



# The Mediation Center of the Pacific, Inc.



**Fiscal Year 2016-2017  
ANNUAL REPORT**

**FY 2016-2017  
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## Resolving Conflicts and Strengthening Hawaii's Communities



Fiscal Year 2016-2017 (FY1617) was another year of growth for the Mediation Center of the Pacific (MCP). The Board of Directors and staff implemented the new strategic plan, including creating a new Board of Advisors comprised of business and community leaders, initiating an Early Access Landlord-Tenant Mediation Program, strengthening current programs and growing the Training Program. An even larger volume of cases than the prior year were managed, including mediating sixty-nine more cases at



MCP's offices. The staff continued to implement new procedures and policies to increase accessibility to quality services through MCP, including adding a phone interpretation service during the intake of mediations involving individuals whose primary language is not English, as well as including interpreters during the mediation process.

Thanks to the support of the Friends of Hawaii Charities, the Bretzlaff Foundation, Hawaii Justice Foundation and a Community Redevelopment Grant, work commenced on the Early Access Landlord-Tenant Mediation Program (EAM) in early 2017. To encourage landlords and tenants to mediate early, before going to court, a speakers' bureau comprised of mediators and staff was created to conduct presentations throughout Oahu to landlords, tenants, property managers, and other organizations and businesses working with landlords and tenants. Partnerships were created with Catholic Charities, the Institute for Human Services and Veterans groups to establish a direct referral process to MCP and the groundwork was laid for offering services directly within West Oahu Communities. These efforts will ultimately help landlords and tenants address their differences early so that agreements will result in either allowing the tenant to remain in their unit or alternatively, be provided with sufficient time to identify a new place to live before moving out.

The divorce mediation program was strengthened with the implementation of the new policy that requires divorcing couples with children to complete and submit draft co-parenting plans prior to their mediation sessions focusing on the children and draft Asset & Debt Statements prior to mediation sessions focusing on property division. The policy helped mediators to more effectively strategize the best approach for assisting the divorcing couples, as well as helped the mediation participants to be more focused on the issues to be addressed in each session.

And finally, to encourage more people to learn and incorporate mediation skills into their daily lives, MCP expanded training opportunities by moving the Basic and Advanced Mediation Trainings to a larger training facility where more participants could be accommodated, and re-instating the popular Mediation Skills for Managers Training as a regular training offered to the public throughout the year. As a result of these efforts, two hundred thirty-three people participated in forty-four hours of training, from girl scouts to business and healthcare professionals, leadership groups and visitors from Washington, California and Japan. MCP is grateful to the Hawaii USA Federal Credit Union for the use of its community room where several of the trainings were conducted.

It is thanks to the dedicated volunteer mediators who unhesitatingly agreed to mediate when called upon, at times more than once in the same week due to the high volume of cases that MCP experienced in the later part of the year, and the extremely generous supporters whose gifts have enabled MCP to strengthen programs and operations, that MCP served even more people and initiated new programs to meet community needs in FY1617. We are grateful to everyone. Together we are creating more civil, peaceful and stronger communities throughout Oahu.

# Mahalo for Your Support

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***Bringing people together to talk and resolve their differences***

Referral Source	Mediated: Agreement	Mediated: No Agreement	Closed	Pending	Total
Circuit Court	6	4	6	4	20
District Court	327	445	4	8	776
Family Court	113	62	32	57	264
AOAO/HOA	0	0	1	0	1
Attorney	36	32	51	32	151
Community/Social Service Agency	5	1	6	3	15
DOE	11	2	6	1	20
Family/Friend	11	5	25	1	42
HCRC	14	8	1	6	29
Police	0	0	2	1	3
Public Defender	0	0	1	0	1
Self	76	45	193	28	342
Other	34	4	38	8	84
<b>TOTAL *</b>	<b>633</b>	<b>608</b>	<b>366</b>	<b>141</b>	<b>1,748</b>

\* Includes pending cases carried over from prior year

**OUTCOMES \***

**OUTPUTS**

Mediation is useful process	96%	Number of mediation hours	3,949
Would use mediation again	83%	Number of mediation sessions	1,339
Mediation clarified my issues	81%	Number of people served through mediation & training	6,069
Mediation improved communication	68%	Number of hours in training & education	233

\* Reported by mediation participants through written surveys completed at the end of each mediation

Permanently restricted funds are the Harry and Jeanette Weinberg Foundation endowment of \$1,000,000 and the Earl and Margery Chapman Foundation match of \$300,000.

**\* NOTE: Based on audited financial statements.**

July 1, 2016 to June 30, 2017		Prior Year
<b>Revenue &amp; Support:</b>		
Contributions:		
Donated services	552,677	495,732
Unrestricted contributions	<u>79,067</u>	<u>78,300</u>
Total contributions	631,744	574,032
Government contracts	237,039	233,804
Program service fees	164,949	365,413
Net assets released from temporary restrictions	103,586	78,736
Special events, net of direct cost	59,180	80,445
Other revenue and support	1,597	<u>705</u>
<b>Total Revenue &amp; Support</b>	<b>1,198,095</b>	<b>1,333,135</b>
<b>Expenses:</b>		
Mediation services	1,055,781	1,164,707
Management and general	79,366	67,726
Fundraising	35,573	23,145
<b>Total Expenses</b>	<b>1,170,720</b>	<b>1,255,578</b>
<b>Change in Net Assets</b>	<b>27,375</b>	<b>77,557</b>

Statements of Cash Flows		
	As of June 30, 2016	Prior Year
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Increase in net assets	\$167,935	\$ 76,358
Depreciation	10,498	9,372
Net realized gains (losses) on investments	(43,866)	29,064
(Increase) decrease in:		
Pledge receivable - net		50,000
Accounts receivable - net	9,554	(11,627)
Prepaid expenses and other current assets	(675)	(4,192)
Increase (decrease) in:		
Accounts payable	8,013	2,804
Accrued Liabilities	2,763	867
Net cash provided (used) by operating activities	<u>154,222</u>	<u>152,646</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Sales of Investments	350,000	371,217
Purchase of Investments	(450,000)	(398,900)
Reinvested Dividends	(35,701)	(34,616)
Additions to Property and Equipment	(20,138)	
Net Cash Used by Investing Activities	<u>(155,839)</u>	<u>(62,299)</u>
<b>NET INCREASE (DECREASE) IN CASH</b>	<u>(1,617)</u>	<u>90,347</u>
<b>CASH – Beginning of the year</b>	<u>435,477</u>	<u>345,130</u>
<b>CASH – End of the year</b>	<u>\$433,860</u>	<u>\$435,477</u>

## OUR MISSION AND SERVICES

MCP is a not-for-profit, Aloha United Way Agency. For 38 years, MCP has served Oahu's communities by offering high quality mediation and dispute resolution services, including mediation and conflict resolution training for individuals, organizations and businesses.

The underlying goals of the mission are:

- **ACCESS:** to ensure that high quality alternative dispute resolution services are accessible to groups and individuals in all of Oahu's communities, focusing on those communities that are underserved.
- **OUTREACH:** to promote broad community understanding and use of alternative dispute resolution by providing and supporting training, awareness and educational activities in varied organizational and community settings.
- **QUALITY:** to continually improve the quality of dispute resolution services through training, evaluation and revision.
- **SELF SUFFICIENCY:** to broaden community support and representation, secure multiple sources of funding, and provide adequate resources for its operations, programs and its most valuable asset – the volunteers.

MCP's purpose has been identified as "building stronger communities through families, schools, the workplace and neighborhoods by reducing conflict; building collaboration; improving communication; teaching skills in managing conflict and self sufficiency; and providing a model of practice for conflict resolution."

To accomplish its mission, MCP offers six key programs, including Community Mediation; Specialized Mediation; ACCESS ADR; Schools and Youth; Access to Justice; and Training.



### COMMUNITY MEDIATION

The Community Mediation Program provides mediation services for a broad variety of cases involving relationships between neighbors, co-workers, families and friends. To support the mission of providing affordable services, MCP has developed an excellent recruitment and training system, enabling it to rely upon a pool of approximately 150 professional mediators who volunteer their services. To be eligible to mediate cases in the Community Mediation Program, every mediator is required to complete approximately 50 hours of training, mediate ten cases with mentor mediators, and be successfully evaluated for mastery of basic skills. After completion of their Apprenticeship, mediators are required to complete 20 hours of continuing education annually. Services offered through the Community Mediation Program include:

- **Consumers and Merchants:** Billing disputes, contract clauses, poor merchandise or service and similar issues are referred from Hawaii's Regulated Industries Complaints Office (RICO), Hawaii Better Business Bureau (BBB) and others.

- **Landlord/Tenant**: Disputes regarding payment of rent, security deposits and damage can be resolved directly at MCP rather than filing a complaint at District Court.
- **Employment/Job Related**: Workplace conflicts arising between co-workers from personality clashes, employment disagreements, discipline, office atmosphere, downsizing, and cultural or generational differences are referred to mediation by Human Resource Professionals, Management or others.
- **Family Business Disputes**: Small family owned businesses often foster unique problems from blending personal and business ties. Through mediation, agreements can be reached and relationships preserved.
- **Neighbors**: Barking dogs, over-hanging trees, vehicle parking, smoke and noise are just a few of the issues that may be mediated between neighbors. Cases are self-referred, as well as through the courts, police, friends and neighborhood boards.
- **Temporary Restraining Orders (TROs)**: Friends, neighbors, classmates, and co-workers may request District Court to issue a TRO. When appropriate, cases are referred by the courts to mediation. The mediators assist the parties in resolving the underlying issues or defining clear boundaries to limit contact and stay away from each other.
- **District Court Mediations**: MCP provides mediators on-site at District Court for all pending lawsuits in Small Claims Court and Summary Possession matters, as well as for select TRO cases.



### **SPECIALIZED MEDIATION**

The Specialized Mediation Program provides mediation services in areas such as divorce, custody, child guardianship, adult guardianship, caregiving, civil rights, condominium, real estate, mortgage foreclosure and special education. Mediators who provide services through the Specialized Mediation Program are experienced mediators who have completed additional specialized training or were recruited for their subject matter knowledge in that area and then completed an accelerated mediation training focused solely in the specific area. The training curriculum in each area includes the policies, protocols and laws governing the respective area, as well as modifications to the basic mediation model designed to assist parties in reaching resolutions on the issues unique to the area. The mediators are required to participate in workshops, trainings and updates to remain current in the specialized areas. The areas include:

- **Divorce**: Mediators assist parties with property division, child custody and visitation, spousal support and other issues involved in marital separation. Mediators also help the parties improve communication, develop “Co-parenting Plans”, and work through the divorce decree to ensure that they have addressed all issues to finalize the uncontested divorce on their own.
- **Custody**: Mediators assist unmarried couples with children to address issues of custody and visitation, where the child(ren) will live, the child’s name and medical insurance coverage. These services are offered at MCP and on-site at Family Court.
- **Child Guardianship**: Mediators assist families in dispute regarding who should hold custody of and make decisions for the child(ren) when their biological parents are no longer able to.
- **Adult Guardianship**: Mediators assist families in dispute regarding who should make decisions and care for their elder family member.

- **Kupuna Pono**: Family conferences and mediation provide elders and their families with the opportunity to talk through sensitive issues with the assistance of impartial facilitators and mediators to create custom family plans that meet the unique needs of the elder and other family members.
- **Civil Rights**: MCP receives referrals from the Hawaii Civil Rights Commission (HCRC) and Legal Aid Society of Hawai'i involving various types of workplace, housing and merchant discrimination complaints.
- **Condominiums**: Disputes arising between owners, board members, property managers, resident managers, vendors and others relating to condominium or homeowner associations. Issues include violations of house rules, by-laws, declarations and more.
- **Family Estate Planning**: Decisions about property division, loans, asset management and appointment of trustees.
- **Real Estate**: Disputes between buyers, sellers and real estate agents involving sales, rentals and encroachments.
- **Mortgage Foreclosure**: Neutrals assist lenders and borrowers of owner-occupied residential property in both Judicial and non-Judicial foreclosures.
- **Special Education**: MCP offers mediation services to assist parents of children with special needs and schools to resolve conflicts and promote collaboration.

### **ACCESS ADR**

MCP maintains a separate panel of independent contractor mediators and facilitators referred to as the ACCESS ADR (Affordable and Accessible Dispute Resolution Options) program. The panels were created in response to requests from clients who desire access to affordable services with the option of: 1) reviewing the background and selecting the dispute resolution professional to meet their specific needs; and 2) designing the process or approach to best address the situation such as pre-meetings, pre-mediation statements, longer sessions and other process modifications that are not typically part of MCP's mediation process. Clients pay an hourly fee for the services.

### **SCHOOLS AND YOUTH**

Over the years, MCP has worked with public and private schools as well as youth groups to encourage the use of conflict resolution and mediation skills at an early age. Services include training and workshops for adults and youth, consultation, mediation and facilitation. Additionally, MCP creates opportunities to support the development and preservation of young mediators and peer mediation programs in the schools through collaborations with the Hawaii Association of Conflict Resolution (ACR Hawaii), the Hawaii State Judiciary's Center for Alternative Dispute Resolution (CADR), the University of Hawaii's Program on Conflict Resolution, and other professional mediators, to host the annual Statewide Peer Mediation Conference for middle/intermediate and high school student peer mediators.

## ACCESS TO JUSTICE

Since its creation in 2008, the Hawaii Access to Justice Commission has worked to increase legal assistance for the low-income and gap group populations in the State. MCP works closely with many of the civil legal service providers including Legal Aid Society of Hawaii and Volunteer Legal Services of Hawaii to assist these populations. MCP is the only low-cost alternative dispute resolution option for individuals in the low-income population on Oahu.

MCP is fortunate to have an endowment from the Harry and Jeanette Weinberg Foundation that supports the provision of services to individuals in the low-income population. In addition, MCP is a recipient of funding from the Hawaii State Judiciary's Indigent Legal Assistance Fund (ILAF) that supports the provision of dispute resolution services to members of the indigent population.

## TRAINING

Throughout the year, MCP offers training in conflict resolution, mediation and facilitation to the public, government agencies, non-profit organizations, businesses and the military on a fee-for-service basis. These training services support the goals of improving Self-Sufficiency and Outreach and generate revenue to support MCP's operations. Through the trainings, hundreds of individuals develop a better understanding and use of conflict resolution and mediation skills for preventing and resolving conflicts within their respective organizations and communities.



## **YEAR IN REVIEW: 2016 - 2017**

In fiscal year 2016-2017 (FY16-17), MCP served a total of **6,069** people through its mediation and training programs including managing **1,748 cases** and conducting **233 hours of trainings and workshops** for mediators, individuals, businesses and various organizations. These accomplishments were made possible through the dedication of the approximately **160** facilitators, mediators, trainers, Board members and others who donated **5,135.25 hours** of their time to assist Hawaii's people in preventing and resolving conflict.

To show the value of MCP's services, a Social Return on Investment analysis was conducted by the Community Services Analysis LLC in late 2016. The analysis was conducted for a year-long period ending on 6/30/16, and was based on the number of clients and the types of mediation and dispute resolution matters handled by MCP during the year. The analysis showed that the total net value for the people of Hawaii resulting from the immediate and long-term impacts from the services provided by MCP during the year was \$7,444,000. This value was determined by assessing the fair market replacement cost of the mediation and dispute resolution services provided by MCP, if MCP didn't exist. Equally significant is the fact that, for every \$1 invested in MCP programs, \$8.76 was delivered in immediate and long-term consequential financial benefits to the citizens of Hawaii

The analysis reinforced that in addition to the short-term outcomes achieved through mediation of enabling people to work through their differences quickly and cost-effectively, MCP services have significant long-term outcomes as well. Families and communities are strengthened, and the State benefits from the savings in community supports costs, reductions in community medical care expenses, additional community income and taxation revenues from benefit programs, savings in housing and support costs for homeless families, and savings in community law enforcement, court systems, and other government agency costs. In other words, MCP is a critical resource for Hawaii's communities.

### **Community, Specialized Mediation and ACCESS ADR Services**

In FY16-17, MCP continued to provide mediation services for a broad variety of disputes under the Community, Specialized and ACCESS ADR Programs, including domestic, special education, family, landlord/tenant, condominium, civil rights, consumer/merchant and a variety of others. Of the **1,241** cases mediated (an increase of 68 cases from the prior year), **51% resulted in written agreements overall**. A few of the comments from the mediation participants include:

***"Very helpful, I'm extremely happy that we did this."***

***"I would highly recommend mediation for all families going through difficult times."***

***"The mediators were very helpful through this process. This has really reduced stress and helped our process move forward. MAHALO, MAHALO."***

***"Information that was discussed and worked out with the mediation team was very, very helpful. I strongly feel as though, without mediation, my divorce would have carried on for more than a year. "***

## In-House Training

To ensure that the mediators maintained high quality skills as well as subject matter knowledge in the specialized areas, **189 hours of internal trainings and workshops** were conducted in FY16-17 including: divorce mediation; family conferencing; basic and advanced mediation; military divorce; paternity mediation; child support; parenting plans; TRO mediations; Challenges; Elder Mediation; and Landlord-Tenant Mediation. In addition, other mediator gatherings such as a mediator potluck, Brown Bag Gatherings to share experiences and best practices, and the Mediator Recognition & Holiday Gathering were held to thank the mediators and supporters for all of their excellent works and generosity throughout the year.



MCP is grateful to the mediators and outside experts who contributed over **404 hours** of their time to assist with the trainings and workshops conducted throughout the year including: **Judge Riki Amano (Ret.), Charlene Anaya, Professor John Barkai, Daniel Bent, Pat Brandt, Elizabeth Kent, Kristen Bryant, Ned Busch, Louie Chang, Jerry Clay, Linda Colburn, William Darrah, Tom DiGrazia, Kale Feldman, Jessi Hall, Constance Hassell, Dr. James Hoenig, John and Kim Holzman, Iris Ito, Sandra Jordan, Doug Kaya, Jo Ann Kocher, Roberta Lee-Driscoll, Dee Dee Letts, Tom Mitrano, Judge Victoria Marks (Ret.), Bruce McEwan, Mei Nakamoto, Philip Nerney, Ron Oster, Seth Reiss, Dr. Craig Robinson, John Stallman, Tom Stirling, Owen Tamamoto, Eugene Villaluz, Bill Watts and Jana Wolff.**



## Schools and Youth

In early 2017 MCP collaborated on a training with the Judiciary and the local Girl Scout Troops to provide three hours of workshops in negotiation, conflict resolution, mediation and the court system, for 46 Girl Scouts. Following their participating in the workshops, each scout earned a “mediation” badge.

MCP once again collaborated with Mediation Works, ACR Hawai`i, the Hawai`i Department of Education, Hawai`i State Judiciary’s Center for Alternative Dispute Resolution, Matsunaga Peace Institute’s Program on Conflict Resolution and private mediators to host the 30th annual Statewide Peer Mediation Conference held on February 17, 2017 at the University of Hawaii Campus Center Ballroom. More than 40 students and adults from 3 high schools from Oahu and Kauai participated. The Conference theme – “Can We Talk... and Listen?” – offered interactive sessions and discussions on improving communication for the students as mediators, as well as for the students as individuals in their personal lives.

## Access to Justice

With the continued support of the **Harry and Jeanette Weinberg Foundation** endowment, **Hawai'i Justice Foundation**, **Pettus Foundation**, **Bretzlaff Foundation**, **individual contributions** and the proceeds from the annual Under the Mediation Moon fundraiser, MCP continued to provide low and no-cost services for clients in the low income and vulnerable populations. To support the provision of increased services to these populations, MCP remained actively involved with the Consortium of Legal Service providers, and the Access to Justice Commission and its various committees.



Mediator Erika Ireland was recognized by MCP at the Pro Bono Celebration for the many hours she devoted as a mediator and trainer for MCP. Executive Director Tracey Wiltgen moderated a panel with Laurie Tochiki, Erika Ireland and Loren Walker, about ***Dispute Resolution Processes That Increase Access to Justice*** at the annual Access Justice Conference. MCP staff also worked with a sub-committee to create a court navigator program for Oahu's District Courts, as well as participated in community outreach efforts to identify community needs that will ultimately be integrated into a plan with action steps to address those needs and increase access to justice for all.

## External Trainings

More than **44 hours of external trainings/workshops and presentations** were conducted for various agencies, businesses, schools and individuals including: the Department of Education; the Salvation Army; the Healthcare Workforce Summit; Project Dana; Kokua Council; Adult Foster Homes; Catholic Charities; Special Education Parent Network; and various members of the community.

To promote mediation in the area of divorce, MCP was a co-presenter for the monthly Divorce Law in Hawai'i Program hosted by the Hawai'i State Judiciary at the Hawaii Supreme Court. In early 2017, the program was expanded to Family Court in Kapolei. The presentation was conducted two to three times per month at the two sites

## Fundraising and Community Relations

To maintain sufficient funding to strengthen and support current programs, as well as develop new programs, MCP conducted two gift campaigns in early August and in December of 2017, as well as hosted the 10<sup>th</sup> Annual Under the Mediation Moon on May 2<sup>nd</sup>. Thanks to a dedicated Board of Directors and generous supporters, fundraising efforts were successful and targeted goals were achieved.



## Looking Ahead in 2017 - 2018



Led by President Steve Holmberg, in FY2017-2018, MCP's Board of Directors will continue the implementation of the Strategic Plan initiatives including strengthening programs, growing the Early Access Landlord-Tenant Mediation Program (EAM), the Kupuna Pono Program (KPP) and the training program.

With the support of Aloha United Way and the Hawaii Justice Foundation, MCP will recruit and train mediators from West Oahu communities to serve as mediators for landlord-tenant matters that arise within those communities. Special Program Coordinator Katie Ranney, working with a team of EAM mediators, will also continue outreach and education efforts to promote the Program and encourage more landlords and tenants to use mediation early, before going to court.



On April 21<sup>st</sup>, MCP will hold its annual gala, Under the Mediation Moon, at the Hawaii Convention Center. The 2018 honorees will be mediator pioneers Jerry Clay and Susan Ichinose. Both honorees are long-time mediators who completed MCP's mediation training in the early part of their mediation careers, are highly recognized mediators in complex matters in the private arena, as well as dedicated supporters of MCP and community mediation.



The MCP staff is excited to continue working with the Hawaii USA Federal Credit Union to accommodate more people in the Basic, Advanced and Mediation Skills for Managers Trainings that are scheduled for FY2017-2018. To provide more opportunities for continuing education and ensure quality services are provided for all clients, MCP is also working with the Collaborative Leader Network who graciously agreed to allow MCP to use their beautiful training room for various trainings and workshops throughout the year. MCP is grateful to Linda Colburn for facilitating this opportunity.

Throughout the year, MCP will continue working with the various legal service providers and the Access to Justice Committees to increase access to justice for all. To make mediation services more accessible, MCP's Program and Quality Assurance Committee agreed that both parties may participate via telephone or Skype, in business, small claims, workplace and landlord-tenant matters. Later in the year, MCP will explore how to implement an on-line mediation program. These initiatives will enable more people to easily participate in mediation, therefore allowing them to resolve their differences quickly and move on in their lives.

Finally, to support the outstanding mediators who give so generously of their time and talents, MCP will hold regular Brown Bag gatherings, potlucks and workshops throughout the year. These meetings provide the mediators with the opportunity to share best practices, learn from one another and revitalize with fellow mediators.

The Board of Directors and staff look forward to another exciting year of helping people talk, negotiate and resolve conflict creatively!