

Devereux Murphy LLC

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<u>Position</u>	<u>Areas of Practice</u>	<u>Litigation Percentage</u>
<u>Bar Admissions</u>	<u>Education</u>	<u>Honors</u>
<u>Published Works</u>	<u>Affiliations</u>	<u>Representative Cases</u>

RICHARD P. SHER

Mr. Sher is a member of the St. Louis law firm of Devereux Murphy LLC, where he maintains a broad practice in civil trial matters and alternative dispute resolution. Before joining Devereux Murphy on January 1, 1996, Mr. Sher was a partner in the law firm of Peper, Martin, Jensen, Maichel and Hetlage, where he practiced for over twenty years. While at Peper Martin, Mr. Sher served as a member of the management committee and as head of the litigation department.

Mr. Sher's practice involves the representation of clients before state and federal trial and appellate courts and administrative tribunals and in alternative dispute resolution processes in virtually all areas of commercial disputes, including corporate, real estate, securities, financial institutions, insurance, construction, products liability and employment. He has handled and tried cases across the country for a wide spectrum of clients, ranging from publicly held companies and government agencies to small businesses and individuals. Mr. Sher is extensively involved in bar activities at both the local and national levels. He is a frequent writer and lecturer on litigation issues and alternative dispute resolution.

Mr. Sher also regularly serves as a neutral and represents clients in mediation and other alternative dispute resolution processes. He is currently president of the St. Louis Chapter of the Association of Attorney-Mediators and is a former member of its national board of directors. He is an active member of the mediation and arbitration panels of the American Arbitration Association, the National Association of Securities Dealers and other national ADR organizations. He has received over thirty hours of mediation training from the American Academy of Attorney-Mediators and the center for Public Resources. He has also served as a trainer in mediation and arbitration.

In addition to serving as a neutral and representing clients in mediation, Mr. Sher frequently counsels clients on the use of mediation and other ADR techniques and the development of formal programs for the use of these processes. He has also made numerous presentations to corporate law departments and insurance claims departments on these subjects.

EXHIBIT



In 1994, Mr. Sher drafted the local rule on mediation of the Circuit Court of the City of St. Louis, Missouri; in 1995 he was appointed to the court committee responsible for implementing the rule and in 1997 he served as advisor for the court's pilot mediation program. He also served as advisor to the United States District Court for the Eastern District of Missouri on implementation of that court's mediation and early neutral evaluation programs.

Mr. Sher has written and spoken extensively on mediation. In 1995, he organized the first St. Louis Symposium on ADR and spoke at this program on mediation and the evolution of ADR. In 1994, he served as a trainer at a seminar presented jointly by the American Arbitration Association and the National Association of Securities Dealers on securities arbitration. He is the author of "Mediation" which appeared in the Fall 1994 edition of the *St. Louis Bar Journal*, and of "Early Neutral Evolution" which appeared in the May 1995 edition of the *St. Louis Lawyer*. He is active in both the Mediation Committee of the ABA Dispute Resolution Section and the ADR Committee of the ABA Litigation Section (where he served as Eighth Circuit Reporter for the ADR Newsletter), as well as the ADR committee of the Bar Association of Metropolitan St. Louis. Mr. Sher organized and served as co-editor of the Fall 1994 issue of the *St. Louis Bar Journal*, which was devoted exclusively to ADR.

Mr. Sher is a graduate, with honors, of Northwestern University (1972) and of the University of Missouri at Kansas City School of Law (1974), where he received his J.D. degree, with distinction, was elected to the Order of Bench and Robe and was a member of Law Review and Articles Editor of *The Urban Lawyer*.

Current Employment Position(s):

Partner

Areas Of Practice:

Alternative Dispute Resolution
Business & Commercial Law
Litigation & Appeals
Securities Law

Litigation Percentage:

95% of Practice Devoted to Litigation

Bar Admissions:

Missouri, 1975
U.S. Court of Appeals 5th Circuit
U.S. Court of Appeals 8th Circuit
U.S. Court of Appeals 10th Circuit
U.S. District Court Eastern District of Missouri, 1975
U.S. Supreme Court, 1978
U.S. Court of Appeals 1st Circuit
U.S. Court of Appeals 7th Circuit
U.S. Court of Appeals 11th Circuit

Education:

University of Missouri-Kansas City School of Law, Kansas City, Missouri, 1974
J.D., Doctor of Jurisprudence
Honors: With Distinction; Order of Bench & Robe
Law Review: Articles Editor, University of Missouri The Urban Lawyer

Northwestern University, Evanston, Illinois, 1972
B.A., Bachelor of Arts
Honors: With Honors

Published Works:

The Courts' Role in the Evolution of Power Over Land, The Urban Lawyer, 1975

Contract Provisions Affecting The Conduct of Franchise Litigation, St. Louis Bar Journal, 2001

West's Missouri Practice, Commentaries to Rules 74.02, 74.03, 74.10, 74.12, 74.14

Early Neutral Evaluation, St. Louis Lawyer, May, 1995

Mediation, St. Louis Bar Journal, Fall, 1994

Representative Cases:

Port Chester Elec. Const. Corp. v. HBE Corp., 894 F.2d 47 (C.A.2 (N.Y.) 1990)

Sleichter v. Monsanto Co., 612 F.Supp. 856 (E.D.Mo. 1985)

Dunn v. Bemor Petroleum, Inc., 680 S.W.2d 304 (Mo.App. E.D. 1984)

Maryland Plaza Redevelopment Corp. v. Greenberg, 594 S.W.2d 284 (Mo.App. E.D. 1979)

Missouri Housing Development Com'n v. Brice, 919 F.2d 1306 (C.A.8 (Mo.) 1990)

Classes/Seminars Taught:

Mediation of Intellectual Property Disputes, Washington University School of Law, 2001

Keys to the Effective Mediation of Business Cases, St. Louis Corporate Counsel Institute, 2000

Tips for a Successful IP Mediation, The Bar Association of Metropolitan St. Louis, 2000

Mediation: Local Rules and Tips from Experts, Lawyers Association of St. Louis, 1999

Ethical Considerations for the Business Lawyer, Missouri Bar Business Law Institute, 1997

The Attorney's Role in Mediation, ADR: Focus on Mediation, MO Bar, 1997

Mediation and Early Neutral Evaluation, Eighth Circuit Judicial Conference, Federal Practice Committ, 1997

Mediation Is Here, BAMSL Small Business Conference, 1997

Liability Concerns of Business Owners, Missouri Bar Business Law Institute, 1996

The New ADR, General Counsel Forum, Price Waterhouse, 1996

Mediation and The New ADR, St. Louis Symposium "The New ADR", 1995

Training the Advocate - A Model Curriculum for the New Millenium, ABA Litigation Section Fall Meeting, 1994

Problems in Securities Arbitration, Securities Arbitrator Training Program, American Arbitration Association, 1994

Settling Third-Party Claims -- What to Do When the Insured and the Insurer Disagree, Risk and Insurance Management Society, 1990

Honors and Awards:

President's Outstanding Service Award, Bar Association of Metropolitan St. Louis, 1996

Professional Associations and Memberships:

American Bar Association
Member, Securities Litigation Committee

American Bar Association
Member, Litigation and Business Law Sections

Missouri Bar Association
Member

Bar Association of Metropolitan St. Louis
Member

American Arbitration Association
Member, Panel of Arbitrators

American Arbitration Association
Member, Panel of Mediators

American Arbitration Association
Member, Mediation Advisory Committee

American Bar Association, Dispute Resolution Section
Member, Mediation Committee (Missouri state law contact)

American Bar Association, Litigation Section
Member, Alternative Dispute Resolution Committee

American Bar Association
Eight Circuit Reporter - ADR Newsletter

American Bar Association
Member, Training the Advocate Committee

American Bar Association
Member, Forum on Franchising

Association of Attorney-Mediators, 1994 - Present
President, St. Louis Chapter

Association of Attorney-Mediators, 1995 - 1998
Member, National Board of Directors

The Missouri Bar
Member

Circuit Court of the City of St. Louis, 1997
Advisor, Pilot Mediation Program

Circuit Court of the City of St. Louis, 1994 - 1995
Member, Implementation Committee, Court ADR Program

United States District Court, Eastern District of Missouri, 1994
Advisor, Implementation Committee, Court ADR Program

Past Employment Positions:

Peper, Martin, Jensen, Maichel and Hetlage, Partner; Management Committee, Litigation
Dept. Chair, 1975 - 1995

Birth Information:

October 30, 1950, Kansas City, Missouri, United States of America

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