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A Profile of Settlement

John Barkai, Elizabeth Kent, and Pamela Martin

Ninety-eight percent of civil cases settle,[1] right? Well, not exactly. Although claims of settlement rates of 90% and above are cited frequently,[2] settlement rates really are not that high. Many commentators start with an accurate picture of low, single-digit trial rates (typically 2%-3%),[3] but then they inappropriately assume the inverse—namely, that all the remaining cases are settled. Commentators ignore the fact that a significant proportion of cases are terminated for reasons other than trial or settlement, and their mistake goes undetected because most state judicial systems do not collect any information about settlements.[4]

On the other hand, other people, speaking more cautiously, say that "most cases"[5] settle. Is this opinion closer to the mark or does this opinion vastly underestimate the rate of settlement? Knowing which statement about the percentage of settlements is true and knowing the statistics supporting the most accurate statement about settlements should be important information for judges, lawyers, clients, and policy makers. Unfortunately, accurate empirical data about settlement rates does not exist.

Although information about settlement is mainly anecdotal, the information about case filings is available, empirical, and accurate. Over 100 million lawsuits were filed in state and federal courts in the United States in 2003.[6] However, that figure includes nearly 55 million traffic-court cases. Focusing only on civil cases, there were nonetheless over 17 million civil cases filed in state and federal courts in the United States in 2003, with nearly 8 million[7] of those cases filed in state courts of general jurisdiction.[8] Generally, less than 3% of civil cases reach a trial verdict, and less than 1% of all civil dispositions are jury trials,[9] although rates of non-jury trials can vary significantly across states.[10] Therefore, perhaps up to 97% of cases are resolved by means other than by trial.

The pattern of dispositions and trials in Hawaii courts seems to be very much the same as the national pattern. There were 3,661 civil cases filed in Hawaii circuit courts in 2004-2005. Of the 4,127 cases terminated during that same time period, less than 2% (only 79 cases or 1.91%) reached a trial verdict. Jury trials were extremely rare in Hawaii during this time period. There were only 16 completed[11] civil jury trials in

Footnotes

1. *See* Association of Trial Lawyers of America, *Discovery: Overcoming Obstacles in Getting to the Truth*, 2 ANN. 2004 ATLA-CLE 1425 (2004); David Rosenberg, *Adding a Second Opt-out To Rule 23(b)(3) Class Actions: Cost Without Benefit*, 2003 U. CHI. LEGAL F. 19; Scot Wilson, *Corporate Criticism on the Internet: The Fine Line Between Anonymous Speech and Cybersmear*, 29 PEPP. L. REV. 533, 551 (2002); Robert E. Margulies, *How to Win in Mediation,* 218-DEC N.J. LAW. 66 (2002).
2. A Westlaw search found 3 articles that state "97% of cases settle," 2 articles that state "96% of cases settle," 20 articles that state "95% of cases settle," and 53 articles that state "90% of cases settle." One article even said "99 & 44/100 percent of cases settle."
3. BRIAN J. OSTROM & NEAL B. KAUDER, EXAMINING THE WORK OF STATE COURTS, 1996: A NATIONAL PERSPECTIVE FROM THE COURT STATISTICS PROJECT, at 11, National Center for State Courts (1997).
4. Recently, the National Center for State Courts suggested that settlement data be collected routinely in all state courts. The National Center for State Courts' new STATE COURT GUIDE TO STATISTICAL REPORTING (2003), suggests data-collection methods that would result in some limited settlement statistics. The purpose of the new reporting guide is to "provide trial, appellate, and state court administrators with a more accurate picture of court caseloads and workloads," National Center for State Courts, CASELOAD HIGHLIGHTS, Nov. 2003. This guide suggests that courts use eight categories of non-trial dispositions. The categories include five categories of non-settlement: dismissed Want of Prosecution, Default Judgment, Summary Judgment, Other Dismissal, Transfer to Another Court; as well as three categories of settlement: Without Judicial Action, With Judicial Action, and Alternative Dispute Resolution. *Id.* at 4. Understanding and collecting settlement data, however, will still be complex because the GUIDE suggests counting settlements during jury trials and settlements during non-jury trials as separate categories in the Trial Disposition section of the data under the label of "Disposed After Start." *Id.* at 5. In other words, apparently such settlements made during the course of trial will be counted as "trials."
5. A Westlaw search found 505 cites stating that "most cases settle."
6. The civil and criminal caseloads for state courts vastly exceed the caseloads for federal courts. Statistics for 2003 are the most recent statistics available. Over 100 million cases were filed in state courts and over 2 million cases were filed in the federal courts. The state court statistics are from RICHARD Y. SCHAUFFLER, ROBERT C. LAFOUNTAIN, NEAL B. KAUDER & SHAUNA M. STRICKLAND, EXAMINING THE WORK OF STATE COURTS, 2004: A NATIONAL PERSPECTIVE FROM THE COURT STATISTICS PROJECT, National Center for State Courts (2005) [hereinafter EXAMINING THE WORK 2004]. There were approximately 17.1 million civil cases, 20.6 million criminal cases, 5.6 million domestic cases, 2.1 million juvenile cases, and 54.7 million traffic cases filed in the 15,588 state trial courts during 2003. *Id.* The federal court data is available at http://www.uscourts.gov/ judbus2005/front/judicialbusiness.pdf (last visited June 3, 2006). There were over 250,000 civil cases, 69,000 criminal cases, 1,780,000 bankruptcy actions, and 940,000 judicial duties before magistrates filed in the federal courts in the 2004 fiscal year. *Id.*
7. *Id.*
8. A general jurisdiction court is the highest trial court in the state and the court where the most serious criminal cases and high-stakes civil cases are handled. National Center for State Courts, CASELOAD HIGHLIGHTS: EXAMINING THE WORK OF THE STATE COURTS, Aug. 1995. In Hawaii, the circuit courts are courts of general jurisdiction.
9. EXAMINING THE WORK 2004, *supra* note 6.
10. EXAMINING THE WORK 2004 reports that 7% of cases were disposed of by non-jury trials in 21 United and General Jurisdiction Trial Courts, including Hawaii. *Supra* note 6, at 22. However, non-jury trial rates vary significantly, from Tennessee with a 17% non-jury trial rate (7 states have non-jury trial rates of 10% or above), to Florida with a 0.5% non-jury trial rate. Hawaii was one of 7 states with a 1% non-jury trial rate. *Id.*

Hawaii Circuit Courts in 2004-2005, which is a jury trial rate of less than 0.4%.[12]

Despite many generalizations about the prevalence of settlement and the growing focus on and use of alternative dispute resolution, empirical research on settlement continues to be very limited.[13] Therefore, the Center for Alternative Dispute Resolution, a program within the State of Hawaii Judiciary, and the University of Hawaii Law School collaborated to study settlements in civil cases in Hawaii Circuit Courts. We hoped to learn as much as we could about civil litigation in general, civil settlements in particular, and other information that might be helpful in facilitating settlements and making civil case processing more effective.

What happens in the vast majority of civil lawsuits that are not resolved by trial was the subject of our study. The study posed some basic questions about settlement: How many cases settle? What kinds of cases settle? When do cases settle? Why do cases settle? We also wanted to learn more about the length of time cases remained open as well as the type and amount of pretrial discovery. Because excessive cost and delay have long been considered the two primary evils of the civil justice system, any information we could learn about these topics would be helpful. Finally, we also wanted to compile some baseline statistics about litigation in Hawaii that might be helpful in the future for policy makers, both locally and nationally.

METHODOLOGY

Two different data sets were collected to answer our research questions. The first data set was a printout of computerized court docket sheets ("the docket sheet data") of over 3,000 cases terminated during a six-month period in 1996, and the second data set was over 400 surveys of lawyers who represented parties in some of those terminated cases ("the lawyer surveys").[14] We also used the Hawaii Judiciary's own statistical reports in our research.[15]

Although a full report of the study is available from the authors and will soon be published in the *Hawaii Bar Journal*, here is a summary of major findings:

The Docket

The Circuit Court civil docket was composed of 36% tort, 31% foreclosure, 16% contract, and 16% "other" cases.

Types of Cases

Tort cases were most likely to settle by a "stipulation for dismissal," had the longest time to disposition, and had the greatest incidence of discovery.

Foreclosure cases were most often terminated by court adjudication with "dismissal by motion" having the shortest median disposition time (160 days), and recorded almost no discovery.

Contract and "other" cases showed more variation in disposition methods, had disposition times much closer to tort cases than to foreclosure cases, and had some discovery.

Filings

Civil filings have decreased substantially over the past few years. In 1982-1983 there were 8,921 civil cases filed; in 2004-2005 there were 3,661 civil cases filed.

Trials

Only 2% of cases ended in a trial verdict during the Hawaii study period. The trial rate is now less than 2%. Jury trials were just slightly more than one-third of 1% for all civil cases terminated in 2004-2005, and the jury trial rate has been less than 1% since 1987. Nationally, there are reports of the "Vanishing Trial Phenomenon" and research shows that over the past 40 years not only that the trial rate has fallen, but also that the absolute number of trials has decreased in federal court even though filings have increased five-fold.

The trial rate in Hawaii is lower than the national average.

Settlement

The pattern of dispositions and actions taken on individual cases varies significantly across the variety of types of civil cases that comprise the civil docket.

Although "most cases settle," the percentage of cases that settle varies dramatically by the type of case. About 84% of tort, 45% of contract, 20% of foreclosure, and 51% of "other" cases settle. Contrary to the popular saying, nowhere near 90% or more of cases settle (although torts come close).

While the data confirm that "most cases settle," they also identify a substantial group of cases that neither go to trial nor settle. By subtracting trials and settlement from total terminations, we conclude that 14% of tort, 53% of contract, 78% of foreclosure, and 47% of "other" cases terminate under conditions other than settlement or trial.

11. Some additional jury trials are started but not completed. For example, in 2003-2004 there were 8 civil jury trials started but not completed. We assume that most of these cases ended in settlements, but we did not research that question.
12. 2005 Annual Report, Statistical Supplement, The Judiciary, State of Hawaii, Table 7 at http://www.courts.state.hi.us/attachment/4D44FE74F4DF1267F34A9452DD/2005arstatsupp.pdf (last visited June 3, 2006). A number of trials are started but never completed. We believe that most of those are settled during trial. The court statistics report both completed and non-completed trials. When we refer to trials, we mean completed trials.
13. Two studies that have researched settlement are Herbert M. Kritzer, *Adjudication to Settlement: Shading in the Gray*, 70 Judicature 161, 163 (1986) and Milton Heumann & Jonathan M. Hyman, *Negotiation Methods and Litigation Settlement Methods in New Jersey: "You Can't Always Get What You Want,"* 12 Ohio St. J. on Disp. Resol. 253 (1997).
14. For a complete copy of the study, please e-mail Professor Barkai at barkai@hawaii.edu.
15. The most current report is available online at http://www.courts.state.hi.us/attachment/4D44FE74F4DF1267F34A9452DD/2005arstatsupp.pdf (last visited June 3, 2006).

    The term "judicial assistance" was not defined in the survey and therefore the interpretation of judicial assistance by lawyers may vary across responses (for example, assistance by the judicial system as opposed to assistance by the judge).

Stipulation for Dismissal was the most common method of termination (44% of the cases), a method of termination the authors believe indicates a settlement. Termination by Motion was the most common non-settlement method of termination (17% of the cases).

Satisfaction with Settlements

The vast majority of lawyers were satisfied with both their settlement terms (92%) and the settlement process (91%).

Types of Negotiation

Five types of negotiations were identified: face-to-face negotiation between attorneys, face-to-face negotiation with attorneys and parties, telephone negotiation between attorneys, letter/fax negotiation between attorneys, and communication with insurance agents.

79% of the cases used 2 or more types of negotiations.

Telephone negotiations were the single most common type of negotiation, occurring in 80% of the cases surveyed.

Telephone, letter/fax, and face-to-face negotiations took place in almost 50% or more of the cases: telephone (80%), letter/fax (57%), and face-to-face (49%).

The lawyers rated telephone negotiations as the event with the most impact on settlement. Therefore, telephone negotiations not only occurred most frequently, but also were viewed as the most effective event in the settlement of cases.

ADR

42% of the cases used some form of ADR process (defined as settlement conference, court-annexed arbitration program (CAAP), binding arbitration, and mediation).

Three ADR events—binding arbitration, court-annexed arbitration, and settlement conferences—had the greatest impact in the cases where they occurred.

Events Impacting Settlement

Certain events occurred in many cases contributing greatly to settlement in various types of cases. For example, CAAP was used almost exclusively in tort cases and was the event having the second largest contribution to settlement after telephone negotiations. Communication with insurance agents was a major factor in the settlement of tort cases, but not in contract cases. Motions for summary judgment had a greater impact on the settlement of contract cases than on tort cases.

Based upon the data collected, one could not predict whether a case will settle or not based upon the events that took place in the case. In other words, settlements and non-settlements looked alike.

Judicial Assistance

Less than one-quarter of the cases are settled with judicial assistance.

Three-quarters of lawyers indicated that they did not need more judicial assistance in settlement.

Lawyers believed that having more efficient and earlier judicial involvement would have made their case settle earlier.

All types of cases had shorter median times to disposition when settlements were reached with judicial assistance.

Judicial assistance with settlement negotiations resulted in shorter times to disposition of a case only when cases were open more than one year.

When judicial assistance occurred, it was ranked highly and frequently as the event having the greatest impact on settlement.

Disposition Time

The average disposition time from filing until final disposition in the circuit court was 433 days (the median was 308—but that included 36% foreclosure cases).

Tort cases had an average disposition time of 540 days (the median was 445 days).

Contract cases had an average disposition time of 504 days (the median was 360 days).

Tort cases that had a CAAP award and then later settled after the case returned to the trial track had a median disposition time of 707 days, compared to 405 days for cases where the award was accepted and 445 days for all cases. In the cases where the CAAP awards were not accepted, ADR might have contributed to the delay in disposition (contrary to ADR's generally positive benefits).

The vast majority of cases (80%) do not "settle on the courthouse steps;" they terminate more than 30 days before trial.

Pretrial Discovery

Two-thirds of all civil cases had no recorded discovery requests, and 65% of tort cases did have recorded discovery requests.

Not surprisingly, there was more discovery in cases that ended in trials than in other cases.

Lawyers estimated that if their case had gone to trial, they would have needed to take 2 to 3 times the number of depositions they took in cases that settled.

Demographics

The average lawyer on the surveyed cases had been practicing law for 15 years.

75% of the lawyers had served as a CAAP arbitrator.

35% of the lawyers had not taken a negotiation or ADR class.

Readers of this publication might be particularly interested in more detailed information from our survey about judicial settlement conferences and forms of settlement.

SETTLEMENT CONFERENCES

Because judicial settlement conferences are thought to be very helpful in aiding settlement, we designed a survey to learn about the use and effectiveness of settlement conferences. Lawyers were asked if the negotiated settlement was reached with or without judicial assistance. As Table 1 indicates, slightly less than one-quarter (23%) of respondents indicated that their case was settled with some judicial assistance, and three-quarters (75%) of respondents who settled reached a negotiated settlement without judicial assistance. Our data did not show how many cases had judicial assistance but did not settle. More contract cases (32%) settled with judicial assistance than non-motor-vehicle torts cases (24%) or motor-vehicle torts cases (18%).

We hypothesized that appearing before a judge would assist

with the settlement process. Therefore, the survey inquired about the total number of appearances before a judge, including motions, pretrial conferences, and settlement conferences. Predictably, cases that settled with judicial assistance had more appearances before a judge than those cases that settled without judicial assistance.

TABLE 1
SETTLED WITH OR WITHOUT JUDICIAL ASSISTANCE

SETTLED	ALL CASES (N=341)	CONTRACT (N=99)	NON-MOTOR VEHICLE TORTS (N=81)	MOTOR VEHICLE TORTS (N=161)
WITH JUDICIAL ASSISTANCE	23%	32%	24%	18%
WITHOUT JUDICIAL ASSISTANCE	75%	67%	74%	80%
NO INDICATION	2%	1%	2%	2%

Settlements that lawyers did not attribute to judicial assistance did not report as many appearances in court. As seen in Table 2, cases that settled with judicial assistance averaged 3.5 appearances for contract cases, slightly over two appearances (2.2) for motor-vehicle torts, and just over four appearances (4.1) for non-motor-vehicle torts. Those cases that settled without judicial assistance averaged just over one (1.1) appearance for contract cases, not even one appearance (0.4) for motor-vehicle torts, and not even one appearance (0.6) for non-motor-vehicle torts. Table 2 also indicates that cases that settled with judicial assistance had more than three times as many appearances before a judge than did those cases that settled without judicial assistance.

TABLE 2
AVERAGE NUMBER OF APPEARANCES IN FRONT OF A JUDGE BY RESPONDENTS REPORTING NEGOTIATED SETTLEMENTS

	CONTRACT	MOTOR VEHICLE TORTS	NON-MOTOR VEHICLE TORTS
WITH JUDICIAL ASSISTANCE (N=80)	3.5	2.2	4.1
WITHOUT JUDICIAL ASSISTANCE (N=225)	1.1	0.4	0.6

The lack of appearances before a judge did not appear to bother lawyers. When lawyers were asked about their preferences for judicial involvement, more than three-fourths (77%) of responses indicated that the settlement process was appropriate and that no change was preferred. Additionally, in response to an open-ended question asking what could have been done to settle the case earlier, 59% of lawyers offered no response.

On the other hand, of those lawyers who provided a response to the question, "Is there anything that would have made this case settle earlier?" the most common suggestions were focused on having more efficient and earlier judicial involvement. It is almost as if the lawyers wanted it both ways. They indicated that they did not need any change in judicial involvement, yet many lawyers would have preferred earlier and more efficient judicial involvement.

FACTORS IN SETTLEMENT

Because we sought to learn as much as possible about the factors affecting settlement, the longest question in the survey asked the lawyers to report on and rank the impact of methods of negotiation, meetings with and hearings before judges, and the use of ADR processes. This question provided a wealth of information to analyze. We provided a list of eleven specific events and offered one additional choice listed as "other." The lawyers were asked to check all of the listed events that occurred and then to indicate which of the various events had the most impact on settlement by indicating the top three events as 1, 2, and 3.

The 11 events we examined can be arranged into three major groupings:

1) methods of negotiation (face-to-face negotiation between attorneys, face-to-face negotiation with attorneys and parties, telephone negotiation between attorneys, letter/fax negotiation between attorneys, and communication with insurance agents),
2) meetings with and hearings before judges (motion for summary judgment, pretrial conference, and judicial settlement conference), and
3) various ADR processes (judicial settlement conference,[16] court-annexed arbitration (CAAP) decision, binding arbitration, and mediation).

We analyzed the data in many different ways. Table 3 shows some of the most important data. It should be no surprise that the most frequently occurring events affecting settlement were various types of negotiation (face-to-face negotiation between attorneys, face-to-face negotiation with attorneys and parties, telephone negotiation between attorneys, letter/fax negotiation between attorneys, and communication with insurance agents). As Table 3 indicates, four types of negotiation were the most frequently occurring events. Telephone negotiations between the lawyers representing the opposing parties occurred in 80% of the cases, and were thus by far the most frequently occurring of all the events. Letter or fax negotiations took place in 57% of the cases, and face-to-face negotiations between lawyers took place in 49% of the cases. Each of these "big three" types of negotiation took place in almost 50% or more of the cases. The second tier of settlement affecting events took place in about 25% of the cases (communication with insurance agents 27%, court-annexed arbitration 24%, and judicial settlement conferences 22%). This second tier included two ADR events (CAAP and settlement conferences). The remaining five events took place in anywhere from 17% to just 1% of all cases. At the bottom of this third tier were the two traditional ADR processes, mediation and binding arbitration.

16. Although judicial settlement conferences only appeared one time in the survey, judicial settlement conferences can fit in two categories: meetings with judges and ADR processes.

TABLE 3 EVENTS THAT OCCURRED, EVENTS THAT WERE RANKED 1-3, AND EVENTS THAT RANKED #1						
	OCCURRED N=380	% OCCURRED	RANKED 1-3 N=230	% RANK 1-3	RANKED #1 N=230	% RANK #1
TELEPHONE NEGOTIATION BETWEEN LAWYERS	304	80%	175	76%	74	32%
LETTER/FAX NEGOTIATION BETWEEN LAWYERS	215	57%	118	51%	16	7%
FACE-TO-FACE NEGOTIATION WITH LAWYERS	187	49%	93	40%	32%	14%
COMMUNICATION WITH INSURANCE AGENTS	101	27%	55	24%	28	12%
COURT-ANNEXED ARBITRATION (CAAP)	92	24%	49	21%	34	15%
JUDICIAL SETTLEMENT CONFERENCE	84	22%	45	20%	27	12%
FACE-TO-FACE NEGOTIATION WITH LAWYERS AND PARTIES	65	17%	38	17%	19	8%
MOTION FOR SUMMARY JUDGEMENT	53	14%	22	10%	12	5%
PRETRIAL CONFERENCE	37	10%	15	7%	2	1%
MEDIATION	15	4%	6	3%	4	2%
BINDING ARBITRATION	2	1%	2	1%	2	1%

Table 3 also shows that when the lawyers ranked the three events having the greatest impact on settlement in their cases, the order of the events were exactly the same as the order of the events when the lawyers just indicated the occurrence of the events. Telephone negotiations remained the top-ranked event, and the ADR processes of mediation and binding arbitration were again at the bottom of the list. Naturally, the percentages for being ranked 1-3 were slightly lower than the percentages when we just analyzed occurrences because some of the events were not ranked as one of the top three events in some cases.

Table 3 shows that a slightly different pattern emerged when we analyzed which events were ranked as the number one event in the settlement of the cases, a measurement which we called "impact." Telephone negotiations between lawyers remains the event with the greatest impact on settlement. With 32% of the cases indicating telephone negotiations was the event with the greatest impact, it has 2 to nearly 3 times more impact than its closest competitors (court-annexed arbitration 15%, face-to-face negotiations between lawyers 14%, settlement conferences 12%, and communication with insurance agents 12%). Court-annexed arbitration, the event with the second highest impact (15%), really has an even greater impact because this non-binding form of arbitration is only available in tort cases. CAAP would be ranked number one in 20% of the 172 tort cases we surveyed if we excluded the contract cases. The greatest change between the rankings as we move the analysis from occurrences, to ranking events 1-3, to number one rankings, is that letter/fax negotiation goes from the event occurring second most frequently (57%) and being ranked 1-3 second most frequently (51%), to being the number one event in settlement only 7% of the time. Mediation, arbitration, and pretrial conferences are at the very bottom of the list of events, ranked number 1 at only 1-2%.

Yet another way to look at the events is not to just see what events are ranked as number one, but to analyze how often an event is ranked number one compared to the number of times that event was ranked at all. We called this the "Impact Percentage." Using this approach, the ADR events dramatically rise to the top. Arbitration has a 100% Impact Percentage (admittedly it is a very small sample size of only 2), and court-annexed arbitration, mediation, and settlement conferences all have an Impact Percentages of 60% or over (they were ranked number one in 60 or more percent of the cases in which they were ranked).

The data also show that different events had widely varying impacts with different types of cases. For example, court-annexed arbitration was the number one event contributing to settlement in 18% of all tort cases but in only 1% of contract cases. Communication with insurance agents was the number one event contributing to settlement in 14% of all tort cases but in only 3% of contract cases. Motions for summary judgment were the number one event contributing to settlement in 14% of contract cases but in only 2% of all tort cases. The other events were roughly comparable across both contract and all tort cases, and the events were ranked quite similarly across motor-vehicle and non-motor-vehicle cases.

This study was designed to learn more about settlements in general and the civil docket in particular. It confirmed many common beliefs about civil litigation and settlement, and it also revealed many surprises. Because settlement is such an extensive part of civil litigation, and because of the increasing use of ADR, settlement needs greater study and quantitative analysis. Even in the twenty-first century, the study of settlements is in its infancy.

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Elizabeth Kent has been the Director of the Hawaii State Judiciary's Center for Alternative Dispute Resolution since 1996 (she took an 18-month leave of absence to work as the Deputy Director of the Department of Human Services). Kent graduated from the William S. Richardson School of Law in 1985, and then worked as a law clerk at the United States Court of Appeals for the Second Circuit, as a staff attorney at the United States Court of Appeals for the Ninth Circuit, and as an associate at Paul, Johnson, Park & Niles. She taught business law at the University of Hawaii at the graduate and undergraduate levels for six years. Kent is one of Hawaii's commissioners to the National Conference of Commissioners on Uniform State Laws, on the drafting committee for the Uniform Mediation Act, a mediator for the Mediation Center of the Pacific, Inc. (a community mediation center), an arbitrator in the Court Annexed Arbitration Program, and a panel member on the Medical Claims Conciliation Panel.

Pamela Martin has previously worked as a research analyst with the State of Hawaii Judiciary's Center for Alternative Dispute Resolution and administered the Appellate Conference Program, a mediation program for cases on appeal. She is currently Administrator of the Wage Standards Division in the Hawaii Department of Labor and Industrial Relations. She is a graduate of the William S. Richardson School of Law and has taught at the Hawaii Pacific University's Master of Business Administration Program and the University of Hawaii's Master of Public Administration. She has been an active mediator for the Mediation Center of the Pacific for more than 15 years.