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*The Center for Alternative Dispute Resolution Newsletter
State of Hawaii, Judiciary*



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Skype Mediation

When parties mediate face-to-face, in the same room, they may observe the full range of verbal and non-verbal cues as they work toward finding solutions. Mediation using Skype offers another alternative if the parties are not all in the same place, and it has advantages and drawbacks.

Some advantages of mediation via Skype:

- Saves time and money because there is no need to schedule a meeting or travel to a neutral location
- People may feel more comfortable and less tense in the comfort of their own home or office
- When emotions are high, some distance may make it easier for the parties to work together
- Parties can share information (documents, pictures, excel worksheets and videos) supporting their proposals
- As in face-to-face mediation, mediators can use a whiteboard to send an agenda or draft an agreement

Some drawbacks of mediation via Skype:

- Parties are not in the same room and there may be some slight audio/video delay in transmissions
- Although it offers opportunities for parties to see each other and to develop rapport, it is more limiting than being in the same place at the same time
- Mediators need to know how to prevent and deal with technical problems, especially with parties who are not familiar with technology

In November 2012, Giuseppe Leone shared his experiences in setting up [Virtual Mediation Lab](#), a pilot project sponsored by the [Association of Conflict Resolution Hawaii](#). Sixty-two mediators from 22 countries participated in the first 50 online mediation simulations. They rated the usefulness of Skype mediations at 9.9 out of 10.

Please visit VirtualMediationLab.com for more information about the Skype mediation simulations.



Legal Aid and Alternative Dispute Resolution

with Ryker Wada

A brief summary for those who missed the January 10th forum:

The [Legal Aid Society of Hawaii](#) is the 6th largest law firm in the State and the largest non-profit law firm. Ryker Wada is the managing attorney of the Honolulu Office. Legal Aid serves low income and poverty level clients in a variety of areas, each of which employs alternative dispute resolution (ADR) methods to different extents.

- ADR is used more in Honolulu and less by rural offices and on the neighbor islands
- Most public benefits cases are decided by administrative judges and there is little use of ADR
- ADR is rarely used in immigration cases; there are concerns that cultural and language barriers exist and that there would be confusion about the role of the third party neutral
- ADR is used extensively and successfully in family law cases and is useful for custody issues and in divorce and paternity cases; it encourages the parents to decide the best interests of their children
- The Internal Revenue Service has an ADR program that involves taxpayer advocates which helps Legal Aid clients
- Mediation at court for residential landlord/tenant cases is effective and the mediator is viewed as a fair person who assists the process. Conciliation success varies in fair housing cases at the Hawaii Civil Rights Commission. In some cases it is an extremely effective means for resolving issues for both parties; however, in cases where the parties are too far from a mutual resolution, conciliation can drag on and even hamper final resolution to a case
- Foreclosure mediation is used in the 3rd Circuit and is viewed as a good effort though not a strong process; it is a form of leverage to get people to the table to discuss options; there has not been much foreclosure mediation outside of the 3rd Circuit

Overall, Wada described use of ADR as “a huge benefit toward efficiency” in resolving concerns for Legal Aid clients.