

The Mediation Center of the Pacific

ANNUAL REPORT



FY 2010 - 2011

**FY 2010-2011
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CHALLENGING TIMES PROVIDES FERTILE GROUND FOR GROWTH AND NEW OPPORTUNITIES



Fiscal Year 2010-2011 has truly been a year to remember... The Mediation Center completed the transition to the beautiful Kukui Center, strengthened its team of outstanding employees, held twenty "standing room only" interactive trainings and workshops for the mediators, initiated a new on-site TRO mediation program at District court, assumed the administrative responsibilities for Family Court's Volunteer Settlement Master Program, and held its most successful fundraiser ever! These accomplishments are thanks to everyone who so generously contributed their time and money to help the Mediation Center weather the economic storm and serve even more clients than in previous years.

Following more than a year of reduced staffing and hours of operation, the staff has gradually grown and hours of operation restored with even more efficient systems in place. Fridays are now reserved for trainings, workshops and special mediations. All other mediations are held Monday through Thursday during the day or on Tuesday, Wednesday or Thursday evening. Training Coordinator Jessica Stabile and Mediator & Program Development Manager Nathan Nikaido organized more than 144 hours of trainings and workshops during the year. Professional mediators, trainers extraordinaire and other experts inspired the mediators with secrets and tips they shared covering a broad variety of topics such as "The Role of the Apology & Forgiveness", "Elder Issues", "Divorce Mediation", "Calculating Child Support", and more.

The increased activity and success of the Mediation Center in very difficult times is a credit to its outstanding leadership. In 2010, President Michael Nauyokas (Visionary Mediator) challenged the Board of Directors to raise the bar on fundraising. Under the inspirational leadership of current Board President Cindy Alm, the Board of Directors continued to surpass ambitious goals to raise unrestricted funds and help the Mediation Center flourish. Their enthusiasm worked.

Despite a dismal economy and unprecedented thunderstorms that literally soaked most of Hawai'i this past Spring, the Mediation Center's 4th Annual Under the Mediation Moon fundraiser enjoyed clear skies and a magical night with Maya Soetoro-Ng as Guest Speaker. More than 250 friends and supporters gathered under the stars to pay tribute to Visionary Mediators Mike Nauyokas, Earl Chapman and Arlynn Howell-Livingston who were recognized with Lifetime Achievement Awards for their proactive roles in growing mediation in Hawai'i and supporting the Mediation Center of the Pacific. **Congratulations to Earl, Arlynn and Mike!**



Mahalo to all for instilling your positive energy and confidence in the work of the Mediation Center, and giving generously of your time and finances to help us do more for the community. Thanks to you, the Mediation Center is stronger today and ready to play an even bigger role in preventing and resolving conflict in Hawaii. Mahalo Nui Loa for making it all happen!



Mahalo for Your Contributions and Support

Alexander & Baldwin Foundation
Aloha United Way
Atherton Family Foundation
Bretzlaff Foundation
Combined Federal Campaign
Earl & Margery Chapman Foundation

Foodland Supermarket, Ltd.
Hawai'i Justice Foundation
The Harry and Jeanette Weinberg Foundation
Jhamandas Watumull Fund
The Ernest & Young Foundation
The Pettus Foundation

UNDER THE MEDIATION MOON

PEACEMAKERS

(\$6,000)

Davis Levin Livingston

COLLABORATORS

(\$3,000)

Robbie & Cynthia Alm
Ayabe Chong Nishimoto Sia &
Nakamura

PARTNERS

(\$2,000)

The Islander Group

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Warren & Ottina Haight

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Ruth Tschumy
Val Vegas
Eugene Villaluz
Ryker Wada

Bringing people together to talk and resolve their differences

FY10-11

Referral Source	Mediated: Agreement	Mediated: No Agreement	Conciliations	Closed	Pending	Total
Attorney	22	18	2	46	8	96
HCRC	7	9	0	7	4	27
Circuit Court	1	1	0	2	0	4
Family Court	50	50	0	27	28	155
District Court	436	488	1	45	9	979
DOE	32	3	0	3	0	38
Police	0	0	0	1	1	2
RICO	0	1	0	0	0	1
Family/Friend	28	9	4	48	5	94
Self	27	15	7	80	9	138
Social Service Agency	0	3	2	7	1	13
Other	32	22	2	32	5	93
TOTAL *	635	619	18	298	70	1,640

* Includes cases carried over from prior year

OUTCOMES *

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

OUTPUTS

Mediation is useful process	91%	Number of mediation hours	2,751
Would use mediation again	85%	Number of mediation sessions	1,328
Will prevent future problems	72%	Number of people served through mediation programs	3,905
Did improve communication	70%	Number of hours in training & education	100

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, 2010 to June 30, 2011		Prior Year
Revenue & Support:		
Contributions:		
Donated services	426,268	418,529
Net assets released from temporary restrictions	73,107	93,166
Unrestricted contributions	60,884	36,588
Total contributions	560,259	548,283
Government contracts	207,248	184,977
Program service fees	76,897	96,289
Special events, net of direct cost	21,002	10,809
Investment & other income	684	9,118
Total Revenue & Support	866,090	849,476
Expenses:		
Mediation services	782,678	694,787
Management and general	78,373	88,482
Fundraising	6,906	10,512
Total Expenses	867,957	793,781
Change in Net Assets	(1,867)	55,695

Statements of Cash Flows		
	As of June 30, 2011	Prior Year
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	\$41,209	\$34,269
Adjustments to reconcile increase in net assets to net cash provided by operating activities:		
Depreciation	4,065	4,517
Net realized gains on investments	(7,115)	(447)
Net unrealized gains (losses) on investments	(47,946)	(28,098)
(Increase) decrease in:		
Accounts receivable	(21,056)	(16,748)
Prepaid expenses and other current assets	2,069	(4,367)
Increase (decrease) in:		
Accounts payable	1,987	(2,212)
Accrued liabilities	8,488	530
Net cash provided by operating activities	(18,299)	(12,706)
CASH FLOWS FROM INVESTING ACTIVITIES		
Sales of investments	630,203	724,334
Purchases of investments	(644,366)	(669,107)
Additions to property and equipment	0	0
Additions to deposits	0	(1,102)
Net cash used by investing activities	(14,163)	54,125
CASH FLOWS FROM FINANCING ACTIVITIES		
Addition to note payable	0	150
Repayment of note payable	(1,041)	(1,041)
Net cash provided by financing activities	(1,041)	(891)
NET INCREASE IN CASH	(33,503)	40,528
CASH – Beginning of the year	216,086	175,558
CASH – End of the year	\$182,583	\$216,086

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 32 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 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 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 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 RICO, Better Business Bureau (BBB) and others.
- 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.

- **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.
- **Family Estate Planning**: Decisions about property division, loans, asset management and appointment of trustees.
- **Elder Issues**: Family decisions about caregiver selection, housing options, financing care, and other related issues.
- **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.
- **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 by the courts 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.
- **Adult Guardianship**: Families in dispute regarding who should make decisions for their elder member.
- **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 all pending lawsuits in Small Claims Court and Summary Possession matters, as well as for select TRO cases.

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 Hawai'i'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, government agencies, 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.

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YEAR IN REVIEW: 2010 - 2011

In fiscal year 2010-2011 (FY10-11), the Mediation Center served a total of **3,762 people** through its mediation and training programs including managing **1,640 cases** and conducting **144 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 **2,751 hours** of their time to assist Hawaii's people in preventing and resolving conflict.

Community and Specialized Mediation

In FY10-11, 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 **1,254** cases mediated, **51% resulted in written agreements overall and 56% of the in-house cases resulted in written agreements** involving divorce, domestic, family and civil rights matters.

"Thank you for this great service!"

"These mediations are a very useful tool. The mediators were very fair toward everyone involved."

"I can't adequately express how much I appreciate the skilled and sensitive help of the mediators and staff."

"Mediation is very helpful and saves time in going to court; they were very helpful on clarifying the problems or issues."

"This program was and is really the better way to go. Thank you."

"This was a very useful process and we are grateful it was available as an alternate way to resolve conflict."

"The mediators were very compassionate and motivated - I am grateful for their help; what a tremendous service."

"I thank our mediators. Enemies became Friendship. We understood every side and everything is settled."

"We reached the agreement and the Mediation Center is very helpful for me. Thank you very much."

"Thank you for understanding situations and helping people come to agreements in a well manner, easier way."

To ensure that the mediators maintained high quality skills as well as subject matter knowledge in the specialized areas, **112 hours of internal trainings and workshops** were conducted in FY10-11 including: Basic Mediation; Advanced Mediation; Civil Rights Mediation; Mediator Ethics; TRO Mediation; On-Site Court TRO Mediation; Divorce Mediation; Divorce Law in Hawaii, Child Support; Creating Parenting Plans in Mediation; Child Paternity Mediation; Elder Mediation; Small Claims Court Mediation; Psychological Types and Conflict (Myers-Briggs); Heuristics; Dealing With Difficult People; and the Role of Apology and Forgiveness in Mediation.

The Mediation Center is grateful to the professional mediators and outside experts who contributed over **80 hours** of their time to assist with the trainings and workshops including: **Charlene Anaya, Professor John Barkai, Daniel Bent, Barbara Bishop, Lou Chang, Gerald Clay, Barbara Cook, Charles Crumpton, William Darrah, Nicholas DeWitt, David Franzel, Judge Hillary Gangnes, Rhonda Griswold, Connye Harper, James Hoenig, Charles Hurd, Susan Ichinose, Elizabeth Kent, Judge Gerald Kibe, Dee Dee Letts, Judge Victoria Marks (Ret.), Judge Linda Martell, Dr. Robert Marrit, Mei Nakamoto, Eryn Nakamura, Phil Nerney, Professor James Pietsch, Seth Reiss, Owen Tamamoto and Judge Barbara Richardson.**

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ACCESS ADR

The Mediation Center staff and ACCESS ADR panelists provided 35 hours of mediation and facilitation services for individuals in private businesses, schools, government agencies, nonprofit organizations and other businesses throughout the State.

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 24th Annual Statewide Peer Mediation Conference on February 25, 2011. More than 100 students from 10 schools throughout the State participated. The Conference format involved facilitated discussions that focused on generating ideas to support and sustain Peer Mediation Programs.

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, and the Access to Justice Commission and its various committees. Efforts focused on increasing pro bono services, including participating in a Pro Bono Fair and facilitating a discussion on "Increasing Access to Justice Through Mediation" at the annual Conference sponsored by the Access to Justice Commission and the Hawaii State Bar Association.

To address current community needs, the Mediation Center administered the pilot judicial foreclosure mediation program on Oahu, 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

A total of **144 hours of external trainings and workshops** were conducted for various agencies, businesses, schools and individuals including: the Department of Education; the Access to Justice Summit; Honolulu Board of Realtors; 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, various forums addressing issues relating to dispute resolution were provided for diverse audiences 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 celebration of the Mediation Center's 31 years of providing high quality yet affordable mediation and dispute resolution services to Hawaii's communities at the 4th Annual ***Under the***



Mediation Moon on April 30, raised additional funds to support Community Mediation and increased access for individuals in the low income and underserved populations. Moreover, the event was an opportunity to honor and pay tribute to three mediation visionaries: Earl Chapman, Arlynn Howell Livingston, and Michael Nauyokas.

Looking Ahead in 2011 - 2012

Fiscal Year 2010-2011 was a year of both transition and growth 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 improve efficiency in order to meet community needs despite fewer resources. In FY 2011-2012, we will continue to build on the vision and foundation laid by the Board of Directors in FY 2010-2011, to increase access to justice, strengthen the Mediation Center's financial base, and expand training and design processes to meet current community needs including: issues encountered by elders; homeowners facing foreclosure; and divorcing couples.

A key first step in FY 2011-2012 is adding a critical new Deputy Director position. The Mediation Center is fortunate to have recruited Jessica Stabile for the job. Armed with an Advanced Law Degree from the University of Auckland School of Law in New Zealand, a JD degree from the University of Hawai'i William S. Richardson School of Law and a Graduate Certificate in Conflict Resolution from the University of Hawai'i Matsunaga Peace Institute, Jessica is already intimately familiar with the inner workings of the Mediation Center from her prior experiences in the Client Services Department and more recently as the Training Coordinator. With Jessica as part of the Team at the helm, the Mediation Center is poised to increase efficiency and quality services, while broadening its scope of work within Hawaii's communities.



With a larger and stronger staff in place, the Mediation Center has already created an ambitious training calendar to meet the identified community needs. Brand new curriculums to strengthen the Divorce Mediation Program and expand work in the Kupuna Pono Program are currently being developed. The Mediation Center is also working closely with the Judiciary's Center for ADR and Resolutions Systems Institute from Chicago, Illinois, to create and conduct a two-day Foreclosure Dispute Resolution Training for neutrals recruited by the Mediation Center from Oahu, Maui and Kauai.

FY 2011-2012 will be an exciting year of growth and outreach into new areas to meet growing community needs. Together, with a visionary Board of Directors, staff, mediators, contributors, supporters and fellow tenants, the Mediation Center will play an even bigger role in helping people talk, rebuild relationships and resolve conflicts creatively in Hawai'i.