



**When You
Have
Disputes,**

**There are
Choices!**

Mediation. It Works!



THERE ARE SOLUTIONS



Facilitation

Facilitator helps group identify and solve problems.

Mediation

Mediator helps parties explore solutions.

Arbitration

Arbitrator makes decisions.

Facilitation

- Parties make decision
- Informal
- Parties determine who participates
- Agreements are dependent on parties

Partnering is a form of facilitation which is successfully used by the Construction Industry to prevent project disputes.

Facilitation is a collaborative way to manage a group discussion to help the group identify and solve problems, make decisions, and complete tasks.

Facilitation encourages a cooperative environment so that the group can fulfill its purpose as easily as possible.

Facilitation creates a climate that invites creative thinking, protects individuals from criticism, and generates ideas so the group can reach its goals.



Mediation

- Parties make decision
- Informal process
- Rules of evidence do not apply
- Often faster and inexpensive
- Conferences can be private
- Agreements are dependent on parties



Mediation is a process in which the parties to a dispute (and sometimes their lawyers) meet with a trained impartial person, or “mediator,” who helps them explore solutions. The mediator meets with all sides, together and separately, and uses a variety of techniques to help the parties come to a resolution. The mediator does not decide disputes.

Arbitration

- Arbitrator makes decision
- Less formal process than litigation
- Limited Discovery
- Often faster and less expensive than litigation
- Hearings can be private
- Decisions are final (with limited appeal rights)

The arbitration process generally takes the place of a court trial. Instead of going before a judge, disputing parties agree that they will be bound by the decision of an impartial person, or “arbitrator.” The arbitrator listens to opposing parties in a dispute and renders a decision. Arbitration is private, usually voluntary, and decisions are almost always binding. (Many cases filed in the Hawai‘i State Judiciary are included in the Court Annexed Arbitration Program [CAAP]. CAAP arbitrations are non-binding.)





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