Mediation Of Foreclosure Cases Pending In The Hawaii State Courts

What You Should Know

Mediation. It Works!

About Mediation

Mediation is an informal, private process to help parties discuss, define, and resolve their dispute. The parties control the result of their mediation, using a mediator--an impartial person--to guide the process. The mediator does not make decisions for the parties.

About The Mediation Process

Generally:

- At the start of mediation, the mediator meets with all parties, explains the goals of the mediation, and asks the parties to agree on ground rules, including keeping private what occurs in mediation.
- The parties provide a summary of their current situation regarding foreclosure.
- The mediator talks with the parties to understand their viewpoints.
- The mediator helps the parties think about solutions.
- If the parties agree on a solution, the agreement is put into writing and signed by the parties.

How To Prepare For Mediation

Effective mediation requires preparation and focus. The following suggestions will help you to do your part to reach an agreement:

- Provide all requested documents before the mediation session. Also, bring all loan and financial documents to the mediation. If in doubt, bring it.
- Before mediation, meet with a HUD approved housing or budget counselor to understand your options.
- Make sure you are aware of the concerns of all other persons responsible for the mortgage loan, such as your spouse and other family members.

How To Participate In Mediation

Effective mediation requires two-way communication. Most importantly, this means cooperation and flexibility.

The following suggestions may help you reach a fair agreement:

- Keep a positive attitude.
- Be open to new ideas and suggestions.
- Look for agreement, not blame or revenge.
- Look to the future, rather than the past.
- Express yourself clearly to help others understand your needs.
- Listen carefully to understand others' needs.

Advantages Of Mediation

Solutions

Satisfaction

- **More Control Over The Outcome**. When a judge decides a court case, usually one party wins and one party loses. Mediation steps away from the win/lose model, allows for a wider discussion of the issues, and searches for solutions everyone can accept.

- **Private**. Courts are generally open to the public. Mediation is a private process.

- **Fast**. You can usually schedule a mediation session sooner than an appearance in court.

- **Informal**. The Rules of Evidence and other requirements of a court proceeding do not apply.

- **Better Communication**. Parties have the opportunity to directly talk to each other.

About Foreclosure Mediation

- If your case is pending in court, the judge may require you to try foreclosure mediation.
- You may request mediation.
- You may be required to meet with a HUD approved housing or budget counselor before the mediation session.
- Before choosing a mediator, you may want to ask what type of training or knowledge the mediator has about foreclosure mediation. Some mediators with the community mediation centers were specifically trained to assist in foreclosure cases.
- Provide loan and financial documents before mediation and bring copies and updated documents or records to the mediation session.
- Agreements reached in mediation may cover a variety of issues. For example, the parties may agree to change the terms of the mortgage, or agree to the terms for moving out.

For more information on foreclosure, visit the website of the State of Hawaii, Department of Commerce and Consumer Affairs at: http://hawaii.gov/dcca

For more information on mediation, contact the Hawaii State Judiciary's Center for Alternative Dispute Resolution or check with the following mediation centers.

HAWAII ISLAND

Kuikahi Mediation Center (East Hawaii)
Telephone: (808) 935-7844
Website: www.hawaiimediation.org

West Hawaii Mediation Center
Telephone: (808) 885-5525
Website: www.whmediation.org

KAUAI, MAUI, MOLOKAI & OAHU

The Mediation Center of the Pacific, Inc.
Telephone: (808) 521-6767
Website: www.mediatehawaii.org

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Visit the Center's Homepage for other publications and information: http://www.courts.state.hi.us/cadr

Reprographics (09/2015) AR-P-070