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Honolulu, Hawaii

Current Employer-Title Kale Feldman, Esq. -- Mediator and Arbitrator

Profession Attorney, Arbitrator, Mediator

Work History Senior Partner, Chee Feldman & Markham 2010-2020; Founding Partner, Wong Feldman & Kim, 2000-2010; Partner/Associate, Kobayashi Sugita & Goda, 1984-2000.

Experience In the past 38 years, has concentrated in the area of construction law and business litigation in addition to providing extensive mediation and arbitration services to Hawaii's construction and business community. Over 20 years of experience in arbitrating large scale complex construction disputes including schedule analysis and delay/impact claims. As a litigator, arbitrator or mediator, has been involved in over 1000 construction and commercial disputes. Construction practice focuses on drafting contracts, procurement issues, and claims involving scheduling impacts, differing site conditions, change orders, and defects in design and/or construction. Clientele includes subcontractors, contractors, developers, sureties, design professionals, lenders and insurance companies.

TYPES OF PROJECTS LITIGATED, ARBITRATED OR MEDIATED:

Commercial – office buildings; resorts; hotels; retail malls; airplane hangars.

Residential – high-end single family; multi-family large developments; high-rise condominium towers.

Industrial – hospitals; power plants; warehouses; solar and wind farms.

Infrastructure – highways; tunnels; waterways; bridges; airports; parking garages.

Hospitality -- Large scale hotels and resorts.

INSURANCE EXPERIENCE:

Commercial liability; products liability; excess liability; construction defect claims; coverage issues; builders risk; issues involving duty to defend and indemnify; professional liability; first party claims; third party claims; directors and officers claims; property damage; flood damage; fire damage; earth movement.

Mediator Style & Process Preferences Most average mediators can settle cases that are ripe for settlement. In those cases, our job is to facilitate the process and stay out of the way. In difficult mediations, most mediators throw in the towel at the first sign of an impasse or the first "best and final" offer that is rejected. That's when my day starts and I go to work. A successful mediator needs to do their homework and understand the facts, understand the law and understand people. You need to identify the leaders, the followers and the decision makers in the room, and one needs to understand where the leverage points are located and how to use them in order to bring about a settlement. Above all, one can never lose their credibility in the process.

Education University of California (JD-1984); University of Hawaii (BA-1981).

Professional Licenses Admitted to the Bar: Hawaii, 1984; U.S. Court of Federal Claims, 1997.

Professional Associations	Hawaii Bar Association; U.S. Court of Federal Claims; U.S. District Court, District of Hawaii 1984; American Bar Association; Panel of Arbitrators and Mediators with the American Arbitration Association (including the AAA's select panel for large, complex construction disputes); panel of Distinguished Neutrals for Dispute Prevention & Resolution, Inc.; Board of Directors for Mediation Center of the Pacific.
Recent Publications & Speaking Engagements	<p>Lectured extensively as a master mediator for the Mediation Center of the Pacific, Hawaii State Bar Association Section on Alternative Dispute Resolution, and is often selected by Circuit Court Judges to serve as a private mediator for civil and family disputes. Also lectured before construction industry groups on all subjects involving construction law and has been a guest lecture at the University of Hawaii's School of Engineering and School of Architecture on the subject of construction contracts and AIA contract documents. Co-authored more than 35 seminar manuals including Hawaii Construction Law: What Do you Do When...? (National Business Institute 1993, 94, 97, 98) and Construction Liens in Hawaii (Lorman Education Services 1994), Advanced Construction Law in Hawaii (National Business Institute 1995, 99) and Enforcing Construction Liens and Bond Claims (Lorman Education Services 1994, 95, 96), and Construction Claims in Hawaii (2001, 2002, 2003, 2004, 2005, 2006).</p> <p>For the last 25 years, has been a contributing author for the Hawaii chapter for three national publications -- State-By-State Guide to Design and Construction Contracts and Claims (Aspen Publishers 2006-2019); State Public Construction Law Source Book (CC Incorporated Chicago 2002) and Fifty State Public Construction Contracting (John Wiley & Sons, Inc. 1996).</p>
Mediation Rate	\$450 Per Hour
Languages	English
Citizenship	United States of America
Locale	Honolulu, HI

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.