

OFFICE OF DISPUTE RESOLUTION ANNUAL REPORT



Fiscal Year 2020

July 1, 2019 to
June 30, 2020



Office of Dispute Resolution Annual Report

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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 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)

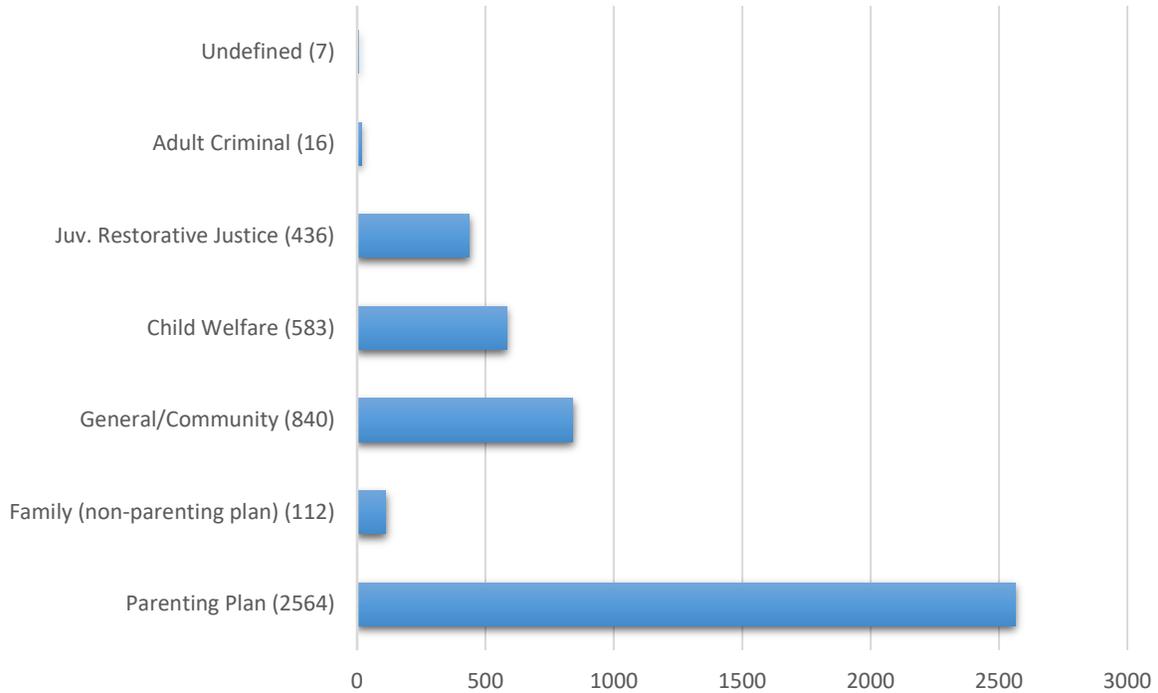
Case Summary Statistics

For the 2019-2020 fiscal year, the following graphics highlight case statistics. Of the overall case volume (4,558 cases), there were 2,237 cases mediated, meaning that these cases “came to the table.” Of the other 2,321 cases, 3.7% resolved prior to the mediation/facilitation; in 35.9% of cases one of the parties withdrew, declined participation, was non-responsive, or chose not to participate; 1.0% of cases were not appropriate for mediation; and 5.6% 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

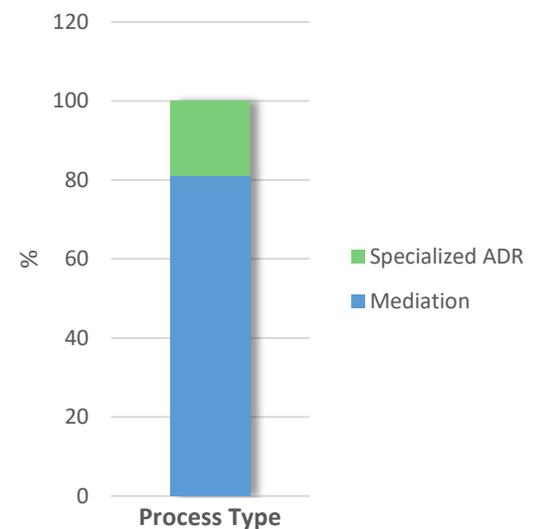
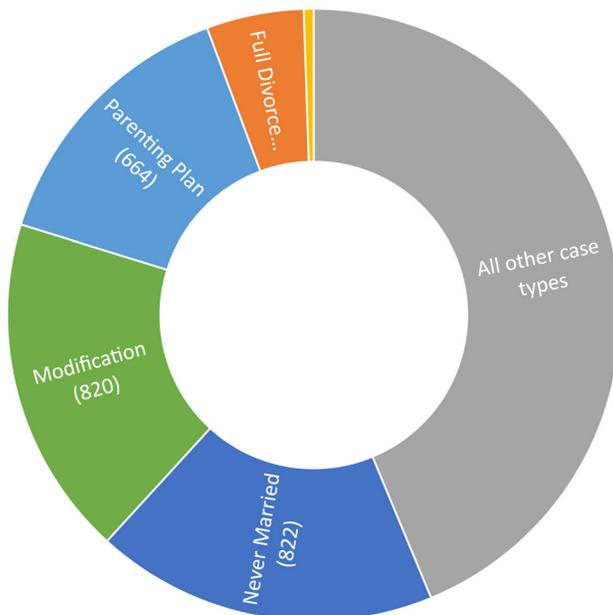
In a small Nebraska community, a youth who had stolen from a local business and participating in Diversion was referred to an approved center to participate in a Victim Youth Conference, a restorative justice process. The center reached out to the small business and asked if the owner would like to participate in the process; the owner did. After talking with the youth and the owner individually, the center brought both of them together to talk about the impacts that this youth’s actions had on everyone – each other and on the youth’s family. After the youth shared the difficulties he caused his family because everyone in the small community knew about what happened, the store owner shared about his own troubled past. The youth was surprised to learn this about the respected community member. A heartfelt discussion ensued between the two about learning from your mistakes. The youth apologized and the store owner thanked the youth for his sincerity and genuine remorse.

Total Case Volume – 4,558 Cases

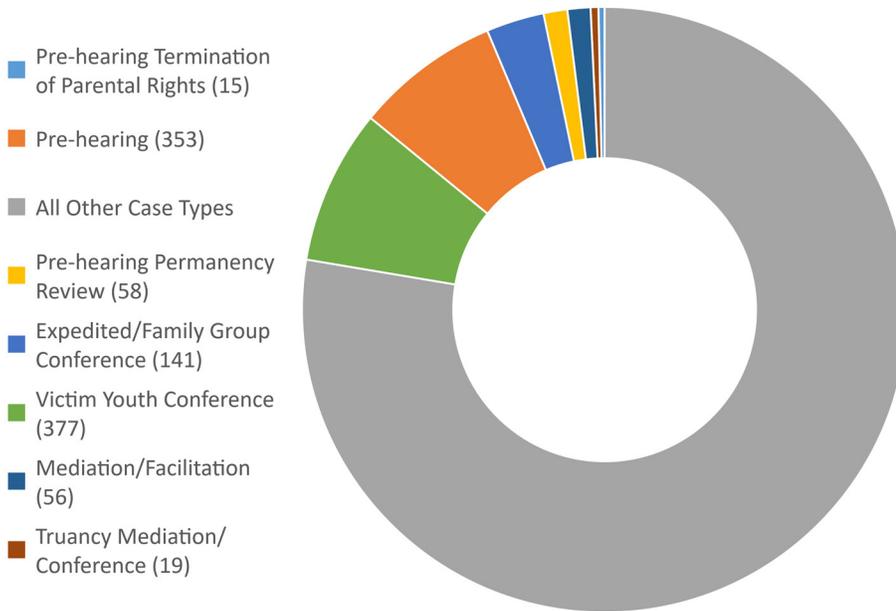


Parenting Plan Cases (2,564)

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.



Child Welfare and Juvenile Restorative Justice Cases (1,019)



Overall Case Disposition of Closed Cases

1472	Cases Mediated ("came to the table")
773	Cases Facilitated
78%	Agreement Reached (full or partial)

Referral Sources

49%	Court
23%	Attorney
17%	Self/Family/Friend
8%	Gov't Agency / Organization
3%	School

Challenges and Recommendations

With the COVID-19 pandemic, the 2019-2020 fiscal year was one that challenged the centers as they mostly conducted in-person mediations and facilitations.

Mediators/facilitators had a steep learning curve creating new options for their service delivery. With six approved centers providing service to 93 counties, each center had to customize their services based on local Directive Health Measures. For the centers that continued to offer some in-person services, social distancing and sanitation procedures were put in place. Additionally,

each center expanded the use of online meeting platforms. There were unexpected benefits to using online platforms, including reduced travel for the parties. Transportation can be a barrier for some due lack of reliable transportation, cost, and/or travel time.

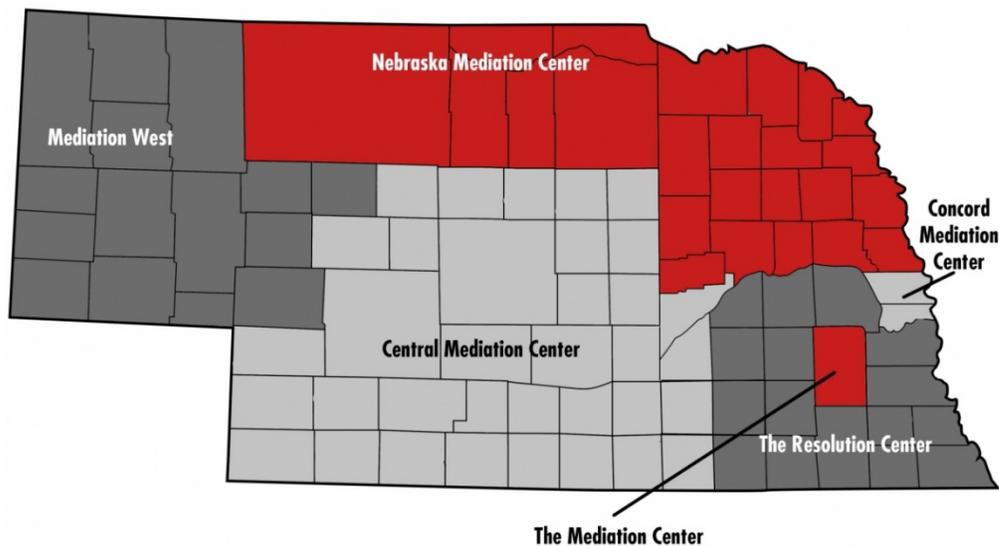
With the shift to online services, the centers were also concerned that people may not be able to access their online services because they did not have reliable internet service, or were uncomfortable using technology. However, this was not the case, and, overwhelmingly, the parties provided positive feedback to participating in an online dispute resolution process.

With the learning that went into ensuring a successful expansion of service delivery, the recommendation is for the approved centers and approved Parenting Act mediators to continue offering this type of service delivery. Anecdotally, it has been determined that online alternative dispute resolution options can improve access to justice.





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

Executive Director: Kristine Roberts
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 2020 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>