

8. Mediation Experience

a. How many years has the Nominee served as mediator for compensation in commercial disputes? _____

b. How many days has the Nominee served as a mediator for compensation in commercial disputes?

i. In the past 12 months _____

ii. In the past 3 years _____

iii. in the Nominee's career _____

(Commercial disputes shall include a variety of business or economic conflicts as distinct from family, community, political, or public policy disputes. Commercial disputes do not include residential landlord/tenant or dissolution of marriage matters. A day is at least 4-6 hours or more, including preparation time.)

c. Please attach a description of any other mediation-related experience that the Nominee considers to be relevant to this nomination for membership (eg., mediation training, teaching, presiding over settlement conferences as a judge or magistrate, etc.).

9. References

Please list three references whom the Sponsors have contacted and submit summaries of each reference's comments along with this form. References should be counsel, parties, or party representatives with whom the Nominee has worked in a mediation session in the past year.

Name/Address/Phone/Email

Name/Address/Phone/Email

Name/Address/Phone/Email

10. Background

Has the Nominee ever been convicted of or are charges pending regarding a violation of any criminal law (other than minor traffic offenses), ethical, code of conduct, or disciplinary rules of any state government or provincial agency, bar association or private or public professional entity? _____

If yes, please explain status and/or resolution in an attachment.

Nominee Affirmation

The undersigned Nominee affirms and verifies that he or she has read and understands the information provided herein, and that the information is true and complete to the best of his or her knowledge, information and belief. Nominee also confirms that he or she understands this submission does not create any obligation on the part of the International Academy of Mediators to admit me as a member. If granted, membership is subject to the conditions of the IAM By-laws and Constitution, including but not limited to dues and conference attendance requirements.

Nominee's Signature/Date

Sponsors' Affirmations

We the undersigned sponsor and co-sponsor of this Nomination, affirm that based on our personal knowledge and review of at least three professional references, the Nominee meets all the qualifications for membership in the IAM and accordingly, we are pleased to nominate _____ to become a Distinguished Fellow of the IAM immediately upon approval of this Nomination by the Board of Governors. (Please attach any additional comments regarding this Nomination that you believe will be helpful to the Board in reviewing the Nomination)

Sponsor's Signature/Date

Co-sponsor's Signature/Date

INTERNATIONAL ACADEMY OF MEDIATORS MEMBERSHIP CRITERIA

Overview

New IAM members will be admitted to membership in the Academy under the following guidelines:

- Membership is by **invitation only**
- Membership is limited to **professional commercial mediators** who are **well established and recognized** in their local or regional community as **leading mediators** in the field
- The IAM is dedicated to **inclusiveness** and **diversity** across a full spectrum
- The Membership and Recruiting Committees assist Academy members in identifying mediators who meet the criteria for invitation by the Board of Governors to join as **Distinguished Fellows**

Criteria for Admission to Membership as Distinguished Fellow

Nominees for membership in the Academy in the **Distinguished Fellow** category must generally meet the following **minimum qualifications** with respect to **mediation experience**:

- in commercial mediation practice at least **5 years**, with corresponding certification for those mediators who practice in jurisdictions that have certifications for commercial mediation
- at least **a majority of their professional efforts** are dedicated to commercial mediation
- in developed markets, must have worked at least **300 - 600 commercial mediation days**
- in emerging markets¹, must have worked at least **150-300 commercial mediation days**
- in undeveloped markets², must have worked at least **50-100 commercial mediation days**
- **mediation days** consist of **at least 4 hours** of work focused on **mediation of commercial disputes** (including teaching, training or facilitating as well as mediating disputes and excluding days spent mediating pro bono, small claims and domestic relations matters)
- **alternative mediator experience** may be considered provided it is **substantially equivalent** (participation in mediations as party or counsel is not considered mediator experience)

¹ “Emerging” markets are those areas or regions where relatively fewer commercial disputes are mediated, in contrast with developed markets where the majority of commercial disputes get referred to mediation, whether by courts, counsel or parties. Factors include: the extent to which mediation is mandatory, the length of time mediation has been in use, the types of disputes that go to mediation and the numbers of mediators who practice on a full or substantial-time basis.

² “Undeveloped” markets are those areas or regions where mediation is just beginning to be utilized and thus very few commercial disputes are mediated and very few mediators practice on a full or substantial-time basis.

Membership Nomination Process

Invitations to join the Academy are issued only upon **approval** by the **Board of Governors** of a **Nomination** from a qualified **Sponsor** and **Co-sponsor**

- **Sponsors** must be **Distinguished Fellows** who have been **members** of the IAM **for at least two (2) years** or **who have attended at least four (4) conferences**
- **Nominations** are **submitted** to the Board of Governors **only from** qualified **Co-Sponsors** on a form that includes **attestations vouching** that the prospective new member is a ***pre-eminent distinguished or rising star mediator*** in their local community
- **Nominees for membership** are encouraged (not required) to **attend at least one live or virtual IAM conference** at the invitation of a member (any Distinguished Fellow may invite with approval of the Recruiting Chair) before their Sponsors submit a Nomination on their behalf.
- **Mentees** in the Mentorship Program who have gained the **requisite experience** are encouraged to seek Sponsors for nomination as **Distinguished Fellows (generally including the Mentor)**

CURRICULUM VITAE

**NANCY E. KENNER
MEDIATOR
ARBITRATOR**

NANCY E. KENNER

4717 Grand Ave., Ste. 830

Kansas City, MO 64112

816-931-6300

Email: nancy@jaydaughertymediation.com

EDUCATION

University of Missouri - Columbia, Columbia, Missouri
Juris Doctor, 1983 (cum laude)

University of Missouri – Columbia, Columbia, Missouri
Bachelor of Arts in English, 1980 (cum laude)

MEDIATION HISTORY

I trained in mediation in the early 1990's when our local federal court was selected to do a pilot Early Assessment Program which required 1/3 of cases to mediate in the first 90 days. As mediation as a practice got off the ground, I did a relatively low number per year but pretty quickly averaged 50-60 per year. This number has increased significantly over the last 5 years as I have transitioned out of my law practice.

WORK HISTORY

Jay Daugherty Mediation and Arbitrations, Kansas City, Missouri
August 1, 2021 – Present

The Kenner Law Firm, P.C., Kansas City, Missouri
1993 – Present
Civil litigation with an emphasis on plaintiff's personal injury and medical malpractice cases and mediation

Blackwell Sanders Matheny Weary & Lombardi L.C., Kansas City, Missouri
1984 – 1993
Partner in litigation handling various types of defense matters and mediation

The Honorable Howard F. Sachs, Western District of Missouri, Kansas City, Missouri
1983 – 1984
Federal clerkship

COMMITTEE POSITION AND TRAINING

Supreme Court Committee on Alternative Dispute Resolution
1996 - 2002

POSITIONS HELD

President, Association for Women Lawyers, Kansas City, Missouri
2000

President, Kansas City Metropolitan Bar Association
2012

Missouri Bar, Trustee
2016 – Present

**University of Missouri – Columbia
Law School Foundation, Trustee**
2021 – Present

**Kanbe's Market, Kansas City, Missouri
Board of Directors**
2021 – Present

AWARDS AND RECOGNITION

Up and Coming Lawyer
(*Missouri Lawyers Weekly*) – 1998

Association for Women Lawyers
Woman of the Year – 2002

KCMBA Congenial Counselor Award – 2004

Daily Record Legal Leaders – 2005

KCMBA Presidents Award – 2008

Women Who Mean Business, Kansas City, Missouri
(*Kansas City Business Journal*) – 2011

**Missouri Lawyers Weekly Women's Justice Award –
Litigation Practice – 2012**

KCMBA Dean of the Trial Bar – 2018

FAMILY

Nancy is married to David Kenner, Attorney, and Professor at Henry W. Bloch School of Management, University of Missouri – Kansas City. The two have three children and a mastiff named Hudson.

REFERENCES

Mike Blumenthal – Seyferth Blumenthal & Harris
Defense Attorney

Dana Cutler – James W. Tippin & Assoc.
Defense Attorney

Maureen Brady – McShane & Brady
Plaintiff Attorney

Gene Graham – White, Graham, Buckley & Carr
Plaintiff Attorney

Tara Kelly

I cannot express how much I value Nancy as a mediator -- we are constantly trying to expand the number of mediators we do employment mediations with, but we always come back to Nancy. There are three reasons that I am using her services a dozen times a year:

- She will always let me speak my piece. I'm a fairly hot-headed litigator; Nancy listens to my rantings and ravings, calmly talks me through how to make a logical point out of those rantings, and then conveys them to the opposing side (I'm assuming) without offending anyone -- which would not be the case if they actually were listening to me.
- She will always speak truth to me. Representing a sophisticated defendant, I'm very attuned to the weaknesses of my cases and know if and why I'll lose. She reminds me of those facts and will bring new ones to the forefront that I haven't thought about yet. The education piece is crucial to getting me over some stalls in negotiations.
- (I'm assuming) She speaks truth to the other side. Obviously I'm not privy to what is going on in the other "room." But I've seen million dollar demands settle for \$150k. Since I know that she's speaking truth to me, I can assume that she's speaking truth to opposing counsel, which is why those outrageous demands come down to appropriate final settlements.

I know that IAM values ethics in their members. Nancy is one of two mediators that I use where I tell her what my final authority is, and she can help me work to that goal. I know that what I tell her is in the "lockbox" and won't be disclosed to the other side. I can't recommend Nancy highly enough to any professional group.

John Ziegelmeyer, III

I've known and used Nancy as a mediator for longer than I would care to admit. In short, Nancy gets people and is one of the hardest-working mediators I've had the privilege to work with. She can get right to the heart of the matter without wasting any energy or time. And she has a remarkable ability to get even the most contentious parties (and counsel) to find some common ground for the benefit of their respective clients. Nancy is always at the top of my list of mediators that I suggest. I could go on and on about how much of an impact Nancy has had on the legal community here in Kansas City.

Michael Blumenthal

I've used Nancy of one of my "go-to" mediators for years. Nancy is no-nonsense, sizes up complex issues and difficult issues quickly, and brings to bear common sense and directness in helping parties settle difficult and emotional civil disputes. I remember one instance where my client's CEO (who was a battle-hardened, tough businessman) said he was never – and I mean **never** – going to settle an emotional employment-related lawsuit. After six hours with Nancy, we walked out of the mediation with a settlement that served everyone's interests and my client's CEO telling me that he'd never worked with a mediator who made as much sense as Nancy did. In another case, Nancy had to wrangle a hard-charging, "Riverboat gambler" of a plaintiff's lawyer, an insurer refusing to provide coverage, and my client (a high-profile defendant in a difficult and emotional personal injury case). Nancy stuck with the process, was patient, pushed

where she had to, and was successful in helping settle a case that all the lawyers thought could not be settled.

I have nothing but high-praise and respect for Nancy and her considerable skill as a mediator. She has the respect of lawyers from multiple disciplines on “both sides of the v.” I hope the IAM will admit her into the IAM, where she can rightfully take her place among the nation’s premier mediators.