

OFFICE OF DISPUTE RESOLUTION ANNUAL REPORT



Fiscal Year 2021

July 1, 2020 to
June 30, 2021



Office of Dispute Resolution Annual Report

Fiscal Year 2021 – July 1, 2020 to June 30, 2021

This Annual Report of the Office of Dispute Resolution (ODR) contains aggregate caseload statistics extracted from the caseload management system used by the ODR and the approved centers. Providing case statistics ensures transparency to the public and complies with statutory requirements (Neb. Rev. Stat. § 25-2920).



STATE OF
NEBRASKA
JUDICIAL BRANCH

Administrative Office
of the Courts & Probation

Mediation and Restorative Justice in Nebraska – An Overview

With the Dispute Resolution Act, Neb. Rev. Stat. § 29-2901 et seq., the State of Nebraska affirmed “there is a compelling need in a complex society for dispute resolution and restorative justice whereby people can participate in creating comprehensive, lasting, and realistic resolutions to conflicts and offenses.” This is accomplished through the Office of Dispute Resolution (ODR) approved centers that make dispute resolution and restorative justice services available statewide. This annual report summarizes the number and types of disputes received by the approved mediation centers, the disposition of those disputes, and the problems encountered and recommendations made to address the problems.

Services Provided by Approved Centers

Nebraskans in every county are served by a private nonprofit center that is approved annually by the State Court Administrator. These centers (Appendix A) provide a variety of services, including mediation and restorative justice. Mediation is available for a variety of disputes ranging from:

- Basic Mediation (e.g., small claims disputes, neighbor issues, employment matters, landlord/tenant conflicts, business/consumer concerns)
- Parenting Act Mediation (e.g., parenting plans, full divorce, modifications, child financial plans)
- Child Welfare Conferences (e.g., pre-hearing conferences, pre-hearing permanency review conferences, pre-hearing termination of parental rights conferences, family group conferences, child welfare mediation, child welfare facilitation)
- Juvenile Restorative Justice Facilitation (e.g., victim youth conferences, expedited family group conferences, truancy mediation/conference, juvenile justice mediation/facilitation, circles)

Case Summary Statistics

For the 2020-2021 fiscal year, the following graphics highlight case statistics. Of the overall case volume (4,424 cases), there were 2,329 cases mediated or facilitated, meaning that these cases “came to the table.” Of the remaining cases, 3.82% resolved prior to the mediation/facilitation; in 30.22% of cases one of the parties withdrew, declined participation, was non-responsive, or chose not to participate; 0.68% of cases were not appropriate for mediation; and 7.03% of cases were still open. The outcomes of these mediated/facilitated cases were full agreement, partial agreement, no agreement, or facilitated only (applies to child welfare and juvenile restorative justice facilitations).

Restorative Justice – An Inspirational Story

A center received a restorative justice (RJ) referral for a youth charged with being an accessory to a Class 4 felony. This youth and her mother reluctantly agreed to participate in a Victim Youth Conference (VYC).

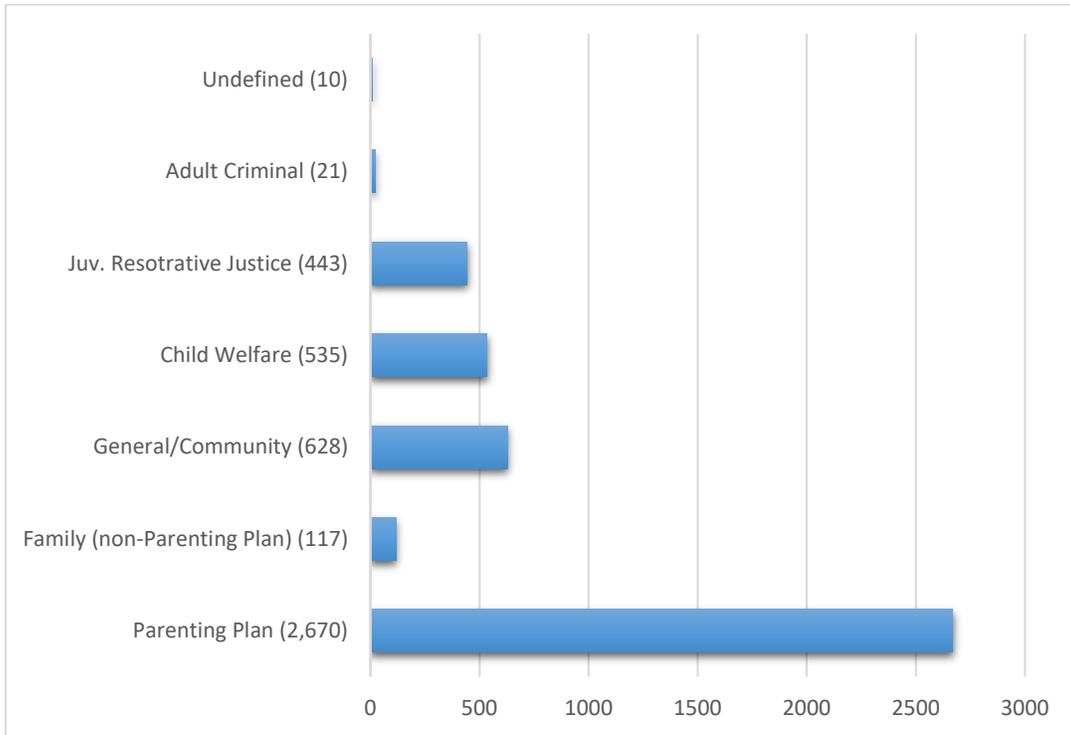
The RJ coordinator interviewed the victims and learned that the jewelry stolen belonged to a victim’s deceased wife. During the interview, the victims learned about RJ and discussed restitution. The victims decided to participate.

At conference time, the facilitators meet with each side individually to determine if it was appropriate to have them in the same room. After deciding it would be safe, the parties came together and started by sharing their recollection of the incident and who had been impacted by it.

The victims shared their request for restitution. The youth shared her role in the burglary and expressed remorse for the impact on all involved. The youth apologized, and the victims accepted her apology and withdrew their request for restitution.

The conference was successful; the victims wished the youth success in her future. The youth’s mother expressed gratitude for the opportunity for her daughter to participate in RJ and believes it was a life-changing experience for her and her daughter.

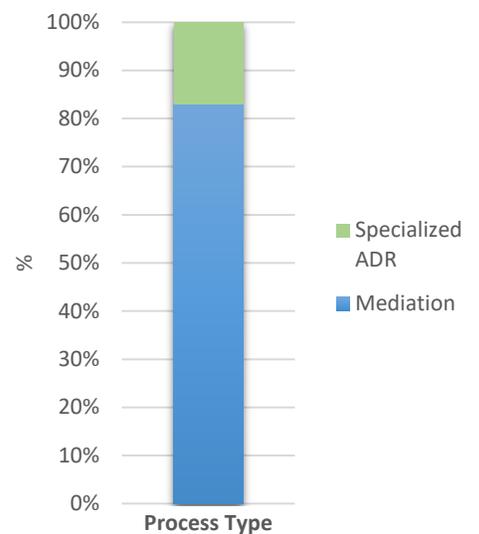
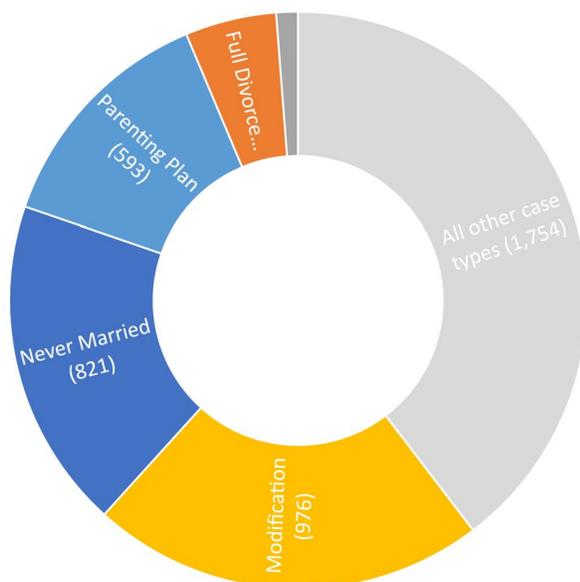
Total Case Volume – 4,424 Cases



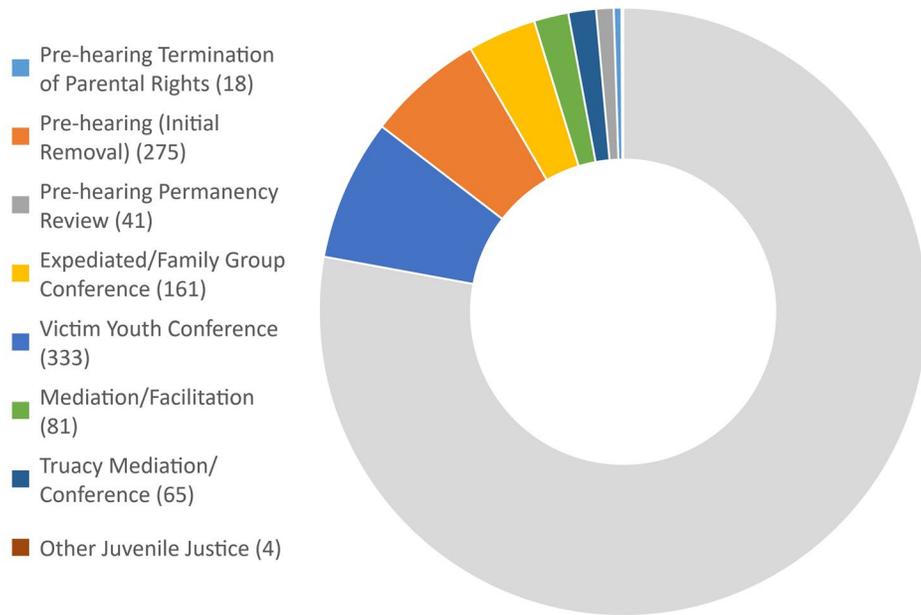
Parenting Plan Cases (2,670)

Parenting plan cases are assessed to determine the appropriate process – mediation or specialized alternative dispute resolution (ADR), or if neither process is appropriate. The specialized ADR process is used when a mediator has determined that it is needed for a parent to be able to negotiate freely and make informed decisions, and be able to address safety measures.

- Parenting Plan (593)
- Full Divorce (226)
- Parenting Plan + Child Financial Plan (54)
- Modification (976)
- Never Married (821)
- All other case types (1,754)



Child Welfare and Juvenile Restorative Justice Cases (978)



Overall Case Disposition of Closed Cases

1,580	Cases Mediated (“came to the table”)
749	Cases Facilitated
77%	Agreement Reached (full or partial)

Referral Sources

47%	Court
25%	Attorney
16%	Self/Family/Friend
9%	Gov’t Agency / Organization
3%	School

Challenges and Recommendations

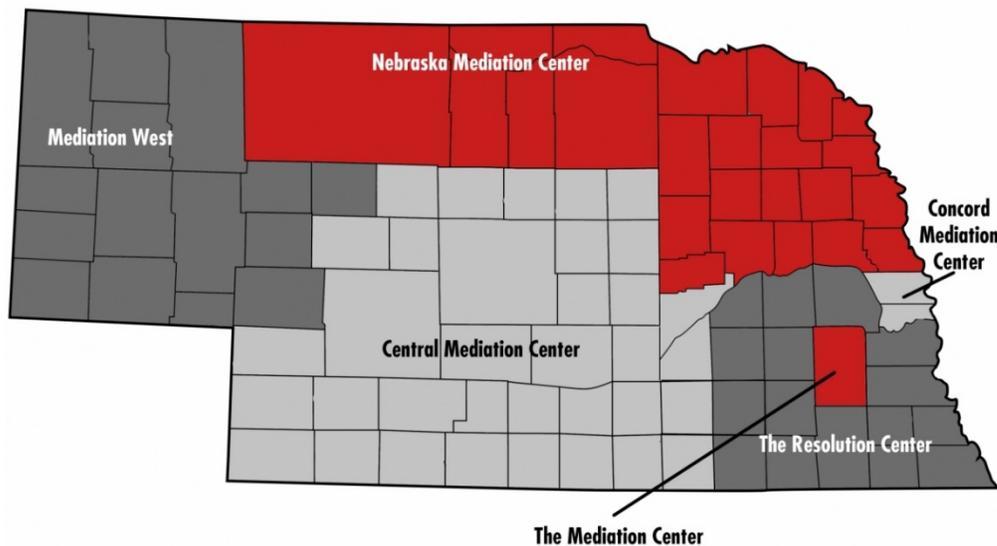
The Dispute Resolution Act (Neb. Rev. Stat. §§ 25-2901 to 25-2921) is celebrating 30 years from its passage in 1991, and Nebraskans in every county continue to be served by one of the six ODR-approved mediation centers. Approved centers cannot deny services to a person solely because of an inability to pay the fee (Neb. Rev. Stat. § 25-2910), and the services that the centers provide continue to expand, as well as how the services are provided – in person and virtually. Since 1991, the Parenting Act (Neb. Rev. Stat. §§ 43-2920 to 43-2943) has been revised allowing the courts to order parents to mediation if they are unable to develop a parenting plan through other means. In 2019, the Dispute Resolution Act was amended to include restorative justice. While the services provided by the centers continue to grow, grant funds available through the Dispute Resolution Cash Fund have dwindled because revenues from filing fees have decreased. Grants provided to approved centers to subsidize cases that are no pay or less than full pay are in jeopardy, even though the annual grant amount has remained the same since 2003.



An ongoing challenge is the COVID-19 pandemic. Each approved mediation center has skillfully navigated the pandemic and the changing environment. Mediators quickly learned to mediate online. This required learning how to give tech advice on the platform being used, learning how to use breakout rooms for separate meetings, and addressing confidentiality and privacy when parties are mediating from remote locations. The centers have found that a hybrid approach allows them to meet the needs of those they serve. Some parties want to mediate in person. For others, virtual mediation saves them travel time and money, especially when the two parties live in different towns. A negative impact of virtual mediation is that centers have lost some of their experienced mediators who were not comfortable with the technology. Some mediators have returned now that some cases are once again in person, but not all. Recruitment of mediators will be a priority this coming fiscal year.



ODR-Approved Mediation Centers



Central Mediation Center

Executive Director: Melissa Johnson
412 W. 48th Street, Suite 22, Kearney, NE 68845
TEL 308.237.4692 | FAX 308.237.5027
Email: info@centralmediationcenter.com
centralmediationcenter.com

Concord Mediation Center

Executive Director: Dan Bechtol
4225 North 90th Street, Omaha, NE 68134
TEL 402.345.1131 | FAX 402.884.7057
Email: contact@concord-center.com
concordmediationcenter.com

The Mediation Center

Executive Director: Casey Karges
610 J Street, Suite 100, Lincoln, NE 68508-2936
TEL 402.441.5740 | FAX 402.441.5749
Email: info@themediationcenter.org
themediationcenter.org

Mediation West

Executive Director: Charles Lieske
Office Hours (M-F): 9:00 a.m. to 4:00 p.m. MT
615 South Beltline Highway West | P.O. Box 427
Scottsbluff, NE 69363-0427
TEL 308.635.2002 | FAX 308.635.2420
Email: info@mediationwest.org
mediationwest.org

Nebraska Mediation Center

Interim Executive Director: Jane Martin-Hoffman
Dodge County Courthouse, 4th Floor
P.O. Box 1062, Fremont, NE 68026
TEL 402.753.9415 | FAX 402.721.6790
Email: nmc@nebraskamediationcenter.com
nebraskamediationcenter.com

The Resolution Center

Executive Director: Sharon Schmidt
120 South 5th Street, Beatrice, NE 68310
TEL 402.223.6061 | FAX 402.223.6625
Email: info@theresolutioncenter.org
theresolutioncenter.org



The Fiscal Year 2021 Annual Report and previous Annual Reports are available online at:
<https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/reports-laws-policies-forms>

For more information about our office, visit:
<https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice>