

FINAL SUMMARY REPORT

The Brand Strategy Group



Center for
Alternative
Dispute
Resolution

Mediation. It Works.

INTRODUCTION

The State of Hawai'i Judiciary's Center for Alternative Dispute Resolution (Center) contracted with The Brand Strategy Group ("BSG") through the Request for Quotation process "to develop and present a communications strategy focused on improving public attitude toward mediation and encouraging the use of mediation." To accumulate data, BSG met with the Center and other ADR providers, reviewed information and mediation materials, and conducted interviews of parties who went through mediation to develop the factual basis for this report. BSG also generated data through a Strategic Branding Focus Group and completed a S.W.O.T. (Strengths, Weaknesses, Opportunities and Threats) analysis of mediation.

SUMMARY AND HIGHLIGHTS

To accomplish a strong positive image of mediation, a clear promise and a consistent brand personality in all communications, both internal and external, should be established. Awareness of mediation and its advantages will build over time through a program of consistent messages. Sustaining the awareness, so the brand will be remembered when the need arises among its various target audiences, requires cooperation and collaboration of all the players. The players in this environment are referred to as mediation associates, meaning all those familiar with, and supportive of, mediation. This group includes mediators, parties who have participated in mediation, and any others who support the promotion of mediation.

MARKET POSITION

BSG assessed the current **market position** of mediation within the scale of competitive venues. The five-step scale ranges from the preferred position of “obvious superiority” and includes “marginal superiority,” “perceived inferiority,” “real inferiority” and “parity.” BSG observed an important problem in this area. While mediation associates put the market position of mediation at “obvious superiority,” meaning mediation is clearly superior to the others in its category, i.e., litigation, the perspectives of the general public and potential end-users who had little awareness of mediation fell substantially short. The general public and potential end-users’ perception of mediation put the market position at “perceived inferiority,” meaning that the public has an inaccurate perception about mediation. This data identified an opportunity to raise awareness from “perceived inferiority” to “obvious superiority.”

MEDIATION BRAND

The important attributes of the **mediation brand** to convey include that it is a “Do it yourself,” self-empowering tool, that is safe, fair and private. Focused on civil relationship building, mediation is a flexible process that allows people to arrive at enduring resolutions. It uses experts that are *not* authoritative, but helpful, non-threatening and approachable.

PROMISE

The **promise** to convey is that mediation allows you to successfully solve your disputes to your satisfaction, instead of going to court; it reduces anxiety and provides reassurance in the form of confidence building. Mediation saves money in comparison to litigation and is used by the court system.

TARGET AUDIENCE

Target audiences include potential clients, influencers and past clients. Potential clients are people in, or about to be in, conflict situations. People in conflict do not have the best frame of mind to consider all options, which is why influencers, those the potential clients seek out for assistance, are valuable target audiences. Influencers can be members of the family structure, trusted friends or business associates, or hired individuals such as attorneys. Influencers and past clients are likely part of the group identified as mediation associates.

STRATEGY AND TACTICS

The **communication strategy and tactics** for mediation associates is to be an emissary for mediation. Because most communications are made on an as-needed basis, emissaries are needed to build awareness of mediation when people are searching for resolutions to their disputes. Because funds will be limited in dispersing the message and keeping it in the forefront as an alternative to litigation, mediation associates must sustain the awareness by being spontaneous, vocal advocates. This sustained awareness is key to having third parties remember and recall mediation, and suggest it to family, friends and colleagues as an alternative to litigation.

SEVEN WAYS TO PROMOTE MEDIATION

1. Use the words “Solutions,” “Satisfaction” and “Success” when discussing mediation to focus attention on the advantages of mediation.
2. Refer to *volunteer* mediators as “TRAINED MEDIATORS” to indicate their expertise and devotion to learning the required mediation skills.
3. Write opinion letters and editorials on timely issues that support mediation.
4. Make spontaneous, vocal recommendations that advocate mediation as the “do-it-yourself solution to your problem” to evoke confidence and self-empowerment in parties.
5. Make or schedule a presentation on mediation for your business organization or special interest group.
6. Write a column on a case study you personally experienced, either as a party or a mediator, for your organization or special interest group’s newsletter.
7. Live the mediation life. Be an active “influencer;” take every opportunity to encourage people you know who are involved in conflict to try mediation to successfully solve their disputes to their satisfaction.



For the
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