HAWAIʻI AGRICULTURAL MEDIATION PROGRAM

28th Annual Hawaiʻi Tropical Fruit Growers Conference

Steve Bess, Esq.
Teya Penniman, Esq.
HIAMP Mediators
WHAT IS MEDIATION?

Two or more parties meet with a trained, impartial mediator to help them resolve their differences.
MEDIATION

- **Neutral** party meets *privately* and in *confidence* with the parties
  - Identify opportunities and obstacles to building agreement

More than 75% of mediations reach a mutually agreed-upon settlement
WHAT IS HIAMP?

- HIAMP is the Hawaiʻi Agricultural Mediation Program
- USDA-certified agricultural mediation program for Hawaiʻi (2011)
- Program of the non-profit Environmental Mediation Center
  - A dispute resolution center with more than 20 years of experience in dispute resolution
  - Administrator of three other USDA Agricultural Mediation Programs (VT, NH & CA)

www.emcenter.org
PURPOSE OF THE MEDIATION PROGRAM

- Assist agricultural producers, their creditors and USDA agencies address loan problems, credit issues and various other agricultural disputes.

- 41 States conduct ag mediations in a confidential and non-adversarial setting - outside the legal process of litigation, foreclosure, and bankruptcy.
COVERED CASES: WHAT‘S IN THE BOX?

- Agricultural loans (regardless of whether the loans are made or guaranteed by the USDA or are made by a third party, including Rural Development)
- Credit issues
- Compliance with farm programs, including conservation programs
- Crop insurance
- Other issues the USDA Secretary may consider appropriate.
Are you in a financial hole?

We Grow Solutions
Goal of Mediation: Exchange information and consider options that could resolve the dispute.
ADVANTAGES OF MEDIATION

- Provides informal and impartial setting
- Allows parties familiar with the dispute to create tailored solutions
- Encourages open communication and relationship building
- Save time and money
WHEN IS THE BEST TIME TO MEDIATE?

*The Earlier, The Better*

- Flexibility of parties
- Number of options/approaches that may work
- Prior to being stuck in a position

OBSTACLES FOR EARLY MEDIATION

- Hope the problem will go away
- Ripeness – perception that situation is not ready
MEDIATION IS VOLUNTARY

- Participation is voluntary
- Mediator does not decide the outcome
- Decision making power remains with the parties
ROLE OF THE MEDIATOR

- Create safe space for discussions
- Absorb heat, reflect light
- Focus on interests
- Stimulate discussion to generate options
HOW MUCH DOES MEDIATION COST?

- **Free** for Issues within the USDA Program
- Other agricultural issues
  - free if there is available funding
  - otherwise, fee based on sliding scale
EXPANDING COVERED CASES

- Leases
- Family farm Transitions
- Farmer/Neighbor
WHO WILL MEDIATE THE DISPUTE?

HIAMP’S local, qualified mediators with specialized training in agricultural issues
CONTACT INFORMATION

HIAMP c/o
Hawai‘i Department of Agriculture
1428 South King Street
Honolulu, HI 96814
Matt Strassberg, info@emcenter.org
(808) 447-1790 ext. 101
Toll Free: (800) 511-2213

HIAMP Program Coordinator
(808) 447-1790 ext. 108
www.HIAMP.org