

JERRY HIATT

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Mr. Hiatt graduated with honors from Harvard University in 1973. He received his J.D. from the University of Hawai’i at Manoa, William S. Richardson School of Law in 1977 under a grant from the University of Hawai’i’s East–West Center. During Mr. Hiatt’s final year of law school, he attended Harvard Law School and was selected as an editor of the Harvard Environmental Law Review. Mr. Hiatt clerked for the firm of Baker and McKenzie in Hong Kong in 1975, and then for the firm now known as Carlsmith Ball LLC in 1976. He joined the Carlsmith firm in 1977 as an associate. He became a partner with the Carlsmith firm in 1983 and assisted in directing the Real Estate and Business Litigation section of that firm, before leaving to help form Bays Deaver Hiatt Kawachika & Lezak in 1986. He founded his own firm in January 2001 and now has a general civil litigation practice, Hiatt & Hiatt, with Mahilani Hiatt based in Honokaa, Hawaii. Mr. Hiatt has very extensive trial and arbitration experience in a wide variety of cases representing both plaintiffs and defendants. In the labor and employment arena, Mr. Hiatt has represented both management (for example, Hyatt Corporation and Hawaiian Electric Company, Inc.) and hundreds of individual plaintiffs.

In the construction area he has handled claims for and against owners, developers, architects, contractors, insurers and bonding companies. He has a detailed working knowledge of construction insurance coverage issues under applicable law.

Mr. Hiatt has also served as an arbitrator, or as a mediator, in labor, employment and discrimination disputes, construction disputes, personal injury cases, real property development disputes, real estate commission disputes and insurance coverage and bad faith disputes.

A sample of the cases Mr. Hiatt has either tried, arbitrated and/or handled on appeal include the following. (Individual labor arbitrations are not listed as they are too numerous, * = full civil jury trial to verdict; *** = full civil bench trial to verdict; ** = full arbitration to award which was then satisfied, or which was followed by court confirmation of the arbitration award.)

1. *WDC Ventures v. Charles Pankow*, Civil No. _____, First Circuit Court (early 1980's)*.
2. *Amfac v. Riblet*, Civil No. _____, Second Circuit Court, Hawaii (1986)*.

3. *Stanley Joseph, et al. v. United States of America, et al.*, U.S. Dist. Ct. Civ. 87-0201 (1988) ***.
4. *Morishige v. Spencecliff Corp.*, 720 F. Supp. 829, U.S.D.C. (D. Haw. 1989) .
5. *Eugenia Parnar v. Americana Hotel Inc., et al.*, Civil No. 52878, First Circuit Court, Hawaii (1989). (This portion of the Parnar case involved an attorneys' fee lien claim on behalf of the firm of Green, Ning, Lilly & Jones, Parnar's former counsel, for fees earned in representing her in her underlying case. Mr. Hiatt conducted the bench trial for the law firm before Judge Oshiro in September 1989; the law firm prevailed at trial and on appeal in Hawaii Supreme Court, No. 14203)***.
6. *In Re The Ferdinand John Henry Schnack and Mary Pearson Schnack Trust*, S.P. No. 92-0268, First Circuit Court, Hawai'i (1982).
7. *Calleon v. Miyagi*, 76 Haw. 310, 876 P.2d 1278 (Haw. 1994)*.
8. *Mathewson v. Aloha Airlines, Inc.*, 82 Haw. 57, 919 P.2d 969 (Haw. 1995)**.
9. *Stratton v. Hawaii Electric Light Company*, Nos. 95-16142, 95-17262, United States Court of Appeals for the Ninth Circuit 1996 U.S. App. LEXIS 33151, (1996) *.
10. *Shelton Higa, et al. v. Straub Hospital and Clinic, et al.*, Civil No. 94-0-002126, First Circuit Court, Hawaii (1996) *.
11. *Mailhiot v. Grand Wailea Co.*, 85 Haw. 83, 937 P.2d 924 (Haw.1997)**.
12. *Pancakes of Hawaii v. Pomare Properties Corp.*, 85 Haw. 286, 944 P.2d 83 (Haw. App. 1997);
13. *William L. Theobald v. Thomas E. Harrison, M.D.*, Civil No. 94-0302, Fifth Circuit Court, Hawaii (1997) *.
14. *Sosimo B. Tabieros, et al. v. Clark Equipment Company, et al.*, Civil No. 88-0-003025, First Circuit Court, Hawaii; First trial 1990, followed by appeal to Hawaii Supreme Court appeal (1992) *.
15. *Sosimo B. Tabieros, et al. v. Clark Equipment Company, et al.*, Civil No. 88-0-003025, First Circuit Court, Hawaii; Second trial 1993; followed by second Hawaii Supreme Court appeal (1997); 85 Hawai'i 336, 944 P.2d 1279 (1997) *.
16. *Finley v. Home Insurance et al.*, 90 Haw. 25, 975 P.2d 1145 (Haw. 1998).
17. *Richard Goodell, et al. v. Nancy Smith*, Civil No. _____, Third Circuit Court, Hawaii (1998)*.

18. *Lisa N. DeMello v. Hawaiian Electric Company, Inc., et al.*, Civil No. 97-2829-07, First Circuit Court, Hawaii (1999)*.
19. *Gonsalves v. Nissan*, 100 Haw. 149, 58 P.3d 1196 (Haw. 2002)*.
20. *Morita v. County of Hawaii*, 2002 Haw. LEXIS 142 (2000)*.
21. *In Re the Matter of The Marilyn Mueller Goss Family and Marital Trusts*, T. No. 03-1-0023, First Circuit Court, Hawai'i;
22. *Jaz, Inc. v. Foley*, 104 Haw. 148, 85 P.3d 1099 (Haw. App. 2004)*.
23. *Sheryll Kaniho and Guy Kaniho v. Alistair Bairos, M.D., et al.*, Civil No. 04-1-0139K, Third Circuit Court, Hawaii (2006) *.
24. *Sue M. Meyers, individually and as Special Administrator of the Estate of Austin Kainalu Meyers, et al. v. Department of Education State of Hawaii, et al.*, Civil No. 04-1-0253, Third Circuit Court, Hawaii (2006)*.
25. *Metzler Contracting Co. LLC and John Metzler v. Elle Stephens, et al.*, 2007 U.S. Dist. LEXIS 48760 (2007).
26. *Mr. and Mrs. Paul Stephens v. Metzler Contracting Co. LLC*, Case No. 74 110 Y 00339 06, American Arbitration Association Construction Industry Tribunal (2010)**.
27. *KTS Properties, LLC v. Peter Skaaning*, Civ. No. 09-00433, United States District Court of Hawai'i (2010);
28. *Lynch v. Choy et al*, FINRA Arbitration No. 09-06111 (2011)**.
29. *AOAO of the Fairways at Mauna Lani v. Stanford Carr Development et al, DPR No. 07-0347-A (2012) and AOAO of The Fairways at Mauna Lani v. Metcalf Construction Company, Inc., et al.*; S.P. No. 12-1-018K, Third Circuit Court, Hawai'i (2012)**.
30. *Metzler Contr. Co. LLC v. Stephens*, No. 11-15749, No. 11-15833, United States Court of Appeals for the Ninth Circuit, 479 F. App. 783; 2012 U.S. App. LEXIS 14924, Honolulu, Hawai'i, (2012).

Mr. Hiatt is rated "Av" in the Martindale–Hubbell Legal Directory. He has been included in the publication, *Best Lawyers in America*, each year from 1994 through the present. In the *Best Lawyers in America* directory, he is currently listed in the following eight separate categories: 1) Mediation; 2) Arbitration; 3) Bet-the-Company Litigation; 4) Commercial Litigation; 5) Employment Law – Individuals; 6) Litigation – Labor and Employment; 7) Medical Malpractice Law – Defendants; and 8) Medical Malpractice Law

– Plaintiffs.

Mr. Hiatt is also a member of the American Board of Trial Advocates and the National Board of Legal Specialty Certification where he is certified in both Civil Pre-trial Practice Advocacy and Civil Trial Advocacy. Mr. Hiatt is on the mediation and arbitration panels for Dispute Prevention & Resolution, Inc. ("DPR"), and the American Arbitration Association ("AAA") and the mediation panel for the National Association of Securities Dealers.

Mr. Hiatt has received extensive training in both mediation and arbitration, including the following courses:

1. Mediation: The Art of Facilitating Settlement offered through the Straus Institute for Dispute Resolution, Pepperdine University School of Law;
2. AAA Pro Se: Managing Cases Involving Self-Represented Parties (ACE002);
3. AAA Dealing with Delay Tactics in Arbitration (ACE004);
4. AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005);
5. AAA Arbitrator Ethics & Disclosure (ACE003);
6. AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001);
7. Arbitrator II: Advanced Case Management Issues; and
8. Commercial Arbitrator Training.

Mr. Hiatt has been a speaker and or a panelist at multiple employment law seminars and he served as an adjunct instructor in construction law at the University of Hawaii for two years in their Architecture Program. His publications include *The Rejection of Cumis: Where Do We Go From Here?* HAWAII BAR JOURNAL 1999 and *Nine Tips For The Trial Lawyer*, HAWAII BAR JOURNAL 1997.

Hiatt & Hiatt's current clients include, Hyatt Hotels, Hawaiian Electric Company, the Waikoloa Land Company, Metzler Contracting Co. LLC and the CKW Group. Clients for whom work has been concluded include Hawaiian Dredging Company, Starwood Hotels & Resorts, Four Seasons Hualalai, the County of Hawai'i, the State of Hawai'i, the University of Hawai'i, Pomare, Ltd., the Queen's Hospital, Kamehameha Schools, Norman Fogelsong, the Managing Director and General Partner of Institutional Venture Partners (IVP), Arthur Levinson, the Chairman and Chief Executive Officer of Genentech, Inc., Jack Gifford, former President of Maxim Integrated Products, Continental Pacific, LLC, Peter Skaaning and the Kohala Ranch Community Association.