

Barry L. Haith

PARTNER

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Office: St. Louis



With a focus on real estate, construction, general commercial, contract, corporate and fiduciary matters, Barry works with clients at every phase of business planning and litigation.

Barry assists individuals and businesses at multiple levels in business planning, risk management and problem solving, and serves as outside general counsel for many of his clients. He has significant state and federal trial, appellate, mediation and arbitration experience involving commercial and corporate litigation, real estate, construction, fiduciary, probate and trust, and fraud litigation. Barry also works with clients at a transactional level on complex contract drafting, real estate and development projects, deal negotiations, insurance coverage and recovery matters, and lien and bond claims.

Barry's role as a trusted advisor stems from his longstanding client relationships and commitment to understanding each of his client's business models, cultures and unique needs, coupled with the desire to create a true partnership in the pursuit of his clients' goals. Barry's service as outside counsel spans real estate, development, M&A, joint ventures, intellectual property, private and public financing, employment matters, organizational restructuring, long-term succession planning, insurance coverage, risk management and dispute resolution. Barry enjoys acting as a connector on behalf of his clients, ensuring that no

PRACTICES & INDUSTRIES

- Business Litigation
- Business Policyholder Insurance Coverage
- Construction
- Estate & Trust Litigation
- Real Estate Litigation
- Private Business

ADMISSIONS

- Missouri
- U.S. District Court for the Eastern District of Missouri
- U.S. Court of Appeals for the Eighth Circuit

EDUCATION

- Washington University School of Law, J.D., 1999
- Truman State University, B.A., 1992

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matter their need, he provides appropriate resources available through his expansive network.

Barry's partnerships with his clients don't end with his legal representation. Barry is grateful to have clients who share a passion for community and philanthropy, frequently partnering to support important philanthropic missions and civic efforts, and collaborating with clients in supporting their respective communities.

EXPERIENCE

Real Estate and Development

Negotiated multi-million-dollar acquisition and retail development, including TIF and CID financing, along with construction and design contracts for full design, construction and workforce diversity compliance/requirements.

Negotiated and closed numerous multi-million dollar acquisitions and dispositions of industrial, office, retail and other commercial real estate.

Represented commercial real estate brokers and shareholders in the acquisition and control of the entire interest in brokerage firm.

Represented title company agents and shareholders in the acquisition and control of entire interests in title company, as well as the formation of disbursing company.

Successfully represented owners in historical preservation actions, planning and zoning hearings and other matters, overcoming restrictions on owners' uses of commercial property.

Construction

Obtained a successful result for owner client in 8-figure dispute involving complex construction and design defects.

Obtained a successful judgment for owner client in multi-million-dollar arbitration involving complex historic restoration project, including the recovery of client's attorneys' fees, costs and expert fees.

Obtained millions of dollars of recovery on behalf of numerous general contractors, subcontractors, suppliers, architects and engineers through mechanics' liens and architects' liens.

Obtained millions of dollars of recovery on payment bonds on behalf of numerous general contractors in cases of non-payment by owners on large, complex projects.

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Obtained multiple recoveries on performance bonds on behalf owners in cases of non-performance by contractors on sophisticated HVAC and other commercial projects.

Represented numerous subcontractors and contractors in equitable mechanic's lien litigation and related arbitration.

Represented minority shareholders of mid-tier general contractor in the acquisition and control of entire interest in construction company.

Represented key employees in acquiring entire interest and control of established, substantial architectural and interior design firm.

Negotiated and drafted hundreds of Owner-General Contractor contracts involving hundreds of millions of dollars of projects, utilizing AIA, Consensus and various customized contract sets.

Negotiated and drafted hundreds of Contractor-Subcontractor contracts, utilizing AIA, Consensus and other customized contracts.

Negotiated and drafted hundreds of Architect-Owner and Architect-Subconsultant contracts on behalf of design firms and property owners.

Corporate, Fiduciary, Probate and Trust

Obtained a successful result in multi-million trust litigation and fraud litigation matter, representing a co-trustee and beneficiary in complex trust lawsuits and successful appellate-level proceedings, and involving multiple corporate interests, real estate holdings, and complex trustee and fiduciary issues.

Obtained successful result, including client's successful acquisition of all corporate shares, in shareholder litigation, thwarting shareholder efforts to dissolve corporation.

Obtained successful result in complex probate litigation matter, involving shareholder, corporate and trust litigation, real estate disputes and other related matters.

Successfully litigated probate and trust matter involving breaches of trust, breaches of fiduciary duties, quiet title issues affecting trust real estate assets, and recovery from trustee.

Fraud Litigation

Obtained successful jury verdict for fraud and punitive damages on cutting-edge technology and energy litigation matter.

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Obtained successful appeal on fraud verdict in US Court of Appeals.

Obtained successful appeal overturning dismissals of complex fraud litigation.

Successfully prosecuted fraud claims on behalf of numerous plaintiffs in civil, probate and fiduciary matters.

Insurance Coverage/Insurance Recovery

Successfully triggered insurance coverage on behalf of closely held business owners, involving millions of dollars of claims and exposure, and preventing bankruptcy and dissolution of company.

Successfully triggered coverage and business owners' rights to control defense and complex litigation of multiple, eight-figure lawsuits involving alleged construction and design defects in commercial/industrial project.

Obtained a successful result for our client in extensive dispute involving ERP software, implementation and defect claims.

Design/Construction Defense and Risk Management Matters

Successfully defended design firm in complex, multi-million-dollar commercial/industrial design and construction defect litigation, obtaining complete dismissals in multi-venue lawsuits.

Successfully defended architectural firm in complex multi-family design/construction defect litigation, achieving successful settlement and dismissal in arbitration.

Successfully defended design firm in complex, industrial HVAC design/construction defect litigation, obtaining complete dismissal in Kentucky U.S. District Court litigation.

Obtained dismissals on behalf of architectural firm in complex arbitration involving alleged defects in large office/commercial building envelope.

RECOGNITIONS

Selected to Missouri Lawyers Media Top Construction Attorneys POWER List, 2023

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

Listed in the 2021-2023 editions of *Chambers USA: America's Leading Lawyers for Business* for Real Estate

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Selected for St. Louis Small Business Monthly 2020 Top Business Attorneys

Martindale-Hubbell® “AV Preeminent™” Rating

Selected for Missouri and Kansas *Super Lawyers*® Rising Stars, 2008-2010

PROFESSIONAL & CIVIC ACTIVITIES

Down Syndrome Association of Greater St. Louis

- Director Emeritus. Board of Directors, 2005-2018, Chair, 2009-2010

Emmaus Homes, Board of Directors – 2009-2019

St. Louis Economic Development Partnership, Former Service on Business Retention and Expansion Committee

DADS St. Louis, Founding Member and Director

The Missouri Bar

Bar Association of Metropolitan St. Louis, Former Service on Lawyer Referral and Information Service Committee

Lawyers Association of St. Louis

SITE Improvement Association of St. Louis

NEWS

Barry Haith Named to Inaugural Construction Law POWER List

12.18.2023

Chambers USA 2023 Legal Guide Recognizes Stinson Attorneys and Practice Groups

06.05.2023

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List

08.18.2022

The 2022 *Chambers USA* Guide Recognizes Stinson Attorneys and Practice Groups

06.02.2022

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Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide

05.25.2021

Stinson Continues Growth of St. Louis Office with Two Business Litigation Partners

02.11.2020

SPEAKING ENGAGEMENTS

Co-presenter, "Effectively Managing Risk and Claims: A Case Study from a Client's Perspective," 2023 Construction Law Update, February 2023

Co-presenter, "Creative Strategies to Address Supply Chain Issues and Materials and Labor Shortages," Intersection of Business, Law & Technology, November 2022

"Update on the Law of Fiduciaries," 8th Annual Fiduciary Litigation Seminar, February 2013

"Rights, Obligations and Liability of Co-Trustees," 7th Annual Fiduciary Litigation Seminar, February 2012

"Construction Mechanic's Liens," St. Louis Club CLE Seminar, February 2009

"Judgement Enforcement in Missouri," Lorman Education Services, 2005

2023 Construction Law Update

Stinson LLP, 02.23.2023

Intersection of Business, Law & Technology Seminar

The Ritz-Carlton St. Louis, 11.15.2022

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