



## John W. Hays

Member

### Lexington Office

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**John W. Hays is a Member in the Construction industry group, focusing primarily on litigation. He practices out of the Firm's office in Lexington, Kentucky.**

John's a problem solver – his main goal in his practice is to help people solve problems, whether in his role as an attorney, a mediator, or an arbitrator. His practice is primarily focused on construction litigation, contracts, and commercial litigation, but his years of experience mean he can help clients at any stage of a construction project or dispute. John represents owners, design professionals, contractors, construction managers, subcontractors, and suppliers. He's also the co-chair of the Firm's construction and development industry group, helping to grow the Firm's practice in the construction area.

John has extensive training and experience as a mediator in construction, commercial, employment, and personal injury disputes and has often served as an arbitrator. He is a specialist in his fields, serving as a member of numerous professional associations, a past president to several boards, and a frequent author and lecturer.

It's no wonder John has an AV Preeminent rating by Martindale-Hubbell, and was named Lexington Construction Law "Lawyer of the Year" in 2018 and 2016 by *The Best Lawyers in America*®. He has been named in the *Kentucky Super Lawyers*® list since 2009, named in *The Best Lawyers in America*® for Construction Law since 2013, and been a member of The National Academy of Distinguished Neutrals since 2012. John also serves on the Firm's Executive Committee.

John is an accomplished athlete, playing defensive end and wide receiver for Princeton University while in college, completing the Chicago and New York marathons, and walking an average of seven miles a day. John's a fast mover - he met his wife Tamra in law school, they were engaged three weeks after their first date and were married six months later.



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## Awards

- Named *The Best Lawyers*' 2021 Lexington Construction Law "Lawyer of the Year"
- Martindale-Hubbell, AV Preeminent rating

- Named *The Best Lawyers'* 2016 and 2018 Lexington Construction Law "Lawyer of the Year"
- Named in the list of *Kentucky Super Lawyers*® (2009-Present)
- Selected by his peers for inclusion in *The Best Lawyers in America*® for Construction Law (2013-2022)
- Listed in the Construction, Real Estate & Environmental Section of 2013 *Super Lawyers*® *Business Edition* for Construction Litigation
- The National Academy of Distinguished Neutrals Member (2012-Present)
- Order of the Coif (1988)
- Kentucky Law Journal



## Notable Legal Experience

- Won motion for local Kentucky equine organization, which was granted and upheld on appeal
- Involved in large settlements involving construction defect claims in West Virginia
- Helped client negotiate a contract to design and install a large antenna on top of the Empire State Building
- Negotiated a \$12 million settlement for a dispute arising from the repainting of the JFK bridge in Louisville, Kentucky

## Work History

- Jackson Kelly PLLC (2004-Present)
- Stites & Harbison PLLC (2001-2001)
- Frost Brown Todd/Brown Todd & Heyburn (1988-2001)

## Practices

- Construction Law
- Arbitration, Mediation & Alternative Dispute Resolution
- Class Action & Complex Litigation
- Commercial Litigation
- Litigation

## Industries

- Construction
- Hotels & Hospitality

## Education

- National Academy of Distinguished Neutrals (Advanced Mediation Training, 2013)
- Harvard Law School (Program of Instruction for Lawyers) (Mediation Workshop, 2005)
- American Arbitration Association (Arbitrator II Training, 2002)
- American Arbitration Association (Arbitrator I Training, 2001)

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- Mediation Center of Kentucky (Mediation Training, 1995)
- University of Kentucky College of Law (J.D., *with distinction*, 1988)
- Princeton University (B.A., 1985)

## Admissions

- Kentucky (1988)
- U.S. District Court, Eastern District of Kentucky (1989)
- U.S. Court of Appeals, Sixth Circuit (1988)
- U.S. District Court, Eastern District of Kentucky (1988)

## Professional Organizations

- National Business Institute, Faculty Member
- The National Academy of Distinguished Neutrals, Member (2012-Present)
- Kentucky Bar Association (ADR Section, Construction and Public Contract)
- American Bar Association (Forum on Construction Industry)
- American Arbitration Association (Panel Member)

## Speaking Engagements & Publications

### Speaking Engagements

- "Indemnification Provisions 101: Drafting, Negotiating, Common Mistakes," National Business Institute OnDemand Video (May 2022)
- Moderator, "How to Win Clients and Influence Partners," DRI Construction Law Seminar, Austin, Texas (Jan. 26, 2022)
- "Ethics Workshop: Applying the Ky. Code of Professional Conduct to NSPE Board of Ethical Review Cases," KSPE Fall Seminar, Webinar (Dec. 13, 2021)
- "Ethics Workshop: Applying the Ky. Code of Professional Conduct to NSPE Board of Ethical Review Cases," Northern Kentucky Society of Professional Engineers, Webinar (Oct. 26, 2021)
- "Standards of Practice, Ethics & Code of Conduct," NSPE-Ky Annual Convention (July 21, 2021)
- "Legal Aspects of Communications," Water Professionals Leadership Academy (June 10, 2021)
- "Engineering Ethics," ASCE Bluegrass Chapter, Webinar (Jan. 29, 2021)
- "Raising Awareness of Architect's Lien Rights (Kentucky)," with Darren J. Duzyk and Christopher A.T. Toddy, AIA Kentucky, Webinar (June 30, 2020)
- "Code of Professional Conduct," KSPE/ACEC, Webinar (June 11, 2020)
- "Coronavirus Construction Industry Impacts: Contract Issues and More," with **Michael P. Leahey** and Steven T. Mulligan, Half Moon Seminars, Webinar (April 6, 2020)
- "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)
- General Mediation Training, Kentucky Bar Association, Louisville, Kentucky (April 2019)
- "Common Sense Negotiating," KSPE Annual Convention, Louisville, Kentucky (April 2019)
- "Legal Aspects of Interpersonal Communications," Water Professionals Leadership Academy, Lexington, Kentucky (2018 and 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)

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- "Legal Issues for Civil Engineers and Land Surveyors," Professional Engineers in Mining Annual Seminar, Lexington, Kentucky (2017 and 2018)
- "Legal Issues for Civil Engineers and Land Surveyors," Halfmoon Seminars, Lexington, Kentucky (June 2017)
- "Arbitration 101," Kentucky Bar Association Annual Convention, Owensboro, Kentucky (2017)
- "Drones in the Construction Industry: Risks and Rewards," KSPE Annual Convention, Covington, Kentucky (2017)
- "Drones in the Construction Industry: Risks and Rewards," ABCWV Winter Meeting, The Greenbrier, White Sulphur Springs, West Virginia (Jan. 7, 2017)
- "Drones in the Construction Industry: Risks and Rewards," 2016 Biennial Construction Law Institute, University of Kentucky College of Law (Oct. 2016)
- Law 825 – Negotiating Process, University of Kentucky College of Law (May 2011-Present)
- "Professional Conduct for Professional Engineers," KSPE/ACEC-KY Leadership PE Training (Multiple Years)
- "Risk Management & Claims Experiences for Structural Engineers," KSPE/ACEC-KY Seminar, Lexington, Kentucky (Jan. 2012)
- "Professional Conduct for Professional Engineers," KSPE Annual Convention, Covington, Kentucky (2011)
- "Professional Conduct for Professional Engineers," KSPE Annual Convention, Louisville, Kentucky (2010)
- "Law of Construction Defects and Failures," HalfMoon Seminars, Lexington, Kentucky (June 2010)
- "Construction Claim Arbitration," KSPE/ACEC-KY Seminars (Fall/Winter 2009)
- "Making Changes and Resolving Disputes during the Construction Process" (Sept. 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 (Oct. 2005)
- "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
- "Mediation and Arbitration: Getting Your Money's Worth," KSPE Annual Convention, Owensboro, Kentucky (2004)
- "Claims Against the Design Professional," ABA Forum on the Construction Industry, Minneapolis, Minnesota (Oct. 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

#### **Writings and Publications**

- "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)
- "Mediating Construction Disputes," *Benchmark*, vol. 26, issue 1 (Spring 2001)
- Co-author, "A Trap for the Unwary Architect or Contractor," *The Construction Contractor* (Nov. 2, 1998)
- Co-author, "Admissibility of Expert Testimony under the Daubert Standard," *Construction Briefings* (June 1997)

#### **Community**

- Adjunct professor at University of Kentucky College of Law (2011-Present)

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