



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Brandon M. Kimura
DEPUTY ADMINISTRATIVE DIRECTOR

December 5, 2023

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 2023 Annual Report*.

In accordance with Section 93-16, Hawai'i 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,

The Center for Alternative Dispute Resolution (CADR) ensures that alternative dispute resolution is available in Hawai'i. Alternative dispute resolution offers opportunities for early, party-driven, efficient, and fair solutions.

CADR:

- Designs and helps implement alternative dispute resolution programs for state and county government;
- Mediates and facilitates public policy disputes referred by elected or appointed government officials;
- Administers the Appellate Mediation Program;
- Manages the Judiciary's purchase of services contract for mediation and related dispute resolution services; and
- Promotes alternative dispute resolution through training and education.

I wish to thank CADR volunteers for their dedication and commitment, and CADR staff for their hard work. This report summarizes CADR's work during FY 2022-2023.

Mahalo,

Mark E. Recktenwald
Chief Justice

VOLUNTEERS

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Diane D. Hastert, Esq.	Hon. Leland H. Spencer (ret.)
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Kenneth B. Hipp, Esq.	Hon. Allene K. Suemori (ret.)
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Elizabeth Kent, Esq.	Hon. Andrew P. Wilson (ret.)
Hon. Walter S. Kirimitsu (ret.)	Hon. Patrick K.S.L. Yim (ret.)

Fall 2022 Intern

Jack Moore, Straus Institute for Dispute Resolution,
Pepperdine University

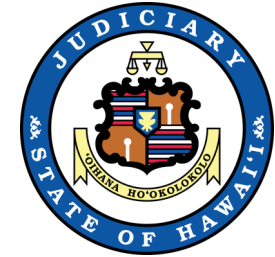
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Center for Alternative Dispute Resolution

The Judiciary
State of Hawai'i



Annual Report

July 1, 2022 - June 30, 2023

*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 judicial system and enhances access to justice.

Program Activity FY 2022–2023

• **Hawai‘i Appellate Mediation Program (AMP)**

Since AMP’s inception in 1995, 802 cases entered the program. The overall settlement rate for closed cases is 49 percent. In FY 2022–23, AMP added 22 new cases to its 16 pending cases. Of the 38 active cases during this period, 26 cases closed with the following results: 10 settled or partially settled; 14 did not settle; and 2 were withdrawn prior to mediation. Twelve cases carried over to the new fiscal year.

Five new volunteer mediators were welcomed to the AMP Volunteer Mediator panel.

The Appellate Mediation Advanced Skills and Professional Development Symposium, created and delivered in partnership with the Mediation Center of the Pacific, was held in June 2023. Participants could elect to earn two CLE credits.

FY 2022-23 was the third consecutive year that the Access to Justice Commission recognized the AMP Mediators for their pro bono contributions. Volunteer mediators contributed more than 400 hours of service to the community and the Intermediate Court of Appeals.

• **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

CADR delivered a WDRP training in June ’23 for Judiciary Supervisors participating in the Judiciary Supervisor Mentorship Program.

Training, Education, Research, and Outreach

CADR provided the following workshops to State and City and County employees, including the State Judiciary, Admin. Office of the Governor, Department of Health, Department of Education, and The City and County of Honolulu:

- 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*
- CADR 7.0 *Hot Buttons*

Additional ADR-related Workshops and Educational Outreach:

- CADR delivered four specially tailored training sessions to mentors and mentees in the Judiciary Supervisor Mentorship Program.

CLE

CADR develops programs to deliver quality continuing legal education to the legal community. Of the training and outreach events offered in FY 2022-23, three gave participants the opportunity to earn a cumulative five CLE credits.

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; The Mediation Center of the Pacific; and West Hawai‘i Mediation Center

Presented During FY 2022-2023.

- CADR Virtual Brown Bag Sessions—Skills for Problem Solving:
 - 1) *The Art of Science of Mediation and the Hurdles Along the Way*
 - 2) *Communicating with Empathy: The Path to Seeing More Deeply*
 - 3) *The Emotional and Psychological Aspects of Mediations and Their Ethical Implications*
 - 4) *The Rhythm of Robert’s Rules of Order*
 - 5) *Identity-Based Conflict and the Stages of Reconciliation*
 - 6) *Applying Restorative Justice Practices to Mediation*
 - 7) *Dealing with High Conflict Personalities in Mediation*
 - 8) *The What, Why and How Transformative Mediation*
 - 9) *How AI Can Assist Mediating Condominium Disputes*
- Co-sponsored and presented at the 36th Annual Peer Mediation Conference: *Having a Career in the Field*

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 2023, MCH served 15,615 clients and opened 4,369 cases.

