

ARE THERE ADVANTAGES TO MEDIATING AT THE MEDIATION CENTER OF THE PACIFIC?

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 The Mediation Center of the Pacific (MCP), there is flexibility in selecting the time. (You do not have to mediate again at Court if you tried mediating at MCP.)
- **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 15 to 20 minutes. At MCP, sessions are scheduled for up to three hours.
- **Cost** - MCP charges a flat, per party 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

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 and suggestions
- Seek agreement, not blame or revenge
- Look to the future, not the past
- Express yourself and listen carefully to what others say
- Bring all relevant documents
- Be realistic about whether or not you can live up to proposals that you make



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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 a method of resolving disputes 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 becomes part of the 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.
- **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. This means that before you present your case to a judge, you must attend a mediation session.

Mediators are available at the court house. If you want to mediate **before** filing a claim, you may contact The Mediation Center of the Pacific, Inc. at 521-6767.

- **The Mediators** - Mediators are impartial. They help parties to develop options and explore potential solutions. All Small Claims mediators are trained by The Mediation Center of the Pacific, Inc.
- **Mediating At Court** - At court, the judge briefly explains the Small Claims process. Then the Court Clerk calls each case and instructs parties with contested cases to meet with a mediator.

The mediator and parties meet together, and the parties have an opportunity to express their points of view. The mediator helps the parties work toward a resolution of the claim.

If the parties reach an agreement, the mediator helps put it in writing. Parties receive a copy and return to the courtroom where it is presented to the judge.

If an agreement is not reached, the case will go to trial, usually that same day.

WHAT IS THE MEDIATION CENTER OF THE PACIFIC?

The Mediation Center of the Pacific (MCP) is a non-profit corporation that helps people resolve conflicts of all types. MCP uses trained mediators to work with the parties involved in the disputes. MCP has served the community since 1979 and has mediated thousands of cases.

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

- Call **521-6767** 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.
- An MCP case manager will contact the other individuals and determine if they are willing to mediate. Mediation at MCP is voluntary unless ordered by the court.
- If everyone agrees to mediation, a session will be scheduled for a day and time that is agreeable to everyone.

