

Fiscal Year 2020-2021

GROWING QUALITY MEDIATION SERVICES FOR ALL



The Mediation Center of the Pacific
ANNUAL REPORT

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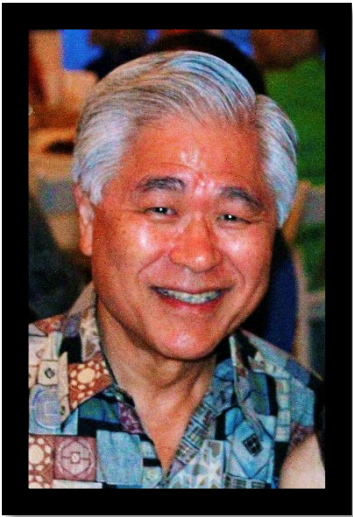
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Together We Made a Difference!



Henry Ford once said “Coming together is a beginning. Keeping together is progress. Working together is success.” These profound words truly reflect the work of The Mediation Center of the Pacific (MCP) over the past 2020-2021 fiscal year (FY20-21). Thanks to the generous support and involvement of many, MCP remained strong, enabling it to provide much needed dispute resolution services for all. In fact, because of the pandemic, MCP’s

services were needed more than ever. During the recently ended year, MCP achieved a significant milestone of serving more people than in any prior year in the 43-year history of the organization.

Thanks to the generous support of private foundations and individual donors, MCP was able to successfully expand current programs, as well as create new programs in response to changing community needs and novel issues created by the pandemic. Court referrals to MCP were higher than in the past, the number of attorney referrals doubled, self-referrals increased by more than 40%, and referrals from social service agencies increased by more than 90%. It is also noteworthy that in addition to serving more people this past fiscal year, the percentage of people in the low-income and vulnerable populations also increased significantly. While typically 50% to 53% of MCP’s clients are in the low-income population and approximately 23% are indigent, this past year, approximately 85% were in the low-income population and approximately 32% were indigent. With increased staffing, additional mediators, strong partnerships, a spacious building, the addition of videoconference equipment, and lots of flexibility, services were made accessible for all.

The fact that MCP’s caseload grew exponentially in FY20-21, serves as a strong indicator that MCP’s services are needed more than ever. Nonprofit organizations like MCP play a vital role in building healthy communities by providing critical services that contribute to economic stability and mobility. When a crisis occurs, the services of nonprofits are typically needed even more. Non-profit expert Llima Ibrisevic noted that to truly succeed, in good times and more so in challenging times, a nonprofit must be financially stable, with a passionate volunteer base, and committed and strong leadership – among other things. It is precisely for these reasons that MCP was able to succeed and grow last year. Everyone played an important role. The volunteer mediators who continued mediating despite learning a new approach via Zoom. The funders who continued giving and offered flexibility with the funds they awarded. The unique collaborative groups MCP had the privilege to work with throughout the year. And the dedicated Board of Directors led by strong leadership, who trusted the staff and tirelessly raised needed funds to keep the organization going in the most strenuous of times. Together, they enabled MCP to make dramatic change and growth happen. We are so grateful to everyone, and we look forward to an even busier year in FY21-22!

Sidney Ayabe
President

Tracey S. Wiltgen
Executive Director

ACCOMPLISHMENTS IN FY2020-2021

MEDIATION	OUTCOMES
Cases Opened	2,971
Cases Mediated	838
Mediated Agreements	44%
Total Cases Managed	4,069
Domestic Cases Opened	803
Domestic Cases Mediated	502
Agreements Reached in Domestic Cases	43%
Landlord-Tenant Cases Opened	1,712
Landlord-Tenant Cases Mediated	175
Agreements Reached in Landlord-Tenant Cases	47%

OUTCOMES

OUTPUTS

Mediation is useful process	83%	Number of mediation hours	5,278
Would use mediation again	90%	Number of mediation sessions	1,092
Mediation reduced stress in my life	75%	Number of people served through mediation & training	3,466
Mediation improved communication with the other person	74%	Number of hours in training & education	235

“Thank you. Now I feel I’m going to be ok and will be able to navigate through the divorce with clarity and peace.”

Divorce Mediation Participant

“THE QUALITY OF OUR LIVES DEPENDS ON NOT WHETHER OR NOT WE HAVE CONFLICTS, BUT ON HOW WE RESPOND TO THEM.”

– Thomas Crum –

The ongoing Coronavirus pandemic increased the stress level in everyone’s lives. Job loss, sheltering in place, remote-schooling children at home, and soaring infections due to the delta variant fueled emotions and accelerated conflicts to extreme divisiveness and positions. The dedicated MCP mediators and staff persevered, helping frustrated parties navigate the new technology of Zoom to work through their issues in a virtual mediation process.

Nonprofit consultant Peter Brinckerhoff stated that “the first rule of not-for-profits is mission, mission, and more mission.” As a nonprofit that has always lived by its mission of providing high quality mediation and dispute resolution services that are affordable and accessible for everyone, it became clear that MCP needed to do more to ensure services were truly accessible for all during the pandemic. The spacious new building enabled the MCP staff to quickly return to work and offer limited in-person mediation sessions, while still social distancing and remaining safe. However, the efforts didn’t stop there. Recognizing that not everyone was comfortable with in-person mediations (including mediators as well as clients), with the generous help of private foundations, MCP purchased and outfitted every mediation room with videoconference equipment. With the equipment in place, MCP became accessible for those without equipment or technological know-how. They could easily and safely participate in a videoconference mediation from a private mediation room at MCP, with support from the staff.

The adaptations to make services accessible were implemented at the perfect time. The number of court referrals continued to steadily increase in the traditional areas of domestic, consumer-merchant, and small claims, while self-referrals to address new issues created by the pandemic in the areas of family, workplace, and landlord-tenant, also grew.

“Aloha to the mediators. Their patience was extraordinary, and so necessary. They are expert listeners. Thank you so much for everything. I finally got a good night’s rest. God bless you for making this happen. Mahalo and aloha very much.”

Workplace Mediation Participant


Domestic Mediation

Requests for domestic mediations involving divorcing, divorced, and unmarried couples with children, continued to increase in FY20-21. In fact, the number of self-referrals surpassed the number of court referrals due to conflicts regarding the care of the children during the pandemic. 803 new domestic cases were opened, reflecting an increase of 119 new domestic cases from the prior year. 43% of the 502 cases that were mediated resulted in agreements.

Monthly domestic mediator Brown Bag gatherings were coordinated for the domestic mediators to provide them with the opportunity to share best practices and brainstorm ideas for overcoming challenges. In addition, a new two-part workshop series for domestic mediators was created and conducted by Board Director William Darrah to strengthen mediator understanding of divorce law and how to integrate the law into the mediation sessions.


Landlord-Tenant Mediation

With the eviction moratorium in place, increased tension and distrust grew between landlords and tenants. MCP collaborated with the State Rental Assistance Program in the later part of 2020, and again with Catholic Charities of Hawaii's Rental Assistance and Mediation Program in early 2021, to offer mediation to tenants and landlords. And while several hundred tenants expressed interest in mediation when contacted by MCP, many determined mediating wasn't necessary once they received rental assistance. Despite the initial low response to using mediation, the process increased awareness about mediating early, before going to court, and laid the foundation for the State Eviction Mediation Program that was developed at the end of the fiscal year in response to the creation of Act 57. Altogether 1,712 new landlord-tenant cases were opened in FY20-21, and of the 175 cases that were mediated, 47% resulted in agreements.



"It [mediation] has helped keep the peace between Joseph and I so we don't get heated when discussing these important issues, especially our daughter's custody and care."

Custody Mediation Participant



"Thank you for helping me resolve my issues. Without your help I wouldn't have the confidence to face my problems and try to improve it. I was really nervous at first, but after I felt really happy and positive and confident to get another chance to get help."

Tenant in a Landlord-Tenant Mediation

"I wish to extend a special 'mahalo nui loa' to the mediators for helping my family keep our dialogue on track, especially during the critical moments of friction, yelling and having the ability to restructure the discussion by moving participants out and back into the room. I would like to continue with an ongoing mediation process which will solidify a structure within our family to provide the best care that we can for our aging mother."

Family member in an Elder Mediation

Kupuna Pono

Despite the challenges of facilitating difficult conversations via Zoom, families continued to seek the assistance of MCP through the Kupuna Pono Program (KPP) to engage in discussions regarding the care and support of elderly family members. In FY20-21, 32 new KPP cases were opened. 67% of the families that participated in a mediation or family conference were able to create an agreement or family plan to support the needs of their kupuna.

Training

To continue teaching more people mediation skills and to help current mediators sharpen their skills, MCP's trainings were transitioned to Zoom. 122.25 hours of trainings and workshops were conducted for the mediators in the areas of: Divorce; Basic and Advanced Mediation; Family Conferencing; Landlord-Tenant Mediation; Online Mediation; Tools and Tips for Creating Time-Sharing Plans During a Pandemic; Implicit Bias Training; Understanding the LGBT community; and Understanding Alimony. An additional 112 hours of trainings, workshops and presentations were conducted for various agencies, businesses, schools, and individuals, including: Catholic Charities; the Hawaii Business Leadership Conference; St. Francis Senior Group; Hawaii Association of Realtors; Fidelity Property Managers; Partners in Care; Project Dana; the Rotary Club of Honolulu; Windward Oahu Eviction Diversion Program; St. Francis Wellness and Care Group; HHCR; National Association of Property Managers; and UniteHawaii. MCP also transitioned the monthly Divorce Law in Hawai'i Program to the Zoom platform. The program is now available statewide, hosting 27 - 35 participants monthly.

"Totally enjoyed this class... Training is perfect for beginners like me to mediators who may desire a refresher course."

Basic Mediation Training Participant

AMAZING PARTNERSHIPS

“Individually, we are one drop. Together, we are an ocean.”

-Ryunosuke Satoro-

Over the years, MCP has been fortunate to collaborate with a broad array of dynamic partners in the nonprofit, government, healthcare, and business arenas, to create strong programs and deliver quality services. Those past relationships, as well as new partnerships that were formed in FY20-21, were invaluable in navigating the challenges created by the pandemic and determining how to best meet community needs. Linking resources, sharing ideas, and providing moral and mental support for one another, kept everyone focused on the important work that needed to be done. The regular meetings and many hours of brainstorming ultimately became the catalyst that moved mediation to the forefront to assume a key role in assisting landlords and tenants impacted by the pandemic.

The Housing Sub-Committee on COVID-19 and housing, comprised of government, private foundation, nonprofit, academic, and private industry from throughout the State, as well as individuals who had experienced housing insecurity, gathered input from other stakeholders and created a lessons-learned white paper with recommendations of what to consider for future relief and emergency response efforts. One of those recommendations included investing in mediation for people facing eviction once the eviction moratorium was lifted.

The Eviction Diversion Committee initiated by Representative Nadine Nakamura and Representative Troy Hashimoto, developed a plan that would prevent a flood of evictions in the courts when the moratorium on evictions was ended. The group was also comprised of various stakeholders including representatives for landlords, tenants, property managers, mediation, nonprofits, rental assistance programs, the Judiciary, government, and more. Conversations to support the needs of landlords and tenants and keep them out of court when the moratorium ended, were challenging. To the credit of all, a plan was agreed upon to present to the legislature. That plan was incorporated into HB 1376.

The Ko‘olau Housing Hui created by the Harold K. Castle Foundation and comprised of organizations from Windward Oahu communities including KEY project, Waimanalo Health Center, and Institute for Human Services, as well as Legal Aid Society of Hawaii, MCP, Catholic Charities of Hawaii, the Council for Native Hawaiian Advancement, and others, devised plans and strategies for connecting tenants in Windward Oahu Communities with the resources they needed. Resources ranged from rental assistance to legal support, financial counseling, mediation, and more.

The Resources Committee led by Partners in Care and the State Office on Homelessness, convened various stakeholders weekly to identify resources that could support tenants, as well as implement steps that would encourage more tenants to access rental assistance and mediation.

The combined positive energy and willingness of the many individuals who tirelessly met and worked together on these various committees, ultimately resulted in creative strategies that positively impacted Hawaii’s communities and took mediation to an entirely new level. A Chinese proverb states “when the winds of change blow, some people build walls and others build windmills.” These partnerships truly built windmills that energized people and resulted in more mediations!

FINANCIAL STATEMENT

July 1, 2020 - June 30, 2021	Current Year	Prior Year
Revenue & Support:		
Contributions & Grants without donor restrictions	\$1,397,770	719,648
Government Contracts	339,288	316,704
Program Service Fees	268,022	182,321
Gain on forgiveness of SBA PPP loan	88,900	
Net Assets Released from donor restrictions for programs	74,124	128,991
Other Revenue and Support	353	
Total Revenue and Support	2,168,457	1,347,664
Expenses:		
Mediation services	1,570,548	1,105,411
Management and general	254,281	213,993
Fundraising	9,651	23,314
Total Expenses	1,834,480	1,342,718
Change in Net Assets		
Contributions with donor restrictions	519,367	2,678,448
Investment income from assets with donor restrictions	28	39,481
Net assets released from donor restrictions	(467,036)	(3,496,577)
Increase (decrease) in net assets with donor restrictions	52,359	(778,648)
Increase in Net Assets	779,248	2,593,884
Net Assets – Beginning of Year	5,776,988	3,183,104
Net Assets – End of Year	6,556,236	5,776,988

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LOOKING AHEAD TO FISCAL YEAR 2021-2022



Fiscal year 2021-2022 (FY21-22) will commence with new Board leadership as David Simons enthusiastically steps in as President, joined by executive team John Morris, Vice President, Emily Marr, Secretary, Lee Erwin, Treasurer, and outstanding Past President, Sidney Ayabe. MCP will also welcome new directors Judge Rebecca Copeland, Mike Cruise, and Sharon On Leng, and returning directors Justice Simeon Acoba (Ret.), William Darrah, Kale Feldman, Signe Godfrey, Jason Graves, Susan Ichinose, and Bruce McEwan. A fond aloha and mahalo will be extended to Judge Jessi Hall for her many years of service and support.

In early FY21-22, MCP will focus on implementing the new Statewide Eviction Mediation Program (SEMP), created through Act 57. Added staff and a newly recruited cadre of independent contractor mediators will be dedicated to managing the anticipated high volume of cases. These services will be provided in addition to maintaining the growing stream of cases in all other areas including domestic, condominium, workplace, civil rights, business, and special education.

Mid-year, MCP will be initiating a pilot program in collaboration with the Hawaii Humane Society (HHS) and the Honolulu Police Department (HPD) to address neighbor disputes involving barking dogs and crowing roosters. Currently, HPD receives over 700 complaints annually, involving animal noise in neighborhoods. To relieve HPD of this added responsibility and encourage communication and collaboration between neighbors, the pilot program will require all complainants to participate in mediation first before a complaint will be formally investigated.

In the latter part of the year, the Board will engage in a strategic planning process to develop a new plan and vision that will lead MCP's board, staff, mediators, and supporters through the next five years. Preparation for this process has already been initiated by the various board committees through discussions and assessments of current programs. Surveys will also be conducted, and small group discussions coordinated, to gather the input of various stakeholders to help design the new plan which will be finalized by year end.

And finally, with the hope that the number of COVID infections continues to decline and restrictions are eliminated, the Board and staff look forward to hosting the long-overdue reception and blessing of The Earl M. Chapman Mediation Center of the Pacific building. It will be a true celebration of MCP's many accomplishments over the past two years, and a recognition of the many generous donors whose gifts enabled MCP to purchase a beautiful building and make Earl Chapman's vision of having a permanent home for MCP become a reality!

