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FN-197 MN-197 LN-197, Esq.

Honolulu, Hawaii



Current Employer-Title Lou Chang, Mediation & Arbitration - Sole Proprietor

Profession Mediator, Arbitrator, Attorney - Business, Commercial, Construction and Design Professional, Contract, Real Property, Estate & Trusts, Franchise, Financial Services, Securities and Investment, Insurance, Labor, Employment, Intellectual Property trademark and copyright infringement, Professional Liability, Hotel and Restaurant Industry

Work History Mediator/Arbitrator/Neutral Services, Lou Chang ALC, 2003-Present; Partner, Kuniyuki & Chang, 1981-2002; Sole Practitioner, 1975-1981; Associate, Mattoch Kemper & Brown, 1973-1975.

Experience Recognized by peers as one of Hawaii's "Best Lawyers" in the fields of Arbitration and Mediation (since 2005). 2024, 2023 and 2018 Honolulu Mediation Lawyer of the Year, Lawyer of the Year, 2016 Arbitration, Lawyer of the Year, 2013, Alternative Dispute Resolution. 50+ years of experience as a civil and commercial attorney concentrating in litigation, mediation and arbitration of business, construction, commercial, corporate, partnership, limited liability company dissolution and and governance disputes, non competition, unfair and deceptive competition and business practices disputes and claims, real property, condominium, co-ops, banking, financial services, secured transactions, workouts and transaction restructuring, estate and trust, franchising and franchisor and franchisee disputes, hotel and property development and management and professional malpractice, property, casualty and personal injury and liability claims.

Practice in construction law included representation of owners, developers, design professionals, sureties, contractors, subcontractors, and suppliers involving a wide range of public and private residential, commercial, and industrial projects (custom homes, high-rise condominiums, planned unit developments, hotels, warehouses, restaurant, food processing and production facilities). Handled disputes involving a broad range of design and construction deficiencies, insurance coverage, changed conditions, change orders, bond claims, material failures, product defects, contamination, and other issues.

Commercial practice included property, corporate, partnership, LLC, professional liability (broker, architect, engineer, accountant, medical), franchise, leasing, bank and financial services, secured transactions, workouts and labor and employment matters. Franchise matters have included the representation of franchisors and franchisees in franchise contract matters involving the preparation and registration of Franchise Disclosure Documents and Franchise Agreements documentation,

franchisee transfer, non-performance, non-payment and breach matters.

Mediator Experience

AAA Master Mediation Panel-Construction Division. Mediator since 1984. Cases involve a wide range of contract, design and construction deficiency and surety claims related to private and government construction projects; business and commercial disputes; franchise, family business, real property, probate and partnership disputes, professional liability, personal injury, premises liability and tort claims. Mediation of labor and employment matters related to discharge, discipline, contract interpretation, interest and impact bargaining, wages, benefits, hazard pay, job classification, postings, layoff, bumping, promotion, health and safety, subcontracting, workplace violence, discrimination and sexual harassment issues.

Representative Issues Handled as a Mediator

Mediation-Arbitration of hotel industry collective bargaining discipline, contract and interest disputes, 2013 to date. 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 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.

Mediator of family business and inter-generational disputes over transition and liquidation.

Mediator of construction design deficiency and surety bond 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.

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

Mediator of double wrongful death action.

Mediator of property, premises and personal liability claims.

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

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

Sole mediator of labor and employment discharge, discrimination (Title VII and ADEA) and harassment claims, family business and professional liability matters.

Mediator Style & Process Preferences

Mediation should empower parties to control, craft, and customize their own solutions upon terms that fit their needs, interests, circumstances, hopes and dreams. Mediators should be flexible, creative and adaptable in style and approach, adapting problem solving, facilitative, relationship building, transformative and evaluative styles and strategies to fit the parties and issues involved. Mediation should be tailored to the business, psychological and emotional needs and circumstances of the parties. Mediation should be flexible, prompt, practical, private, confidential, cost effective and efficient. Mediators facilitate productive exchange of information, positive communications and help parties identify potential and creative solutions.

Technology Proficiency

Virtual, In-Person and Hybrid Arbitration and Mediations
Synchronous and Asynchronous Online Mediations

Education

University of California at Berkeley School of Law (JD-1973); University of Hawaii (BA, Phi Beta Kappa-1969).

Professional Licenses

Admitted to the Bar: Hawaii (1973); U.S. District Court: District of Hawaii (1973).

Professional Associations

National Academy of Arbitrators Chair, Advocate Continuing Education sub-committee); American Arbitration Association (Past Board of Directors); Hawaii State Bar Association (Alternative Dispute Resolution Section, Past Co-Chair; Labor and Employment Section); Labor and

Employment Relations Association (Hawaii Chapter); Association for Conflict Resolution (Hawaii Chapter, Past Board Director, Past President); Society of Professionals in Dispute Resolution (Past Director; Commercial Sector, Past Co-Chair; Qualification Commission). Conflict Resolution Alliance, Industrial Relations Research Association.

Recent Publications & Speaking Engagements

Momentum Makers and Impasse Breakers: Practical Mediation Tools. Dispute Resolution Journal, January, 2020. Tactics, Tools, Techniques and Contingent Moves for Mediators and Facilitators, a compendium compiled by Peter S. Adler, PhD and Lou Chang, Esq., 2020. Trouble in the World of Hawaii Arbitration Due to Vacature for Arbitrator Nondisclosure, Hawaii Bar Journal, 2017; The Revised Uniform Arbitration Act and its Impact Upon the Collective Bargaining Process, Hawaii Bar Journal, 2014. "Arbitration of Employment and Labor Disputes", The Executive Education Council 2013; Impasse Avoidance Strategies in Mediation, 2013. "Pain Anger Denial," An ACR-Hawaii skills building workshop for mediators, 2011; "A Brief History of Mediation in Hawaii," HAWAII BAR JOURNAL, 2011; "ADR Retrospective in Hawaii," Center for ADR 2010; "Strategizing for Successful Mediation," Hawaii State Bar Association, 2010; Faculty, "Labor Arbitration Advocacy," AAA, 2010; "Arbitrator Duty of Disclosure and Vacatur," Hawaii State Bar Association Litigation Update Seminar, December 2007; "How to Keep Construction Projects from Going Bad in Hawaii: Resolving Them if They Happen," 2007; "Easy, Efficient, Economical User Friendly," Arbitrations, Dispute Resolution Journal, May-July, 2006, Employment and Labor Arbitration Seminar, Hawaii State Bar Convention, 2006; "Construction Issues in Hawaii," August, 2003; Arbitration Advocacy Program, Federal Mediation and Conciliation Service, July 2002; "Mediation: Growing Applications of an Old Art," HAWAII BAR JOURNAL, vol. 1, no. 13, July 1998; "Impasse Avoidance Strategies in Mediation," 1999; "Arbitration Express, Some Strategies for Accelerating Arbitration," Society of Professionals in Dispute Resolution Conference, 1998; "Mediation and Arbitration in Hawaii," Parts I and II, BUILDING MANAGEMENT HAWAII, 1991.

SPEAKING ENGAGEMENTS: Mediation Strategies to Bridge the Divide, Judicial Conference Training, 2024, Negotiating and Mediating with Hot Heads, Bullies and High Conflict Personalities, University of Hawaii, Richardson School of Law (2023), Managing Emotions and Difficult Tactics, Appellate Mediation Program and Community Mediation Centers (2023), Mediation and Conflict Management Master Class, Mediation Center of the Pacific, 2023; Managing Cultural Conflict, University of Hawaii, 2018; The Art of Mediation: Mediation Strategies, 2017; How to Practice Civility, Hawaii State Bar Assoc. Litigation Section, 2015. "Breaking Bad: Tools for Advocates and Mediators when Negotiations Get Stuck", AAA, San Francisco, 2014. "Arbitration of Employment and Labor Disputes", The Executive Education Council 2013; "Breaking Impasse" and "Joint Opening Statements in Mediation," Advanced Mediation and Advocacy Skills Institute, ABA, Dispute Resolution Section, 2011; "Building Rapport and Earning Trust in Mediation," Center for Alternative Dispute Resolution, 2011; "Apology and Forgiveness for Mediators," Mediation Center of the Pacific, 2011; "Ethics in Arbitration," Hawaii State Bar Association CLE program, 2011; "Conflict Resolution and Risk Management in the Construction Industry," University of Hawaii, School of Architecture, 2010; Contributing Faculty, "Overcoming Impasse in Mediation," Thailand Judiciary Trainings, Richardson School of Law, University of Hawaii, 2008/2010; Cross Cultural Conflict Resolution, Hawaii Pacific University, 2010; Advanced Mediator Training, Mediation Center of the Pacific, Cultural Sensitivity in Conflict Resolution Design 2010; faculty, Federal Court Mediation Panel, 2007; faculty, "Conflict Management for Design Professionals," University of Hawaii School of Architecture, 2007; faculty, "Advanced Mediation and Facilitation," University of Hawaii, Program on Conflict Resolution, 2003, 2005, 2006.

Locations Where Parties Will Not be Charged for Travel Expenses

Oahu, Hawaii.

Mediation Rate

\$350 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.