

Hawaii Agricultural Mediation Program

Overview

The U.S. Department of Agriculture (USDA) has certified the Hawaii Agricultural Mediation Program (HIAMP) to provide mediation services to the agricultural community in the state of Hawaii. The program is intended to assist agricultural producers, their lenders and other persons directly affected by the actions of the USDA in resolving disputes. Through the mediation process, a trained, impartial person (mediator) helps participants review their conflicts, identify options and agree on solutions. Mediation is a voluntary and confidential alternative to the traditional legal and regulatory process, and it is offered as part of the Department's informal appeals process; however, mediation must be requested before an appeal hearing is held with the USDA National Appeals Division. It is not intended to override or supersede any existing federal regulation or procedures. Services under HIAMP are made available free of charge for USDA related cases.

Background

The USDA Agricultural Mediation Program helps agricultural producer, their lenders and other persons directly affected by the actions of USDA resolve disputes. Through mediation, a trained, impartial person (mediator) helps participants review their conflicts, identify options and agree on solutions.

Mediation is a valuable tool for settling disputes in many different USDA program areas. These include farm loans, farm and conservation programs, wetland determinations and rural water loan programs. The program is administered by USDA's Farm Service Agency (FSA).

How Mediation Works

Persons disputing USDA actions that directly affect them are offered the opportunity to request mediation services as part of the Department's informal appeals process. However, parties must request mediation before an appeals hearing is held with USDA's National Appeals Division. Customers of USDA may accept or decline the offer to participate in mediation.

If mediation is requested, FSA mediation officials suggest steps participants should take to prepare for mediation. Mediation officials then assign one or more mediators to the case. Participants may accept or eliminate these mediators. Once a mediator is accepted, all potential parties are advised that a mediation process is underway and given a chance to participate.

The mediator schedules a time and place to meet that is convenient to all parties. Mediation length can vary from a few hours to several days, depending on the complexity of issues and the number of participants. If an agreement is not reached, the case is closed and all parties remain free to pursue other available administrative appeals or legal actions.

Mediators

Unlike a judge or arbiter, a mediator has no decision-making authority, but is there to help participants resolve problematic issues and settle disputes. Successful mediation is based on the cooperation and involvement of all participants.

Mediation Benefits, Lenders, Borrowers & Others

Successful mediation benefits participants in the following ways:

- Mediation may settle disputes within a participant's financial means, providing a low-cost alternative to appeals or to often expensive litigation and/or bankruptcy.
- Mediation may reduce stress caused by lengthy litigation. While it can take years for a case to filter through the courts, mediation generally takes only a few meetings to complete.
- The mediation program has a high success rate and is well supported by government officials and community leaders.
- Mediation is confidential. Documents are not used for any other legal action against the participants.

- Mediators can also provide referrals for producers and informally discuss with them issues or concerns.

Mediation Cost to Participants

Services under HIAMP are made available free of charge for USDA related cases.

For More Information Contact

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