

MICHAEL F. NAUYOKAS  
ATTORNEY AT LAW, MEDIATOR, & ARBITRATOR  
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THEONA M. M. FREITAS, SR. PARALEGAL

**Michael F. Nauyokas** has mediated over 550 employment, labor, personal injury, Jones Act, longshore, commercial, products liability, construction, workers' comp. and other disputes in Honolulu and has been selected as an arbitrator in over 115 more. Over 98% of the cases he mediated were settled. He has a boutique law practice specializing primarily in alternative dispute resolution and employment and labor law. Mr. Nauyokas holds an "AV" rating (the highest possible) under the Martindale-Hubbell Rating System and is named in both Best Lawyers Guide and The Best Lawyers in America. He is a Fellow of The American College of Civil Trial Mediators and member of the United States District Court Mediation Committee for the District of Hawaii.

Mr. Nauyokas is a frequent lecturer on numerous topics in the mediation, arbitration, employment and labor law areas. Since 1989, Mr. Nauyokas has taught numerous courses in Negotiation and Employment & Labor Law at the University of Hawaii and Hawaii Pacific University. He has appeared as an expert on ADR and Employment Law on numerous television and radio shows. Among the numerous organizations he has served as a lecturer are: the U.S. Department of Labor, the EEOC, the Office of Federal Contract Compliance Programs (OFCCP), the Society for Professionals in Dispute Resolution (now ACR), National Employment Lawyers Association ("NELA"), the American Arbitration Association, the Society for Human Resource Management and the Hawaii Employers Council.

Mr. Nauyokas's experience covers private and public sector disputes in many fields. He has authored many nationally published arbitration decisions and is listed as a panelist by nearly every provider of these services in the State of Hawaii. Some examples of the over 100 ADR panels he is listed on include: Sheraton Hotels/HERE, Sheraton Maui/HERE, Hilton/HERE, Hyatt/HERE, Ilikai/HERE, Hyatt/ILWU, EEOC, AAA (mediation, labor, employment, commercial & GSA/EEO panels), Hawaii Labor Relations Board (mediation, arbitration & fact-finding), United Airlines/AFA, DPR (mediation & arbitration), Honolulu Advertiser/ILWU, Honolulu Advertiser/GCIU, Honolulu Advertiser/Newspaper Guild, Honolulu Advertiser/ITU, Honolulu Advertiser/IAM, Transcontinental/ILWU, Hamakua Health/ILWU, ADR Hawaii (mediation & arbitration), Aloha Airlines/ALPA, NASD (mediation & arbitration), USPS/APWU (Regular & Expedited Panels), USPS/National Postal Mail Handlers Union (Regular Contract & Discipline & Expedited Arbitration Panels), USPS/NALC,

SPECIALIZING IN ADR AND EMPLOYMENT & LABOR LAW

USPS/NRLCA, Straub/ILWU, Grand Wailea/ILWU, Floral Resources HI/ILWU, Council of Hawaii Hotels/HERE, Hilton Hotels/HERE, Oahu Transit Services/Teamsters (Drivers & Maint., Office & Clerical & Paratransit), Aloha Petroleum/Teamsters, Yellowfreight/Teamsters, McKesson/Teamsters, Saint Francis/Teamsters, Kapiolani Medical Center/Teamsters, Honsador-Oahu/Teamsters, Honsador-Kona/Teamsters, Meadow Gold Dairies Maui/Teamsters, KCAA/Teamsters, Charles W. Carter Co./Teamsters, Island Courier/Teamsters, USDA, NYSE (arbitration & mediation), HNA/Kaiser, HNA/Kahi Mohala, HNA/Molokai Hospital, HNA/Queen's Medical Center, HNA/Hospice Hawaii, HNA/Pohai Nani, HNA/Kapiolani Medical Center, Wilcox Hospital/ILWU, Aston Whaler/ILWU, AOA Queen Emma Gardens/ILWU, Diamond Head Memorial/ILWU, Maui Beach Hotel/ILWU, Nuuanu Memorial/ILWU, Oahu Cemetery/ILWU, Kuwaye Trucking/ILWU, Hawaiian Memorial/ILWU, Valley of the Temples/ILWU, Maui Lu Resort/ILWU, Mililani Memorial/ILWU, Hawaii Job Corps/ILWU (Both Advisors & Counselors CBAs), Child & Family Service/UPW, NELA (mediation & arbitration), MREP and National Employment Mediation Services panels.

SOME EXAMPLE ATTORNEYS WHO HAVE SELECTED/USED MR. NAUYOKAS AS A  
MEDIATOR AND/OR ARBITRATOR

Robert S. Katz	Melanie Mito May	Lynne Toyofuku	Lisa Von Der Mehden
Ernest C. Moore, III	Wayne S. Yoshigai	Jason Giles	Gordon Bronson
Barry W. Marr	Dale Yashiki	Kathryn Albu	Dane Miller
Kenneth B. Hipp	Charles Loomis	Myles Breiner	Jerry Chang
Jeffrey S. Portnoy	Kevin Kondo	Dale Bennett	Nathan W.S. Choi
Lowell Chun-Hoon	Clayton Ikei	Venetia Carpenter-Asui	Peter Olson
John L. Knorek	Kathy Higham	Richard Hirai	David Banks
David F. Simons	Paul Yamamura	Richard Fukuda	James Ashford
Andrew L. Pepper	Lila Kanae	Mark Haugen	Maria Fidelino-Cook
Ronald Leong	Stefan Reinke	Linden Joesting	Janice Futa
Cynthia Winegar	T. Stephen Leong	Joan Best	David Rosenfeld
Carl Varady	Randall Rosenberg	Christopher Ferrara	Michael Nelson
Richard Wilson	Lester Goo	R. Michael Burke	Antonio Ruiz
Matthew J. Viola	Peter Uehara	Douglas Moore	Barry Jellison
G. Todd Withy	Matt A. Tsukazaki	Leighton Oshima	Paul Sorrentino
Patrick H. Jones	William Saunders	Darlene Itomura	Paul Duvall
Jeffrey S. Harris	George Apter	Brent White	Regina Silva
Jeffrey Hossellman	Michael Marsh	Everett Cuskaden	Michael Murata
Wilfredo Tungol	Lyn Anzai	Geoffrey Hamilton	Keith Miyahira
Wesley M. Fujimoto	Ronald Albu	Perry Confalone	Douglas Smith
Carrie Okinaga	Sherri-Ann Loo	Gregory Sato	Jennifer Szutu
Magali Sunderland	Paul Saito	Paul Maki	John Lattin

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Elizabeth Fujiwara	Peter Trask	David Nakashima	Mark McDougall
Leroy Colombe	Jan Wiedman	Allen Hoe	Vincent Slusher
Janna Nakagawa	Gary Yokoyama	Rebecca Covert	Joel Krischer
Sarah O. Wang	Colleen Hanabusa	James Halvorson	Peter Cragie
Steven N. Nakashima	William Plum	Wendy Campaniano	Stephanie Gallagher
Roy Kodani	Sean Kim	Wade Zukeran	Michael Oswald
Cedric Choi	Derek Nakamura	Richard DeWaele	Ralph Cursio
Malia Kakos	Kerry Komatsubara	David Hagino	Laura FitzRandolph
Kenneth Fukunaga	James Myhre	Roy Vitousek	Kristen Drake
Woodruff Soldner	Ellen Cirangle	Kristin Shigemura	Arthur H. Sobel
Clark Hirota	Jared Jossem	Valerie Kato	John R. Cummings
Brian Choy	Christopher Yeh	Sabrina Toma	Edward W. Russey, III
Joseph Fagundes	Michael Garrison	Michael Green	Michael Murphy
Alice Hall	Jerry Hiatt	David Harada-Stone	David Minkin
Cara Ching	Ashley Ikeda	Daniel Mueller	Elizabeth Yang
Kris Nakagawa	Ernest Nomura	Evelyn Nowaki	John Lines
Mark Honda	Elena Onaga	Philip Uesato	Ronald Halper
Nancy Sugimura	Andre Wooten	Ramon Ferrer	Mark Maddox
Catherine Carey	Timothy McNulty	John Deller	Gary Holmes
James Leavitt	Debra Kagawa	Michael Chambrella	Scot Bernstein
Ronald M. Shigekane	Rogers Ikenaga	Gordon Nelson	John B. Simpson
William Jarrett	Eric W. Wong	Ben Carroll	Wilma Sur
Robert LeClair	Stanford Masui	Susan Chock	William J. Olson
Rence M.L. Yuen	Duane Pang	Danielle Degele-Mathews	Ronald Heller
Herbert Takahashi	Daniel Morris	David Mogilefsky	Danny Vasconcellos
Anne Wondolowski	Susan Ichinose	Sandra Loomis	Joshua Hornaday
Christine Chun	R. Laree McGuire	Jerry Chang	Kitty Kamaka
Laura Anderson	Jocelyn Abanes	Greg Takase	Paul Au
Paul Tsukiyama	Harold Hoppe	Micky Yamatani	Jayna Kim
Charles Brower	Bonnie Moore	Arthur Ross	Sidney Ayabe
Sheryl Nicholson	Michael Baldonado	Harold Hoppe	John Hillsman
Robert Kessner	Richard Wootton	Pamela Bunn	Jan Apo
Steve Noufer	Penny Brown	Lee T. Nakamura	Mark K. Morita
J. Kent Emison	Amy M. Samberg	Jerold T. Matayoshi	Sheree Kon-Herrera
Grace R. Den Hartog	Joseph K. Reid	Keith Hiraoka	Edwin Nacino

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Andrew Kopon

Shinken Naitoh  
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A. Richard Philpott

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### Mediation Skills Training:

- Negotiation and ADR University of Hawaii, William S. Richardson of Law School (Summer II of 1987)(1 credit/16 hour course).
- Two National Employment Lawyers Association workshops/seminars on Mediation (1-1/2 hours).
- Strategies for Successful Mediation of Employment Claims - (1997) (1-1/2 hours).
- Avoiding Employment Litigation: ADR of Employment Disputes in the 90s (1 hour).
- *ADR of Employee Concerns*, Hawaii Employers Council (1992).
- *How to Use Negotiation, Mediation and Arbitration*, Hawaii Institute for Continuing Legal Education (1993).
- *Conflict Resolution in the Workplace Enters a New Era*, ALI-ABA (1994) (4 hours).
- *ADR Techniques*, University of Hawaii, William S. Richardson of Law School (CLE) (1987) (4 hours).
- *ADR: A Proactive and Economical Way of Resolving Disputes*, Society of Human Resource Management (2/19/97).
- *Alternative Dispute Resolution*, Hawaii Employers Council (1994)(4 hours).
- *Successful Strategies in Mediating Employment Cases*, NELA (10/96).
- *Training on Mediation*, Mediation Research & Education Project, Inc. (11/18/99).
- *Mediation Panel*, NELA (4/8/00).
- *Techniques Mediators Use To Settle Cases*, NELA (6/22/00).

SPECIALIZING IN MEDIATION & ALTERNATIVE DISPUTE RESOLUTION

- *Advanced Mediation Training.*
- *ADR in Employment Law* (December 2000).
- *Cutting-Edge Mediation Issues and Skills* (November 2000).
- *Alternative Dispute Resolution - - Models For In-House Resolution of Employment Complaints*, Hawaii Employers Council (February 23, 1994).
- *Employment Mediation*, National Employment Lawyers Association, Hawaii Chapter (1999).
- *Employment Mediation: The 98% Success Story*, Hawaii State Bar Association Annual Convention (October 18, 2002).
- *How to Make the Most of Mediation*, National Employment Lawyers Association, National Convention (June 28, 2001).
- *Mediation of Employment Claims*, Hawaii Labor and Employment Law (May 17 & 18, 2001)
- *The 98% Success Story: Mediation Is Here*, National Employment Lawyers Association Hawaii Chapter (April 2000)
- *Settlement Strategies and Using Mediation to Your Advantage*, National Employment Lawyers Association, National Seminar (March 2001)
- *Techniques Mediators Use To Settle Cases*, National Employment Lawyers Association, National Seminar (2001).
- *Techniques Mediators Use To Settle Cases*, National Employment Lawyers Association National Convention (2000).
- *Maximizing ADR in Employment*, Hawaii State Bar Association Convention (December 1, 2000).
- *Labor and Employment Mediation & Negotiation*, University of Hawaii (Fall 1999).

Last Revised: 12/12/02

## PUBLICATIONS

*Ajed, Alan v. Merrill Lynch*, NASD (Nauyokas, Arb. 2002).

Comment, *Two Growing Procedural Defenses in Common Law Wrongful Discharge Cases--Preemption and Res Judicata*, 11 U. Haw. L. Rev. 143 (1989).

*Hawaiian Electric Company*, 117 LA (BNA) 1433 (Nauyokas, Arb. 2002).

*Hawaiian Electric Company*, 117 LA (BNA) 477 (Nauyokas, Arb. 2002).

*Nahas, Roy v. Wedbush Morgan Securities*, NYSE # 2001-009304 (Nauyokas, Arb. 2002).

Nauyokas, Michael F., *Alternative Dispute Resolution - - Models For In-House Resolution of Employment Complaints*, Hawaii Employers Council (February 23, 1994).

Nauyokas, Michael F., *Employer Compliance with the Americans With Disabilities Act*, Hawaii Employers Council (June 25, 1991).

Nauyokas, Michael F., *Employment Mediation*, National Employment Lawyers Association Hawaii Chapter Proceedings (Audiotape 1999).

Nauyokas, Michael F., *Employment Mediation: The 98% Success Story*, Hawaii State Bar Association Annual Convention Proceedings (Videotape October 18, 2002).

Nauyokas, Michael F., *Employment Mediation: The 98% Success Story*, Hawaii State Bar Association Annual Convention Proceedings (October 18, 2002).

Nauyokas, Michael F., *Hawaii's New "Sexual Orientation" Employment Discrimination Law*, Hawaii Employers Council (June 25, 1991).

Nauyokas, Michael F., *How to Make the Most of Mediation*, National Employment Lawyers Association National Convention Proceedings (Audiotape 2001).

Nauyokas, Michael F., *How to Make the Most of Mediation*, National Employment Lawyers Association, Volume I, National Convention Proceedings 104-116 (June 28, 2001).

Nauyokas, Michael F., *The Legal Environment of Human Resources for Administering the Human Resource Function in a Small Company*, Hawaii Employers Council (June 25, 1991).

Nauyokas, Michael F., *The Legal Environment of Human Resources for Administering the Human Resource Function in a Small Company*, Hawaii Employers Council (June 20 & 22, 1990).

- Nauyokas, Michael F., *Mediation of Employment Claims*, Hawaii Labor and Employment Law (May 17 & 18, 2001).
- Nauyokas, Michael F., *The 98% Success Story: Mediation Is Here*, National Employment Lawyers Association Hawaii Chapter Proceedings (Audiotape 2000).
- Nauyokas, Michael F., *Settlement Strategies and Using Mediation to Your Advantage*, National Employment Lawyers Association National Seminar Proceedings (Audiotape 2001).
- Nauyokas, Michael F., *Settlement Strategies and Using Mediation to Your Advantage*, National Employment Lawyers Association, National Seminar 379-91 (March 2001).
- Nauyokas, Michael F., *Techniques Mediators Use To Settle Cases*, National Employment Lawyers Association, National Seminar Proceedings (Audiotape 2001).
- Nauyokas, Michael F., *Techniques Mediators Use To Settle Cases*, National Employment Lawyers Association, National Seminar (March 2001).
- Nauyokas, Michael F. (moderator), *Techniques Mediators Use To Settle Cases*, National Employment Lawyers Association National Convention Proceedings, (Audiotape 2000).
- Nauyokas, Michael F., *Tips on Hiring and Firing*, Pacific Business News (December 23, 1996).
- Nauyokas, Michael F., *Tips on Hiring/Firing Association Employees*, Building Management Hawaii 16 (2002).
- Nauyokas, Michael F., *Whistleblowers and Employee Rights of Free Speech*, Hawaii Employers Council (June 25, 1991).
- Nauyokas, Michael F., *Wrongful Termination Law in Hawaii*, 4 Hawaii Bar Journal 71 (2002).
- Nauyokas, Michael F., *Wrongful Termination Law in Hawaii*, The Nuts and Bolts of Plaintiff's Employment Litigation II (April 13, 1996).
- Nauyokas, Michael F., *Wrongful Termination Law in Hawaii*, Hawaii Community Association Reference Book 101 (1996).
- Nauyokas, Michael F., *Wrongful Termination Law in Hawaii*, Hawaii Community Association Reference Book 101 (1997).
- Nauyokas, Michael F., & Ichinose, Susan M., *Maximizing ADR in Employment*, Hawaii State Bar Association Convention Proceedings 9-30 (December 1, 2000).

*Ogden Services Corporation*, 111 LA (BNA) 250 (Nauyokas, Arb. 1998).

Olelo, *Lawyers Live: Wrongful Termination* (Videotape May 6, 1997).

*Rogers, Betty v. Merrill Lynch*, NASD (Nauyokas, Arb. 1999).

*Sheraton Waikiki Hotel*, 114 LA (BNA) 1595 (Nauyokas, Arb. 2000).

*State of Hawaii, Department of Health*, 109 LA (BNA) 289 (Nauyokas, Arb. 1997).

*University of Hawaii*, 113 LA (BNA) 780 (Nauyokas, Arb. 1999).

University of Hawaii, *Employment Related Law* (Videotape Fall 1995).

University of Hawaii, *Employment Related Law: UHPA* (Videotape 1996).

University of Hawaii, *Employment Related Law: ILWU* (Videotape 1996).

University of Hawaii, *Employment Related Law* (Videotape Spring 1996).

University of Hawaii, *Employment Related Law: SHOPO* (Videotape Spring 1996).

University of Hawaii, *Employment Related Law: Teamsters 996* (Videotape Spring 1996).

University of Hawaii, *HGEA, Part I* (Videotape Spring 1996).

University of Hawaii, *HGEA, Part II* (Videotape Spring 1996).

University of Hawaii, *Employment Related Law: UFCW* (Videotape Fall 1996).

University of Hawaii, *Employment Related Law for Union Members* (Videotape Spring 1997).

University of Hawaii, *Employment Related Law: Non-Union Workers* (Videotape Spring 1997).

University of Hawaii, *Labor Law & Labor Unions in Hawaii* (Videotape Spring 1996).

University of Hawaii, *Public Employees: Issues & Controversies* (Videotape Spring 1999).

University of Hawaii, *Labor and Employment Mediation & Negotiation* (Videotape Fall 1999).