the American Arbitration Association

Member, Steering Committee, Division 3 - Design, ABA Forum on the Construction Industry, 1997 – 2003

Defense Research Institute and Trial Lawyers Association, Construction Law Committee, Seminars Subcommittee Chair, 1995 to 1997, and Committee Vice Chair, 1995 to 1997, Committee Chair, March of 1997 to October of 1999

Selected for inclusion in Selected for inclusion in Strathmore's **Who's Who** and **Who's Who in American Law**

Editor, Construction Law, *Courts & CLE Bulletin*, monthly publication of the Missouri Bar, 1994 to Present

Casernote Editor for Missouri, *Construct!*, published by the Committee on Construction Litigation, American Bar Association, Section of Litigation

Arbitrator, American Arbitration Association, Commercial/Construction Arbitrations

Adjunct Faculty, Washington University, School of Engineering and Applied Sciences, Course on Products and Professional Liability, 1982 to 1994

**Kenneth A. Slavens**  
Husch Blackwell LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, Missouri 63105  
firm wide: (314) 480-1500  
direct dial: (314) 345-6419  
fax: (314) 480-1505  
ken.slavens@huschblackwell.com

### **Education**

B.A. Political Science, University of Missouri - St. Louis, 1974  
M.A. Political Science, University of Missouri - St. Louis, 1976  
J.D., *cum laude*, St. Louis University School of Law, 1979

### **Licenses and Training**

Missouri, 1979  
Illinois, 1980  
United States District Court for the Eastern District of Missouri  
United States District Court for the Western District of Missouri  
United States District Court for the Southern District of Illinois  
United States District Court for the Central District of Illinois  
7th Circuit Court of Appeals  
8th Circuit Court of Appeals  
Civil Mediation Training, St. Louis University School of Law, January 3 and 4, 2014

### **Professional Associations**

Missouri State Bar Association  
Construction Law Committee, Committee Chair, 1997 to 1999  
American Bar Association  
Torts & Insurance Practice  
Litigation Section, Construction Litigation Committee  
Forum on the Construction Industry, Steering Committee, Division 3 - Design  
Defense Research Institute and Trial Lawyers Association  
Construction Law Committee, Committee Chair, March of 1997 to October of 1999  
St. Louis Council of Construction Consumers  
Member, Committee on Adversarial Relations

### **Areas of Practice**

Business and Commercial Litigation  
Construction Law  
Products Liability  
Arbitrator and Mediator, Construction Disputes

# *Certificate of Completion*

***Kenneth A. Slavens***

has completed a total of 16 hours of mediation training at  
Saint Louis University School of Law  
pursuant to Missouri Supreme Court Rule 17.

*January 4, 2014*

*Date*

*Rebecca T. Magruder, M.S.W., J.D.  
Trainer*