



# Mediation

**Solutions**  
**Satisfaction**  
**Success**

*Mediation. It Works!*



## About Mediation

Mediation is an informal, private process to help parties discuss, define, and resolve their dispute. The parties control the result of their mediation, using a mediator--an impartial person--to guide the process. The mediator does not make decisions for the parties.

## About The Mediation Process

Generally:

- At the start of mediation, the mediator meets with all parties, explains the goals of the mediation and asks the parties to agree on ground rules, keeping private what occurs in the mediation;
- The parties briefly summarize the dispute;
- The mediator meets with the parties privately to better understand their viewpoints;
- The mediator helps the parties identify their interests and think about solutions;
- If the parties agree on a solution, the agreement is put into writing and signed by the parties.



## About Mediators

Mediators come from many different backgrounds, with different training and experience. If you want a specific mediator, or a mediator with a specific area of expertise, you may prefer to hire a private mediator. Private mediators may advertise a specialty or a professional reputation for specializing in the mediation of certain types of disputes.

Many disputes are successfully decided at community mediation centers. These include disputes involving neighbors, business partners, merchants, consumers, divorcing couples, work colleagues, and many others. Judges often refer cases that are already in court to community mediation centers.

Private mediators should provide information regarding their training, experience, and fees. Community mediation centers provide training for their mediators. Fees for private mediators are generally higher than fees charged by community mediation centers. For a more detailed guide to selecting a mediator, please see our booklet, *Selecting a Mediator*.

# Advantages Of Mediation:

## Solutions

## Satisfaction

## Success

- **More Control Over The Outcome.** When a judge decides a court case, usually one party wins and one party loses. Mediation steps away from the win/lose model, allows for a wider discussion of the issues, and searches for solutions that everyone can accept.
- **Private.** Courts are generally open to the public. Mediation is a private process.
- **Faster.** You can usually schedule a mediation session sooner than you can an appearance in court.
- **Informal.** The Rules of Evidence and other requirements of a court proceeding do not apply.
- **Maintains Relationships.** Parties may need to have regular contact after their dispute is resolved (family and business matters, for example). To avoid future disputes, mediated agreements often include provisions governing how the parties will deal with one another after mediation. Sometimes, the parties agree to return to mediation if another dispute arises.



## Community Mediation Centers

### **Kaua'i**

Kaua'i Economic Opportunity, Inc.  
Mediation Program  
2804 Wehe Road  
Līhu'e, Hawai'i 96766  
Telephone: (808) 245-4077  
Fax: (808) 245-7476  
[www.keoinc.org](http://www.keoinc.org)

### **O'ahu**

The Mediation Center of the Pacific  
245 North Kukui Street, Suite 206  
Honolulu, Hawai'i 96817  
Telephone: (808) 521-6767  
Fax: (808) 538-1454  
[www.mediatehawaii.org](http://www.mediatehawaii.org)

### **Maui County**

Mediation Services of Maui  
95 Mahalani Street  
Wailuku, Hawai'i 96793  
Telephone: (808) 244-5744  
Fax: (808) 249-0905  
[www.mauimmediation.org](http://www.mauimmediation.org)

### **Hawai'i**

Ku'ikahi Mediation Center  
101 Aupuni Street, Suite 1014B2  
Hilo, Hawai'i 96720  
Telephone: (808) 935-7844  
Fax: (808) 961-9727  
[www.kuikahi-mediation.org](http://www.kuikahi-mediation.org)

West Hawai'i Mediation Center  
P.O. Box 7020  
Kamuela, Hawai'i 96743  
Telephone: (808) 885-5525  
Fax: (808) 887-0525  
[www.whmediationcenter.org](http://www.whmediationcenter.org)

# How To Prepare For Mediation

**Effective mediation requires two-way communication. Most importantly, this means:**

- Cooperation; and
- Flexibility.

**The following suggestions will help you to do your part to reach a fair 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 to the past;
- Express yourself fully to help others understand your needs;
- Listen carefully to others to understand their needs;
- Bring relevant documents to the mediation.



Prepared by:

**The Center for Alternative Dispute Resolution**

Hawai'i State Judiciary

417 South King Street, Room 207

Honolulu, Hawai'i 96813

Phone: (808) 539-4ADR (4237)

Fax: (808) 539-4416

Visit the Center's Homepage for other publications and information: [www.courts.state.hi.us/cadr](http://www.courts.state.hi.us/cadr)