

Hawai'i Access to Justice Conference
“Continuing to Meet Challenges to Access to Justice”
Friday, June 17, 2022

Workshop Summary

PREVENTING AND RESOLVING COMMUNITY CONFLICTS

Presented by panelists: Dr. Peter Adler, Dawn Chang, Justice James Duffy (Ret.), Melissa May
Moderated by Tracey Wiltgen

The presentation was started with the following quote:

“The combination of collective ownership of the problem, rules, and structures that make a conversation safe combined with the joy of a creative approach, leads to people engaging deeper and taking on the practice and solutions more actively.” – Fred Dust –

Mediation and other dispute resolution processes help people from all backgrounds to engage in difficult conversations and negotiations to address a broad array of issues from domestic disputes, landlord-tenant matters, family conflicts, and more. With the appropriately designed process, community disputes involving individuals, families, government, small and big businesses, contractors, developers, and more, can also be addressed. By engaging in creative strategies, including proactive community engagement and dispute resolution processes, community members are given a voice, and trust can be built between various stakeholders to address critical community issues.

The prevention and resolution of community conflicts is an access to justice issue because without the appropriate processes and neutrals designing and leading those processes, disenfranchised members of the community are left without a voice or even a basic understanding of proposed changes, developments, and projects that are undertaken in their communities. Government agencies maintain control over the conversation.

The panel highlighted the benefits and challenges of preventing and resolving community conflicts, when mediation and dispute resolution is appropriate, the importance of designing dialogue formats and structures for the organization or community, and how contention can be avoided, and civility restored.

Each panel member described specific community projects they have actively worked on including issues involving Waimanalo and other communities. The panelists emphasized the importance of early planning and engagement noting that a successful process can leave communities stronger and better able to represent their interests. Principles for engaging communities in dialogue include respecting place and culture; communicating early and often; identifying community champions; involving keiki and kūpuna; partnering with schools and community organizations; creating inclusive and creative platforms for visioning and

participation; making clear how input was incorporated; and building in tools for implementation and sustained effort.

It was emphasized that to be successful, the right process needs to be designed and managed for each situation and group, by an independent, impartial facilitator. If any steps in the process are left out, or the interaction is not lead by an impartial person, then all voices in the community are generally not heard and trust is broken, leaving communities deeply entrenched in continuous conflict.

The presenters ended reminding the participants that they, the participants, need to be the ambassadors for getting the word out to members of the community who would truly benefit from these processes. The marginalized members of communities will not be aware of such opportunities or resources, without the help of others to make the connection.