



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 27, 2022

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott Saiki
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Section 613-4, Hawai'i Revised Statutes, the Judiciary is transmitting a copy of the *Judiciary's Center for Alternative Dispute Resolution FY 2022 Annual Report*.

In accordance with Section 93-16, Hawaii Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library

Aloha!

While 2020-21 tested our resilience and stressed innovation, this past year focused on refining new ways of doing business. Discussions on providing alternative dispute resolution services (ADR) remotely shifted from “how do we do this?” to “how can we do this optimally?” with a view toward developing new applications, achieving acceptance among practitioners and parties, and providing greater efficacy.

Through the ongoing support of the community mediation centers, and training programs to help ADR practitioners feel more confident mediating remotely, CADR expanded access to dispute resolution services statewide. Providing mediation through remote sessions has eased scheduling conflicts and provided greater access to parties. This has made mediation an even more attractive option for resolving disputes.

CADR continues to see increased demand for online educational programs and training. Workshops were conducted for city and county, and state departments including the Judiciary’s Second, Third, and Fifth Circuits, Department of Defense, and the Senate Clerk’s Office. Attendance for online outreach events and workshops remains 30 percent higher than in-person largely due to increased neighbor island and mainland participation.

While ADR sessions, training, and outreach are transitioning back to in-person, CADR looks forward to exploring hybrid approaches, with both live and virtual participation, to continue to meet the evolving needs of the public. A “*we are all in this together*” concept embraced by the ADR industry is key to transitioning to new approaches.

I wish to thank CADR volunteers for their dedication and commitment, and CADR staff for all of their hard work. This report summarizes CADR’s work during FY 2021-2022.

Mahalo,

Mark E. Recktenwald
Chief Justice

VOLUNTEERS

Appellate Mediation Program Mediators

| | |
|----------------------------------|----------------------------------|
| Hon. Simeon R. Acoba, Jr. (ret.) | Stanley Majka, Esq. |
| Hon. Riki May Amano (ret.) | Judge Victoria S. Marks (ret.) |
| George B. Apter, Esq. | Hon. E. John McConnell (ret.) |
| Hon. Joel E. August (ret.) | Georgia K. McMillen, Esq. |
| Hon. Karen N. Blondin (ret.) | Hon. Douglas S. McNish (ret.) |
| Robin K. Campaniano, Esq. | Hon. Marie N. Milks (ret.) |
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| Louis L.C. Chang, Esq. | Hon. Gail C. Nakatani (ret.) |
| Charles W. Crumpton, Esq. | Hon. Rhonda A. Nishimura (ret.) |
| Hon. James E. Duffy (ret.) | Hon. Maura M. Okamoto (ret.) |
| Jacqueline L.S. Earle, Esq. | Patricia Kim Park, Esq. |
| David H. Franzel, Esq. | Hon. Shackley F. Raffetto (ret.) |
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| James K. Hoeng, Esq. | Hon. Allene K. Suemori (ret.) |
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| Elizabeth Kent, Esq. | Hon. Michael A. Town (ret.) |
| Hon. Walter S. Kirimitsu (ret.) | Arne Werchick, Esq. |
| Hon. Robert G. Klein (ret.) | Hon. Andrew P. Wilson (ret.) |
| Ralph R. La Fontaine, Esq. | Hon. Patrick K.S.L. Yim (ret.) |
| Hon. Rosalyn Loomis (ret.) | |

In Memoriam

CADR acknowledges with appreciation the profound contributions of Chief Justice Ronald T.Y. Moon who pioneered the Judiciary’s CADR, and Professor Kem Lowry.

BOARD OF ADVISORS

| | |
|-------------------------------|----------------------|
| Hon. Karen Blondin (ret.) | Valerie S. Mariano |
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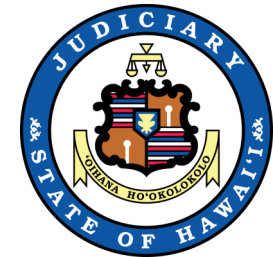
EXTERNSHIP

Jack Moore, Pepperdine University Caruso School of Law,
Straus Institute for Dispute Resolution, Master’s of Dispute
Resolution Candidate

Hawai‘i State Judiciary
Center for Alternative Dispute Resolution
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Center for Alternative Dispute Resolution

The Judiciary State of Hawai‘i



Annual Report

July 1, 2021 - June 30, 2022

*Presented to the
Thirty-second Legislature*

*Pursuant to
Hawai‘i Revised Statutes §613-4*

Programs

CADR provides alternative dispute resolution (ADR) throughout the state so that disputes may be resolved without the emotional and financial costs of litigation while preserving relationships between parties. Making ADR services available through the Judiciary helps build public confidence in our court system and enhances access to justice.

Program Activity FY 2021–2022

- **Hawai‘i Appellate Mediation Program (AMP)**
Since AMP’s inception in 1995, 780 cases entered the program. The overall settlement rate for closed cases is 49 percent. In FY 2021–22, AMP added 24 new cases to its 12 pending cases. Of the 36 active cases during this period, 20 cases closed with the following results: 7 settled or partially settled; 11 did not settle; and 2 were withdrawn prior to mediation. The 16 cases carried over to the new fiscal year.

Seven new volunteer mediators were welcomed at an *AMP Mediator Appreciation Reception and New Mediator Orientation* on Sept. 21, and two additional mediators joined the panel in the first quarter 2022.

Fiscal Year 2022 was the second year in a row that the Access to Justice Commission recognized the AMP Mediators for their pro bono contributions. Volunteer mediators contributed more than 330 hours of service to the community and the Intermediate Court of Appeals.

Zoom Mediation training and practice was offered twice to AMP mediators in FY 2021-22, and a formal two-day advanced appellate mediation training by the Mediation Center of the Pacific was delivered to AMP mediators in June 2022.

- **Family Court, First Judicial Circuit** - Assisted with the Volunteer Settlement Master Process
- **Workplace Dispute Resolution Program (WDRP)**
Administered by CADR to provide options for Judiciary employees to resolve workplace matters

Direct Services

CADR provided mediation, facilitation, and process design services for the following:

Assisted the Office of the Administrative Director with facilitating the *Pass-through Entity's Oversight Responsibilities for Subrecipients training presented by the Department of Justice, Office of Justice Programs, Office of the Chief Financial Officer, to Judiciary Federal Grant Project Directors, Fiscal Officers, and Admin. Staff.*

Training, Education, Research, and Outreach

CADR provided the following workshops to State and City and County employees:

- CADR 1.0 *Working It Out: Skills for Managing Conflict*
- CADR 1.3 *Collaborative Workplace: Skills for Cultivating Collaboration*
- CADR 1.4 *Collaborative Workplace: Giving Feedback for Productive Outcomes*
- CADR 6.0 *Empathic Communications: The Path to Seeing More Deeply*

Additional ADR-related Workshops and Educational Outreach:

- Trained ICRD Supervisors on how to engage participants in Zoom meetings and webinars
- Provided CADR training to Judiciary Supervisors in Second, Third and Fifth Circuits
- Presented *Empathic Communications* at the 2021 HI Library Association Conference

CADR collaborates with the following ADR partners to offer regular outreach programs: Accord 3.0; Conflict Resolution Alliance; Hawai‘i Friends of Restorative Justice; Hawai‘i State Bar Association–ADR Section; Kaua‘i Economic Opportunity, Inc. Mediation Program; King Kamehameha V Judiciary History Center; Ku‘ikahi Mediation Center; Matsunaga Institute for Peace and Conflict Resolution, University of Hawai‘i at Mānoa; Maui Mediation Services; Native Hawaiian Bar Association; The Mediation Center of the Pacific; and West Hawai‘i Mediation Center

Presented During FY 2021–2022

- Virtual Brown Bag Sessions—Skills for Problem Solving:
 - 1) *Value & Perils of Nonverbal Communication*
 - 2) *Courageous Conversations*
 - 3) *The Art of Clear, Courageous Communication*
 - 4) *Managing Conflict at Work*
 - 5) *Storytelling in Mediation*
 - 6) *Mediation Jazz*
 - 7) *Innovating the Future of ADR*
 - 8) *How Close is the U.S. to Civil War?*
 - 9) *Best Practices for Remote ADR*
 - 10) *The Intersection of Psychology, Law, and Dispute Resolution*
- Co-sponsored the 35th Annual Peer Mediation Conference: *Exploring The Peer Mediator Experience*

Community Mediation Centers

CADR administers a purchase of services contract for mediation and related dispute resolution services with Mediation Centers of Hawai‘i, Inc. (MCH). MCH serves as an umbrella organization for the five community mediation centers throughout the state.

The centers, located on Hawai‘i Island (Hilo and Kona/Waimea), Kaua‘i, Maui, and O‘ahu are key partners in providing affordable mediation services statewide. The mediation centers handle landlord/tenant matters, neighbor/neighbor disputes, consumer/merchant issues, workplace related disagreements and domestic cases, among others.

In Fiscal Year 2022, MCH served 17,825 clients, and opened 7,154 cases which constitutes a 61.85% increase from Fiscal Year 2021. The significant increase in caseload was largely due to the pandemic and resulting high volume of landlord-tenant cases referred to mediation.

Mediation. It Works!

