



The Mediation Center of the Pacific, Inc.



**Fiscal Year 2017-2018
ANNUAL REPORT**

**FY 2017-2018
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Early Access to Mediation



The theme of Fiscal Year 2017-2018 (FY1718) was “Use Mediation First.” To promote this important message, the Mediation Center of the Pacific, Inc. (MCP) staff and mediators invested hundreds of hours in education and outreach throughout every community on Oahu. These efforts resulted in the formation of new collaborations with other organizations, and more people gained a better understanding of how mediation works and how to access it early through MCP.



In keeping with the theme of accessing mediation early, thanks to the support of Aloha United Way and the Hawaii Justice Foundation, MCP progressed with the development of the Early Access Landlord-Tenant Mediation Program. Led by MCP’s new Special Programs Coordinator, Katie Ranney, MCP staff and mediators met with property managers, Veteran’s groups, organizations working with the newly housed homeless, church groups and more, to promote early mediation for addressing disputes between landlords and tenants. This preventative program designed to provide landlords and tenants with the opportunity to talk through their issues and negotiate creative solutions that support the needs of both tenant and landlord, is gradually being incorporated into all communities throughout Oahu. While the program is still a work in progress, the number of landlord-tenant cases continues to grow and new partnerships with other organizations, particularly in outlying communities, continues to be formed.

In FY1718, training opportunities for businesses and the community were expanded to enable more people to learn peaceful problem-solving skills. In addition to regularly offering the Basic Mediation Training, the Mediation Skills for Managers Training was added to the public offerings. This one-day training provides managers, business leaders and others, with the opportunity to learn and practice informal mediation skills that can be applied in any conflict situation. During the year, individuals from corporations and private businesses completed the training, as well as healthcare professionals with the LEND program and educators with the Hawaii Medical College. The training received high praise from the participants. More importantly, the participants agreed that the skills they learned would be invaluable to them in effectively managing and resolving conflicts they encounter in their daily work. Comments included:

“This was a great course. It showed me that I don’t have to always solve everyone’s problems. Through using mediation, employees can resolve their issues themselves.”

“This was extremely eye-opening. I learned skills that I will use in my everyday life.”

Thanks to the leadership of an outstanding Board of Directors, dedicated staff and generous mediators, funders and supporters, MCP was able to positively impact the lives of 6,590 people in FY1718. We are grateful to everyone who helped MCP accomplish so much and look forward to growing MCP’s services in FY1819. Together, we will strengthen Hawaii’s communities by helping people prevent and resolve conflict quickly and creatively!



Steve Holmberg
President



Tracey S. Wiltgen
Executive Director

Bringing People Together to Talk, Negotiate and Resolve Conflict Creatively.

Referral Source	Mediated: Agreement	Mediated: No Agreement	Conciliated	Closed	Pending	Total
Circuit Court	3	3	0	6	0	6
District Court	337	452	0	9	6	804
Family Court	122	115	0	55	53	345
AOAO/HOA	0	1	0	2	0	3
Attorney	42	40	0	76	6	164
Community/Social Service Agency	3	0	0	6	2	11
DOE	0	1	0	1	1	3
Family/Friend	8	8	0	28	2	46
HCRC	11	5	0	4	1	21
Police	1	0	0	3	0	4
RICO	1	0	0	1	0	2
Self	68	37	1	143	17	266
Other	29	11	1	66	11	118
TOTAL *	625	674	2	394	99	1794

* Includes pending cases carried over from prior year

OUTCOMES *

OUTPUTS

Mediation is useful process	92%	Number of mediation hours	4413
Would use mediation again	90%	Number of mediation sessions	1432
Mediation clarified my issues	85%	Number of people served through mediation & training	6590
Mediation improved communication	79%	Number of hours in training & education	238

* 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, 2017 to June 30, 2018		Prior Year
Revenue & Support:		
Contributions:		
Donated services	624,451	552,677
Unrestricted contributions	128,317	79,067
Total contributions	752,768	631,744
Government contracts	245,124	237,039
Program service fees	130,400	164,949
Net assets released from temporary restrictions	110,315	103,586
Special events, net of direct cost	66,870	59,180
Other revenue and support	<u>1,591</u>	<u>1,597</u>
Total Revenue & Support	1,307,608	1,198,095
Expenses:		
Mediation services	1,100,221	1,055,781
Management and general	85,193	79,366
Fundraising	31,568	35,573
Total Expenses	1,216,982	1,170,720
Change in Net Assets	90,086	27,375

Statements of Cash Flows		
	As of June 30, 2017	Prior Year
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	\$271,924	\$167,935
Depreciation	12,430	10,498
Loss on Disposal of Fixed Assets	119	-
Net realized gains (losses) on investments	(21,015)	(43,866)
(Increase) decrease in:		
Accounts receivable - net	(16,248)	9,554
Prepaid expenses and other current assets	(675)	(675)
Increase (decrease) in:		
Accounts payable	(10,273)	8,013
Accrued Liabilities	<u>1,024</u>	<u>2,763</u>
Net cash provided (used) by operating activities	<u>283,203</u>	<u>154,222</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Sales of Investments	210,000	350,000
Purchase of Investments	(310,000)	(450,000)
Reinvested Dividends	(49,761)	(35,701)
Additions to Property and Equipment	(784)	(20,138)
Net Cash Used by Investing Activities	(150,5459)	(155,839)
NET INCREASE (DECREASE) IN CASH	87,658	(1,617)
CASH – Beginning of the year	<u>433,860</u>	<u>435,477</u>
CASH – End of the year	<u>\$521,518</u>	<u>\$433,860</u>

MAHALO FOR YOUR SUPPORT

Aloha United Way
Bretzlatt Foundation
Davis Levin Livingston Charitable Foundation
Earl M. and Margery C. Chapman Foundation
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Hawaii Justice Foundation
Hawaii Women's Legal Foundation
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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.

The Mediation Center of the Pacific, Inc. is a not-for-profit Aloha United Way Agency

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 Chapter of the 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: 2017 - 2018

In fiscal year 2017-2018 (FY17-18), MCP served **6,590** people through its mediation and training programs including managing **1,794 cases** and conducting **238 hours of trainings and workshops** for mediators, individuals, businesses and various organizations. These accomplishments were made possible through the dedication of the approximately **150** facilitators, mediators, trainers, Board members and others who donated **5,938 hours** of their time to provide direct services, train and mentor mediators and assist with the development of programs.

Mediation and Dispute Resolution Services

Throughout the year, MCP provided mediation and dispute resolution services for a broad variety of areas including: domestic, family, landlord-tenant, condominium, civil rights, consumer-merchant, workplace, special education and more. These services were provided at a low or no cost to the participants thanks to the support of the Harry and Jeanette Weinberg Foundation and the Bretzlaff Foundation, as well as contracts with the Hawaii State Judiciary, the Department of Education and the Department of Commerce & Consumer Affairs.

Providing mediation services in the domestic arena for divorcing and unmarried couples with children, continued to be a key area of need addressed by MCP. In FY1718, 578 divorce and custody mediations were managed. Of the 204 divorce cases that were mediated at MCP, 54% resulted in written agreements. Of the 157 custody mediations involving unmarried couples with children that were mediated at MCP and on-site at Family Court, 61% resulted in written agreements.

Thanks to the support of the Hawaii Justice Foundation and Aloha United Way, MCP continued to encourage landlords and tenants to address their differences early, through the Early Access Landlord-Tenant Mediation (EAM) Program. During the year, 74 in-house landlord-tenant cases were managed by MCP in addition to the 804 cases mediated at District Court. The staff and mediators provided outreach and education throughout Oahu's communities during the year, to grow the EAM program. As a result, new relationships were developed with organizations and groups supporting Veterans and the newly housed homeless.

Training

To ensure that the mediators maintained high quality skills as well as subject matter knowledge in the specialized areas, **90.5 hours of internal trainings and workshops** were conducted in FY17-18 including: Divorce Mediation; Basic and Advanced Mediation; Elder Mediation; Landlord-Tenant Mediation; Facilitation; Non-Verbal Communication; and Vicarious Trauma. 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 support and thank the mediators and supporters for their excellent work and generosity throughout the year.



MCP is grateful to the mediators and outside experts who contributed over **183 hours** of their time to assist with the trainings and workshops conducted throughout the year including: **Judge Riki Amano (Ret.), Charlene Anaya, Linda Axell-Thompson, Professor John Barkai, Katie Bennett, Pat Brandt, Kristen Bryant, Ned Busch, Catholic Charities, Lou Chang, Jerry Clay, David Chee, Linda Colburn, William Darrah, Jackie Earle, Kale Feldman, Jessi Hall, Constance Hassell, Hawaiian Community Assets, John and Kim Holzman, Iris Ito, Sandra Jordan, Doug Kaya, RB Kelly, Aleta Klein, Jo Ann Kocher, Roberta Lee-Driscoll, Dee Dee Letts, Bruce**



McEwan, Dan O'Meara, Tom Mitrano, Scott Makuakane, Judge Victoria Marks (Ret.), Bruce McEwan, Mei Nakamoto, Philip Nerney, Ron Oster, James Pietsch, Seth Reiss, John Stallman, Becky Sugawa, Tom Stirling, Owen Tamamoto, Eugene Villaluz, Bill Watts, Veterans Affairs, Jana Wolff and Richard Yanagi.



In addition to the trainings and workshops conducted for the mediators, an additional **147.5 hours of training, workshops and presentations** were conducted for various agencies, businesses, schools and individuals including: the Department of Education; the Salvation Army; Catholic

Charities; healthcare providers; HUD Veterans Program; Lanakila Pacific; Next Step Shelter; Partners in Care; real estate and property management companies; Schofield Barracks; social workers; the Society of Human Resource Managers; Special Education Parent Network; the Veterans Task Force; YMCA; and more.

In FY17-18, in addition to the Basic Mediation Training that is offered twice a year for the public, MCP added a one-day Mediation Skills for Managers Training. This training was well-received by businesses, healthcare and non-profit organizations. It was conducted three times throughout the year for a total of forty-seven participants. A shorter, Conflict Management Training, was also conducted for 27 managers in the healthcare industry.



Finally, to promote mediation for divorcing couples, MCP was a co-presenter for the monthly Divorce Law in Hawaii Program hosted by the Hawaii State Judiciary at the Hawaii Supreme Court and at Family Court in Kapolei. The presentations were conducted once a month at each of the two sites.

Schools and Youth

In early 2018 MCP again collaborated on a training with the Hawaii State Judiciary and the local Girl Scout Troops to provide three hours of workshops in negotiation, conflict resolution, mediation, for 17 Girl Scouts. Following their participating in the workshops, each scout earned a “mediation” badge.

To strengthen mediation in the schools, MCP also collaborated with Mediation Works, ACR Hawaii, the Hawaii Department of Education, Hawaii State Judiciary’s Center for Alternative Dispute Resolution, Matsunaga Institute for Peace and Conflict Resolution and private mediators to host the 31st annual Statewide Peer Mediation Conference held on February 23, 2018 at the University of Hawaii Campus Center Ballroom. More than 70 students and adults from 4 high schools from Oahu and Kauai participated. The Conference theme – “Challenges” – offered interactive sessions and discussions on managing high emotion mediations and other challenges encountered in school mediations.



Access to Justice

With the continued support of the **Harry and Jeanette Weinberg Foundation** endowment, **Hawaii 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.

Family law attorney William “Bill” Darrah was recognized by MCP at the Pro Bono Celebration for his tireless work to increase access to justice for divorcing couples. Among his many accomplishments, Bill served as editor-in-chief of the Hawaii Divorce Manual and the annual supplements since 2002, developed and presented 195 Divorce Law in Hawaii monthly sessions at the Supreme Court since 2002 (and more recently at Family Court in Kapolei), created and conducted 19 annual Divorce Mediation Best Practices workshops for the Mediation Center of the Pacific since 2006, and published the monthly Journal of Hawaii Family Law since January 1990.

Finally, MCP also participated in the annual Access to Justice Conference in 2018. Executive Director Tracey Wiltgen moderated a panel on “Technology in Mediation to Increase Access to Justice,” for 147 participants, with presenters: Judge Michael T. Tanigawa; Giuseppe Leone; Lieutenant Commander, Kristi Bao; and Cecelia Chang. The panel discussed the benefits of on-line mediation & dispute resolution and the importance of integrating technology into mediation.

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 11th Annual Under the Mediation Moon on April 21, 2018 for 270 people. Mediators Susan Ichinose and Gerald “Jerry” Clay were honored at the annual celebration.



Thanks to a dedicated Board of Directors and generous supporters, fundraising efforts were successful and targeted goals were achieved. The funds enabled MCP to strengthen and grow services to the communities. For example, thanks to Special Programs Coordinator, Katie Ranney, community outreach and education efforts were more than doubled. Katie coordinated a “speakers bureau” comprised of volunteer mediators to present information at conferences and community fairs throughout the island, provide mediation demonstrations for community groups and promote MCP’s EAM and Kupuna Pono programs. As a result of these efforts, community referrals increased, and a foundation was laid for establishing a stronger presence in the West Oahu communities.



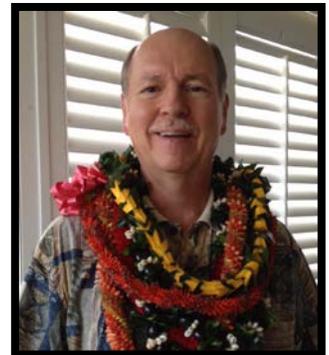
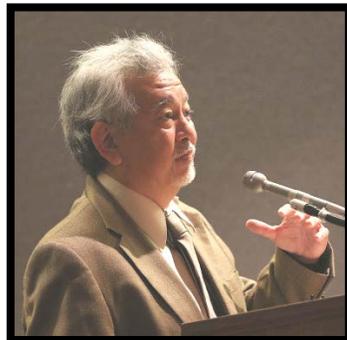
Looking Ahead in 2018 - 2019



FY2018-2019 will be a pivotal year for MCP as it will celebrate its 40-year anniversary in 2019. Leading up to this important milestone, the Board of Directors, led by President Steve Holmberg, the staff and mediators, will continue to focus on promoting the early use of mediation throughout Oahu's communities. With the continued support of generous funders and supporters, MCP will grow its presence in West Oahu communities and strengthen relationships with new partners working with the newly housed homeless, veterans and more.

To make mediation more accessible for consumers, merchants, landlords and tenants, midway through the year, MCP will launch a new online mediation program. Through an electronic platform, parties will have the opportunity to mediate in a secure chat room, without leaving their home or office. A new component will also be integrated into the Kupuna Pono Program to provide seniors with the opportunity to discuss and complete the terms of an Advanced Care Directive with their family members. These are just a few of the initiatives that will be undertaken during the year.

The 12th Annual Under the Mediation Moon will be held on Saturday April 13th at the Hawaii Convention Center. It will be a celebration of 40 years of mediation in Hawaii and honor four individuals who have been strong champions of mediation and MCP over the years. William Darrah, Bill Hoshijo, Dorothy "Dee Dee" Letts and Bruce McEwan, have each been instrumental in helping MCP grow key programs and become a vital resource to Oahu's communities. Thanks to each of them, today MCP assists thousands of people annually.



In keeping with the theme of incorporating the use of technology into MCP's operations and services to be more efficient and accessible to all, the 2019 silent auction will be managed online. The electronic auction system will allow the people who attend the event, as well as those who aren't able to be there in person, to bid on the silent auction items from their smart phones and computers. This way, everyone will be able to join in on the fun!

Finally, to lay the foundation for MCP's future and the next forty years of helping people talk, negotiate and resolve conflict creatively, the Board of Directors will develop a new strategic plan. Input will be gathered from mediators, funders, partners and more. The information will then be considered in a strategic planning session that will result in a new three-year strategic plan for MCP.

FY2018-2019 will be truly be another exciting year for MCP. Mahalo for joining us in achieving new milestones and celebrating 40 years of mediation in Hawaii!