



The Mediation Center of the Pacific

ANNUAL REPORT

FY 2014 - 2015

**FY 2014-2015
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Managing Change and Meeting Community Needs



Fiscal Year 2014-2015 marked the beginning of a period of many changes for the Mediation Center that were interwoven with ongoing initiatives to meet community needs, old and new. We bid a bitter-sweet Aloha to old friends as they moved on to new adventures and excitedly welcomed new members to the Mediation Center team. Plans for new technology and more efficient operations were developed and current programs were strengthened. Continued work with the legal service providers and efforts to increase Access to Justice for all, lead to discussions about how to reach out to more

landlords and tenants to encourage the use of mediation before going to court. And finally, thanks to an energetic Board of Directors and the expert advice from consultant and friend of the Mediation Center Larry Rodriguez, the Mediation Center hosted its most successful fundraiser ever!

At the end of 2014, the Mediation Center was extremely fortunate to receive a Flex Grant from the Hawaii Community Foundation and the Omidyar 'Ohana Fund. These funds enabled the Mediation Center to strengthen operations to better serve its clients and lay the foundation for a sustained future. Initiatives included: 1) purchasing and setting up a new fund development program; 2) strengthening public relations; 3) streamlining the case management system; and 4) implementing a strategic planning process. These activities will be completed in fiscal year 2015-2016 and will make a significant difference in maintaining efficient daily operations while sustaining the work of the Mediation Center in the future.

The Kupuna Pono Program continued to steadily grow thanks to the ongoing generous support of the Harry & Jeanette Weinberg Foundation, the Bretzlaff Foundation and the newly created Charles H. Hurd Memorial Fund for Kupuna Pono. Chuck was a fierce champion of Hawaii's kupuna and helped to create the Mediation Center's Kupuna Pono Program. The Board of Directors, staff and volunteers currently involved with the Program are committed to growing it to support Hawaii's kupuna and their families and to keep Chuck's legacy alive.

Thanks to the continued support of the Bretzlaff Foundation, Davis Levin Livingston Charitable Foundation, Friends of Hawaii Charities and the Pettus Foundation, the Divorce and Custody Mediation Programs were also strengthened. More mediators were recruited and additional trainings were conducted. These are critical areas of community need because through mediation, couples with children learn new ways of talking with one another and they negotiate agreements that focus on the needs of their children rather than fighting in court. Equally significant is that a majority of the clients in these cases are in the low income and vulnerable populations. The financial support of the above foundations enabled the Mediation Center to continue to refine the programs to improve services as well as increase outreach to educate more people about the value of using mediation first.

These are just a few of the many accomplishments of the Mediation Center during the year. We could not have done so much without the very generous support of the various grants and private donations that enabled us to continue to grow. We are also grateful to the outstanding mediators and facilitators who gave so generously of their time and talents. Together, the mediators, facilitators, financial supporters and friends of the Mediation Center make the Mediation Center a very special and successful organization. Together, we made a significant difference in Hawaii's communities by helping people talk, negotiate and resolve conflict creatively.

Mahalo Nui Loa for your continued support and for believing in mediation and dispute resolution processes to prevent and resolve conflict peacefully!

Mahalo for Your Support

Aloha United Way
Atherton Family Foundation
Davis Levin Livingston Charitable Foundation
Hawai'i Community Foundation
Pettus Foundation

Hawai'i Justice Foundation
Bretzlaff Foundation
Friends of Hawaii Charities
Jhamandas Watumull Fund
The Harry and Jeanette Weinberg Foundation

UNDER THE MEDIATION MOON

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Bringing people together to talk and resolve their differences

FY14-15

Referral Source	Mediated: Agreement	Mediated: No Agreement	Conciliations	Closed	Pending	Total
Attorney	34	40		85	20	179
Better Business Bureau	0	2				2
HCRC	12	9		4	6	31
Circuit Court				1		1
Family Court	92	81		43	39	255
District Court	407	530		21	4	962
DOE	2	3	1	3	1	10
Police		1	1	6		8
Prosecutor	1	0		1		2
Public Defender				1		1
Family/Friend	14	10	1	40	8	73
Self	48	35	1	153	30	267
Community/Social Service Agency	3	1		14	2	20
Other	20	1	1	26	12	60
TOTAL *	633	713	5	402	122	1875

* Includes pending cases carried over from prior year

OUTCOMES *

OUTPUTS

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

Mediation is useful process	94%	Number of mediation hours	3,454
Would use mediation again	88%	Number of mediation sessions	1,422
Mediation clarified my issues	84%	Number of people served through mediation programs	6,786
Mediation improved communication	74%	Number of hours in training & education	231

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, 2014 to June 30, 2015		Prior Year
Revenue & Support:		
Contributions:		
Donated services	452,845	459,614
Unrestricted contributions	99,309	81,911
Total contributions	552,154	541,525
Government contracts	238,446	245,390
Program service fees	130,106	119,147
Net assets released from temporary restrictions	98,525	34,800
Special events, net of direct cost	68,008	18,297
Investment & other income	4,089	2,126
Total Revenue & Support	1,091,328	961,285
Expenses:		
Mediation services	867,011	890,823
Management and general	74,727	53,825
Fundraising	21,661	16,572
Total Expenses	963,399	961,220
Change in Net Assets	127,929	65

Statements of Cash Flows		
	As of June 30, 2015	Prior Year
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	93,293	228,641
Adjustments to reconcile increase in net assets to net cash provided by operating activities:		
Depreciation	2,314	2,792
Net realized gains (losses) on investments	13,423	(58,895)
(Increase) decrease in:		
Accounts receivable	909	2,717
Prepaid expenses and other current assets	(461)	578
Increase (decrease) in:		
Accounts payable	759	(2,656)
Accounts payable	(1,520)	1,717
Deferred Revenues		(46,307)
Net cash provided (used) by operating activities	158,717	28,587
CASH FLOWS FROM INVESTING ACTIVITIES		
Redemptions of certificates of deposit at maturity	100,000	200,000
Purchases of certificates of deposit	(100,000)	(200,000)
Reinvestment dividends	(39,085)	(21,341)
Additions to property and equipment	(39,410)	(795)
Net cash used by investing activities	(78,495)	(22,136)
NET INCREASE IN CASH	80,222	6,451
CASH – Beginning of the year	264,908	258,457
CASH – End of the year	345,130	264,908

258,457

OUR MISSION AND SERVICES

The Mediation Center of the Pacific is a not-for-profit, Aloha United Way Agency. For 36 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 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.

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; 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, the Mediation Center 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, each mediator is required to complete approximately 45 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 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, 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, community organizations 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 limit contact and stay away from each other.
- ❑ **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.

SPECIALIZED MEDIATION

The Specialized Mediation Program provides mediation services in areas such as divorce, paternity, child guardianship, adult guardianship, civil rights, condominium, real estate, mortgage foreclosure 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, spousal support and other issues involved in marital separation. Mediators also help the parties improve communication, develop “Parenting Plans”, and work through the divorce decree to ensure that they have addressed all issues to finalize the uncontested divorce on their own.
- ❑ **Paternity**: Mediators assist unmarried couples with children to resolve issues of custody and visitation, where the child(ren) will live, a child’s name and medical insurance coverage.
- ❑ **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 for their elder member.

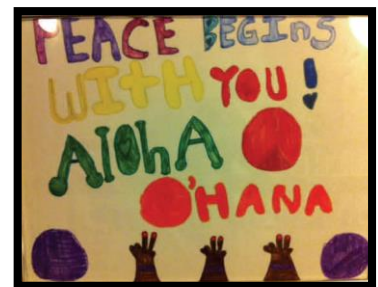
- **Kupuna Pono**: Family conferences and mediation offer elders and their families the opportunity to talk through sensitive issues with the assistance of impartial facilitators and mediators to create custom family plans that meet the unique needs of the elder and other family members.
- **Civil Rights**: The Mediation Center receives referrals from the Hawai'i 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.
- **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**: The Mediation Center offers mediation services to assist parents of children with special needs and schools to resolve conflicts and promote collaboration.
- **Court On-Site Mediation**: The Mediation Center provides mediators directly on-site at Family Court in Kapolei for select paternity cases.

ACCESS ADR

The Mediation Center maintains a separate panel of experienced 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 moderately priced 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, which can be provided anywhere statewide. 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 (ACR Hawai'i), the Hawai'i State Judiciary's Center for Alternative Dispute Resolution (CADR), the University of Hawaii's Program on Conflict Resolution, and other professional mediators, to host events such as the annual Posters for Peace Contest for elementary students and the annual Statewide Peer Mediation Conference for middle/intermediate and high school student peer mediators.



ACCESS TO JUSTICE

Over the past seven years, the Hawai'i Access to Justice Commission has successfully instituted multiple initiatives to address the growing needs of the low-income and gap group populations in the State. The Mediation Center remains actively involved with this work. In addition to providing direct mediation services, the Mediation Center also conducts trainings for the low-income and gap-group populations 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 for individuals in the low income population. In addition, the Mediation Center is a recipient of funding from the Hawai'i 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, the Mediation Center 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. 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 and Specialized Mediation Program.

YEAR IN REVIEW: 2014 - 2015

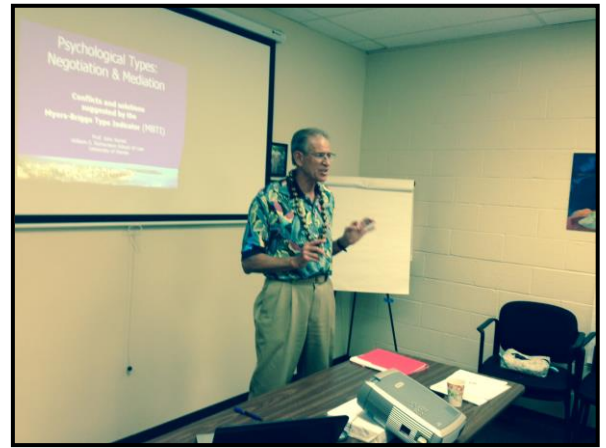
In fiscal year 2014-2015 (FY14-15), the Mediation Center served a total of **7,969 people** through its mediation and training programs including opening **1,785 new cases** and conducting **231 hours of trainings and workshops** for mediators, businesses and organizations throughout the State. These accomplishments were made possible through the dedication of the approximately **150** facilitators, mediators, trainers, Board members and others who donated **4,344 hours** of their time to assist Hawaii's people in preventing and resolving conflict.



On March 12th, the Board of Directors, staff and volunteers of the Mediation Center were proud to receive recognition from the entire State Senate for providing outstanding services to Oahu's communities for the past 36 years. Following the recognition ceremony, all members of the Senate were asked to sign the Mediation Pledge.

Community and Specialized Mediation

In FY14-15, 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, family, landlord/tenant, condominium, and civil rights, among others. Of the **1,343** cases mediated, **47% resulted in written agreements overall and 53% of the in-house cases resulted in written agreements**. To ensure that the mediators maintained high quality skills as well as subject matter knowledge in the specialized areas, **113 hours of internal trainings and workshops** were conducted in FY14-15 including: divorce mediation; family conferencing; condominium mediation; basic and advanced mediation; domestic violence; paternity mediation; parenting plans; TRO mediations; Dealing With Difficult People; the Future of Mediation; and Joint Fact-Finding.



Thanks to the support of the **Friends of Hawaii Charities**, the **Bretzlaff** and the **Pettus Foundations**, the Mediation Center was able to grow and strengthen the Divorce and Custody Mediation Programs. Altogether, 219 Custody Mediations (unmarried couples working out time-sharing and co-parenting arrangements) and 318 Divorce Mediations were managed.

The Mediation Center is grateful to the private mediators and outside experts who contributed over **300 hours** of their time to assist with the trainings and workshops including: **Cynthia Alm, Judge Riki Amano (Ret.), Professor Bruce Barnes, Daniel Bent, Judge Mark Browning, Pam Chambers, Louis Chang, Gerald Clay, Linda Colburn, William Darrah, Dr. James Hoenig, Leo Hura, Charles Hurd, Elizabeth Kent, Roberta Lee-Driscoll, Giuseppe Leone, Dee Dee Letts, Alan Ma, Judge Victoria Marks (Ret.), Bruce McEwan, John Morris, Mei Nakamoto, Philip Nerney, Seth Reiss, Dr. Craig Robinson, Jana Wolff, Beth Worrall-Daily and Raymond Zason.**



ACCESS ADR

The Mediation Center staff and ACCESS ADR panelists provided **97 hours of mediation and facilitation services** for individuals or representatives from private businesses, schools, government agencies, and nonprofit organizations throughout the State during the fiscal year.

Schools and Youth

The Mediation Center once again collaborated with **Mediation Works, ACR Hawai`i, the Hawai`i Department of Education, Hawai`i State Judiciary's Center for Alternative Dispute Resolution (CADR), University of Hawaii's Matsunaga Peace Institute's Program on Conflict Resolution** and private mediators to host the 28th Annual Statewide Peer Mediation Conference held on February 13, 2015 at the University of Hawaii Campus Center Ballroom, involving 96 student mediators and adults from seven schools from throughout the State. The Conference theme – "*Choices*" – offered workshops on Mindful Listening, Bullying, and Peer Mediation Best Practices. The students uniformly agreed that the Conference helped them to learn new skills and ideas that they would take back to their respective schools to strengthen and grow their Peer Mediation Programs.

Access to Justice

With the continued support of the **Harry and Jeanette Weinberg Foundation** endowment, **Hawai`i Justice Foundation**, **Pettus Foundation**, **Bretzlaff Foundation**, **individual contributions** and the proceeds from the annual Under the Mediation Moon fundraiser, 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.



Mediator Katie Bennett was recognized at the October Pro Bono Celebration for her many hours of service mediating divorce and paternity cases for the Mediation Center

Training and Facilitation

A total of 118 hours of external trainings/workshops and presentations were conducted for various agencies, businesses, schools and individuals including: the Department of Education; Lanakila's Meals on Wheels Program in Waianae and Kailua; Kaiser Permanente's Social Work Department; Kokua Kalihi Valley Community; AARP members; and various members of the community. The Mediation Center also provided 11 hours of facilitation services involving 94 people from various organizations and groups including the WRAP Coordinating Committee and the Downtown/Chinatown Street Festivals Forum.

To promote mediation in the area of divorce, the Mediation Center was a co-presenter for the monthly Divorce Law in Hawai`i Program hosted by the Hawai`i State Judiciary. 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. Various forums addressing issues relating to dispute resolution were provided for diverse audiences in collaboration with ACR Hawai`i, the University of Hawaii's Matsunaga Institute for Peace and Conflict Resolution, the ADR Section of the Hawai`i State Bar Association, the Access to Justice Commission, and the Hawai`i State Judiciary.



Fundraising and Friendraising



To maintain and grow quality mediation and dispute resolution services, the Mediation Center relies on the generous support of private donations, grants from various foundations, revenue-generating programs such as training and ACCESS ADR, contracts with the Judiciary, and the annual fundraiser. It was thanks to a generous grant from the Hawaii Community Foundation back in 2005, that the Mediation Center was able to create its signature event, Under the Mediation Moon. Since that time, it has grown from a casual evening of jazz and wine tasting for 100 people gathered in the Courtyard of La Pietra School, to a gala affair of nearly 400 people honoring Hawaii's leaders in mediation at the Hawaii Convention Center.

This past fiscal year, the Mediation Center was fortunate to benefit from the assistance and support of Larry Rodriguez. Thanks to Larry's insight, generosity and guidance, the 8th Annual Under the Mediation Moon was a huge success and raised three times the amount of revenue from the previous year. Equally important, the larger event created a greater awareness of the critical role that the Mediation Center plays in Hawaii's communities. New friendships were forged and a new precedent was set for growing the annual event to sustain the Mediation Center and engage in new initiatives to support the community.



Looking Ahead in 2015 – 2016

The new initiatives and successful fundraiser launched in FY2014-2015 laid the foundation for fiscal year 2015-2016. The new cloud-based case management system will be launched at the start of the fiscal year and continue to be refined throughout the year. A new website is under construction and the new fund development software will be fully integrated into fundraising efforts. Thanks to the continued support from the Bretzlaff Foundation, Davis Levin Livingston Charitable Foundation, Friends of Hawaii Charities, the Harry & Jeanette Weinberg Foundation and the Pettus Foundation, the divorce, custody and Kupuna Pono Programs will continue to grow and be strengthened. Work with the Legal Service Providers and other organizations will continue to focus on increasing services to the low income and vulnerable populations, including encouraging landlords and tenants to mediate early. And finally, the Board of Directors will engage in a strategic planning process to create a plan to lead the Mediation Center through the next three years.