ALTERNATIVE DISPUTE RESOLUTION:
THE HAWAII MODEL

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"The nearest thing to eternal life
on earth is a lawsuit."

-Sid Wolinsky

Sociologists have long been intrigued by the role conflict plays in enhancing group cohesiveness (Coser, 1956) and in accomplishing social change (Dahrendorf, 1959). Less well studied is the etiology of conflict and the alternative procedures, both naturally occurring and socially engineered, which resolve disputes. Disagreements between individuals, within groups, and between groups seem to be universal. They arise from differences in values, beliefs, and experience, from competition for limited resources, and from perceived risks to security. Disputes seem to have natural histories. When perceived grievances cannot be resolved at an early, informal and interpersonal level, disputes may result. One model of the transformation of disputes describes this general process.

Felstiner, Abel, and Sarat (1981:3-4) have shown how unperceived, adverse experience will, under certain conditions, become consciously recognized ("naming"), altered into grievances when and if a source of the injury is identified ("blaming"), and turned into manifest conflict if any claims made are rejected or avoided. Unresolved conflict, in turn, may escalate in a variety of ways. New actors may wittingly or unwittingly be swept into disagreement. New issues may emerge as interests shift or as new information becomes available. Positions may harden over time and the dispute may be protracted by external events. As the cost of contention increases, conflict typically intensifies. Left unchecked, any dispute runs the risk of spiralling into psychological or physical warfare.

Conflict Resolution

Conflicts that escalate into disputes can also be resolved by avoidance, bargaining, and competitive

substitution. More common in Western societies is their transformation into legal and administrative battles and the use of judges and juries to impose outcomes. Formal resolution procedures vary greatly (Sander, 1982) but perform common social functions: the allocation of authority, the interpretation of relationships, and the sanctioning of behavior (Schur, 1968). Governed by explicit rules, courts and other formal forums provide a factual and orderly process for decision-making and systematic methods of compliance and social control. Legal recourse, however, has built-in limitations. It is expensive, time consuming, and complicated. Because of the court's formality, conflict must often be reduced to its narrowest and sometimes least meaningful dimensions. Likewise conflict is not always terminated by judgment. In the win-lose atmosphere of the adversarial system, compromises where both parties gain may not be found. The system then encourages more litigation (appeals and countersuits), additional expenses and delays, and the problem of legal overload (Ehrlich, 1976; Marcus, 1979).

As an adversarial system, American legal process seems to recapitulate Greek and Roman traditions in which trained gladiators (lawyers) do face-to-face combat (litigation) in a ritualized and mysterious arena (the courtroom) before an ultimate authority (the judge) who must—according to the rules of the game—find one party a loser. Litigation and adjudication are important functions in a complex society. They do not, however, guarantee that "personal justice" —an individual's private sense of fair play—will be served. Nor does court processing inherently imply compliance which often must be sought in separate legal actions. In civil cases one sometimes wins the case but cannot collect the judgment. Of course, as a practical matter, most "justice" is negotiated by opposing lawyers in the shadow of the law. Settlement conferences and negotiated pleas dispose of the vast majority of civil and criminal cases before trial.

Since the 1960s a modest but significant social movement aimed at creating viable alternatives has started in the U.S. and other countries (Alper and Nichols, 1981). Conciliation, arbitration, final offer arbitration, rent-a-judge, mini-trials, fact finding, the use of an ombudsman, masters or referees are all gaining credibility. More significant, perhaps, is the emergence of privately incorporated peacemaking programs that provide direct services to families, neighborhoods, and the public-at-large.

Mediation, the foremost method used in such programs, involves a neutral third-party who helps people in conflict come to a voluntarily negotiated out-of-court settlement. A mediator has no power to render decisions, to force people into agreements, or to judge right and wrong. To the contrary, mediators use a variety of techniques to help people communicate, negotiate, and then formulate specific agreements that are fair by the disputants' own definition.

As a method of conflict resolution, mediation can be an intermediate step between private negotiation and adjudication. The neutral mediator convenes meetings, acts as a facilitator, helps defuse interpersonal animosities, sends and carries messages, and helps all parties focus on potential solutions to the issues that divide them. Historically, mediation has been most closely associated with labor-management bargaining (Simkin, 1971). In the last two decades, however, the range of applications has expanded dramatically and will continue to expand: environmental and land-use conflicts, divorce disputes, consumer problems, disputes over educational placement (Chandler and Braggs, 1983), and conflicts that arise in the home and workplace. The idea of mediation is not new (Nader and Todd, 1978; Gulliver, 1979; Witty, 1980). It has been rediscovered and developed for contemporary social problems. The need is great and being recognized. Social scientists have a significant role to play in studying and developing the relatively untapped potential of alternative dispute resolving tools.

The Hawaii Model

The use of non-adversarial techniques to resolve interpersonal problems is not new in Asia and the Pacific. In China, extrajudicial mediation takes place through the use of two hundred thousand semi-official People's Mediation Committees operating in both rural and urban areas. In Japan the "Jidan" system of police conciliation along with the use of lawyer-conciliators in civil and marital disputes is common (Barnes and Adler, 1983). Historically, in Hawaii and other island systems in the Pacific, natural dispute resolving mechanisms were used for conflicts arising within and between families. The best-known example of this is the traditional Hawaiian group discussion, *ho'oponopono*, meaning "to set right" (Pukui, et al., 1972; Shook, 1981). Drawing on its own as well as other resources, Hawaii has, since 1979, developed still another system.

In 1978, two political scientists from the University of Hawaii and their students began to interest others in the idea of bringing community-based "minor dispute" mediation to Hawaii (Becker and Slaton, 1981). A committee of the Makiki Neighborhood Board, chaired by lawyer H. William Burgess, and the political science department each started similar programs in late 1979. Unlike many of the mediation programs started in mainland U.S. cities and Canada both of Hawaii's programs began to receive significant numbers of disputes from the courts and other agencies and from efforts at public education. Within a year the mediators from the University program were working closely with the neighborhood board program which had expanded into the Neighborhood Justice Center of Honolulu (NJC) to serve the entire island of Oahu. What began as a limited experiment to train and provide volunteer mediators at no cost to citizens with minor disputes quickly became an island-wide program in which neighborhood, family, money, lifestyle disputes and even minor criminal matters were brought to mediation with considerable success.

Mediation Philosophy and Training

Over the past three years, the Neighborhood Justice Center has been funded from a variety of sources including the U.S. Department of Justice; state, county, and judiciary grants; and funds from local and mainland foundations. The Neighborhood Justice Center's first mediators were trained in 1979 by the Neighborhood Justice Center of Atlanta. The training lasted a total of over 40 hours. Another 40 hour training was conducted for University mediators by the Institute of Mediation and Conflict Resolution of New York. Since that time, the NJC of Honolulu has evolved its own training which emphasizes the neutrality of mediators, facilitation skills which allow disputants to voice grievances and communicate these effectively, and an ideology which emphasizes the importance of disputant self-determination over a concern about getting agreements. There are now over 250 volunteer mediators who have received at least 40 hours of training. Many are human service professionals and attorneys who volunteer their time. Some are professionals in unrelated areas, and many are ordinary working people.

The Disputes

Since it was established in November, 1979, over 4,000 disputes have been brought to the attention of the NJC. In almost half of these cases, the second party refused to mediate or the first party decided against pursuing the dispute. Of the 53 percent in which both parties agreed to participate, almost one-half were successfully conciliated without the parties coming to the Center, typically through telephone calls back and forth by volunteer and paid staff at the Center.

From November, 1979, to December, 1982, the paths by which disputes came to the Center varied considerably. Almost half (about 1,600) seemed to come directly from private citizens. These people called the Center as a result of vigorous public education programs or because friends or advisors such as attorneys had suggested it. (Overall 23 percent were self-"referrals" and 22 percent were "referred by others.") About 25 percent of the cases originated in a government agency, mainly landlord/tenant disputes which were referred from the Office of Consumer Protection in Honolulu. Another source of disputes was the Office of the Prosecuting Attorney which referred 339 cases (9 percent); these were typically minor disputes criminalized with harassment, trespass, or assault charges. Other sources included the judiciary (5 percent), family court (4 percent), legal aid (4 percent), small claims court (2 percent) and the police (2 percent). Mediation was not obligatory at the referral source, as a matter of policy, and there is no indication that any coercion was applied in individual cases. The intake of the Justice Center and the mediator frequently reminded disputants that mediation is a voluntary process and that either of them can discontinue or postpone the process.

From all sources, there were over 1,312 landlord/tenant disputes (36 percent). The next largest category was domestic disputes (977 or 26 percent). Consumer/merchant disputes were 13 percent (491), neighborhood disputes totalled 12 percent and disputes among "friends" were 6 percent.

In the first three years (1980-1982), there were 1,114 disputes mediated. With most disputes requiring only one session, that is an average of a little more than one mediation per day.

Some of the disputes are single issues, relatively unemotional disagreements which have a high agreement rate in mediation. For example, the agreement rate in landlord/tenant disputes is close to 85 percent and they rarely take more than one session with one mediator. On the other hand, mediation of post-divorce visitation disputes may take several sessions with a male and female mediator team and the agreement rate is closer to 60 percent. The Hawaii model of mediation also uses highly trained volunteer mediators for more specialized and complex disputes such as divorce and environmental conflicts, an approach that is unique in the United States and one that appears to be successful and accepted.

Programs replicating the NJC's work are now beginning on the neighbor islands and are garnering strong local support. The NJC in Honolulu has also helped start similar programs in Berkeley, California and Halifax, Nova Scotia, both of which are closely connected to universities and their sociology departments. Courses in several University of Hawaii departments and a Master's level mediation program in Political Science have started. A few private, fee for service mediation programs are also beginning in Hawaii. The idea of non-adversial dispute resolution provided by well-trained volunteers seems to be established in Hawaii.

Goals and Assumptions of Community Mediation

A number of general ideas characterize mediation as a social movement and the people involved in it. First, in mediation, conflict is not viewed as a problem in and of itself. The aim of mediation is not to suppress argument but to give it meaningful form. Most legal and political institutions assume conflict is an aberration, something to be investigated and then "treated," fixed, or suppressed. Mediators, on the other hand, tend to regard conflict as a legitimate vehicle for social, and in some cases, personal change, to achieve new, personally just and workable social relations.

In mediation, the dispute and outcome of the dispute remains in the hands of the disputants. In contrast to the adjudication process, mediation does not rely on rules of evidence or formal process. Issues that involve underlying relationships may be, and often are, more important than legal facts. Nor does

mediation address itself to discovering truth and establishing fault. The emphasis is on future behavior: mutually agreed upon ground rules that the parties can live by once they leave the neutral ground of the mediation process.

Mediation pays great attention to the incentives and disincentives parties bring to interpersonal negotiations. Here, the Asian view comes into play. In Chinese, the word "crisis" is divided into two ideograms: "danger" and "opportunity." The response of a mediator to a crisis--a dispute--runs parallel. In the early or "forum" stage of Hawaii's mediation process, disputants have ample opportunity to air their feelings and concerns without third party evaluation. In open session and in private meetings, the mediator helps each party to identify their needs and interests and to think through the "dangers" of their situation in their own words and own way. Once that is accomplished, a mediator shifts into a later "problem solving" phase, a time when each party can explore their potential interests and needs. Here they can identify alternative ways of forging agreements. The focus is on "opportunity."

Out of the mediation process itself flows the notion of empowerment. Disputants are neither coerced nor directed into specific agreements. The dispute, and any agreement to end the dispute, must come from the parties in conflict. The mediator may carefully raise ideas to be considered and make "soft" proposals but the power to accept or reject those ideas stays with the disputants. This principle of mediation is fundamental. Mediators may exert a great amount of control on the organization of the meeting and carefully guide the dispute resolution process, but ownership and responsibility for the outcome always rests with the parties.

In Hawaii, this principle of empowerment is carried farther. This is in contrast to the impetus in American society to see new and successful social innovations turned into paying jobs and centralized bureaucratic routines. Leisure, recreation, medicine, education, and the law all tend to illustrate this cycle. A potential innovation is tried, tested, and evaluated. If it proves successful or is popular, the new idea is then "colonized" by professionals and monopolized by a fee-for-service system. In turn, this often requires that the successful ideas then be subsidized through public dollars to keep them available to the poor. It is useful to remember that what

is now known as modern social work started in the last century as a voluntary and charitable activity in the slums of English and American cities.

Bureaucracy is a powerful imperative. As an innovative alternative to many kinds of litigation, mediation might be expected to follow the same pattern of professionalization as other "helping" professions. The Hawaii model, however, keeps mediation a voluntary, non-coercive activity that is done by ordinary people. Integral to this is the notion that the benchmark of true professionalism is not level of salary or who pays it, but quality of training and the commitment of the practitioners. To that extent, the Hawaii model builds on a disappearing but still useful notion: people helping others in their own community. Communities may be geographic or based on common interests or both. The equation remains the same. Volunteers are offered professional training and education in dispute resolution. In exchange, they are asked to help settle real conflicts in their own area (or area of interest) free-of-charge. Skills are disseminated, cases are settled, and the rise of a mediation bureaucracy is short-circuited.

Organized on a volunteer basis, mediation may also have consequences that go beyond the settlement of disputes. Mediation is inherently good social process. Within the mediation forum itself, disputants observe and participate in procedures that acknowledge and honor diversity. People see, and perhaps in some cases learn, that social control can be internally created rather than externally imposed. Communication is maximized; emotional, perception, and interest differences are aired; and the notion of a safe and neutral ground for negotiating is demonstrated. Beyond the confines of the conflict, the notion of "responsibility" potentially gains new meaning and becomes behaviorally concrete. Neighbors become responsible for what goes on in their own neighborhood and people in conflict become responsible for their own solutions. For example, the NJC trained students to mediate disputes in their own high school. This modest but interesting experiment showed a range of improved student relations and, perhaps more significant, an unusual rise in the grade point averages of those students serving as mediators (Meehan, 1982).

As the Neighborhood Justice Center has evolved, more than 250 volunteers from the community have been trained and integrated into the Center's three program

areas (Neighborhood Justice Center, 1983a). The Family Mediation Service (FMS) assists both immediate and extended families caught up in conflicts related to divorce: custody, visitation, juvenile problems, settlement issues, and domestic violence. The Neutral Ground Program (NGP) offers mediation services to people involved in neighborhood disputes. Landlord-tenant conflicts, consumer-merchant disagreements, and problems that take place in local schools. Neutral Ground is a decentralized neighborhood-based program which organizes trained volunteers on a neighborhood-by-neighborhood basis to (1) identify problems; (2) provide local outreach; (3) perform case management; and (4) help resolve those problems within the neighborhood setting.

The Conflict Management Program (CMP) utilizes a small number of highly trained and motivated volunteers to help government officials, private developers, and community action groups negotiate solutions to public policy disputes. Most of these cases center on environmental and land-use issues and involve multiple parties and issues. Although the methods used for these cases are still highly experimental, the idea of volunteers, both professionals and non-professionals, doing service as mediators in complex public policy cases holds great promise.

Family mediation, community mediation, and environmental mediation differ dramatically from each other in their intensity, time frame, case substance, stakeholder characteristics and interaction patterns. Regardless of case type, most mediations in Hawaii take place in a sequence of joint meetings and private caucuses in which the mediator will try to accomplish an orderly program of: (1) exploration; (2) entry; (3) information gathering; (4) analysis; (5) design; (6) implementation; (7) joint decision making; and (8) closure (Adler, 1983). While these eight generic steps are implicit in virtually every successful mediation, the timing and staging of each step varies greatly. Single-issue, two party disputes are often mediated in a matter of hours while family conflicts with multiple issues and more intensive histories may take four or five sessions. Environmental, inter-organizational, and public policy disputes may take six months to a year or more. The following cases illustrate two of the many kinds of problems the NJC handles.

Case #1

Sam and Mary Smith had been divorced for approximately a year and a half. Under the terms of their divorce decree Mary was awarded custody of their two children and Sam was given "reasonable visitation" rights. Sam was also required to pay child support and to clear up a number of overdue bills from a joint credit card. Sometime after their divorce, Sam lost his job and was unable to meet his support and installment payments. Mary, in turn, refused to allow him to see the children for visitation. Mary contended that Sam was a "poor model" and bad influence for her children since he was unable to hold a job.

At the urging of the Family Court, both parties met with mediators from the Justice Center for three sessions approximately a week apart from each other. During the first session, the mediators allowed both parties to air their feelings and identify the issues as they each saw them. At the end of the first session, an interim agreement was reached in which Mary agreed that Sam could again begin seeing the children one day a week. For his part, Sam agreed to pay off some of the outstanding bills since the collectors were continually calling Mary at home. Over the next several sessions, both Mary and Sam agreed to develop a new plan for meeting their mutual needs: a method of paying for child support and a phased experiment for increasing visitation.

Case #2

The Souzas and Chongs, neighbors for a number of years, had been feuding in recent months over an initial problem stemming from barking dogs. Both families kept animals, the Souzas a large watchdog, the Chongs a small poodle. Both families complained that their neighbors' dog was irritating and messing. Other incidents had occurred as well. The Chongs had complained to Souza about Mr. Souza's late night parties. The Souza and Chong teenagers had gotten into a fight. In addition, both families seemed to be intentionally blocking each other out of parking spaces on the street. After a confrontation in which Mr. Souza and Mr. Chong got into a pushing and shoving match, both parties filed charges at the Prosecuting Attorney's office for harassment and assault. At the Prosecutor's urging, both parties agreed to mediate.

The mediation session was held at a community church in the disputants' own neighborhood on a weekday evening. Both parties showed up for the meeting with a number of family and friends. After an opening statement in which the mediators assured the two families of confidentiality and neutrality, each side was given a chance to tell their views of the situation without interruption. Mr. Souza, extremely agitated, spoke harshly of the Chongs and felt that the Prosecutor was remiss in not seeking punishment of the Chongs. Souza's main concern centered on the parking spaces since he needed to keep a number of cars and trucks near his house for work purposes. Chong's main concern was the dogs. He believed Souza's dog was a source of constant problems, not just for himself, but for the entire neighborhood.

After a number of private caucuses with each party, the mediators convened Mr. Souza and Mr. Chong alone without their families. Both men, though still angry, agreed that they did not want the dispute to continue. Working with the two principle parties alone, the mediators helped both men develop an agreement in which (1) Souza's dog was moved to another part of the yard away from the Chongs; (2) Chong's dog would be kept inside the house at night; (3) both agreed to make a special effort to reduce noise after 10:00 p.m.; and (4) both parties agreed to make every effort to not block the other's vehicles. Both parties also agreed to petition the Prosecutor to dismiss charges.

Hawaii's mediation program is unique both in the range of services offered to the community and, more importantly, in the extensive training it provides to volunteers. Access to training may, in fact, be one of the prime motivators for would-be mediators. Typically, volunteers represent a broad social and economic spectrum: students, retired people, mainstream professionals, and people from different ethnic groups. Selection of volunteer mediators is done by other volunteers and, increasingly, volunteers are being asked to help train, administer, and assist with governance. Like the Community Boards of San Francisco and the Cambridge Problem Center, Honolulu's mediation program sets an important precedent in the field of voluntary action, one that may have implications for a number of other social service areas.

Issues and Implications

The growth of the alternative dispute resolution movement, the development and popularization of

mediator training, and the use of volunteers in professional roles all evoke important questions for applied, theoretical, and research oriented sociologists. Who, for example, should be trained in mediation and what prerequisites, if any, should be required? Are the dynamics of disputing and bargaining situational or are there archetype patterns? Once a dispute is a case, what are the contingent and non-contingent moves available to a mediator? What are the implications and consequences of private bargaining done in the "shadow of the law"? Finally, what should the goals of mediation be? Is success defined as closure on a particular case, the prevention of crime, the reduction of court delays, or simply an improved opportunity for face-to-face communication?

The mediation movement in general and neighborhood justice centers in particular have been criticized on a number of grounds. Lawyers argue that the "compromise imperative" implicit in mediation leaves the weaker side in any dispute vulnerable to coercion and dominance (Crouch, 1982). Protecting the interests of people in conflict, Crouch suggests, is the natural territory of attorneys. Anthropologist Laura Nader (1980) argues that mediation is appropriate only in cases where power is relatively balanced, a condition missing, she notes, in most consumer complaints between individuals and large corporations. Others argue that mediated agreements perpetuate differences in social status and tend to reinforce status quo social arrangements (Merry, 1979:39).

Sharper still are those critics who take the community mediation movement to task for its lack of hard performance. Tomasic and Feely (1982) argue that informal mediation has not significantly reduced court congestion nor has it proven itself speedier or less costly than adjudication. Moreover, they suggest, mediation has not proven itself more effective at dealing with case recidivism than the courts themselves. Finally, they argue, there is no evidence that mediation centers provide easier or more effective access to justice than that available through the normal channels of the criminal justice system.

While research on community mediation in Hawaii is still in its formative stages, early findings in cases from the Neighborhood Justice Center suggest at least partial responses to some of the criticisms leveled at the movement as a whole. In a detailed case study of bargaining imbalances and just agreements, Beeson and

Chandler (1983) found both attorneys and social scientists unable to quantitatively rate the respective power levels of disputants involved in actual cases mediated in Honolulu. They suggest that by expanding the resources to be exchanged in a dispute resolution to intangibles such as honor and self-image, structural power differences are mitigated and "just" resolutions can occur. Another study comparing mediated and litigated custody disputes in Honolulu showed significantly higher rates of speed, satisfaction, and predicted durability for cases employing mediation (Watson and Morton, 1983).

While mediation requires far more methodical research to substantiate the promises being held out for it by its proponents, there is mounting evidence that the movement is here to stay. If so, then sociologists will be presented with a unique research agenda that can be of substantial benefit to both theoreticians and practitioners. The question of how power, coercion, and compromise function in private settlement meetings needs far more study and analysis as does comparative negotiation behavior based on status, class, and ethnicity. Access to dispute processing and, in particular, the charge that mediation is "second class" or "poor man's" justice requires a more detailed examination of the relationship between mediation and adjudication. Mediated settlements permit the investigation of principles of ordinary people's justice, which might ultimately improve statuary law by reflecting more closely community justice standards in use. Finally, the continuing historical debate on conflict, change, and equilibrium might be looked at through the evolving cumulative record of mediation as a social movement.

As the shift to alternative forms of dispute resolution gains momentum in the face of a costly and overburdened court system, mediation also runs the danger of being victimized by its own success. Mediation is an interdisciplinary hybrid that draws theory and adds knowledge to a number of academic areas: sociology, psychology, political science, law, communication, organizational development, social work, planning and industrial relations. As different disciplines attempt to add mediation to their applied repertoires there is a potential problem of dilution. Counselors, for example, might view mediation as a simple adjunct to their primary treatment role just as lawyers might see it as a diversionary tactic in advocating for clients. Planners might be tempted to use mediation to short-circuit broader citizen participation efforts (though citizens are unlikely to put up

with it). These developments could, however, undermine the fundamental neutrality of mediators as trusted, helpful yet functionally disinterested intermediaries.

Mediation is also gaining acceptance as a stand-alone training activity. As mediation training becomes more widely adopted, there is the danger that the basic process may be oversold, made trendy and faddish, or simply diffused into personal growth experiences. To some extent this is already taking place. On the east and west coasts as well as in Hawaii, mediation training is being marketed and sold to lawyers, social workers, and therapists. With little or no mediation case experience, professionals in these more traditional problem-solving disciplines are now beginning to argue for standardization, certification, and control of the field. It is interesting that the growing "turf" problem between lawyers and therapists blindly excludes the idea of trained volunteers, a centerpiece of the Hawaii experience.

While the Hawaii model of mediation may, in part, reflect the unique political and cultural characteristics of the 50th State, volunteers resolving disputes in their own communities is a powerful and compelling notion. Highly voluntarized programs like the Neighborhood Justice Center are important social experiments. They offer us two potential insights: the utility of investing money in the human "capital" of our primary institutions (families, schools, neighborhoods); and the value of empowering people to settle their own conflicts. The success of these experiments will, in large part, depend on their ability to sustain and improve on applied social science research.

REFERENCES

Adler, P.
1983 "Teaching Peace: Training Volunteer Mediators." *The Pacific Journal of Peace* 2(3):10.

Alper, B. and L. Nichols
1981 *Beyond the Courtroom.* Lexington, Mass.: Lexington Books.

American Bar Association
1981 *Dispute Resolution Directory.* Washington, D.C.: American Bar Association.

Barnes, B. and P. Adler
1983 "Mediators and Lawyers." *Hawaii Bar Journal*, Fall.

Beeson, D. and D. B. Chandler
1983 "Power Imbalances and Just Settlements in Mediated Disputes." Paper delivered at the annual meeting of the Law and Society Association, Denver, Colorado.

Becker, T. and C. Slaton,
1981 "Hwaii's Community Mediation Service: The University-Based Model of Neighborhood Justice Centers." Paper delivered at the conference of the American Psychological Association, Los Angeles, California.

Chandler, D. B.
1982 "Community Mediation in a University Context." Working Papers Series, Institute for the Study of Social Change, University of California, Berkeley.

Chandler, D. B. and J. Braggs
1983 "Negotiated Justice: The Case of Handicapped Children." Paper presented at the Pacific Sociological Association, Annual Meeting, San Jose, California.

Coser, L.
1956 *The Functions of Social Conflict*. New York: The Free Press.

Crouch, R.
1982 "Divorce Mediation and Legal Ethics." *Family Law Quarterly* 15(3), Fall.

Dahrendorf, R.
1959 *Class and Class Conflict in Industrial Society*. Palo Alto, California: Stanford University Press.

Ehrlich, T.
1976 "Legal Pollution." *New York Times Magazine*, February 8:35.

Felstiner, M. et al.
1981 "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming. . ." *Law and Society Review* 15.

Gulliver, P. H.
1979 *Disputes and Negotiations*. New York: Academic Press.

Marcus, M.
1979 "Judicial Overload: The Reasons and Remedies." *Boulder Law Review* 28:111-114.

Meehan, K.
1983 "Farrington High School Mediation Report." A report to the Department of Educational Foundations, University of Hawii.

Merry, S.
1982 "The Social Organization of Mediation in Non-Industrial Societies." In *The Politics of Informal Justice*, Volume 2, edited by Richard Abel. New York: Academic Press.

Nader, L.
1980 *No Access to Law.* New York: Academic Press.

Nader, L. and H. Todd
1978 *The Disputing Process.* New York: Columbia University Press.

Neighborhood Justice Center of Honolulu, Inc.
1983a "Report to the McInerny Foundation.

1983b "Programs and Services."

Pukui, M. et al.
1982 *Nana I Ke Kumu*, Vol. 1. Honolulu: Queen Liliuokalani Chidren's Center.

Sander, F.
1976 "Varieties of Dispute Processing." *Federal Rules Decisions*, 70:111-114.

Schur, E.
1968 *Law and Society.* New York: Random House.

Shook, V.
1981 *Current Use of a Hawaiian Problem Solving Practice: Ho'oponopono.* Honolulu: School of Social Work, University of Hawaii.

Simkin, W.
1971 *Mediation and the Dynamic of Collective Bargaining.* Washington, D.C.: Bureau of National Affairs.

Tomasic, R. and M. Feeley
1982 *Neighborhood Justice.* New York: Longman Press.

Watson, M. and T. Morton
1983 "Mediation as an Alternative to Social Study in Child Custody Disputes." Technical Report. Laboratory for Divorce Research, Department of Psychology, University of Hawaii.

Witty, C.
1980 *Mediation and Society.* New York: Academic Press.