

Center for Alternative Dispute Resolution

**The Judiciary
State of Hawaii**



Annual Report

Report No. 24

July 1, 2011 to June 30, 2012

*Presented to the
Twenty-Seventh Legislature*

*Pursuant to Hawaii
Revised Statutes, §613-4*

Aloha,

The Center for Alternative Dispute Resolution (Center) ensures that alternative dispute resolution (ADR) is available in Hawaii. ADR offers opportunities for early, party-driven, efficient, and fair solutions.

The Center:

- Designs and helps implement ADR programs for state and county government
- Mediates and facilitates public policy disputes referred by elected or appointed government officials
- Manages the Judiciary's Purchase of Services contract for mediation and related dispute resolution services
- Promotes ADR through training and education

This annual report summarizes the Center's work during Fiscal Year 2012.

Sincerely,
Mark E. Recktenwald,
Chief Justice

Highlights from Fiscal Year 2011 - 2012

Programs

The Center designs and implements ADR programs for state and county departments to help the public avoid unnecessary litigation, and to encourage early and fair conflict resolution. This past year, the Center:

- Assisted the Family Court, 1st Judicial Circuit, on the Oahu Child Welfare Mediation Program, the Volunteer Settlement Master Program, and a pilot for on-site mediation of paternity cases
- Administered the Hawaii Appellate Mediation Program
- Collaborated with the Department of Commerce and Consumer Affairs in implementing the Mortgage Foreclosure Dispute Resolution Program based on Act 48; designed a strategy to deal with the increase in judicial foreclosure filings

Direct Services

The Center provides mediation, facilitation, and process design services for cases involving public policy. This past year, the Center:

- Participated on the Supreme Court Committee on Children in Family Court
- Facilitated and participated in meetings with the Judiciary and the Hawaii State Bar Association about the civil calendar
- Provided assistance for the Judiciary's Strategic Planning Process
- Consulted with and assisted other branches of state government on a variety of issues

Highlights from Fiscal Year 2011 - 2012

Training, Education, Research & Outreach

The Center promotes ADR through training, education, and outreach. Center trainings included:

- *Working It Out: Skills for Dispute Resolution*
- *Better Meeting Management*
- *Beyond Basic Facilitation: Meeting Management*
- *Beyond Basic Facilitation: Conflict Analysis*
- *Handling Difficult Situations in the Workplace*
- *More on Handling Difficult Situations in the Workplace*
- *Mediation Skills*
- *Negotiation Skills*
- *Vicarious Trauma and Resiliency*
- *Mediating Appellate Foreclosure Cases*
- *Settlement Conferences in Foreclosure Cases*
- *Mediation Ethics*

The Center hosted public forums addressing the following topics:

- *Building Rapport: Creating a Working Alliance*
- *Increasing the Jurisdictional Limit to \$5,000 for Small Claims Court (impact on mediation)*
- *Act 48 Foreclosure Dispute Resolution*
- *Using ADR Skills as an International Mediator*
- *Keys to Resolution of Foreclosure Actions*
- *Mastery and Incompetence in Mediation*
- *A Vision of Cooperative Resolutions*
- *Peer Mediation in Hawaii*
- *Restorative Justice and Rehabilitation*

Highlights from Fiscal Year 2011 - 2012

The Center made presentations to:

- Organizations regarding foreclosure dispute resolution
- JAG Officers statewide
- Attendees at Mediation Week activities
- Students at the University of Hawaii and Kapiolani Community College

The Center:

- Maintained an active website
- Published newsletters on communication and ADR-related topics

Community Mediation Centers

The Center administers the Judiciary's Purchase of Services contract for mediation and related dispute resolution services statewide. The contractor, Mediation Centers of Hawaii, Incorporated, is an umbrella organization for five community mediation centers throughout the state.

The community mediation centers, which provide trained mediators for thousands of cases each year, are:

- Kauai Economic Opportunity, Incorporated - Mediation Program
Phone: 808-245-4077
- Kuikahi Mediation Center (Hilo)
Phone: 808-935-7844
- Mediation Services of Maui, Incorporated
Phone: 808-244-5744
- The Mediation Center of the Pacific, Incorporated (Oahu)
Phone: 808-521-6767
- West Hawaii Mediation Center
Phone: 808-885-5525

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Mediation. It Works!



Mediation. It Works!

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