



The Mediation Center of the Pacific, Inc.



**Fiscal Year 2018-2019
ANNUAL REPORT**

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Early Access to Mediation for Everyone



Steve Holmberg
President

Aloha,

A big mahalo to everyone for your generous support of the Mediation Center of the Pacific (MCP) in Fiscal Year 2018-2019 (FY1819). Thanks to each of you, MCP made significant strides in growing programs and services and creating new partnerships to encourage the early use of mediation.



Tracey S. Wiltgen
Executive Director

Throughout the year, 6,517 individuals were served through MCP's mediation, dispute resolution and training programs.

1,823 mediation and dispute resolution cases were managed including opening 1,724 new cases (an increase of 70 new cases from the prior fiscal year). 1,236 mediations were conducted during the year. 55% of the cases mediated at MCP resulted in written agreements. Approximately 50% of the individuals involved in the mediations and dispute resolution processes were in the low-income and vulnerable populations.

To ensure quality mediation services were provided, 88 hours of trainings and workshops were conducted for the volunteer mediators. An additional 161 hours of trainings, workshops and presentations were conducted for various agencies, businesses, schools and individuals including: Department of Education; Honolulu Police Department; Community and Assisted Living Facilities; Lanakila Pacific; Veterans Housing Programs; and many more.

MCP's focus during the year was encouraging people to access mediation early. To promote this concept, outreach was increased, particularly in the West Oahu communities. MCP also created its first TV ad that ran for a month during prime-time television, generating calls, inquiries and requests for mediations.

In April, MCP celebrated its 40-year anniversary at the annual Under the Mediation Moon held at the Hawaii Convention Center. The honorees included William Darrah, Bill Hoshijo, Dee Dee Letts and Bruce McEwan, all long-time supporters whose dedication to mediation and the work of MCP, helped MCP to be the critical community resource it is today.

In keeping with current trends and technology, MCP initiated a new online mediation program for consumers and landlords and tenants. While the program is still in the incubator phase, it is expected to go live in the later part of 2019.

Finally, thanks to a committed, dynamic Board of Directors, MCP initiated a bold step to purchase a building. Securing a permanent home was identified as a key action step in the current strategic plan. After conducting a feasibility study in 2018, the Board agreed that it was time to move forward with the search.

With growing programs and a potential new home on the horizon, these are truly exciting times for MCP. We are so proud that the small grass roots organization known as Neighborhood Justice Center, has grown into a strong organization that has done great things over the past 40 years! And more importantly, with your commitment and belief in the power of mediation and creative conflict resolution, MCP will continue to grow and do even more great work for Hawaii's communities in the coming years!

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

Referral Source	Mediated: Agreement	Mediated: No Agreement	Conciliated	Closed	Pending	Total
Circuit Court	0	1	0	1	0	2
District Court	334	414	0	15	6	769
Family Court	114	129	0	57	63	363
AOAO/HOA	0	0	0	1	0	1
Attorney	25	23	0	54	11	113
Community/Social Service Agency	1	0	0	9	1	11
DOE	3	2	0	1	1	7
Family/Friend	6	4	0	10	4	24
HCRC	11	7	0	2	2	22
Police/Prosecutor	0	0	0	1	0	1
RICO	0	0	0	2	0	2
Self	78	47	1	225	36	387
Other	28	8	0	72	13	121
TOTAL *	600	635	1	450	137	1,823

* Includes pending cases carried over from prior year

OUTCOMES *

OUTPUTS

Mediation is useful process	93%	Number of mediation hours	4133
Would use mediation again	93%	Number of mediation sessions	1390
Mediation clarified my issues	81%	Number of people served through mediation & training	6,517
Mediation improved communication	71%	Number of hours in training & education	249

* 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, 2018 to June 30, 2019		Prior Year
Revenue & Support:		
Contributions:		
Donated services	574,589	624,451
Unrestricted contributions	122,330	128,317
Total contributions	696,919	752,768
Government contracts	249,983	245,124
Program service fees	167,709	130,400
Net assets released from temporary restrictions	160,051	110,315
Special events, net of direct cost	81,560	66,870
Other revenue and support	<u>846</u>	<u>1,591</u>
Total Revenue & Support	1,357,068	1,307,608
Expenses:		
Mediation services	1,127,840	1,067,916
Management and general	122,072	120,236
Fundraising	45,785	28,830
Total Expenses	1,295,697	1,216,982
Change in Net Assets	61,371	90,086

Statements of Cash Flows		
	As of June 30, 2019	Prior Year
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	\$275,418	\$271,924
Depreciation	12,237	12,430
Loss on Disposal of Fixed Assets	-	119
Net realized gains (losses) on investments	(32,637)	(21,015)
(Increase) decrease in:		
Accounts receivable - net	(63,752)	(16,248)
Prepaid expenses and other current assets	113	242
Increase (decrease) in:		
Accounts payable	(4,266)	(10,273)
Accrued Liabilities	<u>6,498</u>	<u>1,024</u>
Net cash provided (used) by operating activities	<u>193,611</u>	<u>283,203</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Sales of Investments	2,672,857	210,000
Purchase of Investments	(2,922,802)	(310,000)
Reinvested Dividends	(28,198)	(49,761)
Additions to Property and Equipment	(617)	(784)
Net Cash Used by Investing Activities	(278,760)	(150,545)
NET INCREASE (DECREASE) IN CASH	(85,149)	87,658
CASH – Beginning of the year	<u>521,518</u>	<u>433,860</u>
CASH – End of the year	<u>\$436,369</u>	<u>\$521,518</u>

MAHALO FOR YOUR SUPPORT

Aloha United Way
Bretzlaff Foundation
Earl M. and Margery C. Chapman Foundation
Harry Hewitt Fund for Advancement & Improvement of Justice
Hawaii Community Foundation
Hawaii Justice Foundation
Hawaii Women's Legal Foundation
Island Insurance Foundation
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Kukui Children's Foundation
NME Fund
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Pettus Foundation
The Harry & Jeanette Weinberg Foundation, Inc.

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Big Island Candies
Bishop Museum
Blue Note
CorePower Yoga
Dave & Buster's
Grand Wailea Resort
Gyotaku Restaurant
Hawaiian Airlines
Hawaii Jitterbugs
Hawaii Nature Center
Hawaii Theatre
Holokai Kayak & Snorkel
Honolulu Club
Honolulu Theatre for Youth
Koolau Distillery
Kualoa Ranch
Kumu Kahua Theatre
Manoa Chocolate
Maui Ocean Center
McKinley Car Wash
Mid-Pacific Country Club
Paradise Cove Luau
Pegge Hopper Gallery
Pure Joy Day Spa
Rock-A-Hula
Sea Life Park
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The Cheesecake Factory
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Tracey Wiltgen

OUR MISSION AND SERVICES

MCP is a not-for-profit, Aloha United Way Agency. For 40 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 with 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.

Online Mediation: MCP provides online mediation to small claim type cases, such as consumer/merchant or security deposit disputes. Cases are assigned based on case type and participant availability.

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: 2018 - 2019

In fiscal year 2018-2019 (FY1819), MCP served **6,517** people through its mediation and training programs including managing **1,823 cases** and conducting **249 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 over **5,000 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, the Bretzlaff and Pettus Foundations, 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 FY1819, 680 domestic mediations were managed. Of the 202 divorce cases that were mediated at MCP, 51% resulted in written agreements. Of the 161 custody mediations involving unmarried couples with children that were mediated at MCP and on-site at Family Court, 54% resulted in written agreements.

MCP was thrilled to announce its new on-line mediation pilot program this year. The program is designed to provide electronic mediation services to local businesses, landlords and tenants, through a secure web-based portal. Participants may login when it is convenient to mediate, without ever leaving their home or office.

Training

To ensure that the mediators maintained high quality skills as well as subject matter knowledge in the specialized areas, **88 hours of internal trainings and workshops** were conducted in FY1819 including: Divorce Mediation; Basic and Advanced Mediation; Elder Mediation; Landlord-Tenant Mediation; Facilitation; 5 Wishes Workshop; Parenting Plan Workshop; Domestic Violence; SPED Training; and Mentor Mediation. In addition, other mediator gatherings such as Brown Bag Gatherings to share experiences and best practices, and the Volunteer 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 **161 hours** of their time to assist with the trainings and workshops conducted throughout the year. These trainings and workshops were conducted for various agencies, businesses, schools and individuals including: the Department of Education; Surfing the Nations; healthcare providers; AARP; Lanakila Pacific; Department of Housing and Urban Development; Partners in Care; real estate and property management companies; UH Social Work School; the Society of Human Resource Managers; YMCA; and more.

In FY1819, Mediation Skills for Managers Training continued to be popular. MCP conducted this training 6 times during the year, one was open to the public, while the remaining 5 were private trainings for the Department of Education involving a total of 149 administrators who participated in the training.

Finally, to promote mediation for divorcing couples, MCP continued to be 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 2019 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 and mediation, for 35 Girl Scouts. Following their participation 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 32nd annual Statewide Peer Mediation Conference involving student mediators from schools throughout Oahu and Kauai.

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.

Finally, MCP also participated in the annual Access to Justice Conference in 2018. Executive Director Tracey Wiltgen moderated a panel on “Mediation and Dispute Resolution,” for 70 participants.

Fundraising and Community Relations

To maintain sufficient funding to strengthen and support current programs, as well as to develop new programs, MCP conducted two gift campaigns in July and in November of 2018, as well as hosted the 12th Annual Under the Mediation Moon fundraiser on April 13, 2019 for over 300 people. William C. Darrah, Esq., William Hoshijo, Esq., Dee Dee Letts and Bruce McEwan 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, MCP's Special Programs Coordinator, Katie Ranney forged new partnerships between MCP and the Salvation Army and Surfing the Nations (STN), to encourage the use of mediation. Through Memorandums of Understanding, the two organizations agreed to provide direct referrals of landlord-tenants disputes to MCP. Additionally, MCP agreed to provide education and training for the staff and volunteers of the two organizations. Equally important, through the partnerships with Honolulu Community Action Program (HCAP) and STN, MCP is now able to conduct landlord-tenant mediations at the HCAP site in Waianae and the STN site in Wahiawa.

Finally, this year MCP produced its first ever ad! The message to "Mediate First" was well received when the ad was aired more than eighteen times during prime-time TV and the Keiki Hula Festival. MCP's phone calls and mediation inquiries increased and a new case was opened after the first day the ad was aired. MCP is grateful to KVFE, Hawaii News Now, Jessica Gong, Rick Blangiardi, and Craig Pitner for helping to make the vision of a mediation ad a reality. Encouraging people to mediate early, before conflicts escalate and lawsuits are filed, is a key goal of MCP's strategic plan. The ad provided the perfect vehicle for getting the message out in a big way.

Looking Ahead in 2019 - 2020

FY2019-2020 will be a pivotal year for MCP as it continues to celebrate its 40-year anniversary. The Board of Directors will be welcoming new president, Sidney Ayabe, who will provide direction and leadership in MCP's efforts to identify and purchase a permanent home.

In a continued effort to make mediation more accessible for consumers, merchants, landlords and tenants, MCP will be working with the Judiciary to develop an online mediation program for Small Claims matters. In addition, MCP will continue to expand its training offerings by providing more customized and private training sessions to organizations and companies.

FY2019-2020 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!