



**Mission:**

*The mission of the Nebraska Office of Dispute Resolution is to enhance and to advance the use of mediation and ADR (alternative dispute resolution) in courts and communities by partnering with ODR-approved mediation centers and others involved with ADR.*

# ODDR

NEBRASKA OFFICE OF DISPUTE RESOLUTION

## 2008-2009 Annual Report

Submitted to the  
Nebraska Supreme Court  
Nebraska Legislature and Governor  
Citizens of Nebraska

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**ODR Statutory Authority:**

Nebraska Dispute Resolution Act, N.R.S. §25-2901, et seq. (1991)  
See also Related Statutes  
Nebraska Uniform Mediation Act, N.R.S. §25-2930, et seq. (2003)  
Nebraska Parenting Act, N.R.S. §43-2920, et seq. (2007, 2008)

# Dear Nebraska Citizens:

This past year has been phenomenal! Over 8,500 individuals have chosen to work with the Nebraska mediation centers to try to resolve their problems face-to-face, through mediation, rather than through fighting or litigating. In the largest jump in nearly two decades, new mediation case numbers increased 37% over the prior year.

Why are so many people now turning to mediation? A significant reason is that both the public and the legal community have increasingly understood that especially in family-related disputes, such as divorce, parenting, family business, and estate issues, people are often better served by using mediation as an informal, confidential, and accessible problem-solving process.

Another reason for the increase in mediation last year is the Nebraska Legislature's passage of the 2007/08 amended Parenting Act. Now all parents must submit parenting plans describing future arrangements for their children's well-being, including residence, parenting time, decision-making, and communication approaches. Mediation is encouraged to assist parents in negotiating a parenting plan. More and more lawyers and judges are referring parents to mediation to create an individualized parenting plan that will specifically meet the needs of each family. The data from this past year shows how family cases and referrals from courts to mediation have increased (see page 7).

Additionally, as of July of 2010, all parents who haven't submitted a parenting plan within the court's prescribed timeline will be ordered to try mediation. This is a way to encourage parents to work things out between themselves instead of litigating issues of custody and visitation. Litigation puts children in the middle of their parents' potentially harmful and negative conflict.

The court-fee based Parenting Act Fund has been invaluable in providing resources to the ODR-approved mediation centers and the Douglas County District Court Mediation Office. This Fund assists those court-connected groups to provide parenting mediation to indigent and low income parents.

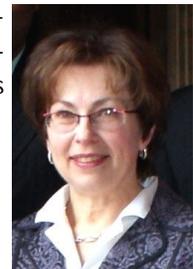
A list of qualified Parenting Act mediators as of July 1, 2009 is on page 11. An up-to-date list is maintained on the Supreme Court website at [www.supremecourt.ne.gov/mediation](http://www.supremecourt.ne.gov/mediation).

An equally significant use of ADR (alternative dispute resolution) in the courts is the growing use of Pre-Hearing Conference Facilitation (PHC) prior to initial child welfare removal hearings, as well as for 12-month permanency review and termination of parental rights hearings. This approach has decreased the amount of time to adjudication for children and families, which helps to speed up decisions regarding the child's permanency. Nebraska Health and Human Services' resources that fund mediation centers' facilitators have been invaluable to make PHCs available for judges in juvenile court.

Mediation in small claims courts cases and in juvenile delinquency cases is also an active arena for mediators. Restorative justice practices of holding the offender accountable and restoring the victim to a sense of wholeness are used.

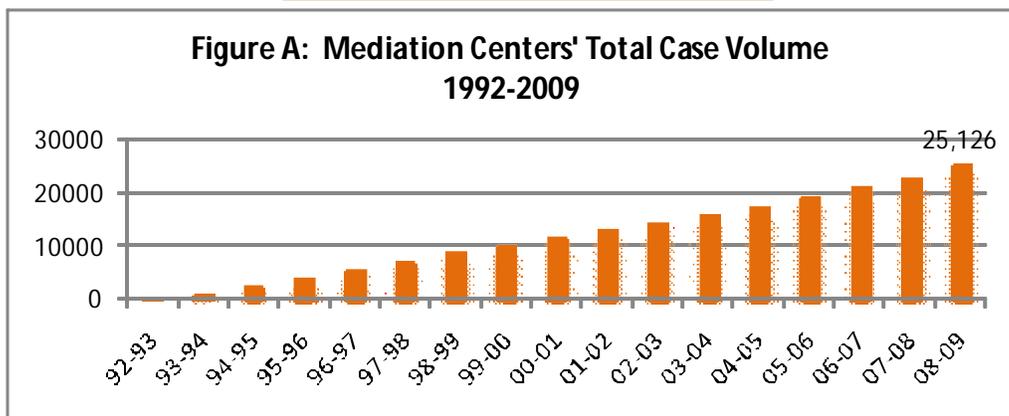
All-in-all, mediation centers have made a difference to thousands of Nebraska's residents involved in the 25,126 cases handled since 1992 (see Figure A, below).

I invite you to read the 2008-2009 Annual Report to learn more of the activities and progress of mediation in Nebraska. You are welcome to contact me or mediation center directors for additional information or if you have more questions about mediation and ODR.



*Debora Brownyard*

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Phone: 402.471.2766  
[www.supremecourt.ne.gov/mediation](http://www.supremecourt.ne.gov/mediation)

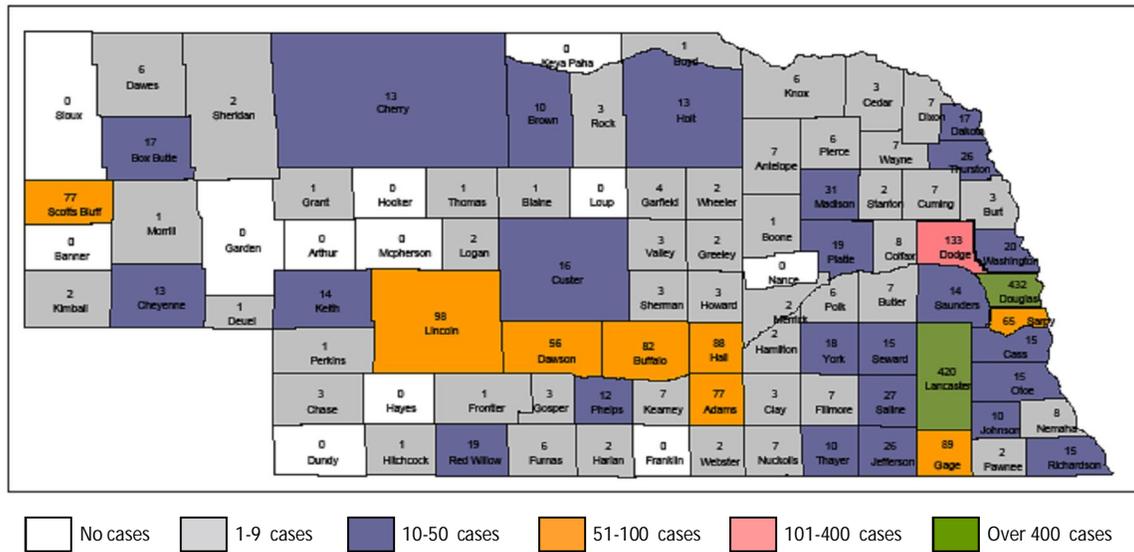


**In his 2009 State of the Judiciary Address to the Nebraska Legislature, Chief Justice Michael Heavican**

(photo, right) noted the important work that the “Through the Eyes of the Child” Initiative has been doing in front loading the child welfare system. Front loading has reduced children’s time in foster care and increased extended family in caring for children. Pre-hearing conferences (PHCs) are convened just prior to the initial removal hearing to have the parents, attorneys, and child welfare workers address critical early questions for the child. Facilitators of the PHCs are primarily staff and affiliates of the ODR-approved mediation centers. PHCs are held in nearly a third of all the courts across the state, including the high volume juvenile courts in Douglas, Sarpy, and Lancaster counties. The ODR-approved mediation centers are partners with the Initiative, having participated in training, policy and procedure work, continuing education, and research on pre-hearing facilitation and front-loading. In his speech, the Chief affirmed: “. . . front-loading [using pre-hearing conferences] is providing positive results around the state. Foster care numbers have been reduced. We think our Initiative has been a major factor in reducing those numbers.” More information about the Initiative is found on page 4.



**Figure 1. New Mediation Cases by County (n. = 2,190) Nebraska ODR-approved Mediation Centers, 2008-09**



**Nebraska’s mediation centers had a significant 37% increase** in mediation activity this past year, opening 2,190 new mediation cases. During the prior year, 1,598 new mediation cases were opened. Specific details about the types of cases and outcomes are shown on page 7. **Figure 1**, above, shows the distribution of the new mediation cases by county of requesting party. The number of requesting parties per county closely tracks Nebraska’s population density by county, with Douglas and Lancaster Counties being the most numerous, served by Concord Center and The Mediation Center, respectively. The distribution of cases also reflects the location of rural mediation centers’ offices in Scottsbluff (Mediation West, formerly Center for Conflict Resolution); North Platte, Kearney, Grand Island (Central Mediation Center); Beatrice (The Resolution Center); and Fremont (Nebraska Justice Center). Each of those mediation centers serves a multi-county region, see map on

the Supreme Court website at <http://www.supremecourt.ne.gov/mediation/mediation-map.shtml?sub7>.

Annual case volume, shown in **Figure 2**, page 6, represents the volume of active (both newly opened and carried forward opened) mediation cases that the mediation centers worked on during the program year. 08-09 totaled 2,389 cases, which is over a third more cases than the prior year’s number of 1,765. Serving this huge influx of people was accomplished through dedication and hard work, hours of individual conferences and mediations with each party, scheduling mediation sessions during the day, evenings, and weekends, and, for the rural mediation centers, mediators driving many miles to a convenient location to mediate with the parties. Data reports that over 8,500 individuals were served this year by the six mediation centers.

### Mediation Training

- The NMCA Training Institute, Eagle, NE, in partnership with the Office of Dispute Resolution and the ODR-approved mediation centers, offered four 30-hour Basic Mediation Training events and two Family Mediation Training events at which 100 new mediators were trained. NMCA offered several other mediator education opportunities during the 08-09 program year, as show in the Summary below. Efforts were made to offer the training in key locations of Omaha, Lincoln, and Kearney, and to provide different schedule formats. One of the new formats is to offer the 30 hour training in one-day increments over four successive weeks.
- Mediation center affiliates and trainees accumulated over 5,500 of contact mediation education hours during the year. Kelly Riley, Training Manager of NCMA has provided leadership and coordination for mediator training since 2003. Regional training involvement included the sponsorship of the Heartland Regional Conference of Mediators in April 2009.



Kelly Riley, NMCA Training Institute Manager (l) and national trainer, Anita Horner, American Humane Association (r)

### Child Welfare Mediation Education & Research

- Nebraska's *Through the Eyes Initiative* and the UNL Center on Children, Families, and the Law hosted an advanced seminar on *Family Group Conferencing* for experienced FGC practitioners on February 24. Ms. Anita Horner, FGC Program Director with American Humane Association of Denver (*in photo below, on right*) was lead presenter on the topics of *Best Practices in FGC; Children and Extended Family; Domestic Violence, Sexual Abuse and Child Abuse; and Interface with the Child Welfare System*.
- Kelli Hauptman, J.D. and Dr. Victoria Weisz presented an advanced seminar on *Pre-Hearing Child Welfare Conferences in Initial Removal Cases* on February 25 for experienced mediation center-affiliated court facilitators.
- Preliminary research on the effectiveness of Prehearing Conferences (PHCs) was conducted in Adams, Clay, Dawson, Fillmore, Madison, Nuckolls, Scotts Bluff, Seward, and Webster counties. Early findings noted included:

- ◆ cases that used PHCs adjudicated about a month faster than cases that did not
- ◆ cases that used PHCs had shorter time frames between adjudication and disposition (about one week)
- ◆ total time between the filing of the petition to disposition was about 5 weeks faster for cases that used PHCs

This research supports the goal of helping children to achieve permanency sooner by reducing court time.

### Summary of Seminars Provided by NMCA / ODR Training Institute

July 1, 2008 - June 30, 2009

#### Basic Mediation Training—30 hour course: **59 participants completed the course**

- August 19-22, 2008—Kearney
- November 11-14, 2008—Lincoln
- February 5, 12, 19, 26, 2009—Omaha
- June 9-12, 2009—Lincoln

#### Family Mediation Training—30 hour course: **41 participants completed the course**

- September 16-19, 2008—Kearney
- March 23-26, 2009—Lincoln

#### Advanced Skills Child Support Mediation Workshop—8 hour course: **7 participants completed the course**

- September 20, 2008—Kearney
- March 27, 2009—Lincoln

#### Specialized Alternative Dispute Resolution (SADR) Training —24 hour course: **35 participants completed the training**

- March 9-11, 2009—Lincoln

#### Family Group Conferencing Advanced Seminar—8 hour course: **14 participants completed the course**

- February 24, 2009—Omaha

#### Specialized Alternative Dispute Resolution (SADR) Seminar- 8 hour course: **31 participants completed the seminar**

- January 12, 2009—Omaha

#### Pre-Hearing Conferencing in Child Welfare Seminar—4 hour course: **19 participants completed the seminar**

- February 25, 2009—Omaha

#### Heartland Regional Conference of Mediators: **125 conference attendees**

- April 23 and 24, 2009—Omaha



## The 2009 Heartland Regional Conference of Mediators, Scott Conference Center, Omaha.

**“Mediation: Stepping Up to the Plate”** was the theme of the 08-09 biennial four-state mediation conference held in Omaha on April 23 and 24, 2009. It was sponsored by the Nebraska Mediation Center Association (NMCA) with partners including The Werner Institute, Creighton University; Association of Missouri Mediators; Heartland (KS/MO) Mediators Association; Nebraska Office of Dispute Resolution; and the University of Missouri School of Law. Over 125 mediators from Nebraska, Iowa, Missouri, Kansas, and surrounding states attended.

- Keynote presenter Bernard Mayer, PhD, Resident Professor of Conflict Resolution, Creighton University School of Law's Werner Institute, presented on the topic of *Staying with Conflict: The Art of Engagement and the Challenges of Enduring Disputes*. Keynoter Kenneth Cloke, JD, LL.M., PhD, President of Mediators Beyond Borders, presented on *How Mediators Can Help Save the Planet* and *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution*.



A state-level panel of mediation directors at the Heartland Conference discussed mediation for *pro se* litigants, mortgage foreclosure, divorce, and other civil cases. Panelists included: Art Thompson, Kansas Office of Dispute Resolution; Mike Thompson, Iowa Mediation Services; and Debora Brownyard, Nebraska Office of Dispute Resolution.

- Session topics included *Mortgage Negotiation*, *Grief 101 for Mediators*, *Mediating the Commercial Lease Dispute*, *Ethical Practice for Family Mediators*, *The Family Business System: Understanding Roles and Appreciating Differences*, *Collaborative Practices in Child Welfare Cases*, and *Hate Hurts: Recognizing Hate and Managing Its Effects When Mediating or Facilitating*. A special session for Nebraska's family mediators was *Children at the Center: How Domestic Abuse, Mediation, Voices for Children, and Family Law Collaborated to Create a New Parenting Act*.

- Nebraska district court judges Paul Korslund and John Samson and county court judges Curtis Evans and Kenneth Vampola participated on a panel about the courts using mediation. Some of the points included: “mediation has cut the court docket by at least a fourth; I couldn't handle the volume without it;” and “mediation worked in a highly contentious divorce case, with the parties exclaiming it was the best court-connected experience they ever had.” Mediation center directors Jane Martin-Hoffman, Nebraska Justice Center, Fremont; Judy Pingel, The Resolution Center, Beatrice; and Casey Karges, The Mediation Center, Lincoln were part of the dialogue with the Nebraska judges.



Nebraska Judges Kenneth Vampola, Curtis Evans, John Samson, and Paul Korslund presented a panel discussion at the Heartland Conference about mediation and the courts, with an emphasis on parenting act mediation and prehearing conferences.

- A special event open to all Nebraska mediators was hosted at the end of the conference as a “mediation association-building” forum. Over 50 mediators attended the one-hour session in which there was an overwhelming consensus to create a Nebraska Mediation Association. Mary Lee Brock with the Werner Institute (and former Concord Center director) and ODR Director Debora Brownyard facilitated the forum.



Round table dialogue focusing on a mediation association for Nebraska's mediators. Participants included mediators from a variety of backgrounds, including law, social work, ministry, public policy, health administration, academia, and education.

## Recognition for Nebraska's Mediation Center Directors — ODR 2008/2009 Report

The success and worth of any public service is due to the leadership and innovation of those who are committed to the vision and mission of the endeavor. Helping people engage in constructive conflict and solve problems effectively, peaceably, and locally is what these six leaders—mediation center directors shown below— are all about. Each of these individuals are themselves experienced mediators who also have the focused expertise as non-profit leaders, working with administration, funding, volunteer and affiliated mediators, community outreach and education. They work long hours for modest pay, all in the effort to make a difference for Nebraska's citizens, communities, and courts. Executive Directors of the six ODR-approved mediation centers are shown below, clockwise from top center: Judy Pingel, The Resolution Center, Beatrice; Jane Martin-Hoffman, Nebraska Justice Center, Fremont; RaeAnn Schmitz, Mediation West, Scottsbluff; Lynne Favinger, Central Mediation Center, Kearney; Mary Lee Brock, Concord Center, Omaha; and Casey Karges, The Mediation Center, Lincoln.



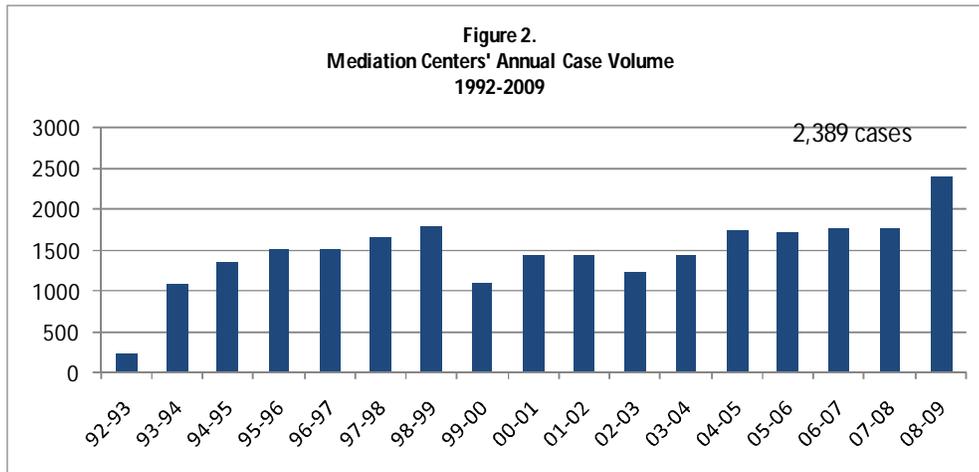
Casey Karges, The Mediation Center, Lincoln



Judy Pingel, The Resolution Center, Beatrice



Jane Martin-Hoffman, Nebraska Justice Center, Fremont



Mary Lee Brock, Concord Center, Omaha (In early 2009, Ms. Brock left to take a position with the Werner Institute. Ms. Cindy Tierney is the new executive director.)



Lynne Favinger, Central Mediation Center, Kearney (with offices in North Platte and Grand Island)



Rae Ann Schmitz, Mediation West, Scottsbluff (formerly Center for Conflict Resolution)

**Executive Summary:** The Nebraska Office of Dispute Resolution is pleased to present the 2008-2009 Mediation Center Data Summary of the six (6) regional non-profit ODR-approved mediation centers.

Since 1992, the mediation centers' combined **cumulative case volume** is **25,126 cases**. (Fig. A, p. 2) During this past program year annual case volume was **2,389 cases** (see Figure 2, p. 6).

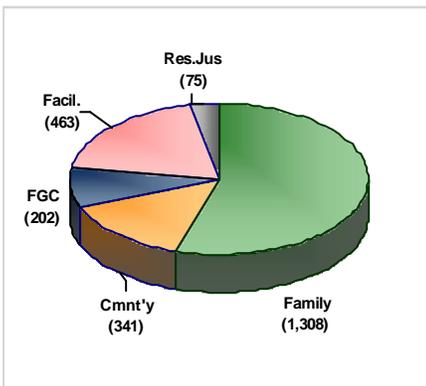


Figure 3. Mediation Case Types 2008-09

**Figure 3, Mediation Case Types** shows that in 08-09 the highest percentage of cases mediated were **family cases**, comprising **55% or 1,308 cases** overall. This continues a long-standing trend of increasing numbers of mediation of parenting plans, divorces, and family disputes.

Court-based facilitation of **pre-hearing conferences (PHC) in juvenile neglect** and abuse cases is the second highest case type at **19% or 463 cases**. These are related to the Supreme Court's **Through the Eyes of the Child Initiative teams**. Family Group Conferencing (FGC) amounted to 202 cases. In both FGC and PHC, primary goals include achieving permanency, increasing connections between the child and safe, extended family members and decreasing the time the child is in the foster care system.

**Mediation of community cases** comprised **14% or 341 cases** statewide. A

significant portion of these community cases are mediation of small claims court disputes.

**Restorative justice** facilitation involves working with victims and offenders in a restorative, rather than retributive fashion. Offenders are held accountable for their wrong-doing, including restitution and apology, in a process that is sensitive to victims' concerns and addresses community safety. While comprising just 3% of the caseload, **75 cases** were successfully facilitated between victims and offenders.

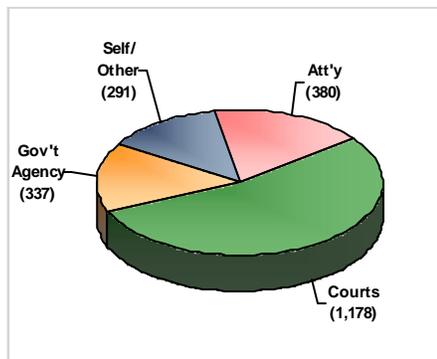


Figure 4. Referral Sources 2008-09

**Figure 4, Referral Sources** shows the percentages for the four primary referral sources. Following the trend over the past few years, referrals from courts continue to grow. During the 08-09 program year, **nearly 54%, 1,178 cases, were court-referred**.

Another large source of referrals (17%) is from attorneys. Combined with courts, over 70% of the cases are those connected with active legal proceedings. **This tracks with the high numbers of family and parenting plan mediation cases and prehearing conferencing facilitations.** Just over a quarter, or **27% of all referrals come from parties themselves or their attorneys**, amounting to over **475 cases**. This shows a continuing interest of people wanting to informally resolve problems themselves. Included as referral sources are family members, friends, and return-

ing mediation clients.

**Figure 5, Center Case Volume** reflects the distribution of cases among the six (6) ODR-approved mediation centers. Highest is Central Mediation Center, Kearney, serving 35 counties, with 560 cases. Concord Center serving Douglas and Sarpy is a close second with 536 cases. Third is The Mediation Center serving Lancaster County with 466 cases. The other three rural centers serving large geographical areas are Nebraska Justice Center, Fremont, with 382 cases; The Resolution Center, Beatrice, with 303 cases; and Center for Conflict Resolution (now Mediation West) Scottsbluff, with 142 cases.

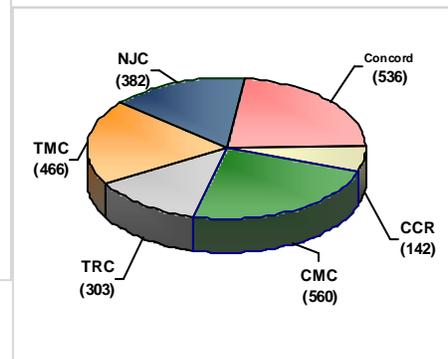


Figure 5. Center Volume 2008-09

**Figure 6, Percent Resolved** reflects that during this program year, **83% or 1,218** of mediated cases reached resolution. This rate reflects the high quality work that the ODR-affiliated center mediators provide to Nebraska's citizens. Affiliated mediators must meet Nebraska's *ODR Mediator Standards and Ethics*, and parenting mediators must also adhere to the *Nebraska Standards and Ethics for Family Mediators*.

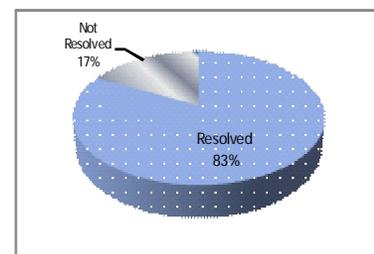
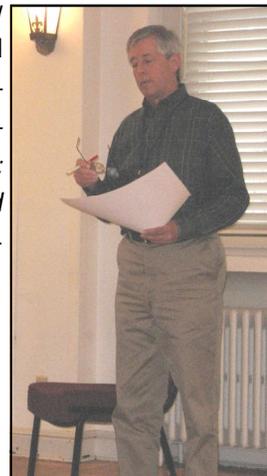


Figure 6. Percent Resolved 2008-09

## Implementation of the Parenting Act— ODR Report 2008/2009

**A three-day specialized ADR (SADR) training was held March 9-11, 2009 in Lincoln.** Nearly 40 family mediators attended this statutorily-required training, held at Southeast Community College. The goal was to teach experienced family mediators how to work with high conflict families and parents involved in domestic intimate partner abuse. The Nebraska Domestic Violence Sexual Assault Coalition, the Office of Dispute Resolution, the Douglas County District Court Conciliation and Mediation Office, The Mediation Center, Central Mediation Center, the NMCA Training Institute, and private family psychologists and family lawyers collaborated to develop the curriculum and deliver the training. Topics included *Mediation and Conflict Theories; Domestic Intimate Partner Abuse; Family Systems; Individual Private Session; Role of SADR Practitioner; Statutes and Policies; Children's Interests; Unresolved Parental Conflict; Personality and Cognitive Disorders; Substance Abuse; Power; Parenting Plans and Communication Protocols; SADR Practitioner Process and Skills*. Presenters included Lorin Galvin, Glenda Cottam, David Hubbard, Debora Brownyard, Robert Sanford, and Suzanne Curran Carney.

*Lorin Galvin, J.D., (photo, right) Director of Douglas County District Court Conciliation and Mediation Office presents communication protocol ideas for mediating with high conflict parents that can help reduce the child's exposure to negative parental conflict.*



**A one-day specialized alternative dispute resolution (SADR) seminar for mediation for experienced mediator practitioners was held January 12, 2009.** About 30 parenting mediators from across the state convened in Omaha at the Archdiocesan Conference Center for continuing mediator education on the practice of working with couples in which high conflict or domestic abuse had been identified.



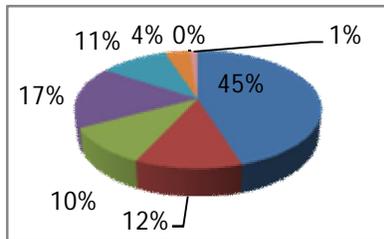
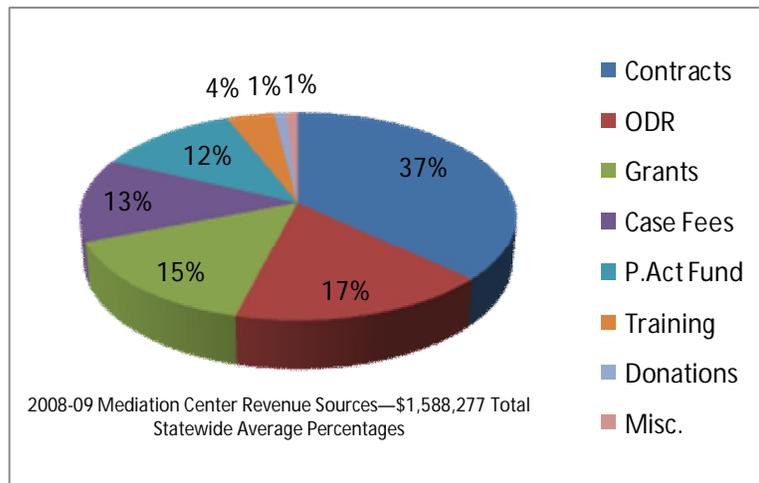
Dr. Laura Dendinger, J.D., (standing, photo left) Associate Professor, Wayne State College and affiliated family mediator with Nebraska Justice Center, led the seminar's topics on the updated *Nebraska Standards and Ethics for Family Mediators; the IPS* (individual private session); *SADR* (specialized alternative dispute resolution) process and communication approaches; parenting plans; and other practitioner questions.

*Mediators discuss family mediator ethics in SADR (specialized ADR) cases. L-R: Susan Martinez, Scottsbluff; David Hubbard, Lincoln; Casey Karges, Lincoln; Katie Welsh, Lincoln/Omaha; Suzanne Carney, Grand Island; Dick Stafford, Norfolk; Rae Ann Schmitz, Scottsbluff.*

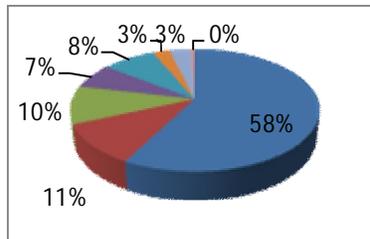


## ODR 2008-2009 Report — Mediation Centers Leverage Financial and In-Kind Resources

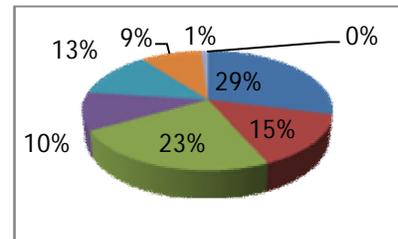
Each of the six ODR-approved mediation centers serve a specific region of the state, and serve those counties' residents, businesses, communities, and courts. Each of the mediation centers are Nebraska nonprofit organizations, with local boards of directors, staff, and affiliated mediators, many of whom volunteer their time and expertise. As nonprofit organizations, they balance their budget through a variety of revenue sources and efficiencies in controlling expenses. During the 2008-2009 program year, their combined revenues amounted to over a million and a half dollars: \$1,588,277. Contracts with private and public agencies amount for the highest percentage of average revenue: 37%. Grants and case fees amount to 28% of the mediation centers' revenues. The Nebraska Supreme Court, through the Dispute Resolution Fund and the Parenting Act Fund, is the source for 17% and 12% of revenues, respectively. A small percentage of revenue (6%) is from training, donations, and miscellaneous sources. Cumulative volunteer mediator time amounted to over 6,350 hours which conservatively amounts to nearly \$100,000! Volunteer mediators represent a wide spectrum of backgrounds: therapists, lawyers, ministers, businesspeople, educators, counselors, legislators, and farmer/ranchers. See the legend below for each center's proportionate revenue source.



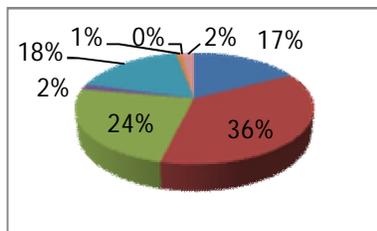
Central Mediation Center, Kearney



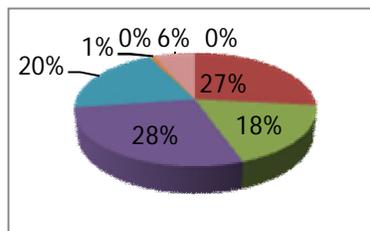
Concord Center, Omaha



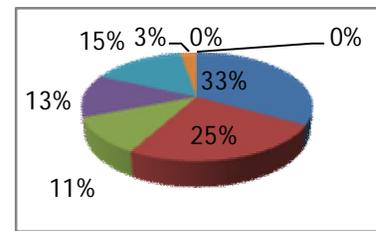
The Mediation Center, Lincoln



Mediation West, Scottsbluff



Nebraska Justice Center, Fremont



The Resolution Center, Beatrice

## Implementation of the Parenting Act—Mediator Approval



Approved Parenting Act mediators discuss mediator ethics and mediator practice in divorce and high conflict cases. L-R: Patricia Kelley, Omaha; Jane Martin-Hoffman, Fremont; David Hubbard, Lincoln; James Gordon, Lincoln; Catherine Saeger, Fremont.

### List of Nebraska State Court Administrator - Approved Parenting Mediators— July 1, 2009

MEDIATOR	TOWN	AFFILIATION
Adam, Peggy.	Odell	TRC
Albert, Paula	Omaha	DCDCMS
Artzer, Ceri *	Sterling, CO	CCR
Bartlett, Sarah*	Scottsbluff	CCR
Beethe, Marian	Tecumseh	TRC
Bergquist, Kay*	Lincoln	TMC
Bingham, Shereen	Omaha	Concord
Blumkin, Christina	Omaha	DCDCMS
Booth, Kimberly*	Omaha	DCDCMS/Private
Borchers, Elizabeth*	Omaha	DCDCMS
Branch, David*	Dubois	TRC
Brinkman, Judy*	Cook	TRC
Brown, James*	Lincoln	TMC
Brownyard, Debora*	Lincoln	TMC
Bruning, Mary*	Lincoln	TMC
Cottam, Glenda*	Papillion	DCDCMS
Dart, Carol	Kearney	CMC
Davis, Ann Walsh*	Bellevue	DCDCMS
DeMott, Lynn*	Omaha	Concord
Dodge, Wesley	Omaha	DCDCMS
Edmonds, Laura*	Beatrice	TRC
Einspahr, Janet	Norfolk	NJC/Private
Evans, Marleen	Omaha	DCDCMS/Concord
Favinger, Lynne*	Minden	CMC
Fees, Lynne T.	Omaha	DCDCMS/Private
Florian, Elizabeth*	Hastings	CMC
Fowler, Brandie*	Omaha	DCDCMS
Galvin, Lorin*	Omaha	DCDCMS
Garvey, Joan	Omaha	DCDCMS/Concord
Gittins, Jody	Wahoo	TRC
Gordon, James*	Lincoln	TMC/Private
Gorham, Marcia	Bellevue	Private
Hanson, Bryan	Omaha	Concord
Harvey, James*	Lincoln	TMC
Hespen, Kathleen*	Beatrice	TRC
Hubbard, David*	Lincoln	TMC
Jacobs, Robin	Omaha	Concord
Johnson, Marshall*	Norfolk	NJC
Karges, Casey*	Lincoln	TMC
Katelman, Lynn	Omaha	DCDCMS
Kelley, Patricia*	Omaha	DCDCMS
Kelly, Brendan	Omaha	Concord/Private
Koerber, Cyndy*	Fremont	NJC

MEDIATOR	TOWN	AFFILIATION
Leise, Lisa	Omaha	Concord
Lindemeier, Robert*	North Platte	CMC/CCR/Private
Liska, Diana	Papillion	Concord
Loncke, Kim	Omaha	Concord/Private
Martinez, Susan*	Scottsbluff	CCR
Martin-Hoffman, Jane*	Fremont	NJC
Meerkatz-Schuetze, Heidi	North Platte	CMC
Miranda, Arturo*	Omaha	DCDCMS
Moshman, Ann	Omaha	DCDCMS/Private
Musselman, Randy	Lincoln	TRC
O'Brien, Janet*	Beatrice	TRC
O'Hanlon, James*	Lincoln	TMC
Orr, Robin	Omaha	DCDCMS
Petersen, Linda*	Omaha	Concord
Pingel, Judy*	Beatrice	TRC
PytlíkZillig, Lisa*	Lincoln	TMC
Rademacher, John	Kearney	Private
Reefe, Patrick*	Gretna	DCDCMS/Concord/Private
Reyes-Covalt, Patricia*	Kearney	CMC
Riley, Kelly	Eagle	TMC
Riley, Mary	Omaha	Concord
Ryberg, Ruth	Omaha	Private
Saeger, Catherine*	Fremont	NJC
Schaefer, Linda*	Omaha	DCDCMS
Schmitz, Rae Ann*	Scottsbluff	CCR
Schultz, Luke*	Lincoln	TRC
Shaul, James*	Bellevue	DCDCMS/Concord/NJC/Private
Soto, Rosa*	Omaha	DCDCMS
Stafford, Richard*	Norfolk	NJC
Stewart, Janet*	Fremont	NJC
Story, Grant*	Omaha	DCDCMS/Concord/Private
Swartzendruber, Lucas	Hebron	TRC
Thayer, Lisa	Grand Island	CMC/Private
Tierney, Cindy*	Omaha	Concord
Truttmann, Beverly	Bellevue	DCDCMS/Concord/Private
Vest, Rick*	Ashland	TRC
Walters, Matt	Lincoln	TMC
Weiss, Gary*	Omaha	DCDCMS/Private
Welke, Paula*	Long Pine	NJC/CMC
Zabin, Harold*	Omaha	DCDCMS/Private

Note: An asterisk (\*) next to a mediator's name indicates that he/she is a trained facilitator in Specialized Alternative Dispute Resolution (SADR).

A current list of approved Parenting Act mediators is located on the Nebraska Supreme Court website at: <http://www.supremecourt.ne.gov/mediation/approved-p-act-list.shtml>.

Key to abbreviations: CCR (Center for Conflict Resolution, Scottsbluff, now known as Mediation West); CMC (Central Mediation Center, Kearney); Concord (Concord Center, Omaha); DCDCMS (Douglas County District Court Mediation Services, Omaha); NJC (Nebraska Justice Center, Fremont); Private (Private practice mediators); TMC (The Mediation Center, Lincoln); TRC (The Resolution Center, Beatrice).

# Implementation of the Parenting Act—Mediator Standards and Ethics; Approval Policy



## Policy for Approval of Parenting Act Mediators Adopted by State Court Administrator.

As directed by the Parenting Act, Neb. Rev. Stat. §43-2940, the State Court Administrator approved a Policy for Parenting Act Mediators on October 31, 2008. The policy has three sections: (I) Approval of Mediators; (II) Training and Education; and (III) Mediator Status and Grievance Process. Section II Training and Education contains three parts: Training, which describes required training, curriculum learning objectives, core values, training methodology, training program approval; Apprenticeship, which includes minimum standards and the role of supervisory mediators; and Continuing Mediator Education (CME), which requires mediators to have eight hours of CME every two years. The Policy is on the Supreme Court website at: <http://www.supremecourt.ne.gov/mediation/mediation-rules.shtml?sub7>.

**Nebraska Family Mediator Standards and Ethics Approved by ODR Advisory Council.** On October 30, 2008, the ODR Advisory Council voted to approve new standards and ethics that apply to all family mediators practicing under the Nebraska Parenting Act. The Project Team (below) submitted its recommendations to the Advisory Council, having adapted the 2001 *Model Standards of Practice for Family and Divorce Mediation*, approved by the AA House of Delegates and the Association of Family and Conciliation Courts (AFCC). Its three primary goals are: (1) to serve as a guide for the conduct and practice of Parenting Act and family mediators; (2) to inform mediating parties about mediation practice; and (3) to instill public confidence in the mediation process. The document includes the following definitions and is located at: [http://www.supremecourt.ne.gov/mediation/pdf/Standards\\_and\\_Ethics\\_Revised\\_10-31-08.pdf](http://www.supremecourt.ne.gov/mediation/pdf/Standards_and_Ethics_Revised_10-31-08.pdf).



**□ Definition of Mediation:** *Mediation is a confidential process of dispute resolution in which one or more trained impartial neutrals assists the participants without coercion or the appearance of coercion to define and clarify issues and interests, reduce obstacles to communication, explore possible solutions, and where desired, reach a mutually satisfactory agreement. Party self-determination is a core value of mediation, in which the decision-making authority rests with the participants themselves.*

**□ General Principles:** Mediation is based on principles of communication, negotiation, facilitation, and the technique or method of solving problems. It emphasizes:

- Party self-determination;
- The needs and interests of the disputing parties;
- Fairness and merits of the issues as defined by the parties;
- Procedural flexibility;
- Privacy and confidentiality;
- Full disclosure.

**Nebraska Mediator Standards and Policy Project Team** convened in June 2008 and four subcommittees worked through October of that year to submit recommendations for the Parenting Mediator Approval Policy and Standards and Ethics to the ODR Advisory Council and the State Court Administrator. Dedicated and hard-working members of the steering committee were: **Laura Dendinger**, Wayne; **Carl Eskridge**, Lincoln; **Alan Frank**, Lincoln; **Paul Galter**, Lincoln; **Lorin Galvin**, Omaha; **Casey Karges**, Lincoln; **Debora Brownyard**, Lincoln; **Patricia Kelley**, Omaha; **Linda Sanchez-Masi**, Lincoln; and **Rick Vest**, Ashland. The Project Team included the following high caliber group of professionals:

Lynn Anderson DeMott, LCSW, LIMHP,	Omaha	Hon. Patricia Lamberty, District Court Judge	Omaha
Marian Beethe, Program Administrator	Lincoln	Susan Martinez, Mediator / Case Mgr	Scottsbluff
Kay Bergquist, Mediator	Lincoln	Jane Martin-Hoffman, Mediation Exec. Dir.	Fremont
Shereen Bingham, Prof. of Communications	Omaha	Ann Moshman, Attorney	Omaha
Kimberly Booth, Attorney	Omaha	Jan O'Brien, Mediator	Cook
James Brown, LIMHP	Lincoln	Lisa PytlikZillig, Mediator	Lincoln
Mary Bruning, Mediator	Lincoln	Patrick Reefe, Mediator	Gretna
Mike Burns, Attorney	Hastings	Kelly Riley, Training Institute Manager	Eagle
Suzanne Carney, Program Dev. Director	Grand Island	Hon. Patrick Rogers, District Court Judge	Norfolk
Jan Einspahr, Attorney	Norfolk	Hon. John Samson, District Court Judge	Fremont
James Gordon, Attorney/ Mediator	Lincoln	Rae Ann Schmitz, Mediation Exec. Dir.	Scottsbluff
James Harvey, Mediator	Lincoln	Jim Shaul, Mediator	Omaha
David Hubbard, Mediator / Program Dir.	Lincoln	Dick Stafford, Attorney	Norfolk
Ramona Hunt, MC, MS	Omaha	Beverly Truttman, Owner / Mediator	Bellevue
Hon. John Icenogle, District Court Judge	Kearney	Gary Weiss, Mediator	Omaha
		Reginald Young, Attorney	Omaha

# Nebraska's Court-Connected Mediation Resources

## A. Douglas County District Court:

**Douglas County Conciliation and Mediation Office\***: District Court-based mediation office in the Hall of Justice, 1701 Farnam Street, 1st floor, Omaha. Lorin Galvin, Director. 402-444-7168; [www.dc4dc.com/conciliation/](http://www.dc4dc.com/conciliation/)

## B. Nebraska Office of Dispute Resolution-approved Mediation Centers

### Mediation West, Scottsbluff

(formerly, Center for Conflict Resolution)

[info@conflictresolutioncenter.com](mailto:info@conflictresolutioncenter.com)

Rae Ann Schmitz, Executive Director

Arthur, Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Hooker, Keith, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux

800.967.2115

308.635.2002

### Central Mediation Center, Kearney\*

[info@centralmediationcenter.com](mailto:info@centralmediationcenter.com)

Lynne Favinger, Executive Director

Adams, Blaine, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Garfield, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes,

Hitchcock, Howard, Kearney, Lincoln, Logan, Loup, McPherson, Merrick, Nuckolls, Perkins, Phelps, Red Willow, Sherman, Thomas, Valley, Webster, Wheeler

800.203.3452

308.237.4692

### Concord Center, Omaha\*

[contact@concord-center.com](mailto:contact@concord-center.com)

Cindy Tierney, Executive Director

Douglas and Sarpy Counties

402.345.1131

### Nebraska Justice Center, Fremont

[jmarhof@qwestoffice.net](mailto:jmarhof@qwestoffice.net)

Jane Martin-Hoffman, Executive Director

Antelope, Boone, Boyd, Brown, Burt, Cedar, Cherry, Colfax, Cuming, Dakota, Dixon, Dodge, Holt, Keya Paha, Knox, Madison, Nance, Pierce,

Platte, Rock, Stanton, Thurston, Washington, Wayne

866.846.5576

402.753.9415

### The Mediation Center, Lincoln

[info@themediationcenter.org](mailto:info@themediationcenter.org)

Casey Karges, Executive Director

Lancaster County

402.441.5740

### The Resolution Center, Beatrice

[trc@bvca.net](mailto:trc@bvca.net)

Judy Pingel, Executive Director

Butler, Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, York

800.837.7826

402.223.6061

\* In English and En Español

### ODR Advisory Council Members (2009)

Members:	Term Expires
Carl Eskridge, Chair, Lincoln	12-11
John Ballew, Lincoln	12-10
Michael Baumfalk, Beatrice	12-11
Hon. Michael Offner, Hastings	12-11
Prof. Alan Frank, Lincoln	12-11
Michael Mullin, Omaha	12-12
Prof. Arthur Pearlstein, Omaha	12-12
Michael Pirtle, Omaha	12-10
Hon. John Samson, Fremont	12-12
Carrie Sheldon, Grand Island	12-11
John Slowiaczek, Omaha	12-10

### Ex Officio Members:

Jane Martin-Hoffman, Fremont	12-10
Lynne Favinger, Kearney	12-09

### Nebraska Supreme Court Liaison:

Justice Mike McCormack

### Nebraska Office of Dispute Resolution

Administrative Office of the Courts  
521 South 14th Street, Suite 200  
Lincoln, NE 68508



Debora Brownyard, Director  
E-mail: [debora.brownyard@nebraska.gov](mailto:debora.brownyard@nebraska.gov)  
Phone: 402.471.2766  
Fax: 402.471.3071  
[www.supremecourt.ne.gov/mediation](http://www.supremecourt.ne.gov/mediation)