

July 2014

*The Center for Alternative Dispute Resolution Newsletter
State of Hawaii, Judiciary*



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Forum Summary — Welcome Andrew Hipp, Director, Center for Alternative Dispute Resolution



Summary of the June Forum: Andrew Hipp joined the Center for Alternative Dispute Resolution (CADR) as its director in May. His first experience with ADR was through a college class in mediation. He continued to study ADR practices through law school. When he began mediating disputes, he found that participants were grateful for the process even if they did not resolve the issue because they were given an opportunity to present their positions, often for the first time. He was impressed by ADR because it allows participants to communicate openly, clarify issues, apologize, design solutions, and potentially mend or strengthen their relationship. He reviewed the ADR programs: designing and assisting with the implementation of dispute resolution systems; mediating and facilitating public policy disputes; managing the Purchase of Service contract for mediation services; promoting ADR through training and outreach. He noted that CADR's volunteer mediators for the Appellate Mediation Program had achieved settlements in more than half of the cases they mediated. He also described the high rate of satisfaction expressed by those served by the community mediation centers throughout the State. He discussed the Center's role in the Workplace Mediation Program, Voluntary Settlement Master Program, and Oahu Child Welfare Mediation Program. He also reviewed CADR's training and outreach programs. CADR offers classes free of charge to all State and City & County employees. Topics include dispute resolution skills, negotiation, mediation, skills for handling difficult situations, and use of neutral language. The CADR website provides access to guides and publications and other materials. He encouraged use of CADR's resources and welcomed ideas for future programs. (PowerPoint slides from the June 19, 2014, forum are attached on the following pages.)

We welcome your input: Please send us ideas for topics that you would like to have discussed in upcoming forums and issues of the *ADR Times*. We also welcome your insights from your experiences in mediation, facilitation, negotiation, and other ADR processes so we may share them with our readers. We look forward to hearing from you and to providing a forum for the exchange of ideas.

“The courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.”

Justice Sandra Day O'Connor

Welcome to the Center for Alternative Dispute Resolution



Thursday, June 19, 2014
Noon – 1:00 p.m.
Multi-Purpose Room 101

Forum Agenda

- **New Director**
 - Andrew C. Hipp
- **The Center's**
 - Mission
 - Services
 - Goals



New Director

- Mid-Pacific Institute



MID-PACIFIC INSTITUTE

- Guilford College



- University of Hawaii



UNIVERSITY of HAWAII at MĀNOA
WILLIAM S. RICHARDSON
SCHOOL OF LAW

New Director: Education in ADR

- **1995 - First Mediation Course**
 - Potential of the process
 - Neutral, Party Self-determination, Confidential
 - Interest based negotiation
 - Taught valuable skills
 - Active listening
 - Reframing



New Director: Education in ADR

- Mediation
- Arbitration
- Facilitation
- Negotiation
- Culture and Conflict Resolution, etc.



UNIVERSITY of HAWAI'I at MĀNOA
WILLIAM S. RICHARDSON
SCHOOL OF LAW



THE MEDIATION CENTER OF THE PACIFIC
Bringing People Together to Talk and Resolve Their Differences

New Director: Experience in ADR

- **As a mediator I have found:**
 - Interest based mediation saves and creates positive relationships.
 - Example - Two parties argue over the last orange.
 - Position: Both Parties - “I want the orange.”
 - Interests:
 - Party A - “I need the orange peel for my recipe.”
 - Party B - “I need the orange pulp for my juice.”



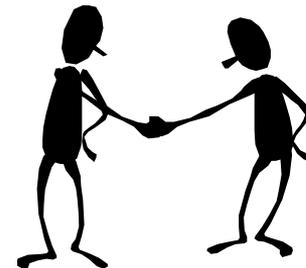
New Director: Experience in ADR

- **Benefits of Mediation:**
 - Allows for greater communication
 - Clarifies the issues
 - Party / participant catharsis
 - Flexible solutions to resolution
 - Parties are generally satisfied with process and outcome



New Director: Experience in ADR

- **Party comments after mediation:**
 - “I think that after this, not only can we be neighbors, but I think we can be friends.”
 - “Thank you!”



New Director: Experience in ADR

- **Some Keys to Mediation Success:**
 - Know about the process
 - Know the law
 - Open and flexible
 - Seek resolution not blame



New Director: Experience in ADR

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— Justice Sandra Day O’Connor



The Center for Alternative Dispute Resolution



History

- 1985 - “Program on ADR” founded by Chief Justice Herman Lum
- 1989 - Center became a permanent part of the Judiciary

The Center for Alternative Dispute Resolution

Hawaii Revised Statutes § 613-2



- Design ADR programs
- Mediate and facilitate public policy issues
- Manage the Judiciary's Purchase of Service contract for mediation related dispute resolution services
- Promote ADR through training and education

The Center for Alternative Dispute Resolution

■ Personnel

- Becky Sugawa - Contract Administration
- Joan Marie Yamasaki, PhD. - Trainer & Author
- Nadine Grace - Admin. Assistant & Intake
- Melissa Lewis, Esq. - Appellate Mediation Program



ADR Programs

- **Appellate Mediation Program**
 - Provide an alternative to litigation on appeal (Hawaii Appellate Mediation Program Rule 1)
 - 2009-2013 → Brought in 170 appellate cases
 - Selection → Civil Appeals Docketing Statements
 - May request to be included if not excluded by Hawaii Appellate Mediation Program Rule 2
 - Mandatory
 - Volunteer Mediators → Semi-retired and retired justices, judges and attorneys



ADR Programs

■ Appellate Mediation Program Feedback:

- “[Mediator] was a great mediator because she gave my client a chance to tell her side of the story which dramatically helped her willingness to settle. Thank You!”
- “I have mediated a hundred or more disputes, as counsel and client, and from that experience I know how important the preparedness and quality of the mediator is to the success of the mediation. [The Mediator] is among the very best, and we are grateful for his efforts.”

ADR Programs

■ Design / Assist With ADR Programs

■ Workplace Mediation Program

- Offers an opportunity for employees to discuss interpersonal issues and develop mutually agreeable resolutions; soon to be extended statewide

■ Volunteer Settlement Master Program

- Helps divorcing couples settle issues

■ Oahu Child Welfare Mediation Program

- Mediators explore ways in which disputes involving parents, social workers, and other professionals that concern the safety of minor children may be settled without need for a trial

ADR Public Policy Issues

- Facilitated meetings to address issues including:
 - Judiciary Strategic Plan
 - Goal setting
- Worked with government agencies and the public to develop goals and plans



Purchase of Service (POS) Contract

- **Judiciary Contract for Mediation and other ADR services**
- **Mediation Centers of Hawaii**
 - Offer statewide mediation services to court users and community-at-large



Purchase of Service Contract

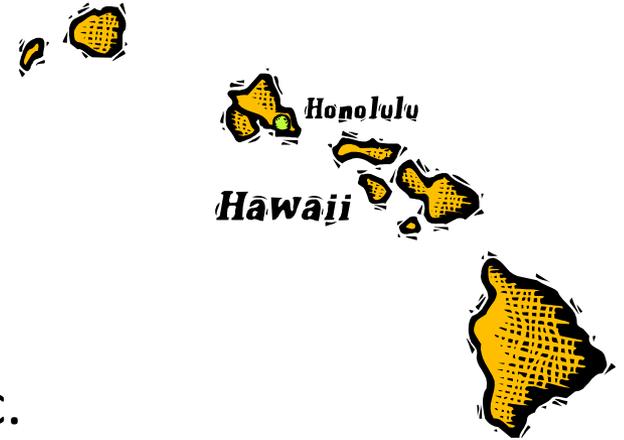
■ Hawaii Island

- Kuikahi Mediation Center, Hilo

www.hawaiimediation.org

- West Hawaii Mediation Center, Kamuela

www.whmediation.org



■ Kauai – Kauai Economic Opportunity, Inc.

(KEO Mediation Program) www.keoinc.org

■ Maui County – Mediation Services of Maui, Inc.

www.mauimmediation.org

■ Oahu – The Mediation Center of the Pacific, Inc.

www.mediatehawaii.org

Community Mediation Centers – case types



- Civil Rights
- Contract and Employment
- Divorce
- Home Owners Association
- Landlord / Tenant
- Neighbors
- Paternity
- Personal loans / debts
- Personal injury
- Property damage
- Small claims
- Temporary Restraining Order / non-family

Community Mediation Centers - cases

- 324 Trained Volunteer Mediators (2013)
- 2013 / all centers
 - opened cases = 3,466
 - mediated cases = 2,081
- 2009 through 2013 / all centers
 - opened cases = 17,584
 - mediated cases = 10,156



Community Mediation Centers – satisfaction

- Average time between initial call and first follow-up call
→ 2 business days
- Average time between when parties agree to mediate until first mediation session → 10 business days
- 92.94% of parties who answered survey were satisfied (62.33% “Very Satisfied”)
- 66.4% of parties who answered survey stated they would “definitely” recommend mediation to others, and 28.4% said they “probably” would
- Only 2.14% were very dissatisfied, and 1.4% said would definitely not recommend mediation

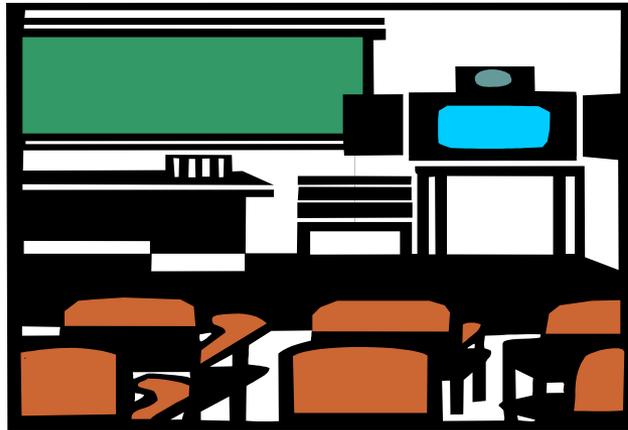
Training & Outreach

- CADR 1.0 - Working It Out: Skills for Dispute Resolution
- CADR 2.0 - Negotiation Skills
- CADR 3.0 - Mediation Skills
- CADR 4.0 - Better Meeting Management
- CADR 5.0 - Handling Difficult Situations in the Workplace
- CADR 5.1 - More on Handling Difficult Situations in the Workplace
- CADR 7.0 - Neutral Language



Training & Outreach

- **Training Attendance**
 - 2013 / all classes = 473 attendees
 - 2009 - 2013 / all classes = 1,535 attendees



Training & Outreach

Training Feedback:

“I’ve already started using the summarizing and rephrasing on the job. It helps me to listen (and verify what I think I’ve heard) and get more information from the public to help me help them more effectively.”

“Mahalo for sharing your experience and knowledge. I found the training very useful!”

“Very applicable class for supervisors such as myself.”

Training & Outreach

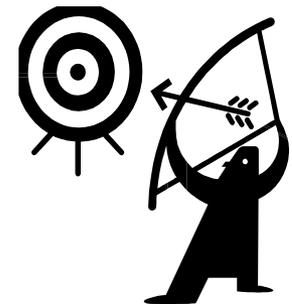
- Provided training sessions and presentations to college classes and ADR professionals and at conferences and forums
- Maintain a website on the Judiciary Internet <http://www.courts.state.hi.us/cadr> to provide information on forums, guides, pamphlets, and *ADR Times* newsletter
- Planned, facilitated, hosted, and assisted with meetings and conferences
- Participated in program development, pilot projects, and planning and advisory committees
- Wrote articles for publication, reports, program strategies, and drafts of rules and protocols



The Center for Alternative Dispute Resolution

■ Goals

- Increase access to ADR information and services
 - Disseminate ADR information
 - Outreach and education
- Support and improve existing programs
- Fill unmet needs in each circuit



The Center for Alternative Dispute Resolution

■ Final Words

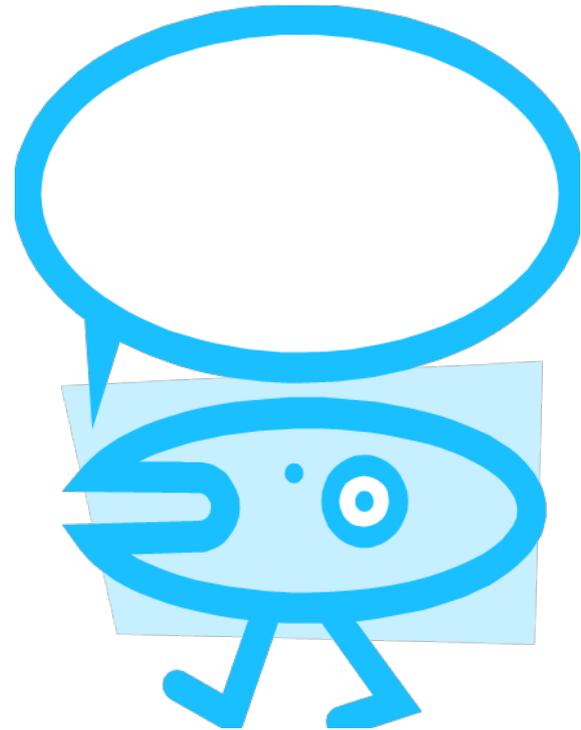
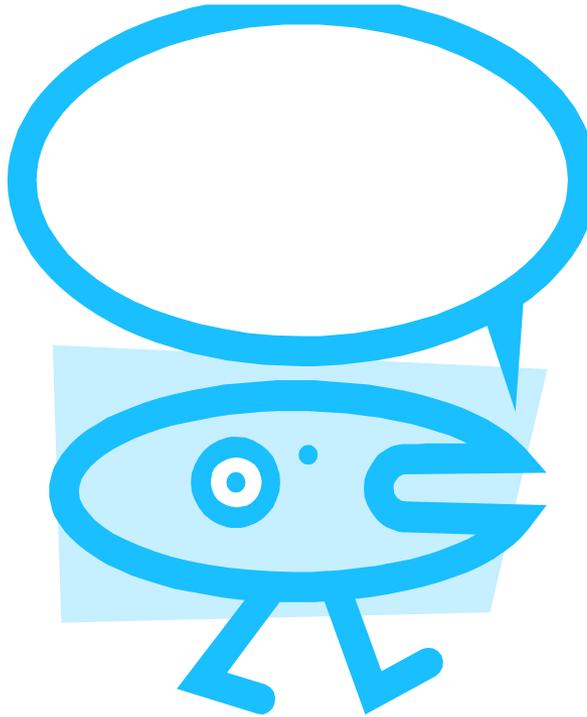
- “The pursuit of equal justice for all is truly a noble endeavor.”

- Associate Judge Daniel R. Foley

■ Contact Us

- Telephone - (808) 539-4237
- Email - cadr@courts.hawaii.gov

Discussion & Questions





Mahalo Nuí Loa