



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 21, 2021

Via electronic submission

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

The Honorable Scott 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, Hawai'i Revised Statutes, the Judiciary is transmitting a copy of the *Judiciary's Center for Alternative Dispute Resolution 2021 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 808-539-4896, 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

Attachment

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

Aloha,

Demand for ADR services increased during the pandemic. CADR engaged with new online tools to offer mediation services, training, and outreach programs remotely.

The push to move mediation online was met with a collaborative effort from a range of individuals and organizations in the field of ADR, and the success rate of remote mediation has been a welcome development. Local mediation centers, local and national court mediation programs, and private practitioners collaborated through committees and think tanks to develop secure and effective ADR platforms. Colleague-to-colleague online mediation training helped boost universal acceptance, and practitioners are embracing virtual mediation “best practices” to increase the likelihood of success.

For CADR, an advantage of providing ADR services and training online is its expanded statewide reach without incurring the time and expense of travel.

The move to providing access to justice in a virtual environment will continue to adjust as CADR embraces new opportunities to further our mission.

As always, CADR thanks its volunteers and Board of Advisers for their support, and its staff for their hard work.

This report summarizes CADR’s work during Fiscal Year 2020 - 2021.

Mahalo,
Mark E. Recktenwald
Chief Justice

VOLUNTEERS

Appellate Mediation Program Mediators

Judge Riki May Amano (ret.)	Judge Rosalyn Loomis (ret.)
Judge Joel August (ret.)	Ivan M. Lui-Kwan
Judge Karen Blondin (ret.)	Judge Victoria S. Marks (ret.)
Prof. Addison M. Bowman (Emeritus)	Georgia K. McMillen
Robin K. Campaniano	Judge Douglas S. McNish (ret.)
Corlis J. Chang	Judge Marie N. Milks (ret.)
Louis L.C. Chang	Chief Justice Ronald T.Y. Moon (ret.)
Charles W. Crumpton	Richard C. Mosher
Justice James E. Duffy (ret.)	Judge Gail C. Nakatani (ret.)
Jackueline L.S. Earle	Patricia Kim Park
Judge Max W.J. Graham	Judge Shackley F. Raffetto (ret.)
Diane D. Hastert	Judge Frank D. Rothschild (ret.)
Judge Eden Elizabeth Hifo (ret.)	Judge Sandra A. Simms (ret.)
Kenneth B. Hipp	Judge Leland H. Spencer (ret.)
Judge Colleen K. Hirai (ret.)	Thomas L. Stirling
James K. Hoenig	Judge Allene K. Suemori (ret.)
Judge Walter H. Ikeda (ret.)	Owen K. Tamamoto
Judge Walter S. Kirimitsu (ret.)	Judge Michael A. Town (ret.)
Justice Robert G. Klein (ret.)	Judge Diana L. Warrington (ret.)
Ralph La Fontaine	Arne Werchick
	Judge Andrew P. Wilson (ret.)
	Judge Patrick K.S.L. Yim (ret.)

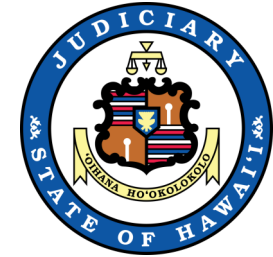
BOARD OF ADVISORS

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

Hawai‘i State Judiciary
Center for Alternative Dispute Resolution
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Center for Alternative Dispute Resolution

The Judiciary State of Hawai‘i



Annual Report

*Report No. 31
July 1, 2020 - June 30, 2021*

*Presented to the
Thirty-first Legislature*

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

Programs

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

Program Activity FY 2020 – 2021

- **Hawai‘i Appellate Mediation Program (AMP)**
Since AMP’s inception in 1995, 754 cases entered the program. The overall settlement rate for closed cases is 50 percent. In FY 2020 –2021, AMP added 18 new cases to nine pending cases. Of the 27 active cases during this period, 15 cases closed with the following results: nine settled or partially settled; five did not settle; and one was withdrawn. The 12 remaining cases will proceed in the new year.

In 2020, the Pro Bono Committee recognized the AMP Mediators for their contribution of more than 280 hours of service provided to the community and the Intermediate Court of Appeals.

- **Workplace Dispute Resolution Program (WDRP)**
Administered by CADR to provide options for judiciary employees to resolve workplace matters.
- **Family Court, First Judicial Circuit**
Assisted with the Volunteer Settlement Master Process.

Direct Services

CADR provides mediation, facilitation, and process design services for the following public policy-related forums:

- **The Global Peace Conference** – CADR facilitated small group sessions on indigenous perspectives on environmental conflict resolution. *Hosting Partner and Promoter: The Matsunaga Institute for Peace and Conflict Resolution, University of Hawai‘i at Mānoa*

- CADR participated in a deliberative dialogue for “America Talks: A Weekend of Connection in the Midst of Deep Division,” and “The National Week of Conversation Courage over Contempt.” *Hosting Partner and Promoter: Kettering Foundation’s National Issues Forum Institute.*

Training, Education, Research, and Outreach

CADR provided the following workshops through online delivery to State and City and County employees:

- *CADR 1.0 Working It Out: Skills for Managing Conflict*
- *CADR 1.3 Collaborative Workplace: Skills for Cultivating Collaboration*
- *CADR 1.4 Collaborative Workplace: Giving Feedback for Productive Outcomes*

ADR-related Workshops and Educational Outreach for the Public:

- The Advanced Management Succession-planning Program for the City and County of Honolulu: CADR 1.0 *Working it Out*, CADR 1.3 *Tools for Collaborative Leadership*, and CADR 1.4 *Effective Feedback*
- Led Forum: *Talk Story VII: Best Practices and Regulatory Consideration for Remote ADR Platforms*
- Participated in panel discussion: *Appellate Mediation* presented by the HSBA’s Appellate and ADR Sections
- Offered training and private mentoring on best practices for mediating remotely

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

During FY 2020 –2021 the following were presented:

- *The Value and Perils of Nonverbal Communication*
- Virtual Brown Bag Sessions—Skills for Problem Solving featuring special guests speakers:
1) *Crafting a positive, comfortable and safe online space for mediation*; 2) *Say What You Need to Say: The Art of Clear, Courageous Communication*; 3) *Aloha Response Call*; and 4) *Working Collaboratively*
- Co-sponsored: The 11th Annual Cyber Conference on Dispute Resolution
- Delivered: Peer Mediation Conference Skills Workshop *Hot Buttons*

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. During FY 2020 –2021 MCH Served 10,656 clients.

The 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 landlord/tenant matters, neighbor/neighbor disputes, consumer/merchant issues, workplace related disagreements, and domestic cases.

In Fiscal Year 2021, there was a significant increase in MCH cases. The increase was mostly due to the pandemic and resulting high volume of landlord-tenant disputes being referred to mediation. As most court cases were no longer mediated on-site at court, the mediation centers conducted mediation by telephone, video conference, and limited in-person sessions following Covid-19 guidelines.

Mediation. It Works!

