



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII

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Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 7, 2020

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott K. Saiki
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 613-4, Hawaii Revised Statutes, the Judiciary is transmitting a copy of the *Judiciary's Center for Alternative Dispute Resolution 2020 Annual Report*.

In accordance with Section 93-16, Hawaii Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

Enclosure

c: Legislative Reference Bureau Library
Office of the Clerk, Hawaii State Senate
Office of the Clerk, Hawaii House of Representatives

Aloha,

The importance of CADR's mission cannot be understated as the need for alternative dispute resolution is more vital than ever before. However, CADR, like all programs that provide services and support to the public, has been impacted by the COVID-19 pandemic and must actively "rethink" both its role and its priorities as it develops new strategies for fulfilling its goals.

CADR is adapting virtual platforms for both the mediation and facilitation services as well as educational programs that have traditionally been delivered in person. Mediators and trainers are being taught how to effectively and efficiently use such platforms.

The shift to new technologies is accelerated by the pandemic. We are discovering, however, that rethinking our traditional road map from conventional dispute resolution mechanisms to "alternative" ways of providing dispute resolution services — within the confines of the safety, security, and economic parameters that COVID brings to the forefront — also brings unexpected advantages.

CADR will continue to embrace opportunities presented by necessity-driven changes, so that it may forge ahead while remaining dedicated to the Judiciary's commitment to access to justice.

As always, we are grateful to CADR's volunteers and Board of Advisers for their support, and its staff for their hard work.

This report summarizes CADR's work during Fiscal Year 2019 - 2020.

Mahalo,
Mark E. Recktenwald
Chief Justice

VOLUNTEERS

Appellate Mediation Program Mediators

Judge Riki May Amano (ret.)	Ivan Lui Kwan
Judge Joel August (ret.)	Judge Victoria Marks (ret.)
Judge Karen Blondin (ret.)	Georgia McMillen
Professor Addison Bowman (Emeritus)	Judge Douglas McNish (ret.)
Robin Campaniano	Judge Marie Milks (ret.)
Corlis Chang	Chief Justice Ronald Moon (ret.)
Louis Chang	Richard Mosher
Chuck Crumpton	Judge Gail Nakatani (ret.)
Justice James Duffy (ret.)	Patricia Kim Park
Jackie Earle	Judge Shackley Raffetto (ret.)
Judge Max Graham	Judge Frank Rothschild (ret.)
Diane Hastert	Judge Sandra Simms (ret.)
Judge Eden Hifo (ret.)	Judge Leland Spencer (ret.)
Kenneth Hipp	Thomas Stirling
Judge Colleen Hirai (ret.)	Judge Allene Suemori (ret.)
James Hoenig	Owen Tamamoto
Judge Walter Ikeda (ret.)	Judge Michael Town (ret.)
Judge Walter Kirimitsu (ret.)	Judge Diana Warrington (ret.)
Justice Robert Klein (ret.)	Arne Werchick
Ralph La Fountaine	Judge Andrew Wilson (ret.)
Judge Rosalyn Loomis (ret.)	Judge Patrick Yim (ret.)

Interns

Caitlyn Iwamura Taylor Phillips

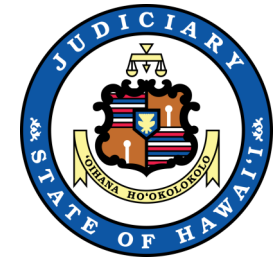
BOARD OF ADVISORS

Judge Karen Blondin (ret.)	Valerie S. Mariano
Judge Michael Broderick (ret.)	Barry Marr
Tana Kekina-Cabaniero	Owen K. Tamamoto
Aaron S.Y. Chung	Laurie Arial Tochiki
Linda Colburn	Keith Y. Yamamoto
Councilmember Brandon Elefante	
Professor Emeritus Kem Lowry	

Hawai'i State Judiciary
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Website: www.courts.state.hi.us/cadr

Center for Alternative Dispute Resolution

The Judiciary State of Hawai'i



Annual Report

*Report No. 32
July 1, 2019 - June 30, 2020*

*Presented to the
Thirty-Second Legislature*

*Pursuant to
Hawai'i Revised Statutes §613-4*

Programs

CADR makes alternative dispute resolution (ADR) broadly available throughout the state so that disputes may be resolved without the emotional and financial costs of litigation while also preserving relationships between parties. Making ADR services available through the judiciary helps build public confidence in our court systems while expanding its access to justice.

Program Activity FY 2019 – 2020

- **Hawai‘i Appellate Mediation Program (AMP):** From its inception in 1995 to June 30, 2020, 736 cases entered the program. The overall settlement rate for closed cases is 50 percent. In FY 2019 – 2020, AMP added 17 new cases to nine pending cases. During this period, 17 cases closed; eight settled or partially settled, and nine remain active.
- **Family Court, First Judicial Circuit:** Assisted with the Volunteer Settlement Master Process.
- **Workplace Dispute Resolution Program (WDRP):** Administered the judiciary’s WDRP that provides additional options for judiciary employees to resolve workplace matters.

Direct Services

CADR provides mediation, facilitation, and process design services for cases involving public policy.

- Conducted a National Issues Forum Institute deliberative dialogue: *A House Divided* for Osher Lifelong Learning Institute at the University of Hawai‘i, Mānoa
- Facilitated development of workplace protocols for the Hawai‘i State Department of Health
- Planned and facilitated the Informational Briefing for the National Conference of State Legislatures: *Hawai‘i Health Workforce Development for the 21st Century*

Training, Education, Research, and Outreach

CADR provides training workshops for State and City and County employees, including:

- *Working It Out: Skills for Managing Conflict*
- *Planning and Facilitating Effective Meetings*
- Delivered three workshops: *Working it Out*, and *Foundation for Collaborative Leadership* for advanced management succession-planning program for the City and County of Honolulu
- Planned and presented conflict resolution training retreat for the Executive Branch in collaboration with the Office of the Governor; attended by Governor and Mrs. Ige

CADR presents ADR-related workshops for the public and promotes educational outreach.

- Presented workshop: *Recognize and Respond to Passive Aggressive Behavior*
- Conducted youth outreach for 140 students at Aliamanu Middle School who were trained in conflict resolution practices
- Presented seminar *Dealing with Impasse*
- Delivered two lectures to visiting students from Chuo University, Japan, for School of Pacific and Asian Studies, University of Hawai‘i, Mānoa: *Conflict and Climate Change*, and *Community Impacts of COVID19 Virus*

CADR presents seminars, lectures, and community forums in partnership with organizations such as the Hawai‘i State Bar Association - ADR Section; Conflict Resolution Alliance; Native Hawaiian Bar Association; The Mediation Center of the Pacific; UH Mānoa Matsunaga Institute for Peace and Conflict Resolution; Accord 3.0; the Hawai‘i Friends of Restorative Justice; and the Judiciary History Center.

- CLE Seminar: *Making Connections with Opening Statements: Laying Foundations for Productive Mediation*
- Hosted Mediator Workshop and Talk Story event *HATE: The Other Four Letter Word* with all ADR partners
- CLE Seminar: *First Circuit Family Court Volunteer Settlement Masters Training*
- Speakers’ Forum *Decolonization: South Africa’s Truth & Reconciliation Commission*
- The 33rd Annual Peer Mediation Conference
- Seminar for Conflict Managers: *De-Stressing: Laughing Your Way Through These Unprecedented Times* presented via Zoom with all ADR partners

Community Mediation Centers

CADR administers a purchase of services contract for mediation and related dispute resolution services with Mediation Centers of Hawai‘i, Inc. (MCH). MCH serves as an umbrella organization for the five community mediation centers throughout the state.

The community mediation centers located on Hawai‘i Island (Hilo and Kona/Waimea), Kaua‘i, Maui, and O‘ahu are key partners in providing affordable mediation services statewide. The mediation centers handle, among others, neighbor/neighbor disputes, landlord/tenant matters, consumer/merchant issues, workplace related disagreements, and domestic cases.

FY 2019 – 2020

Report Information:

MCH served 6,110 clients

Mediation. It Works!

