

Fiscal Year 2021-2022

WORKING TOGETHER TO STRENGTHEN FAMILIES,
WORKPLACES, AND OAHU'S COMMUNITIES



The Mediation Center of the Pacific
ANNUAL REPORT

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Unique Partnerships, Collaborations, and Brainstorming Together Made the Difference



With the initial shock of the pandemic behind us, and life via Zoom the daily norm, the focus of Fiscal Year 2021-2022 (FY2122) shifted to designing strategies for preventing further damage and pain for Oahu's people who were already suffering. Multiple stakeholders, old partners and new, invested many hours brainstorming ways to

prevent a flood of evictions when the moratorium on evictions ended, how to efficiently manage a surge of cases at the courts, and more. The Mediation Center of the Pacific (MCP) was fortunate to play a key role in the discussions and the outcomes of those discussions.

Tom Vilsack wisely stated that "people working together in a strong community with a shared goal and common purpose can make the impossible possible." The committees and working groups MCP collaborated with over the year, and the positive impact their work made on O'ahu's communities, were an example of Vilsack's sage words. From the working group formed by Representatives Nadine Nakamura and Troy Hashimoto to address the potential flood of evictions, to the Civil Working Group assembled by Judge Darolyn Lendio Heim, and the Windward Hui created by Terry George of the Harold K. Castle Foundation, like-minded people, as well as those who had never considered working together before, met regularly and persevered in difficult conversations to achieve the common goal of making O'ahu's communities stronger. Their impact was evidenced by successes such as the Act 57 Eviction Mediation Program through which MCP conducted 1,379 mediations resulting in 1,201 (87%) agreements allowing 1,141 tenants to remain in their homes.

The power of working together was also evidenced through continuous meetings with MCP's board members, mediators, and staff throughout the year. Despite encountering their own personal and professional challenges due to the pandemic, the board engaged in multiple committee meetings to ensure MCP remained financially strong and to lay the foundation for strategic planning. Similarly, the domestic, district court, and landlord-tenant mediators participated in monthly brown bag sessions, sharing best practices and new ideas to assist the thousands of people utilizing MCP's services monthly. The staff also established regular morning meetings via Teams to strategize on best policies, procedures, and practices for keeping daily operations running smoothly, despite the need to continually re-evaluate and shift. As a result of the combined energy and effort, MCP served more people and conducted more mediations than any prior year in its 43-year history. The dedication of the MCP Board of Directors, funders, partners, mediators, and staff, truly made the impossible possible. 4,987 cases were managed (an increase of 3,551 cases in FY2019-2020 prior to COVID) and 2,550 were mediated (an increase of 1,552 mediations from FY2019-2020), with 67% resulting in agreements.

We are grateful to everyone who helped us do the impossible and serve so many during the most challenging of times. Because of you, we can attest that Amy Poehler was correct when she said, "Find a group of people who challenge and inspire you, spend a lot of time with them, and it will change your life." You changed our lives and that of MCP!

David Simons, President

Tracey Wiltgen, Executive Director

ACCOMPLISHMENTS IN FY2021-2022

MEDIATION	OUTCOMES
Cases Opened	4,987
Cases Mediated	2,550
Mediated Agreements	66%
Total Cases Managed	5,544
Domestic Cases Opened	913
Domestic Cases Mediated	569
Agreements Reached in Domestic Cases	47%
Landlord-Tenant Cases Opened	3,144
Landlord-Tenant Cases Mediated	1,605
Agreements Reached in Landlord-Tenant Cases	78%

OUTCOMES

OUTPUTS

Mediation is useful process	78%	Number of mediation hours	8,590
Would use mediation again	83%	Number of mediation sessions	3,161
Mediation reduced stress in my life	69%	Number of people served through mediation & training	15,474
Mediation improved communication with the other person	60%	Number of hours in-house training & education for mediators	100
The mediation agreement will help to prevent future problems	60%	Number of hours outside training & education	152

"Thank you so much to our mediators. I came into today's meeting not wanting to have anything to do with it. But you both made me feel at ease, reminding me of what mediation is for and how it will help. Thank you again."

- Landlord-Tenant Mediation Participant -



“The Greatest Danger in Times of Turbulence is Not the Turbulence – It is to Act With Yesterday’s Logic.”

– Peter Drucker –



FY2122 was filled with turbulence and uncertainty. Simultaneously, the need for mediation services increased. Thus, it was necessary for MCP to quickly change, adapt, and implement new policies and procedures, including using more technology. Yesterday’s logic no longer worked. Creativity, flexibility, new approaches, and an open mind were required.

In Dana Karen’s July 2020 article, *An Integrated Approach to Organizational Change Management*, she noted that “the biggest factor contributing to IT project failure is typically not the technology itself, but the people involved in the change. Digital transformation initiatives usually require that teams shift their daily activities and processes to accommodate the introduction of a new technology or tool. While some people seem to thrive on change, they are typically in the minority. For most, change creates anxiety, even when positive. A certain level of resistance to change is just part of being human and can manifest itself along a wide spectrum from hesitation to outright rejection of a new behavior or idea.” Despite these inherent challenges with implementing change, particularly when technology is involved, the MCP Team and the mediators readily accepted the need for change and quickly adapted to those changes. And because the requirements for living during the pandemic frequently fluctuated, it was necessary to repeatedly change MCP’s policies and procedures to serve the stream of cases that never stopped. The mediators and the MCP Team persisted and succeeded.

The need for constant change didn’t deter the mediators or the MCP Team. Together they overcame challenges big and small, to serve the largest volume of cases in MCP’s history.



Procedures for offering and conducting remote mediations were implemented and regularly refined. A full-time staff member was hired to coordinate the videoconference mediations including managing the electronic signing of confidentiality agreements and final mediation agreements, uploading documents needed for the mediation discussions, and providing technological support for mediators and clients before and during the mediation sessions. Regular workshops and one-on-one tutorials on mediating virtually were provided for the mediators. These changes were only the tip of the iceberg.

“ I can’t say enough about the mediation process or the people from The Mediation Center who helped us out. The intake staff was outstanding setting up and preparing us for the session, and our mediators were excellent. I very much appreciate your services.”

- Family Mediation Participant -

When MCP was asked to quickly develop and implement an early eviction mediation program to address potentially 6,000 evictions on O‘ahu when the moratorium on evictions ended, the MCP Team recruited 15 independent contractor mediators, developed an online portal for opening cases and quickly gathering the data needed to manage each case, and set up an electronic scheduling system that allowed for prompt scheduling and automated reminders to mediators and participants. Together, these changes enabled MCP to open 3,047 early eviction cases and mediate 1,379 of these cases with 87% or 1,201 mediations resulting in agreements. It was no easy feat. The willingness of the mediators and staff to accept the need to change, their patience, and understanding when changes weren’t always smooth, and their commitment to the work of MCP, were key ingredients for the Program’s success.

3,047 eviction cases were opened for mediation, before going to court.

1,379 early eviction mediations were conducted with **87%** reaching agreement

Approximately **1,141** tenants were able to remain in their homes

“This is the first mediation experience we ever had so we didn’t know what to expect. Thanks to the mediator and his excellent communication skills, patience, and calm friendly professional manner along with his positive suggestions and explanations, we were able to come to an arrangement all parties involved agreed to. We have a greater appreciation for mediators and the mediation process and the positive effects and benefits it has on unfortunate and unforeseen circumstances that cause such anxiety and stress in ones life. Thank you for all you do!”

Domestic Mediation

Domestic mediations involving divorcing, divorced, and unmarried couples with children, remained one of the largest areas of service provided by MCP in FY2122. During the year, 913 domestic cases were opened, representing an increase of 110 cases from the prior fiscal year. 569 domestic cases were mediated with 269 cases or 47% resulting in agreements.

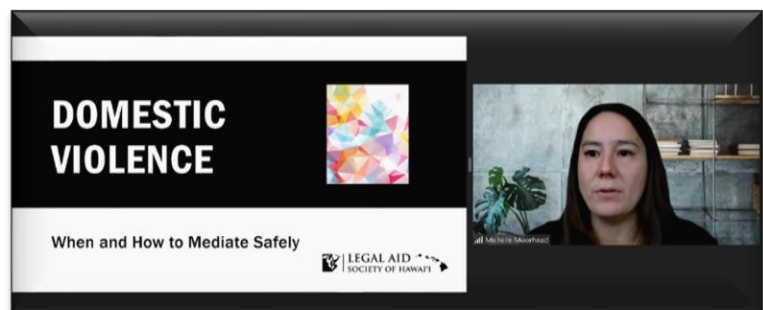
“Our mediators were so helpful. They provided us with a safe space to work out our issues and I was extremely pleased with the agreement we were able to come to.”

- Divorce Mediation Participant -

Thanks to continued regular outreach efforts, including the Divorce Law in Hawaii monthly presentation for the public, more than half of the domestic cases opened (465) were self or attorney referrals. While self-referrals are generally less contentious than cases involving couples that are already engaged in an adversarial battle through the court system, the mediators reported that the mediations they conducted overall were increasingly emotional and extremely challenging. Angry participants who failed to prepare for mediation, combined with the fact that more people were moving from the islands, made the creation of time-sharing and co-parenting agreements difficult. The increasing cost of real estate combined with low inventory and decreased income during COVID, made establishing two separate households an insurmountable obstacle for many.

To address the challenges encountered in the mediations, the domestic mediators met monthly via Zoom and engaged in discussions to share ideas and best practices. Through these discussions, new policies and procedures were created to help mediation sessions be more productive, including a new “Preparing for Divorce Form” that provides mediators with more information prior to a mediation session. Private mediators and other outside professionals including domestic violence experts, were also recruited to share their resources and ideas. Together, the mediators invested hundreds of hours learning, strengthening their skills, and mediating. Together, they helped 269 couples stop fighting, focus on the needs of their children, and move forward in the next phase of their lives.

Together the domestic mediators helped 269 couples stop fighting, focus on the needs of their children, and move forward into the next phase of their lives.



“The major success of this mediation is that I will be able to keep my daughter safe.”

- Custody Mediation Participant -

District Court Mediations

Referrals from the District Courts throughout O‘ahu also comprised a large percentage of MCP’s cases in FY2122. All types of District Court cases were ordered to mediation and included small claims, regular claims, eviction, and temporary restraining order filings. During the year, MCP opened 1,129 District Court cases, an increase of 753 cases from FY2021, and an increase of 406 case from calendar year 2019, prior to COVID. 769 District Court cases were mediated, with 348 (45%) reaching agreement.

The 1,129 District Court cases opened for mediation in FY2122 exceeded the number of District Court cases opened in FY2021 by 753 cases and by 406 in 2019, prior to COVID.

Traditionally District Court mediations were conducted on-site at the various courthouses. Due to the continued COVID restrictions, in FY2122 all District Court cases were scheduled through MCP and mediated either via Zoom or at MCP's office. Without the time constraints of the courts, the District Court mediation sessions were increased from 20 – 30 minutes to an

hour and a half. In some instances, the participants returned for a second session. As a result of the increased time, the mediators were able to spend more time listening to the participants, helping them understand one another's perspectives, and laying the foundation for negotiations.

"The mediators were fantastic. I had zero confidence in the process prior to the mediation, but was pleasantly surprised."

- District Court Mediation Participant -

Workplace Mediation, Kupuna Pono, and More

In addition to the large volume of cases managed in the landlord-tenant, domestic, and District Court arenas, MCP continued to provide mediation and family conferencing for disputes arising in workplaces, condominium associations, and neighborhoods, as well to address conflicts among families caring for an elder family member through the Kupuna Pono program.

The pandemic created new issues to address and increased tension, particularly among family members. Reaching agreements on where it was safe for an elder family member to live, concerns regarding family members with more active lifestyles exposing the elder family member to COVID, and more, were difficult issues addressed through mediation and family conferences. Referrals for these cases came from various healthcare facilities such as Kaiser Permanente and St. Francis, organizations working with elders such as Catholic Charities, and self-referrals from individuals who heard about MCP's Kupuna Pono Program through regular outreach that was conducted throughout the year.

"The process helped to keep the tension low. I didn't expect to have a resolution, but our mediator was super helpful and brought calmness to our situation."

- Family Mediation Participant -

Training

While workshops and trainings for the volunteer mediators remained primarily via videoconference, the MCP Team was happy to receive requests for in-person trainings conducted in the beautiful MCP training room which allows for appropriate social distancing. With trainings being offered via videoconference, as well as in person again, MCP's training schedule quickly filled. 99.75 hours of trainings and workshops were conducted for the mediators, and 151.25 hours of trainings and workshops were conducted for 1,763 individuals from various organizations and members of the public throughout the state.



Outside trainings included a three and a half-day Mediation Training for Child Welfare mediators; two 25-hour Basic Mediation Trainings comprised of business professionals, physicians, attorneys, and more; a one-day Mediation Skills for Managers training for 24 participants with the VA Pacific Island Health Care System; and a four-day Mediation Training for 12 participants with the Hawaii State Teachers Association.

Providing conflict resolution and mediation skills for people from different sectors, promoted a culture of proactive problem-solving in those sectors, thereby building self-sufficiency and strengthening the workplaces and communities of the people who participated.



"I could not have predicted the amount of skills and helpful learning I gained from participating in this training."

"Very thorough and comprehensive format for mediation process from start to finish."

"Great job. Thank you for an EXCELLENT training experience."

- Basic Mediation Training Participants -

FINANCIAL STATEMENT

July 1, 2021 - June 30, 2022	Current Year	Prior Year
Revenue & Support:		
Contributions & Grants without donor restrictions	\$1,349,536	1,397,770
Government Contracts	826,128	339,288
Program Service Fees	200,755	268,022
Net Assets Released from donor restrictions for programs	134,739	74,124
Other Revenue and Support	9,159	353
Total Revenue and Support	2,520,317	2,079,557
Expenses:		
Mediation services	2,107,489	1,570,548
Management and general	196,128	254,281
Fundraising	10,182	9,651
Total Expenses	2,313,799	1,834,480
Change in Net Assets		
Contributions with donor restrictions	82,670	519,637
Investment income from assets with donor restrictions	25	28
Net assets released from donor restrictions	(766,302)	(467,036)
Increase (decrease) in net assets with donor restrictions	(683,607)	52,359
Increase in Net Assets	154,474	779,248
Net Assets – Beginning of Year	6,556,236	5,776,988
Net Assets – End of Year	6,710,710	6,556,236

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Dorothy "Dee Dee" Letts
Emily R. Marr
McCorriston Miller Mukai
MacKinnon, LLP
RRS, Inc.
Tracey Wiltgen

\$1,000 & Above

Cecelia C.Y. Chang
Kellie Chun
P. Gregory Frey
Collin M. Fritz
Imanaka Asato, LLLC
Law Office of Jon S. Jacobs, LLLC
Jelani Madaraka
Judge Victoria S. Marks (Ret.)
Judge Karen T. Nakasone
Rhonda A. Nishimura
Judge Michael Tanigawa (Ret.)
Robert & Lynne Toyofuku
Anonymous

\$500 & Above

David Franklin
Judge Hilary B. Gangnes
Mel Hertz
James Jennings
Elizabeth Kent
(In Honor of Ned Busch)
Gerald H. Kibe
Elaine Lemons
Peter C. Lewis
Chad Paul Love
Ron & Coralie Matayoshi
Nicholas McLean
Poranee Natadecha-Sponsel
Norman & Azita Quon
Chief Justice Mark E. Recktenwald &
Gailyn Williamson
Supporters
Patricia K. Brandt

Sherry P. Broder
Judge Michael Broderick (Ret.) &
Maile Meyer
Charles Buckla & Ray Yamate
Business Insurance Services, Inc.
Melvin M. Fujii
Reynard & Charlene Gaulty
Carol Hong
Louise Ing
Emily Latimer
Ashley Lumauag
Owen K. Tamamoto
William Tschumy
John & Judy Wiltgen

*Mahalo for your generous
support that enabled MCP to
secure a permanent home!*

LOOKING AHEAD TO FISCAL YEAR 2022-2023



We are excited to build on the success of MCP and lessons learned in FY2122. In upcoming FY2223, the Board of Directors will engage in a strategic planning process to create a new plan that will guide MCP over the next three years. We are also looking forward to holding an in-person annual dinner once again at the Hawaii Convention Center on May 6, 2023. It will be a welcome opportunity to gather once again. Equally important, MCP will honor the Kosasa family for their generous support of MCP and many other worthy organizations in Hawaii's communities.

The high volume of cases managed by MCP in FY2122 is expected to continue in FY2223. While the early eviction mediation program created through Act 57 will end in August, MCP will continue to encourage landlords and tenants to mediate early, before going to court. The partnerships established with Catholic Charities, the Council for Native Hawaiian Advancement, Hawaii Appleseed, the Susanna Wesley Center, and our many partners in Windward O'ahu communities, will continue to focus on increasing outreach and education to outlying communities and different cultures such as Pacific Islanders and others, who typically don't use mediation. Through these efforts, MCP will increase the use of mediation, particularly with landlords and tenants in the low-income, ALICE, and vulnerable populations, and help keep the tenants housed and current on their rent.

Finally, in keeping with MCP's mission of providing high quality services, the staff will be exploring new ways to integrate technology into the scheduling process. A new online portal and electronic scheduling system for the mediators is envisioned to expedite and simplify scheduling mediations.

We are grateful to the many donors, mediators, and partners who helped MCP grow and succeed over the past year. With your continued support, we look forward to helping more people to prevent and resolve conflicts before they escalate, in the coming months.

"Our mediator did a wonderful job of helping us resolve our conflict and kept us from an emotionally exhausting courtroom battle. I really felt heard by the other party thanks to the mediator, and the other party was able to share some of her strong opinions about me. She agreed to pay me much more than I expected. I am very pleased about what transpired in our meeting. I am very grateful for the mediation process. The staff are an answer to prayer and much better sleep.