



Going to Small Claims Court?

What you should
know about mediation
before you file your
claim or go to Small
Claims Court.

Mediation. It Works!



WHAT IS MEDIATION?

Mediation is an alternative method of resolving a dispute and has several advantages over the usual judicial process.

- **You Decide.** Once a judge makes a decision in a Small Claims case, at least one party (and sometimes both parties) leaves unhappy. There is no right of appeal. In mediation, you and the other party, with the help of a mediator, decide the solution. This way, you avoid the risk of “losing” in court or reaching an outcome that is not satisfactory.
- **Customized Solutions.** Even if you “win” your case, the court does not collect the money for you. A mediator can help you develop an agreement that meets the circumstances of your case (including a clear payment plan). The agreement may become a court record and each party receives a copy.
- **Private.** A court judgment may appear on your credit records. Mediation offers more privacy.
- **No Cost.** There is no charge for mediation at the court site.
- **A Trial Is Still An Option.** If you are not able to reach an agreement through mediation, you may return to court.



HOW DOES MEDIATION WORK?

Contested cases on the Small Claims calendar are referred to mediation.

If you want to mediate **before** filing a claim, you may contact Kuikahi Mediation Center at 935-7844 or West Hawaii Mediation Center at 885-5525.

- **Who Are The Mediators?** Mediators are impartial; they help parties explore solutions. Mediators also help develop options. All Small Claims mediators are trained by Kuikahi Mediation Center or West Hawaii Mediation Center.
- **Mediating At Court.** Many Small Claims cases are mediated at court on the day of your hearing. In some cases, the court may refer the parties to mediation and ask them to return to court another day. (There is no charge for Small Claims cases referred to mediation by the court.)



ARE THERE ADVANTAGES TO MEDIATING AT THE MEDIATION CENTERS?

Yes. Some advantages to consider about mediating **before** filing a claim are:

- **Convenience.** Small Claims Court assigns you a date and time to appear. You must wait your turn until your case can be mediated and/or tried. At **Kuikahi Mediation Center (KMC)** and **West Hawaii Mediation Center (WHMC)**, there is flexibility in selecting the time. (You do not have to mediate again at Court if you tried mediating at KMC or WHMC.)
- **Time.** Due to the large number of cases in court and the set time period for small claims, mediation at court is usually limited to twenty or thirty minutes. Mediating at KMC or WHMC allows you to take the time you feel is necessary.
- **Cost.** KMC and WHMC charge a nominal administrative fee. Small Claims Court requires payment of a filing fee and a charge if a sheriff is used to serve the other party with the complaint.

HOW TO PREPARE FOR MEDIATION

Effective mediation requires two-way communication. This means:

- Honestly expressing your needs
- Listening to what the other party needs

WHAT ARE KUIKAHI MEDIATION CENTER AND WEST HAWAII MEDIATION CENTER?

Kuikahi Mediation Center (KMC) and **West Hawaii Mediation Center (WHMC)** are non-profit organizations that help people resolve conflicts of all types. KMC and WHMC use trained mediators to work with the parties involved in the disputes. KMC has served the community since 1983, WHMC since 1988, and have mediated thousands of cases.

The process for mediating a conflict or potential small claims dispute at KMC or WHMC is simple.

- In **East Hawaii call KMC at 935-7844**, in **West Hawaii call WHMC at 885-5525**, and explain that you would like to mediate a dispute.
- You will need to provide some background information about yourself and the dispute, as well as the names and telephone numbers of others involved.
- A KMC or WHMC case manager will contact the others and determine if they are willing to mediate. Mediation at KMC and WHMC is voluntary unless ordered by the court.
- If everyone agrees to mediation, a meeting will be scheduled at the most convenient time, Monday through Friday (day or evening), or Saturday morning.

The keys to a successful mediation are:

- Preparation
- Cooperation
- Flexibility

We suggest the following approaches to help reach an agreement:

- Approach mediation with a positive attitude
- Be open to new ideas or suggestions
- Seek agreement, not blame or revenge
- Look to the future, not the past
- Express yourself and listen carefully to what others say
- Help others understand you, and do your best to understand them
- Bring all relevant documents



Kuikahi Mediation Center

101 Aupuni Street, Suite PH 1014 B-2
Hilo, Hawaii 96720
Phone: (808) 935-7844
Website: www.hawaiimediation.org



West Hawai'i
Mediation Center

West Hawaii Mediation Center

P.O. Box 7020
Kamuela, Hawaii 96743
Phone: (808) 885-5525
Website: www.whmediation.org



Prepared by:

The Center for Alternative Dispute Resolution

Hawaii State Judiciary
417 South King Street, Room 207
Honolulu, Hawaii 96813
Phone: (808) 539-4ADR (4237)
Fax: (808) 539-4416

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