



March 28, 2003

Hon. Kevin S.C. Chang
Magistrate Judge
U.S. District Court
300 Ala Moana Blvd., Room C-209
Honolulu, Hawaii 96850

Re: U.S. District Court Mediator Panel

Dear Judge Chang:

This letter is being submitted to you for consideration pursuant to the Alternative Dispute Resolution Act, 29 U.S.C. §§651, et seq. and LR88.1 establishing a Mediator Panel for USDC cases. I am including my resume along with the following information regarding (1) number of hours of mediation experience; (2) areas of mediation practice, and (3) formal training received.

Since 1994, I have been the President of ADR Hawaii, Inc., which provides mediation and arbitration services. I serve as a mediator and arbitrator in many, many cases. I also wrote a book on the subject, entitled "Settle It Out of Court - How to Resolve Business and Personal Disputes Using Mediation, Arbitration and Negotiation (John Wiley & Sons, 1994).

1. Number of Hours of Mediation Experience

In 2002, I spent approximately 263 hours acting as a mediator. In the last 5 years, I have spent approximately 1,289 hours acting as a mediator.

2. Areas of Mediation Practice

I have served as a mediator in a wide range of cases including:

- a. Employer/employee disputes, including theft, sexual harassment, termination and denial of tenure issues, and collective bargaining agreements;
- b. United States Postal Service REDRESS Program cases involving disputes between employees and management of the U.S. Postal Service;
- c. Commercial leases, including rent, permissible use, improvements, termination, and damages;

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- d. Construction-related disputes, including mechanic's liens, the duties of architects, contractors, subs and sureties, breach of contract, negligence, breach of warranties, and misrepresentation;
- e. Corporate disputes, including the rights and duties of shareholders, directors and officers;
- f. Partnership disputes, including the rights and duties of partners, formation, dissolution, and winding up issues;
- g. Personal injury;
- h. Real estate disputes, including DROA-related claims (disclosure of property condition, etc.), realtor-related claims, condominium-related claims;
- i. Family disputes, including divorce, care of the elderly, guardianship and trust issues.

3. Formal Training Received

Since approximately 1983, I have attended numerous trainings in mediation including those provided by the American Arbitration Association, the Neighborhood Justice Center (nka Mediation Center of the Pacific), and the Society of Professionals in Dispute Resolution (SPIDR).

However, since the early 1990s, my role has been that of educator and trainer to others regarding mediation. An abbreviated list of formal trainings and presentations I have conducted in mediation and/or ADR-related subjects is as follows:

- ~ Co-authored and implemented the mediation guide for the Department of Education for Felix-Decree related matters. Trained the school Principals and Vice-Principals statewide in mediation for contested Felix Decree cases;
- ~ Adjunct Professor, University of Hawaii, Kapiolani Community College, Paralegal Program;
- ~ Adjunct Professor, "Negotiation and Wage Determination," Econ. Management 690, Hawai'i Pacific University;

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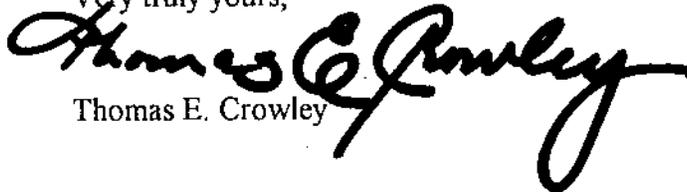
- ~ Training, "Advanced Mediation Skills for Postal Service Mediators," United States Postal Service, Pacific Area - Honolulu District;
- ~ Co-Author, "Divorce Mediation Section" of the Hawai'i Divorce Manual, with James Hoening and Rosalyn Loomis;
- ~ Contributor: "Mediation - An Alternative to Court," video by the Hawaii State Judiciary Center for ADR;
- ~ Author, "Settle It Out of Court: How to Resolve Business and Personal Disputes Using Mediation, Arbitration, and Negotiation," (New York: John Wiley & Sons, 1994);
- ~ Presenter, "Exercising Leadership in the Resolution of Disputes," Contracting Squadron Commanders Workshop, Department of the Air Force, Pacific Air Forces;
- ~ Presenter, "Resolving Construction Disputes Without Getting Taken, Giving Up, or Going Broke," Building Industry Association, Honolulu, Hawai'i;
- ~ Author and Presenter, "Mediation & Arbitration Update: New Cost-Saving Choices for Buyers and Sellers," training to realty companies island-wide;
- ~ Co-Author and Presenter, "Construction Lien Law in Hawai'i," Lorman Education Series, Mediation Chapter;
- ~ Lecture, "Mediation & Arbitration," Department of Communication, Bethel College, St. Paul, Minnesota;
- ~ Author, "Running the Resolution Rapids: Adventures in Mediation, Parts I and II"; Hawai'i Bar Journal (January 2000);
- ~ American Arbitration Association Mediation Training;
- ~ Co-Author (with Michael Broderick and Peter Adler), "The Pros and Cons of Using Mediation & Arbitration to Resolve Your Disputes: A Handout for Clients," Hawai'i Bar Journal;
- ~ Chair, ADR Section, Hawai'i State Bar Association;

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- ~ Mediator Training, Neighborhood Justice Center;
- ~ "Labor and Employment Mediation and Negotiation," You and the Law in Hawaii, Olcilo TV Channel, Kapiolani Community College;
- ~ Presenter, "ADR in Covenant Enforcement in Community Associations," Community Association Institute - Hawaii Chapter;
- ~ Presenter, "ADR: How to Prepare & Advocate Effectively," Kapiolani Community College, UH;
- ~ Presenter, "How to Mediate & Settle Employment Cases," National Employment Lawyers' Association, Hawai'i Chapter;
- ~ "Exercising Leadership to Resolve Disputes," Honolulu Media Council;
- ~ "Creative Landlord/Tenant Workouts," Building Owners and Managers Association, Pacific Western Regional Conference;
- ~ Presenter, "Blaze a Trail, Find the Grail," Pacific Region Institute for Service Excellence, Chamber of Commerce of Hawai'i;
- ~ Key Note Speaker, "Swallowing the Elephant: How to Resolve Disputes One Bite At a Time," Honolulu Board of Realtors' General Membership Meeting.

Judge Chang, I appreciate your consideration. If you need any specifics in support of my application, I would be happy to provide them.

Very truly yours,


Thomas E. Crowley

Enclosures

THOMAS E. CROWLEY, III

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EDUCATION

WILLIAM S. RICHARDSON SCHOOL OF LAW
JURIS DOCTOR, JUNE, 1976

UNIVERSITY OF HAWAII
B.A. POLITICAL SCIENCE, 1972

EXPERIENCE

LAW OFFICES OF THOMAS E. CROWLEY
OCTOBER, 1994--PRESENT

ADR HAWAII, INC. ~ ALTERNATIVE DISPUTE RESOLUTION
OCTOBER, 1994--PRESENT

CADES SCHUTTE FLEMING & WRIGHT
JANUARY, 1981--SEPTEMBER, 1994

UNITED STATES SENATE - SELECT COMMITTEE ON INTELLIGENCE
APRIL, 1978--DECEMBER, 1980

OFFICE OF THE PUBLIC DEFENDER
AUGUST, 1976--MARCH 1978

SELECTED PUBLICATIONS

- AUTHOR, *SETTLE IT OUT OF COURT - HOW TO RESOLVE BUSINESS AND PERSONAL DISPUTES USING MEDIATION, ARBITRATION, AND NEGOTIATION* (JOHN WILEY & SONS, 1994)
- AUTHOR, "THE RITUAL OF RESOLUTION IN ARBITRATION" HAWAII ARBITRATION LAW PERIODICAL (FALL 1994)
- AUTHOR, "RUNNING THE RESOLUTION RAPIDS - ADVENTURES IN MEDIATION" HAWAII BAR JOURNAL (NOV 1999/JAN 2000)
- CO-AUTHOR, *HAWAII DIVORCE MANUAL - ALTERNATIVES TO LITIGATION IN FAMILY LAW* (NOV 2000)
- HOST, "FACING CONFLICT WITH TOM CROWLEY," HAWAII PUBLIC RADIO (Sept-Nov 2000)

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BIOGRAPHY

Thomas E. Crowley, Esq. is an attorney with 26 years of mediation, arbitration and litigation experience including labor and employment, collective bargaining agreements, contract issues, insurance claims and coverage, fact-finding, public policy matters, real estate, construction and family disputes.

He began his legal career as a Deputy Public Defender where he tried numerous judge and jury trials and was recognized for outstanding service. Mr. Crowley then went on to Washington, D.C. to serve as Counsel to the United States Senate, Select Committee on Intelligence.

After returning to Hawaii in 1981, he joined the law firm of Cades Schutte Fleming & Wright and became a partner in 1986. In 1994, he left Cades Schutte to form the Law Offices of Thomas E. Crowley. Since then, he has maintained a busy law practice that includes the representation of clients in a variety of practice areas and legal issues.

After years of experience as a trial lawyer, Mr. Crowley developed an expertise in the strategic use of negotiation, mediation, arbitration and litigation for resolving disputes. In 1994, he founded ADR Hawaii - Alternative Dispute Resolution. He is recognized as one of Honolulu's leaders in ADR and one of its most experienced mediators and arbitrators.

Mr. Crowley has remained active in educational and public awareness programs on dispute resolution. He is a current faculty member at Kapiolani Community College and has also served as an adjunct professor for the MBA program at Hawaii Pacific University. Mr. Crowley is the author of the highly respected book: *Settle It Out of Court- How To Resolve Business and Personal Disputes Using Mediation, Arbitration and Negotiation* (John Wiley & Sons, 1994). In 2000, he hosted the Hawaii Public Radio series "Facing Conflict," which featured conversations with some of Hawaii's most inspiring men and women discussing their perspectives on conflict and conflict resolution.