



THE MEDIATION CENTER OF THE PACIFIC, INC.

Annual Report

July 1, 2009 - June 30, 2010

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Team Work at Its Best....



At the start of Fiscal Year 09-10 the Mediation Center, like other businesses throughout the State, was faced with significant reductions in funding. Recognizing that mediation services were needed more than ever, the Board of Directors and staff quickly reorganized the Mediation Center's operations to focus shrinking resources on meeting growing client needs. With fewer staff and reduced hours, activities such as the annual Posters for Peace Contest, the Collaborative Leader Recognition luncheon and regular trainings and workshops for mediators were postponed. Added volunteer assistance was sought to help with answering telephones, coordinating mediations in the Client Service Department and completing administrative tasks such as website maintenance, data input and more. Thanks to everyone, Board, staff, mediators, funders and supporters, we made it work. Together we managed 1,486 mediations and assisted approximately 4,867 people to prevent and resolve their conflicts!

An outstanding Board of Directors lead by President Michael Nauyokas focused their energy and personal resources on strategic re-growth and building a stronger future for the Mediation Center. At the end of October 2009, they strategized for an entire day with the assistance of master facilitator Linda Colburn, to come up with a plan. In that plan, the Board envisioned: increased access to justice; a stronger fund raising base; development of a program to assist elders and their families; and increased training. Less than two weeks later, the Mediation Center was blessed with the tremendous opportunity of moving into the Harry & Jeanette Weinberg Kukui Center. Thanks to the dedicated staff team of Nathan, Rannette, Val and Kanoe, the move was completed over the holidays and the Mediation Center was up and running in its beautiful new location by the start of 2010.



With President Mike Nauyokas at the helm, supported by the dynamic Executive Committee of past President Chuck Hurd, Vice President Cindy Alm, Treasurer Eric Austin and Secretary Warren Haight, the Board quickly moved into "fundraising" mode. We celebrated 31 years under the "Mediation Moon", by honoring outstanding mediators who have taken mediation to new heights and new places, Peter Adler, John Barkai, Bruce Barnes, and founders Bill Burges and David Chandler. This was the biggest fundraising event in the history of the Mediation Center and a great success thanks to the leadership and generosity of President Mike Nauyokas and Past President Chuck Hurd who readily agreed to purchase the special \$6,000 table and



kick off ticket sales. While the staff breathed a sigh of relief at the end of the event, the feedback was "let's do it again next year!" So mark your calendars as the 4th annual "Under the Mediation Moon" is just around the corner on April 30, 2011. We will be recognizing mediation visionaries, Earl Chapman, Arlynn Howell-Livingston and Michael Nauyokas.

With the celebration behind us, the next steps included rebuilding the staff, growing the Board and energizing the mediators. We were fortunate to have Jessica Stabile return and jump into a quarter time Training Coordinator position. Thanks to Jessica and Mediator Program and Development Manager, Nathan Nikaido, who teamed up to create a superb menu of trainings and workshops, mediators were able to learn from a broad variety of experts valuable knowledge, skills, tools and ideas to maintain quality mediation services in the areas of: Divorce; Family; Ethics; TRO's; Small Claims and much more.

While we remained closed on Fridays to strengthen the financial base, thanks to the work of the Board, staff and mediators, 10% more cases were mediated than the prior fiscal year. Looking back, the sacrifices, downsizing and reorganization were challenging, yet all worthwhile. We began rebuilding and achieving the vision of the Board of Directors... to grow the work of the Mediation Center and help more people talk, rebuild relationships and resolve conflicts creatively.

Mahalo Nui Loa for making it all happen!



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* Serving first three-year term
** Serving second three-year term

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The Pettus Foundation
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UNDER THE MEDIATION MOON

PEACEMAKERS

(\$6,000)

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Michael F. Nauyokas, Esq.

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(\$3,000)

Ayabe Chong Nishimoto Sia & Nakamura
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(\$1,500)

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\$1,500 & Above

William Darrah

Conciliators

\$1,000 & Above

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Linda Colburn

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Ryker Wada

Bringing people together to talk and resolve their differences

FY '09-'10

Referral Source	Mediated: Agreement	Mediated: No Agreement	Conciliations	Closed	Pending	Total
Attorney	27	19	0	38	8	77
HCRC	12	8	0	5	6	31
Circuit Court	1	1	0	7	0	9
Family Court	50	43	1	45	22	161
District Court	355	401	1	21	13	791
DOE	32	3	0	14	1	50
Police	1	0	0	5	0	6
Public Defender	0	0	0	1	0	1
RICO	0	2	0	0	0	2
Family/Friend	24	10	0	54	8	96
Self	24	13	3	60	10	110
Social Service Agency	3	3	0	4	1	11
Other	22	11	3	78	12	126
TOTAL *	551	514	8	332	81	1,486

* INCLUDES CASES CARRIED OVER FROM PRIOR YEAR

OUTCOMES *

OUTPUTS

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

Mediation is Useful Process	92%	Number of mediation hours	2,737
Parties Would Use Mediation Again	86%	Number of mediation sessions	1,122
Prevent Future Problems	73%	Number of people served through Community & Specialized Mediation Programs	3,632
Improved Communication	69%	Number of hours in training & education	195

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, 2009 to June 30, 2010		Prior Year
Revenue & Support		
Contributions		
Donated services	418,529	507,207
Net assets released from temporary restrictions	93,166	86,110
Unrestricted contributions	36,588	68,220
Total contributions	548,283	661,537
Government contracts	184,977	234,418
Program service fees	96,289	102,158
Special events, net of direct cost	10,809	50
Interest & income	371	5,476
Other revenue & support	8,747	5,916
Total Revenue & Support	849,476	1,009,555
Expenses		
Mediation services	694,787	887,414
Management and general	88,482	110,394
Fundraising	10,512	7,214
Total Expenses	793,781	1,005,022
Change in Net Assets	55,695	4,533

Statements of Cash Flows		
	As of June 30, 2010	Prior Year
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	\$34,269	\$(65,085)
Adjustments to reconcile increase in net assets to net cash provided by operating activities:		
Depreciation	4,517	6,726
Net realized gains on investments	(447)	(16)
Net unrealized gains (losses) on investments	(28,098)	54,848
(Increase) decrease in:		
Accounts receivable	(16,748)	33,388
Prepaid expenses and other current assets	(4,367)	3,312
Increase (decrease) in:		
Accounts payable	(2,212)	(87,903)
Accrued liabilities	530	2,188
Net cash provided by operating activities	(12,706)	(52,542)
CASH FLOWS FROM INVESTING ACTIVITIES		
Sales of investments	724,334	869,000
Purchases of investments	(883,366)	(883,366)
Additions to property and equipment		
Additions to deposits	(1,102)	
Net cash used by investing activities	54,125	(14,366)
CASH FLOWS FROM FINANCING ACTIVITIES		
Addition to note payable		
Repayment of note payable	(1,041)	(1,041)
Net cash provided by financing activities	(891)	(1,041)
NET INCREASE IN CASH	40,528	(67,949)
CASH – Beginning of the year	<u>175,558</u>	<u>243,507</u>
CASH – End of the year	<u>\$216,086</u>	<u>\$175,558</u>
SUPPLEMENTAL INFORMATION		
Cash paid during the year for interest	\$ 285	\$ 350

The Mediation Center of the Pacific, Inc. is a not-for-profit Aloha United Way Agency that brings people together to talk, rebuild relationships and resolve conflicts creatively.

OUR MISSION AND SERVICES

The Mediation Center of the Pacific is a not-for-profit, Aloha United Way Agency. For 31 years the Mediation Center has served Oahu's communities by offering high quality mediation and dispute resolution services, including conflict resolution training for organizations and businesses.

The underlying goals of the mission are:

- **ACCESS:** to insure 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 under served.
- **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.

The Mediation Center'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, the Mediation Center offers six key programs, including Community Mediation; Specialized Mediation; ACCESS ADR; Schools and Youth; Poor and Needy; 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, the Mediation Center has developed an excellent recruitment and training system, enabling it to rely upon a pool of approximately 200 professional mediators who volunteer their services. To be eligible to mediate cases in the Community Mediation Program, each mediator is required to complete approximately 50 hours of training, mediate ten cases with mentor mediators and be evaluated for mastery of basic skills. After completion of their Apprenticeship, mediators are required to complete 20 hours of continuing education. Services offered through the Community Mediation Program include:

- **Adult Guardianship:** Families faced with the decisions such as where aging parents should live, how finances should be managed and who should provide direct care, are assisted by mediators in addressing and resolving these questions.
- **Consumers and Merchants:** Billing disputes, contract clauses, poor merchandise or service and similar issues are referred from RICO, Better Business Bureau and others.

- **Employment/Job Related**: Workplace conflicts arising between co-workers from personality clashes, employment disagreements, discipline, office atmosphere, downsizing and cultural 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.
- **Family Estate Planning**: Decisions about property division, loans, asset management and appointment of trustees.
- **Juvenile Restitution**: Victims, juveniles and the parents of the youth have the opportunity to meet face to face to work out some form of restitution.
- **Landlord/Tenant**: Disputes regarding payment of rent, security deposits and damage can be resolved directly at The Mediation Center rather than filing a complaint at District Court.
- **Neighbors**: Barking dogs, over-hanging trees, 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 others.
- **Temporary Restraining Orders (TROs)**: Friends, neighbors, classmates, and co-workers may request District Court to issue a TRO. When appropriate, cases are referred to mediation. The mediators assist the parties in resolving the underlying issues or defining clear boundaries to stay away from each other.

SPECIALIZED MEDIATION

The Specialized Mediation Program provides mediation services in areas such as civil rights, condominium, divorce, paternity and special education. Mediators who provide services in the Specialized Mediation Program are experienced mediators who have completed additional training in the specific area and have subject matter knowledge in that 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 quarterly 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 and other issues involved in marital separation. Mediators also help the parties improve communication, develop "Parenting Plans" and work through the divorce decree to insure they have addressed all issues to finalize the divorce on their own.
- **Paternity**: Mediators assist unmarried couples with children to resolve issues of custody and visitation and where the child(ren) will live.
- **Civil Rights**: The Mediation Center receives referrals from the Hawai'i Civil Rights Commission and Legal Aid Society of Hawai'i involving various types of workplace and housing 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.
- **Real Estate**: Disputes involving sales, rentals and encroachments.

- **Special Education**: The Mediation Center offers conciliation and mediation services to assist parents of children with special needs and schools to resolve conflicts, as well as facilitation of Individualized Education Plan (IEP) meetings to promote collaboration and effective meeting management.
- **Court On-Site Mediation**: The Mediation Center provides mediators directly on-site at District Court for pending lawsuits in Small Claims Court and Summary Possession matters.

ACCESS ADR

The Mediation Center maintains a separate panel of experienced facilitators and mediators referred to as ACCESS ADR (Affordable and Accessible Dispute Resolution Options). The panels were created in response to requests from clients who desire access to low-cost services with the option of reviewing the background and selecting the dispute resolution professional to meet their specific needs. Clients pay an hourly fee for the services. The mediators and facilitators are independent contractors who apply to be on the panels.

SCHOOLS AND YOUTH

The Mediation Center works with public and private schools throughout the State to create and support a culture of peaceful conflict prevention and resolution. Services provided include training and workshops for adults and youth, consultation, mediation and facilitation. Additionally, the Mediation Center creates opportunities to support the development and preservation of young mediators and peer mediation programs in the schools through collaborations with the Hawai'i Association of Conflict Resolution, the Judiciary's Center for ADR, the University of Hawaii's Program on Conflict Resolution and other professional mediators, to host events such as the annual Posters for Peace Contest for elementary students and the annual Statewide Peer Mediation Conference for middle, intermediate and high school student mediators.

POOR AND NEEDY

While the Hawai'i Access to Justice Commission has worked hard since its inception to address the growing needs of the low-income and gap group populations in Hawai'i, solutions remain complex, costly and obscure. The Mediation Center is the only low-cost dispute resolution option for individuals in the low-income population on Oahu. In addition to providing direct mediation services, the Mediation Center also conducts trainings for the poor and needy as well as for groups serving clients in the low-income population to provide them with skills that will enable them to better serve their clients.

The Mediation Center is fortunate to have an endowment from the **Harry and Jeanette Weinberg Foundation** that supports the provision of services to the poor and needy. In addition, the Mediation Center is a recipient of **ILAF Funds** that support the provision of services to members of the indigent population.

TRAINING

Throughout the year, the Mediation Center offers training in conflict resolution, mediation and facilitation to the public, businesses and the military on a fee-for-service basis. The outside training services support the goals of improving Self-Sufficiency and Outreach. Through the program, 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. All proceeds from the program directly benefit and support the Mediation Center's Community Mediation Program.

YEAR IN REVIEW: 2009 - 2010

In fiscal year 2009 - 2010 (FY09-10), the Mediation Center served **4,867 people** through its mediation and training programs including managing **1,486 cases** and conducting **195 hours of trainings and workshops** for mediators, businesses and organizations throughout the State. These accomplishments were made possible through the dedication of the more than 200 facilitators, mediators and trainers who donated **3,627 hours** of their time to assist Hawaii's people in preventing and resolving conflict.

Community and Specialized Mediation

In FY09-10 the Mediation Center continued to provide mediation services for a broad variety of disputes under the Community and Specialized Mediation Programs, including domestic, special education, landlord/tenant, condominium and civil rights. Of the **1,065 cases** mediated, **52% resulted in written agreements overall and 61% of the in-house cases resulted in written agreements** involving divorce, domestic, family and civil rights matters.

"This process was very productive and prevented further legal and court actions."

"This was a new experience for me. Communication is important and miscommunication is what brought us here."

"I am pleasantly pleased with the mediation process that immensely helped us both move toward closing our relationship in an amicable and less stressful environment. Our two mediators were especially skillful in soliciting information and moving us to an agreement. Many thanks!"

"Great! I believe this is what we needed-- the first step to a positive change in our relationship. Thanks! :)"

"It brought our family so much relief to have someone listen to both sides, and resolve the problem with no aggression toward us and other party."

To ensure that the mediators maintained high quality skills as well as subject matter knowledge in the specialized areas **100 hours of internal trainings and workshops** were conducted in FY 09 - 10 including: Basic Mediation; Advanced Mediation; Civil Rights Mediation; Foreclosure Mediation; Introduction to Divorce Mediation; Creating Parenting Plans in Mediation; Dealing With Difficult People; and the Asia Pacific Model of Mediation



To address the growing number of residential foreclosures in Hawai'i, the Mediation Center created a new foreclosure mediation pilot program. A three hour workshop was conducted for 19 mediators to initiate the project.

The Mediation Center is grateful to the professional mediators and outside experts who contributed more than **98 hours** of their time to assist with the trainings and workshops including: **Charlene Anaya, Professor Bruce Barnes, Professor John Barkai, Daniel Bent, Lou Chang, William Darrah, Judge Hillary Gangnes, James Hoenig, Elizabeth Kent, Judge Gerald Kibe, Derek Kobayashi, Dee Dee Letts, Ala Ma, Judge Linda Martell, Mei Nakamoto, Phil Nerney, Susan Park, Owen Tamamoto and Judge Barbara Richardson.**

ACCESS ADR

The Mediation Center staff and ACCESS ADR panelists provided 87 hours of mediation and facilitation services for individuals in private businesses, schools, nonprofit organizations and other organizations such as: the John A. Burns, School of Medicine; the Department of Health; the Hawai'i Humane Society; the World Café Peace Conference; Hawai'i Housing Authority; the Department of Land and Natural Resources; and the Transportation Security Administration. Issues that were addressed included: the Physician Shortage in Hawai'i; H1N1 Management; Strategic Planning; and workplace matters.

Schools and Youth



The Mediation Center once again collaborated with **MediationWorks**, **ACR Hawai'i**, the **Hawai'i Department of Education**, **Hawai'i State Judiciary's Center for ADR**, **University of Hawaii's Matsunaga Peace Institute** and **Program on Conflict Resolution** and private mediators to host the 23rd Annual Statewide Peer Mediation Conference on February 26, 2010. More than 90 students from throughout the State participated. The Conference format involved facilitated discussions that focused on generating ideas to support Peer Mediation Programs and current issues of technology. This format was extremely successful in helping the students discuss

challenging issues such as how to address different types of conflicts that arise in their respective schools and how to develop guidelines for the use of social media such as Face Book.

Poor and Needy

With the continued support of the **Harry and Jeanette Weinberg Foundation** endowment, **Hawai'i Justice Foundation** and the **Pettus Foundation**, the Mediation Center was able to continue providing services to the growing number of clients in the low income and vulnerable populations.

To support the provision of increased services to these populations, the Mediation Center remained actively involved with the Consortium of Legal Service providers, the Access to Justice Commission and its various committees. Efforts included work to increase pro bono services, including participating in a Pro Bono Fair and presenting two workshops at the annual Access to Justice Summit in June.

To address current community needs, the Mediation Center developed the pilot foreclosure mediation program, continued laying the foundation for a comprehensive program to address issues involving elders and their families and worked with VLSH to grow the Parenting Plan program.

Training



Ninety-five hours (95) of trainings and workshops were conducted for various agencies, businesses, schools and individuals including: the Department of Education; the Statewide Student Leadership Conference; the Access to Justice Summit; Foster Family Alliance; Family Programs Hawai'i; Chaminade University; Keolahou Youth Services; and various individuals including attorneys, human resource and business professionals.

The Mediation Center staff also taught a Mediation Workshop for the University of Hawaii's William S. Richardson School of Law from August through October. Finally, three separate forums focusing on issues impacting elders and their families were provided for diverse audience in collaboration with ACR Hawai'i and the ADR Section of the Hawai'i State Bar Association.

Fundraising and Community Relations

Thanks to a pro-active Board of Directors and generous supporters, fundraising efforts were increased this fiscal year to offset the reduction in funding from the Judiciary, Aloha United Way and the Endowment. The Mediation Center was fortunate to be one of the beneficiaries of the proceeds generated from the retirement party for Judge Victoria Marks at the start of 2010. Additionally, the celebration of the Mediation Center's 30 years of providing quality mediation services to Hawaii's communities at the 3rd Annual ***Under the Mediation Moon*** in May, raised additional funds to support Community Mediation and increased access for individuals in the low income and underserved populations.



Looking Ahead in 2010 - 2011



Fiscal Year 2009 – 2010 was a transition year for the Mediation Center. Thanks to the dedicated teamwork of the Board of Directors, mediators, staff, volunteers and many contributors who believe in mediation, we were able to meet growing community needs with fewer resources. In FY 2010–2011, we continue to build on the vision and foundation laid by the Board of Directors in FY 2009-2010, to increase access to justice, strengthen the Mediation Center's financial base,

expand training and design processes to meet current community needs including issues encountered by elders and homeowners facing foreclosure.

Ongoing ambitious fundraising efforts inspired by Emeritus Directors Mike Nauyokas and Susan Lampe, have allowed us to further re-grow staffing with the additions of morning receptionist Theo Fujiyoshi and afternoon receptionist Sarah Vick. With a strong team moving full steam ahead, we were able to implement a pilot TRO mediation program at District court. Thanks to the leadership of Emeritus Director Chuck Hurd, the program to assist elders and their families continues to grow through the coordination of public symposiums; training for mediators; and the development of partnerships with key resources in the community. Additionally, now that the transition into our new home at the Harry & Jeanette Weinberg Kukui Center is complete, we are working to further integrate services with fellow tenants to better serve the community.



Together, with a visionary Board of Directors, staff, mediators, contributors, supporters and fellow tenants, in FY 10-11, the Mediation Center will play an even bigger role in helping people talk, rebuild relationships and resolve conflicts creatively in Hawai'i.

The Mediation Center of the Pacific, Inc. is a not-for-profit Aloha United Way Agency that brings people together to talk, rebuild relationships and resolve conflicts creatively.