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Mediator, Arbitrator, Attorney
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RESUME



Mediator, Arbitrator and/or Facilitator: Mediator since 1984. Arbitrator since 1978. Member, National Academy of Arbitrators. Recognized by peers as one of the “best lawyers” in the fields of arbitration and mediation (2005 to 2024) “2018 and 2024 Mediation Lawyer of the Year”, “Lawyer of the Year: 2016, Arbitration. and 2013, Alternative Dispute Resolution”.

Panel Arbitrator, Mediator and/or Facilitator of Commercial, Construction, Civil and Business Matters On the panels of the Dispute Prevention & Resolution, Inc., American Arbitration Association (Mediation, Construction, Commercial and Large Complex Case, Labor & Employment Panels), Federal Mediation & Conciliation Service arbitrator panel, State and Federal Court Mediation Panels (Hawaii). Broad range of business, banking, construction, contract, condominium, insurance, estate and probate, property, franchise, leasing, personal injury, property damage, professional malpractice and civil matters.

Labor & Employment Arbitration, Mediation and Fact Finder: Panel arbitrator under various public and private sector collective bargaining agreements. Arbitrations of labor and employment matters have included interest, discipline and termination grievance arbitrations concerning wages, FLSA, benefits, attendance, theft, workplace violence, dishonesty, job performance, conduct, violations of work rules, drugs, discrimination, harassment, statutory rights and contract interpretation issues. Mediation matters have involved interest, impact bargaining, discipline and contract interpretation matters and at will wrongful termination, EEO, Worker Compensation, whistle-blower, sexual discrimination, age and ethnicity discrimination and sexual harassment.

Attorney at Law: Over 40 years as a civil and commercial trial lawyer (licensed in the federal and state courts of Hawaii), arbitrator and mediator concentrating in construction, commercial, corporate, condominium, community association, real property, financial services, arbitration and litigation. Majority of practice in construction law dealing with a broad range of design and construction deficiencies, changed conditions, change orders, bond claims, insurance defense and coverage, product defects, petroleum and mold contamination and other issues. Remainder of practice includes labor and employment matters, property, corporate, professional liability, franchise, banking and financial services.

Educational Background: University of California School of Law, Berkeley, Juris Doctor 1973. University of Hawaii, Bachelors of Art, 1969 (Phi Beta Kappa)

Professional Associations: National Academy of Arbitrators (Chair of the Advocates Continuing Education Sub-Committee, 2015-17) Hawaii Bar Association and its Sections on Labor & Employment and Alternative Dispute Resolution (Co-Chair 2011-15). American Arbitration Association, Board of Directors (1997-2005) Industrial Relations Research Assoc. (Hawaii Ch.) (IRRA), LERA (2016), Association for Conflict Resolution (Hawaii Ch.) nka Conflict Resolution Alliance (ACR-Hawaii Board Director 2012-2014). Society of Professionals in Dispute Resolution (SPIDR), Director [1993 - 99], Qualification Commission, Co-chair, Commercial Sector, Past President - Hawaii Chapter.

Teaching: Adjunct Faculty: University of Hawaii, Manoa. Advanced Facilitation and Mediation, Graduate Certificate in Dispute Resolution program. Mediation Skills, Negotiation. Mediation Theory & Practice. (2003-2017)

Adjunct Faculty: Chaminade University, Executive MBA Program. Negotiation. (2015-16)

Adjunct Professor: Wm. S. Richardson School of Law, University of Hawaii, Manoa. Mediation and Advocacy. Spring, 2005, Lecturer: School of Architecture. Conflict Management for Managers, Architects & Engineers. 2007-2008. Lecturer: Department of Urban Planning, Negotiation and Mediation in Planning 2011.

Trainer: Faculty trainer of arbitrators and/or mediators for the American Arbitration Association, National Academy of Arbitrators, Center for Alternative Dispute Resolution, The Accord Group, Federal Mediation and Conciliation Service, Mediation Center of the Pacific, Ku'ikahi Mediation Center, ADR Institute Ontario, Australian Commercial Disputes Centre, Hong Kong International Arbitration Centre, Subordinate Court-Singapore, International Institute of Mediators (Singapore), Singapore Institute of Surveyors and Valuers, Kuala Lumpur Regional Centre for Arbitration, Supreme Court of the Republic of Palau and others.

Sample Mediation, Arbitration and Neutral Services cases:

Arbitrator, Mediator and Mediator/Arbitrator of contract interpretation and grievances arising under collective bargaining agreements. Interest arbitrator for collective bargaining wage reopener.

Administrative Agency Hearing Officer: Dept. of Land & Natural Resources (contested case

hearings for licensing, vessel impoundment, conservation district and shoreline management matters), Department of Health (contested case hearings for permitting and Health Department services and Fact Finder for employment discrimination and intra-organizational disputes) and Department of Transportation (forfeiture and enforcement actions).

Mediator-Arbitrator of grievance, contract interpretation and interest disputes for the hotel industry.

Interest Arbitrator, Neutral Chair for fire fighter contract impasse.

Tie-Breaking Umpire for Union-Management Industry Trust Fund dispute.

Mediator of labor and employment discharge, discrimination (Title VII and ADEA), violence, whistle blower and harassment claims, family business and professional liability matters.

Sole arbitrator of construction and design disputes arising out of the development of a US\$300 million luxury resort. Multi-million dollar claims were raised between the owner, developer, general contractor, prime sub-contractor, architect, design consultants, suppliers and sub-contractors concerning claimed defective design and construction of mechanical systems, boatway transportation system, tile delamination, petroleum spillage, accounting and insurance claims.

Arbitration Panel Chair for 600-unit subdivision class action construction deficiency matter.

Co-mediator of a thirty-five party, complex construction and design deficiency claim involving a senior citizens residential condominium complex.

Mediator/Discovery Master of claims involving group of 100+ residential homeowners against developer and others concerning deficient siding, water infiltration, concrete and other problems.

Arbitrator or Mediator of condominium, planned unit development and community association board governance, governing document interpretations and member disputes.

Arbitration of hotel management contracts and accounting disputes.

Arbitration panel chair of disputes between a Korean general contracting company and American subcontractor involving construction of airport facilities.

Sole or panel arbitrator of construction industry, design, construction and material failure claims of various kinds. Construction projects have included government and private sector projects and have included various types of residential, commercial and highrise construction.

Mediator and co-mediator of business and commercial matters, hotel/resort contract disputes, hotel ground lease controversies following hurricane damage and conflict between municipal mayor and county council.

Appellate Mediator: Hawaii Supreme Court Center for ADR.

Mediator of family business and intergenerational disputes over transition and liquidation.

Mediator and arbitrator of probate, trust and guardianship issues between feuding siblings, mother and grandchild.

Court appointed Discovery Master in civil and designated complex cases

Mediator of construction design deficiency claim concerning a government water treatment facility. This mediation involved multiple parties, including the government agency, design professional firms, the general contractor, sub-contractor, supplier and surety.

Mediation of breach of contract and fiduciary obligation claims between title and escrow company, selling and purchasing principals and fidelity bonding company.

Mediator of service contract dispute between a Pacific island nation government and American marketing agent.

Co-mediator of termination related claims involving a non-profit service agency and its Executive Director.

Mediator of numerous and varied, simple, complex and multi-party construction and design deficiency cases since 1984 ranging from single family residential, condominium, subdivision, industrial, commercial, high-rise and public works projects in Hawaii, Guam and the mainland United States.

Mediator of double wrongful death action, Koror, Palau.

Administrative Hearings Officer for the Employee Retirement System of the State of Hawaii.

Party appointed arbitrator of operational and accounting disputes between multi-state hotel chain owner and national tour and travel enterprise.

Court appointed Receiver in Commercial matters.

Independent Neutral Trustee in trust and probate matters.

Neutral Umpire for insurance damage appraisals.