

Seventh Annual Report

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<i>Office of Community Dispute Resolution, U.S. Department of Justice</i>	
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Update February 17, 2000

This report, normally delivered in late fall, was delayed until late winter as a result of personnel changes in the Nebraska Office of Dispute Resolution (ODR). On June 1, 1999, Kathleen Severens, ODR director from its establishment in 1992, became the first director of the newly created Office of Community Dispute Resolution in the U.S. Department of Justice, Washington, D.C. Wendy Hind, a Lincoln mediator and attorney, began her duties as the new ODR director on January 4, 2000.

While this report focuses on the year ending June 30, 1999, a number of significant events have taken place since that time of which readers might want to be aware. They include:

- With the support of all concerned, Omaha's Metro Mediation Center (MMC), a program of Family Housing Advisory Services, Inc., was transitioned into an independent non-profit corporation, The Community Mediation Center (TCMC), in the second quarter of the 1999-2000 year. Mary Lee Brock continues as director of the new Center. The service area remains Douglas and Sarpy counties. The new Center can be reached at: The Community Mediation Center, P.O. Box 3187, Omaha, NE 68103. Phone is 402/344-7415. Fax is 402/341-8004. Email is mediate@radiks.net.
- The ODR system will host the second biannual Heartland Mediators Conference at the Lied Conference Center on the Arbor Day Farm in Nebraska City, April 6-7, 2001. The first regional conference in April of 1999 in Lawrence, Kansas, drew 170 participants from 15 states. Nebraska conferences have previously been held in Blair (1993) and Kearney (1996).
- Several new or expanded statewide mediation programs have been implemented: The Legal Services referral program described here-in, with support from the Nebraska Commission on Public Advocacy, has been expanded from divorce issues to provide mediation in all appropriate low-income cases. Child Support Enforcement of the Nebraska Department of Health and Human Services collaborated with the ODR system to develop statewide programs which encourage mediation to avoid access, visitation and child support problems. Using Juvenile Accountability funds, a collaborative effort between the Office of Probation, HHS, ODR, and the rural mediation Centers provides mediation services for juveniles who are either wards of HHS or are on probation or parole and who are at risk for incarceration because of subsequent conflicts.
- In late 1999, James Sampsel resigned as director of Central Mediation Center (CMC) in Kearney. CMC is recruiting a new director.
- Discussions are underway to integrate Family Group Conferencing statewide into child protection systems used by judges and HHS child welfare workers.

Executive Summary

The ODR system continues to experience significant growth in many areas. Overall from July 1, 1998, to June 30, 1999, the system experienced a fourteen percent growth in caseload, reached approximately 10,000 Nebraskans with training, outreach and direct dispute resolution services, and mobilized approximately 12,000 hours of volunteer community service effort, reaching into nearly all of Nebraska's 93 counties.

The three core community mediation areas all experienced strong growth during the 1998-99 year, with small claims cases up 18%, family/divorce cases up 50%, and victim-offender cases up 23%. Mediation program development efforts with Legal Services, the Commission on Public Advocacy, Health and Human Services, the Crime Commission and others contributed significantly to this growth.

Though a great deal of energy has been directed to the development of mediation programs through the non-profit service delivery system of the state, other peacemaking initiatives are growing in impact through the efforts of the mediation centers, as well. These initiatives include training in conflict resolution, classes for divorcing parents, facilitation of large-group decision-making, study circles, and family group conferencing.

Some of these efforts have been extensive, such as Lincoln-Lancaster Mediation Center's facilitation of the discussions of more than seventy interest groups regarding the future of Lincoln's Wilderness Park; or the Center for Conflict Resolution's year-long law-enforcement and intergovernment work; or the Nebraska Justice Center's facilitation of a 22-county, multi-agency conflict resolution process. Each effort contributes to a reduction in tensions, a building of relationships, and an increase in the overall capacity within Nebraska to address situations of future conflict. Although much of the data in this report focuses on the delivery of mediation services, it should be understood that this is only a part of the impact the overall ODR system is having across the state.

The system's continued growth has not come without growing pains. Centers struggle at times to meet the new demands. With low salaries, little or no employment benefits, and high job demands, staff turnover continues to disrupt the system, making program continuity a challenge. Data management systems designed to track mediation activities are inadequate to keep up with new areas of activity appropriately being pursued by the centers. As demand for services increases, centers are stretched to find, train, and work with new staff and mediators.

The work brings unique rewards, as well. Eighty-three percent of participants in mediations through the ODR system last year reported that they were either "Satisfied," or "Extremely Satisfied" with their experience. ODR Training Institute programs have received national and international recognition. Comments at the bottom of each page of this report were written by participants in mediations and facilitations conducted through the ODR system.

The breadth and quality of accomplishments achieved by Nebraska's innovative approach to interest-based dispute resolution have earned the ODR system a welcome reputation as a national pace-setter. Nebraska is a leader in the nation in its ability to deliver a consistent, high-quality mediation service statewide, available equally to rural and urban areas.

As the need and awareness for conflict resolution and collaborative processes continues to grow, the Nebraska dispute resolution system will be here to identify opportunities and to respond to challenges.

Participants said: *"It's a lot more civil and you have more input than going through the court."
"The mediator did an outstanding job -I was very impressed with his handling of this mediation session."*

Dispute Resolution Definitions

Dispute resolution alternatives range from avoidance to armed conflict, with litigation the most common formal approach used in our society. There are a growing number of alternatives to litigation which may be appropriate for certain situations, parties or types of dispute. While focusing primarily on mediation, the ODR system also continues to expand the types of other dispute resolution services available in Nebraska. The following definitions are provided to clarify terms used elsewhere in this report.

Mediation provides a neutral third party (mediator) who has no decision-making authority and is impartial to the issues being discussed, to assist the parties to voluntarily reach a mutually acceptable settlement of the dispute. Mediation honors self-determination, respects each participant's uniqueness and values, seeks a mutual awareness of interests underlying the issues in dispute, and often leads to self-enforcing agreements with which all participants are satisfied. Mediation can take place at any time, either within or separate from the legal process.

Facilitation is a process that assists groups of people with goal setting, information gathering, and strategic planning. A facilitator helps a group move toward effective communication and participation in order to identify and explore issues. It is an efficient and effective means for larger numbers of people to manage and implement joint efforts. Facilitation also works in situations calling for **Collaborative Problem Solving**, where the facilitator helps a group to define problems, establish objective criteria for measuring possible solutions, generate options, and work toward consensus.

Conciliation uses a third party to work with parties separately in an attempt to correct misconceptions, reduce unreasonable fears, and improve communication to an extent that will permit direct discussion between the parties and lead ultimately to a voluntary settlement. Data collection and analysis can be an essential component of this process because it is diagnostic in nature.

Family Group Conferencing (FGC) brings extended families, service providers, and others into a facilitated discussion to develop a plan for the well-being of abused or neglected children. It may also be used in cases of juvenile delinquency. Procedurally, the FGC coordinator contacts all parties who may play a role in the child's life, including relatives, HHS case workers, clergy, therapists, teachers, and others, to gain information and schedule a conference. At the family conference, the group first identifies the family's strengths, discusses concerns, and learns of specific care and protection needs that must be addressed for the child's well-being. Next, the extended family meets privately to develop a plan. Last, the family presents the plan to the larger group, which discusses it and tests the options proposed. If all arrive at a mutual agreement, the FGC plan can be implemented, or submitted for court approval.

Negotiated Rule Making is a process designed to involve all stakeholders in the implementation of legislation through active participation in the development of agency regulations. Nebraska has a Negotiated Rule Making statute. Particular legislation can prescribe citizen involvement through Technical Advisory Committees (TAC) such as the one to address leaky underground petroleum storage issues that was facilitated by the ODR system in recent years.

Study Circles are democratic, small-group participatory conversations that offer citizens the chance to get to know one another, consider different points of view, explore disagreements, and find common ground. Study Circles on race have been initiated nationally in the past eighteen months and the ODR system has been actively involved in Nebraska.

I. ODR Overview

Developing a Statewide Conflict Resolution System

The 1991 Dispute Resolution Act established the Office of Dispute Resolution (ODR) in the Administrative Office of the Courts. ODR, with input from the ODR Advisory Council, oversees the development of dispute resolution and collaborative problem solving programs in Nebraska, assisting in the development of, and working collaboratively with, Nebraska's nonprofit mediation centers. The public-private cooperative effort creates an efficient, effective and responsive system that enhances existing structures and fosters new opportunities to prevent and resolve conflict.

Over the last eight years, a sustainable infrastructure has been created through the formation of the mediation centers, the establishment of program policies and procedures, the creation of internationally recognized training programs with highly-regarded trainers, the growth of a pool of committed, trained, and experienced mediators, and targeted efforts for public education and program development. Centers handle an ever-expanding case and project load, and meet a growing demand for training. This development is standardized statewide and yet responsive to the unique needs of the six regions served by nonprofit centers.

The ODR system operates as a collaboration between ODR, the ODR Advisory Council, and the mediation centers. Through shared decision-making, programming, training, and fundraising, this integrated system has become a well-respected statewide dispute resolution service network, known for its accessibility and competence.

Ensuring Center Accountability

While ODR assists in the development of dispute resolution programs, the office also provides oversight regarding the quality of available services. ODR oversees and maintains the statewide ODR Policy Manual and ODR Training Institute Standards and Guidelines. Updates and revisions occur regularly and are achieved through joint input and involvement of the State Advisory Council and the centers.

Accountability is built into the system at a number of levels. Every three months, the centers submit quarterly reports consisting of electronically transmitted updates of all cases, projects, and other services provided during the reporting period, as well quarterly financial statements. ODR merges the data and prepares a statewide quarterly report of all system activity. These quarterly reports are reviewed by the State Advisory Council at regularly scheduled meetings. ODR and the centers meet quarterly, as well, to review activities and projects, exchange information, assess programming, and plan collaborative efforts.

ODR establishes the criteria by which the centers are evaluated. A new three-year process of monitoring center-set goals in the areas of case management/development, program/project development, finances, outreach/education, center administration, and statewide system involvement was begun this year. Review teams comprised of State Advisory Council members and ODR schedule annual on-site visits to each center. Regular audits are also required of the centers. The State Advisory Council reviews all information and makes recommendations for the continued funding of each center.

Establishing Mediator Competency

ODR has worked collaboratively with the centers to develop and promote internationally respected training programs, with built-in apprentice opportunities for those seeking to practice their skills in

I. ODR Overview

Nebraska. The statewide Volunteer Internship Program (VIP) provides for supervised experiential learning after Basic Mediation Training is completed. Trainees who are accepted into the program by one of the six centers may take training at half the registration fee, agreeing to volunteer a minimum of 24 hours as a mediator. Mediators are then paired with experienced mediators to mediate cases. This builds their skills and provides a valuable service to the community. Centers also provide regular in-service activities for the continuing education of their mediators.

ODR works with the centers to ensure compliance with the Standards and Ethics for Mediators, as established in the Dispute Resolution Act. Centers work in conjunction with ODR to establish evaluation and grievance procedures that allow those using mediation to report concerns to center directors, and allow ODR to monitor the satisfaction levels of those using mediation across the state. ODR encourages the use of co-mediation, both for skills building and additional oversight.

State and National Involvement

ODR convenes quarterly meetings of the ODR Advisory Council, participates in quarterly meetings of the center staffs, prepares an annual report to the state and assists with statewide conflict resolution system design efforts; for instance, with the Nebraska departments of Corrections, Education, and Health and Human Services. ODR also supports center efforts to integrate mediation into the legal system with referral procedures, citizen education, intake and case management, funding and monitoring.

ODR represents Nebraska nationally at the annual meeting of the 30 state offices of dispute resolution convened at the Society for Professionals in Dispute Resolution (SPIDR) Conference. The office also provides a national connection for Nebraska within such organizations as the American Bar Association, the State Justice Institute, the Policy Consensus Initiative, the Center for Public Resource's Working Committees on Ethics for Attorney Mediators and Provider Organizations, and the National Association for Community Mediation.

Systems Design and Referral Development

ODR works with Nebraska commissions and agencies to create dispute resolution alternatives within governmental and public sector organizations. For instance, last year the ODR system became one of the participating resources to the Commission on Local Government Innovation and Restructuring and facilitated issues related to law enforcement, race, and the environment.

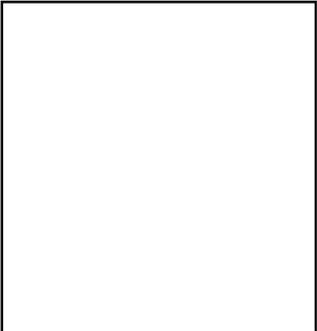
State agencies and the ODR system work collaboratively to offer additional conflict resolution within the services provided the public. A design project can involve a number of components such as program procedures, referral systems, outreach and education, contract or grant writing, and staff and mediator/facilitator training. This year, the ODR system worked with the Department of Education Special Populations Division; the Department of Health and Human Services Employment First, Child Support Enforcement, and Child Protective Services programs; and the Department of Corrections.

Integrating mediation into the justice system occurs at many levels. Projects involve referral procedures, education, intake and case management, funding, and monitoring. This year, programs were developed or enhanced for small claims courts, juvenile offender-victim cases, district court domestic relations cases, and cases through the U.S. District Court.

ODR Advisory Council

The Office of Dispute Resolution works with the ODR State Advisory Council to provide oversight and support for the statewide system. Membership, by statute, seeks to reflect the geographic, economic, professional, and cultural differences within our state. Each year, three terms end and the Nebraska Supreme Court appoints three new members to the Council. The Council meets quarterly, rotating between the ODR-approved mediation centers, to address issues of statewide importance relating to dispute resolution development, funding, public awareness, policy and procedures.

During 1998-99, the Council collaborated with ODR and the centers to develop a new center evaluation format requiring the centers to set three-year goals in the following areas: cases, program/project development, finances, outreach and education, center administration, and statewide system involvement. The centers report on progress toward these goals annually, and the reports are reviewed by the council as a whole and during annual on-site visits to each center by council member teams. The on-site visits allow for an in-depth exchange on the development of the center and an opportunity to share insights and support.



*The Hon. Dan Beckwith,
ODR Advisory Council Chair*

Members of the 1998-99 ODR Advisory Council

Hon. Daniel Beckwith, Council Chair, Dodge County Court Judge (Fremont)

James E. Gordon, Council Vice-Chair, Attorney and Mediator (Lincoln)

Joe Wright, Secretary, Attorney and Mediator (North Platte)

Marian Beethe, Job Training of Greater Nebraska (Beatrice)

Anne Yu Buettner, Mid-Plains Center for Behavioral Healthcare Services (Grand Island)

Robert Kirby, Attorney and Mediator (Omaha)

Ellen Kohtz, Albion Public Schools (Albion)

Hon. Michael McGill, Douglas County District Judge (Omaha)

Maria Medrano-Nels, Mexican-American Commission (Lincoln)

John Miller, Attorney and Mediator (Blair)

Michael Schirber, Attorney and Mediator (Papillion)

Ex Officio Members

Lori Burkey, Executive Director, Center for Conflict Resolution (Scottsbluff)

Jonathan Krutz, Executive Director, Southeast Nebraska Mediation Center (Beatrice)

discuss things without tempers flaring." "Very friendly, helpful and understanding. They helped make a potentially uncomfortable situation more comfortable." h

I. ODR Overview

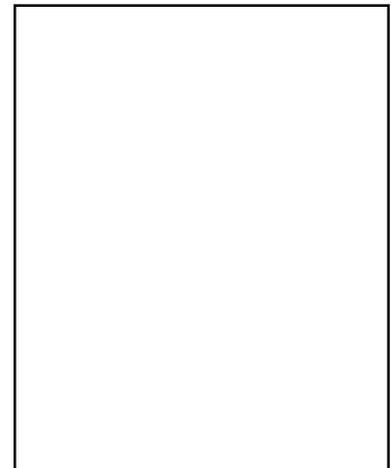
Nebraska's National Role in Community Dispute Resolution

by Kathleen M. Severens

Community Dispute Resolution Growing

In the past 25 years, community dispute resolution has had impressive development in this country. Today there are well over 500 community mediation programs serving their communities with thousands of volunteer mediators supported by state offices and networks, as well as a number of national organizations, and the federal government. Nebraska has been a special and unique player in that historical movement. It has been an exciting journey for me to be a part of Nebraska's development from a local, state, and now national perspective. There is now a critical mass of community dispute resolution experience that should help guide sustained growth into the next millennium. It is a good time to look at where we have come as a state and nation in order to know how best to proceed in the future.

The field of community dispute resolution has expanded and evolved over the years. The original vision of community volunteers mediating neighborhood disputes remains at the heart of this development. However, the types of services have grown to include facilitation, conferencing, problem-solving, and study circles, as well as the provision of conflict resolution skills training and education. The field has exploded with creative referral and program design models that partner traditional institutions such as courts, government agencies, law enforcement, and schools with community dispute resolution programs. Structurally and programmatically, Nebraska has been a leader in this innovative, comprehensive approach to the delivery of dispute resolution services.



*Kathleen Severens, Director,
Office of Community Dispute
Resolution, U.S. Department
of Justice, Washington, DC;
ODR Director, 1992-1999.*

Nebraska: a National Model

Structurally, Nebraska serves as a national model. In 1991 the Nebraska Unicameral passed and funded the Nebraska Dispute Resolution Act. It is significant legislation for a number of reasons. First of all it envisions the courts as important partners with community mediation centers in provid-

"[M]ediation centers need to receive judicial recognition as important players in the administration of justice in order to have their services effectively used."

ing dispute resolution services. This public private partnership allows the courts to do what they do best—litigate, and the centers to do what they do best—mediate. This results in more judicial time to decide cases that are not able to be resolved by the parties themselves. This partnership also allows parties the opportunity to make their own decisions and to save time, money, and stress by using the mediation option. In the past eight years in Nebraska there have been a growing number of court/mediation center projects in small

claims, juvenile misdemeanor, and family cases particularly. Still much more could be done. This is a very significant relationship that needs recognition and re-enforcement. Courts must become more

responsive to the needs of the communities they serve to improve public confidence in the legal system, and mediation centers need to receive judicial recognition as important players in the administration of justice in order to have their services effectively used.

Nebraska also serves as a national model structurally because, in addition to court-related projects, mediation centers also provide services to state agencies such as the Nebraska Department of Education, Health and Human Services, and Corrections. Much of the funding for these programs is coming from the federal government. In fact the U.S. Department of Justice has been supporting community mediation for 25 years with the designing and funding of the first national community mediation programs in the mid 1970's. Since that time, the Department has supported a breadth of development through direct services, training, research and evaluation and public awareness. Today the Department has over 30 major programs in school and youth settings, law enforcement, courts, and communities.

Building Programs and Capacity

Those efforts are being implemented in the field through organizations like Nebraska's community mediation centers. Nebraska's comprehensive systemic design allows for these programs to be widely available, accessible, and accountable.

The design is good; the potential is great.

Thus Nebraska has the structural capacity to be a major player in the administration of justice. Programmatically, it is also well situated. The Nebraska system has continually expanded its dispute resolution services; it now includes mediation, facilitation, family group conferencing, victim offender dialogues, and study circles. Additionally, Nebraska's ODR

Training Institute is one of, if not the most, comprehensive statewide dispute resolution training programs in the country. The teaching of dispute resolution processes and conflict resolution skills is essential for wide-spread public understanding and application of these valuable tools for getting along in today's society.

"Nebraska's ODR Training Institute is one of, if not the most, comprehensive statewide dispute resolution training programs in the country."

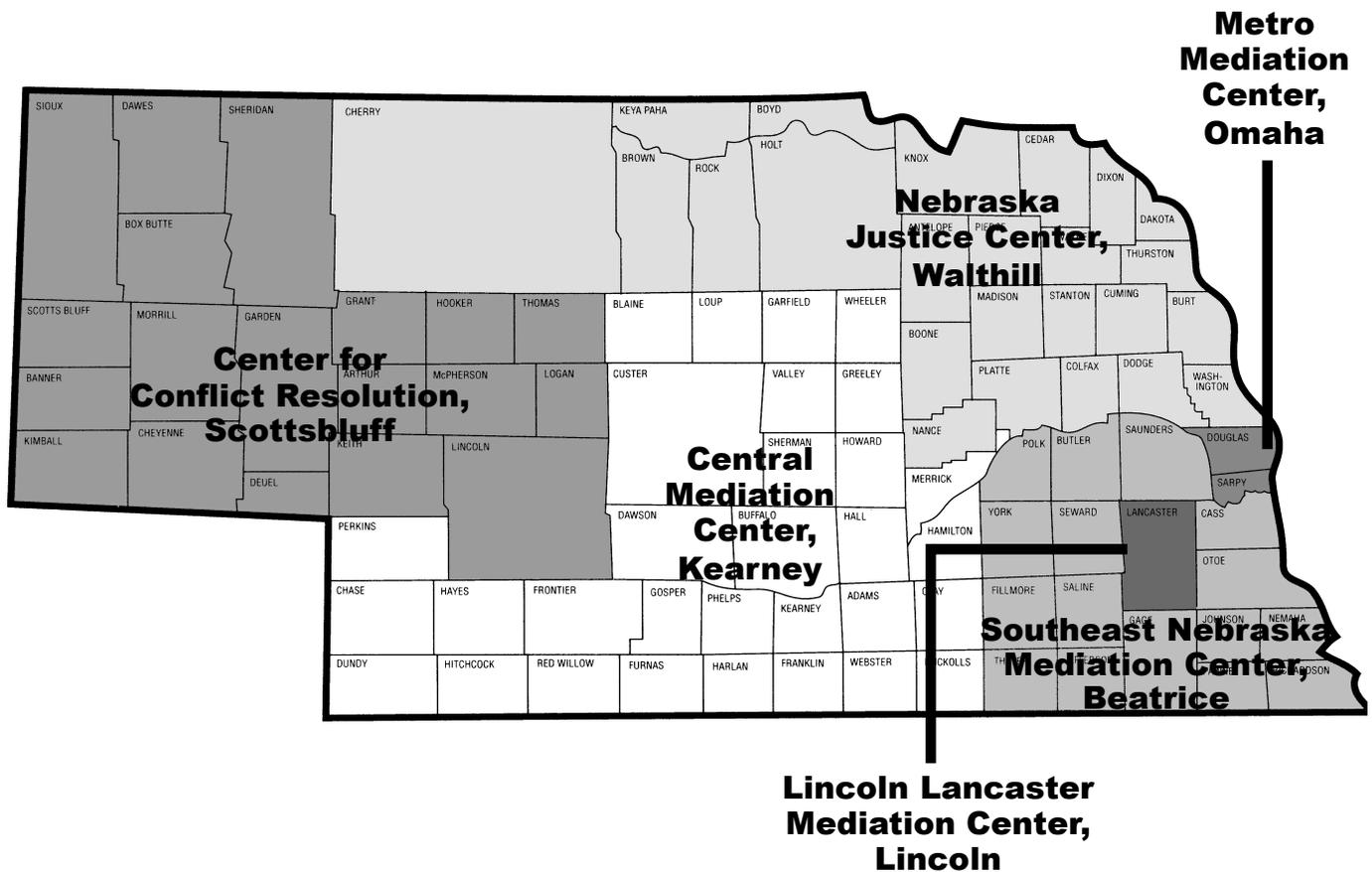
The U. S. Department of Justice wants to encourage a problem-solving and peace-making culture which creates a healthier, more inclusive civil society. To further this goal, the Office of Community Dispute Resolution, recently created by Attorney General Janet Reno, plans to promote a national discussion of what has been working in the field of community dispute resolution in order to identify promising, sustainable practices for the future. Those practices should make conflict resolution skills available to every child and should institutionalize collaborative approaches throughout our community and governmental structures. Through universal conflict resolution teaching and comprehensive collaborative integration, a millennium of peace is attainable. The Office of Community Dispute Resolution wants to walk into the next century as partners in peace with all those like Nebraska who have been laboring for it at the local and state level. Together we can form a less violent, more perfect society.

Gave us a chance to get everything out. I would highly recommend mediation to anyone." "It was fair, neutral, hassle free, a nice alternative to going to court." "It's a great way to work out your disputes."

2. The Dispute Resolution Centers

How Services are Delivered

Six state-approved mediation centers serve every county across Nebraska. The centers have from two to six staff persons, plus a pool of volunteer mediators and paid mediators. Each center is a private, nonprofit corporation governed by a board of directors drawn from the region served.



The centers share many aspects of programming. The training of mediators is done cooperatively through the ODR Training Institute. The Volunteer Internship Program (VIP) is available throughout the state to recognize the efforts of center mediators. Center policies and procedures comply with the Dispute Resolution Act, the ODR Court Rules, and ODR Program Policies and Procedures. Case management, data collection, and quarterly reporting is standardized to allow for statewide referral networks, collaborative projects, and comprehensive evaluations.

Each center is distinctively different, with distinguishing characteristics that reflect each center's own region, resources, and talents. For example, Metro Mediation Center (MMC) in Omaha handles the greatest number of small claims cases, which are typically settled in one meeting lasting a little less than an hour; the Center for Conflict Resolution (CCR) does a great deal of training and facilitation work; the Nebraska Justice Center (NJC) has worked on complex mediation/facilitation cases that involved multiple sessions lasting over several months.

Fundraising and development vary according to local and regional needs and the talents and priorities of the individual center staffs and boards of directors.

[dialogue]. "It works for all involved." "It seems easier than going to court." "Problems can be solved without going to court should both parties be agreeable."

2. Centers / Board, Staff and Activities

Center for Conflict Resolution (CCR)

202 East 17th Street, Scottsbluff 69363 • 308/635-2002 CCR@Scottsbluff.net

Board of Directors

James Moravek, President, Alliance	Carol Hungerford, Scottsbluff
Ron Sylvester, VP, Scottsbluff	Hon. Randy Lippstreu, Gering
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Kirk Begley, Scottsbluff	Teresa Reed, Gering
Joan Cromer, Gering	

Staff

Lori Burkey, Executive Director	Jeff Tracy, Case Manager
Dawn Swanson, Project Coordinator	Pam Cooper, Office Coordinator

While CCR maintains one of the largest caseloads of complex family/divorce mediation cases in the state, this year the Center has also taken on several large group facilitations with community and private entities. This year also saw an increase in training programs for communication skills, conflict resolution, negotiation, facilitation and mediation. CCR continues to be a state leader in providing classes to those parenting children from different homes, with classes now offered regularly in Scottsbluff and Box Butte counties. With CMC and NJC, CCR has taken the lead in bringing to Nebraska the time-intensive and highly effective Family Group Conferencing approach for child abuse and neglect cases, with support provided through the UNL Center for Children, Families, and the Law.

The Center mediates juvenile victim offender cases, with support through the Nebraska Crime Commission, and family cases for low-income Nebraskans, with support through the Nebraska Commission on Public Advocacy. Also this year the Center has facilitated dozens of study circles on race relations, both in the community and in the schools, bringing citizens together in candid, face-to-face discussions of their experiences and fears regarding those who are racially different from them.

Central Mediation Center (CMC)

1419 Central Avenue, Kearney 68847 • 308/237-4692 cmc@kearney.net

Board of Directors

Rebecca K. Salmon, Chair, Aurora	Mary Ann Lawson, Kearney
Stephen Batty, Vice-Chair, McCook	Bob Neben, Cozad
Michael J. Tye, Sec-Treas, Kearney	Gary Scritsmier, Broken Bow
Anne Yu Buettner, Grand Island	Jose Zapata, Kearney & Loup City

Staff

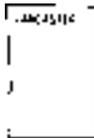
Ann H. Bentz, Executive Director	Debra Eskew, Program Assistant
Carol Dart, Program Director	

CMC has experienced turnover this year: Paul Ladehoff resigned as director in August of 1998 and accepted a position on the staff of Lincoln-Lancaster Mediation Center; Annie Bentz served as director from September through March before accepting the position of director of dispute resolution services for the University of Oregon. Jim Sampsel, an attorney-mediator from Columbus, Ohio, has been hired to begin in July of 1999. Despite turnover in executive directors this past year, CMC has maintained small claims mediation projects in thirteen counties.

The Center is part of a pilot project of rural counties in collaboration with CCR and NJC, the UNL Center for Children, Families and the Law, and the Court Improvement Project to provide Family Group Conferencing (FGC) services to families of children who have been abused or neglected. Other collaborative efforts include family mediation services provided in cooperation with Western Nebraska Legal Services, and juvenile victim-offender mediation programs through the Hamilton County Attorney's Office and Hall County Juvenile Services.

Lincoln • Lancaster Mediation Center (LLMC)

1033 'O' Street, Suite 316, Lincoln 68508 • 402/441-5740 LLMediation@alltel.net



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Mariea Prendes Lintel, VP, Lincoln	Tom Keefe, Lincoln
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Penny Berger, Treasurer, Lincoln	Hon. Jean Lovell, Lincoln
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Staff

Elizabeth Kosier, Executive Director	Susan Brasch, Program Coordinator
Edith Hayes, Program Coordinator	Becky Anderson, Mediation Coordinator
Paul Ladehoff, Program Coordinator	Rebecca Hackbart, Business Mngr/Outreach Coordinator

Mediation cases have increased a dramatic 55% this year. Many cases are the result of referral system development, particularly in the area of family mediation. Divorce or access and visitation mediation, supported through grants from the Nebraska Commission on Public Advocacy and the Nebraska Department of Health and Human Services, were assisted through a collaborative partnership with Legal Services of Southeast Nebraska. Victim-offender mediation cases with juvenile offenders are now funded by Lancaster County. The implementation of an adult victim-offender dialogue project was made possible by a federal Victims of Crime Act grant.

LLMC facilitated collaborative efforts among not-for-profit organizations through training and services, and strengthened the integration of restorative justice principles through a project supported by the federal Office of Juvenile Justice and Delinquency Prevention. LLMC's Small Claims Court and Federal Magistrate Court programs remains strong, and the center experienced

some questions I had been thinking of or was keeping inside." I felt very comfortable with both mediators involved in my case. It made it very easy to discuss the issues at hand; and feel no pressure."

2. Centers / Board, Staff and Activities

significant growth in complex cases involving public policy decisions. LLMC mediators were offered monthly continuing education classes, and the community benefited from program development and seminars on parenting, conflict resolution, and collaborative systems design.

Metro Mediation Center (MMC) a program of Family Housing Advisory Services, Inc.
2416 Lake Street, Omaha 68111 • 402/934-6675



Peer Advisory Council

Larry Carney, Omaha
Ann Davis, Bellevue
Steva Hall, Omaha
Erick Hill, Omaha
Ann Moshman, Omaha
Ron Volkmer, Omaha

FHAS Board Committee

Mary Lee Brock, Omaha
Kevin Danler, Omaha
Ann Davis, Bellevue
Ron Rubin, Omaha
Ron Volkmer, Omaha

Staff

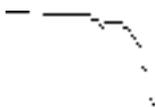
Mary Lee Brock, Director
Maureen Hale, Intake Coordinator
John Whitehouse, Training Coordinator
Cyndi Shelton, Project Development Director

MMC enhanced its family mediation programs through partnerships with the Conciliation Court of Douglas County, the Childrens Rights Council, and the Legal Aid Society. "Day of Court" small claims mediation programs continued in Douglas and Sarpy counties, bringing 269 cases to the table. Special Education mediation received support from a graduate student intern and outreach to metro area school districts and parent groups. Juvenile victim-offender mediation referrals came from the Sarpy County Victim Assistance Unit and the Douglas County Juvenile Diversion Program and Juvenile Court.

MMC provided conflict resolution skills building workshops to residents of the Omaha Housing Authority towers and to other community groups. A variety of mediator in-service training workshops were offered in the areas of family mediation, special education mediation and employment mediation. MMC also contracted with the Federal Equal Employment Opportunity Commission.

Nebraska Justice Center (NJC)

312 Main Street, Walthill 68067 • 402/846-5576 NEJustice@huntel.net



Board of Directors

Richard Register, Chair, Fremont
Jeanette Fagerberg, Vice-Chair, Walthill
Kate Borchman, Secretary, Lyons
Vida Stabler, Treasurer, Macy
Wyatt Fraas, Coleridge
Sydney Kruse, Walthill
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Susan Strahm, Pender

Staff

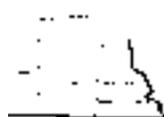
Debora Brownyard, Executive Director
Rita Dunn, Administrative Assistant
Kathy Morgan, Intake Coordinator

In addition to its core mediation caseload, this year NJC received considerable demand for facilitation services from a wide range of clients, including rural school districts, liberal arts colleges, tribal groups, churches, environmental concerns, and community not-for-profit organizations. NJC served as one of three pilot centers to bring Family Group Conferencing (FGC) to Nebraska. Originating in New Zealand, FGC encourages family accountability and decision-making to provide for the protection and welfare of children who have been abused or neglected.

NJC coordinated a major Service Learning Initiative project with Midland Lutheran College and the Fremont Public Schools, teaching mediation and conflict resolutions skills to college students, and mentoring those students' efforts to teach communication and problem-solving skills to grade school children. NJC also participated in programs for low-income family mediation, in collaboration with the Legal Aid Society and with support from the Nebraska Commission on Public Advocacy, and victim offender mediation, with support from the Nebraska Crime Commission.

Southeast Nebraska Mediation Center (SENMC)

5109 West Scott Road, Suite 414, Beatrice 68310 • 402/223-6061 SENMCtr@aol.com



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This year SENMC opened a record 355 cases (up 67%) and brought over 100 cases—involving 285 people—to the mediation table, a first for a rural mediation center in Nebraska. Roughly one third of the center's caseload came through an innovative small claims program operating in 16 counties. The center invites people to meet in mediation at their convenience prior to a court hearing. Family cases make up nearly half of the center's caseload. A collaboration with Legal Services of Southeast Nebraska has led to an increase in low-income family/divorce cases, and referrals of domestic cases from judges and attorneys continue to rise, as well.

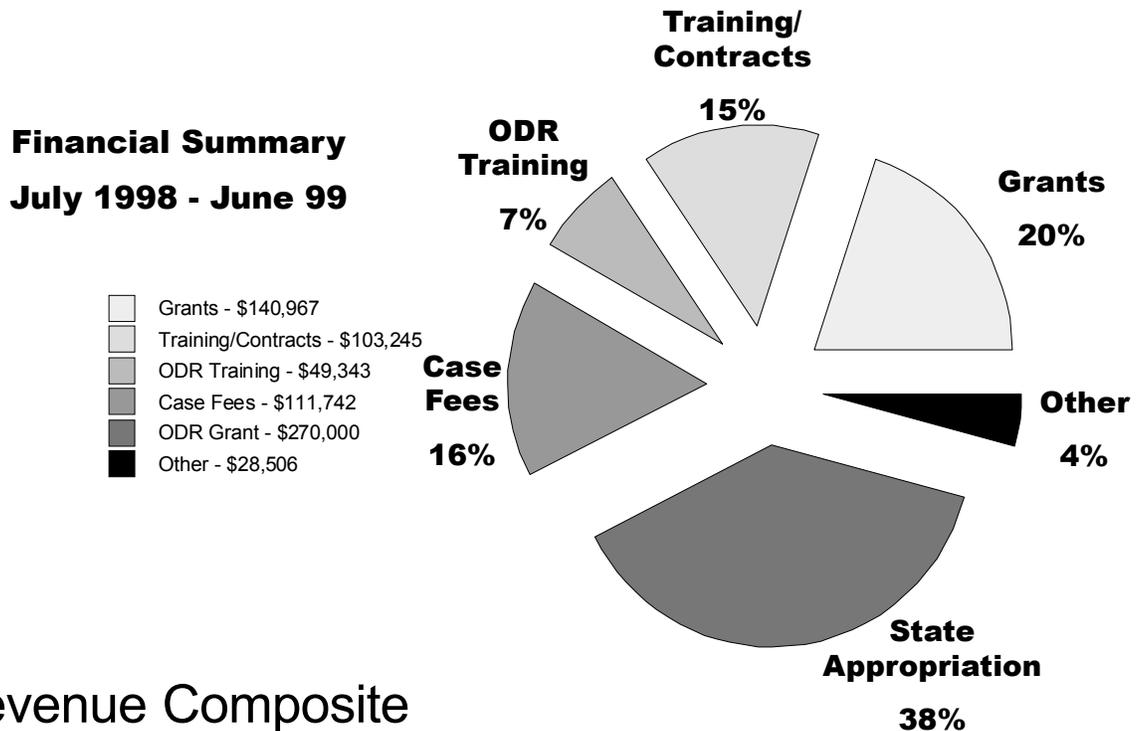
The center has completed its third year of conducting 3-hour workshops for divorcing parents, this year collaborating with UNL Cooperative Extension in addition to Lutheran Family Services and Blue Valley Mental Health, to make the program available to 16 counties. Victim-offender referral systems have been put in place in six counties, with Nebraska Crime Commission support. With State Justice Institute funding, the center has been conducting research on the impact of its parenting workshops and mediation services for divorcing parents.

works well if you don't want a bitter divorce and still want to remain friends at the end." "It gets communication going, which is the real reason cases go to court--lack of communication."

2. Centers / Funding

How Services are Funded

This year saw a 20% increase in overall center budgets, led by a 77% increase in case fees and a 35% increase in all grant funding over last year, including the first increase in state appropriations since the system began. The centers continue to leverage their state funding, which this year accounted for only 38% of center revenues.



Center Revenue Composite

Center	ODR Grant	Case Fees	ODR TRNG	TRNG/Contracts	Grants	Other	Total
CMC	\$45,000	\$16,888	\$12,010	\$125	\$4,090	\$1,628	\$79,741
NJC	45,000	21,591	10,680	22,279	1,415	87	101,052
LLMC	45,000	41,532	9,030	18,394	47,694	8,706	170,356
MMC	45,000	11,543	6,330	12,528	24,000	13,242	112,643
CCR	45,000	14,347	8,490	43,925	15,038	16,552	143,352
SENMC	45,000	5,841	2,803	5,994	35,488	1,533	96,659
TOTAL	\$270,000	\$111,742	\$49,343	\$103,245	\$127,725	\$41,748	\$703,803

Mediation Center Grants, Contracts & Other Revenue

All Centers

U.S. District Court System
Nebraska Commission on Public
Advocacy
Nebraska Dept of Health and Human
Services
Nebraska Department of Education
Nebraska Office of Dispute Resolution

VOCA (Victims of Crime Act)
Nebraska Wesleyan University
Gallup
State Youth Symposium
U.S. Office of Juvenile Justice &
Delinquency Prevention
Woods Charitable Fund, Inc.
Workers Compensation Court
Workshops for Divorcing Parents

Center for Conflict Resolution

Burlington Northern
Camp Paradise
City of Alliance
City of Scottsbluff (Study Circles)
Commission on Local Government
Innovation and Restructuring
Graceland College
HNNS / Gordon
Kid's Plus / Sidney
Kimball Family Preservation
National Association for Community
Mediation
Nebraska Crime Commission through
Gering Police Department:
Youth Advisory Council
Parent Education Program
Terry Carpenter Center
Western Nebraska Legal Services

Metro Mediation Center

Children's Museum
Children's Rights Council
Douglas County Diversion Program
Legal Aid Society
Nebraska Crime Commission
Nebraska Parent Center
Omaha Housing Authority
Sarpy County Victim Assistance Unit
United Way

Nebraska Justice Center

Court Improvement Program /
Nebraska Center for Children,
Families, and the Law
Department of Education: Coordinate
Special Education Mediation
Headstart
Healthy Start/ND Consensus Council
Madison Schools
Midland Lutheran College
National Association for Community
Mediation
National Conference for Community
and Justice
South Sioux City Schools
US Postal Service

Central Mediation Center

Nebraska Crime Commission
Nebraska State Bar Foundation /
Legal Education
Pratt-Heins Foundation

Lincoln Lancaster Mediation Center

City of Lincoln
Community Development Institute
Council on Education in Management
Foundation for Educational Services
Lancaster County
Leadership Lincoln
Lincoln Lancaster Family Resource
Centers
Nebraska Commission on Community
Service / AmeriCorps

Southeast Nebraska Mediation Center

Concordia University
DeWitt Development Foundation
Peru State College
SENMCA Golf Tournament
State Justice Institute
Steinhart Foundation
Workshops for Divorcing Parents

2. Centers / Mediators

Diverse Backgrounds

Mediators with Nebraska's ODR-approved Centers are representative of the state's diversity. While many mediators work professionally as attorneys or in the health and human service sector, others are librarians, contractors, housekeepers, engineers, business people, or students. Some are peer mediators in elementary school; others are retirees. Mediators are located in every region of the state and available to serve every county in Nebraska. Sixty percent of those who mediated at least one case in 1998-99 were women; most were Caucasian; others represented Nebraska's Native American, African American, Asian, and Hispanic communities.

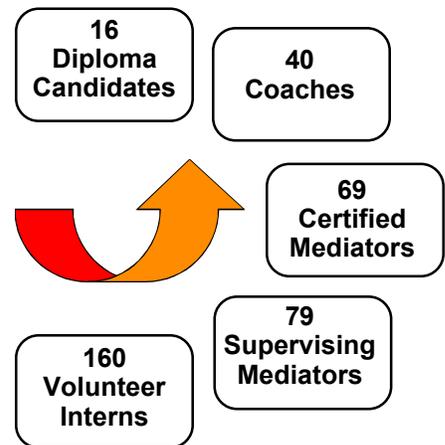
Growth in Experience

Because mediation is an experience-based skill, training is role-play intensive and center-affiliated mediators, paired with experienced co-mediators, continue their training "on-the-job" in actual cases. Even experienced mediators are generally paired in co-mediation, to capitalize on the opportunity for cooperative learning and skill development.

After a minimum of 24 hours in mediation as a *volunteer intern* which include a number of mediations with *supervising mediators*, a mediator may apply to a center to become *certified*. If approved for certification, a mediator may continue his or her education through advanced courses to qualify as a *diploma candidate*, earning exceptional credentials in both mediation training and experience. Experienced mediators may also become ODR Training Institute *coaches*.

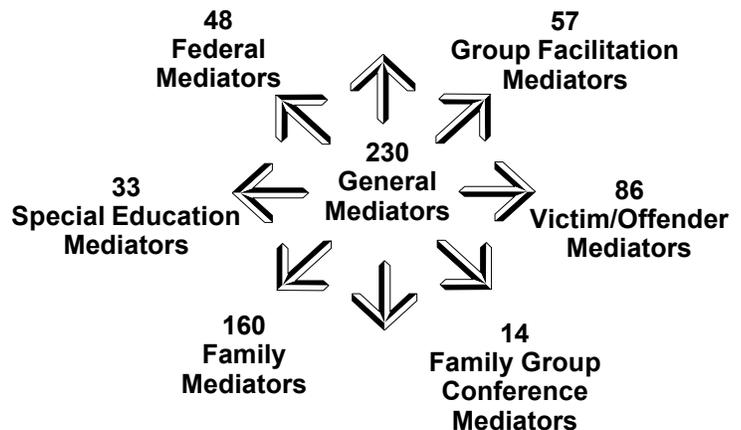
In addition to the numbers shown, others received training but did not mediate a case prior to June 30.

Number of Mediators by Experience in Nebraska, 1998-99



Types of Mediators

The ODR system offers mediators training and experience in a variety of areas. Those who successfully complete Basic Mediation Training may mediate *general* cases, largely comprised of small claims cases. Specialized areas are those that are created by statute, court rule, grants, contracts, and high demand. These include Family, Victim/Offender, Federal, Special Education, Group Facilitation, and Family Group Conferencing.



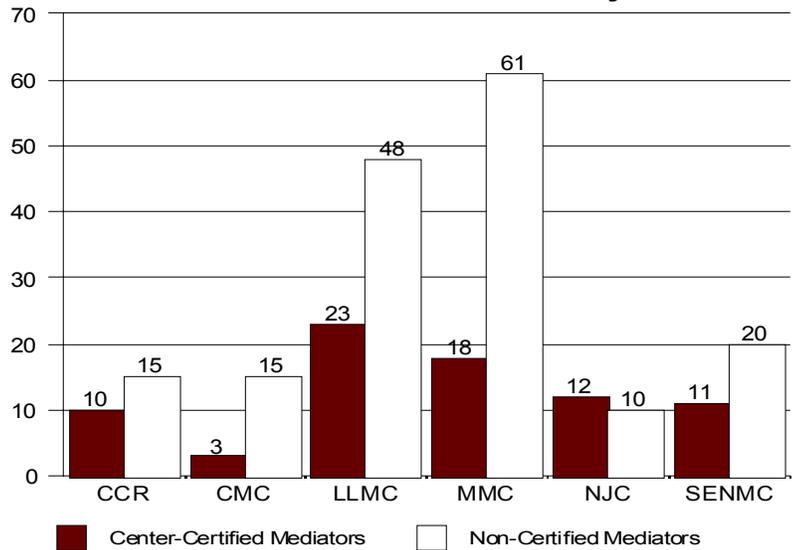
Volunteers Provide 12,000 Hours to Making Peace

In 1998-99, 230 mediators provided over 6,000 hours at the table with those in conflict. They spent a comparable amount of time in case preparation, travel, and follow up.

Year after year, Nebraska's center-affiliated mediators continue to demonstrate an amazing commitment to community service, working for little or no financial reward as they engage in grass-roots peacemaking across our state.

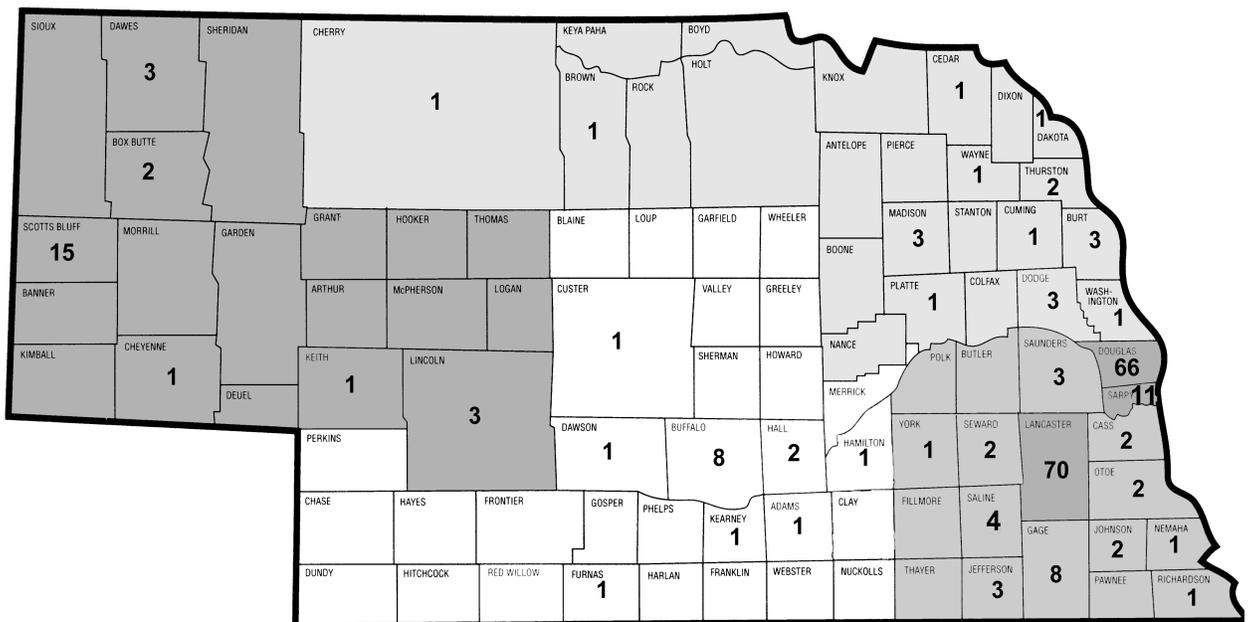
Seventy-seven of these mediators have been certified by their centers. These mediators have completed the 30-hour ODR Basic Mediation course, provided at least 24 hours of volunteer mediation service to their center, maintained compliance with ODR-established Standards and Ethics, and met center continuing education requirements. Many far exceed these minimums, participating in dozens of conflict resolution training opportunities and providing hundreds of hours of service to their communities through their centers.

of Active Mediator-Affiliates, by Center



Mediator Locations

Counties of the 230 center-affiliated mediators involved in one or more cases closed in 1998-99



3. Services

Services at a Glance

The ODR-approved mediation centers integrate peaceful approaches to conflict resolution and prevention in an increasing variety of ways across the state. In addition to mediation, facilitation, and conflict resolution educational services, centers have extended services into such related areas as Family Group Conferencing, Study Circles, classes for divorcing parents, and conflict resolution consulting and systems design. Summary information about the delivery of these services in 1998-99 can be found below, with details found on the pages which follow.

Overall in 1998-99, the centers closed 1,698 mediation and facilitation cases (including information and referrals) and opened 1,773 cases, with 156 cases still open as of June 30, 1999, and 81 cases closed during 1998-99 that had been opened in 1997-98. The centers provided 190 training courses, workshops and presentations, 20 consulting and systems design sessions, and 96 other education and outreach activities not specifically coded.

Conflict Resolution Education Services

Information/Referral
198 (up 8%)

Case coordinators provide information about conflict resolution services or make referrals to counselors, financial experts, attorneys or other appropriate services. Hundreds of similar calls are handled on-the-spot are not entered into the centers' data management systems.

Presentations
86 (up 48%)

Presentations make the public aware of conflict resolution and center services. They generally last an hour or less.

Workshops
77 (up 67%)

Workshops involve some skills training in conflict resolution and consensus building. Workshops generally last from one to sixteen hours.

Training Courses
27 (down 37%)

Training courses build skills for conflict resolution practitioners. The ODR Training Institute provides basic and specialty training courses. Other courses are offered by centers and by the UNL and Creighton law schools.

Conflict Resolution and Prevention Services

Mediation
Standard: 843 (up 3%)
Complex: 352 (up 112%)

Standard Mediations feature few parties, well-defined issues, and short meeting times: all characteristic of small claims cases. Complex Mediations deal with complex or multiple-issue disputes often involving more than one session, such as divorce and family cases. This area experienced tremendous growth in 1998-99.

Facilitation
Standard: 30 (up 67%)
Complex: 23 (up 9.5%)
FamGrpConf: 4 (new)

Standard Facilitations involve few people and issues and usually conclude within a few months. These include Study Circles on race relations. Complex Facilitations involve multiple parties and many complicated and often emotional issues; they can last many months. Family Group Conferencing is an emerging, specialized facilitation type used to address child abuse and neglect issues.

Conciliation
67 (up 14%)

Conciliation services by case coordinators help parties resolve issues before mediation by improving communication and information sharing.

Consult/Systems Design 20 (new)

Centers have begun to be called upon to assist organizations in building conflict resolution systems into their operations.

understand and work through our difficulties to the satisfaction of both parents. Thank you!" "If you want to decide things on your own without any pressure, you should give it a try."

3. Services / Education

ODR Training Institute: A National Leader

Since 1992, ODR and the Centers have worked together to create and improve state-of-the-art training materials and rigorous standards for trainers, providing excellent hands-on training for Nebraskans and making Nebraska a model for the nation. Participants say:

- *"This is probably the best training I have ever experienced--going back a lot of years."*
- *"[I have led and been trained in dozens of nationally known programs]; not one single one . . . was as well-organized, well-presented or professional as the Mediation Training you gave me."*
- *"Often you go to trainings feeling, 'Did I learn anything?' This one provided so many tools I'll use both personally and professionally. It was excellent."*

ODR programs attract participants not only from surrounding states, but from as far away as Arizona, Florida, and, increasingly, California. Last year, visitors from Bangladesh and Rwanda also attended the ODR Basic Mediation course, to gain skills to take back to their countries.

Mediation is an experience-based skill. Courses through the ODR Training Institute are only a start. Through the centers, mediators have the opportunity to practice what they've learned by working with experienced mediators in an apprentice role. The result is an ever-growing pool of professionally trained, experienced mediators available for dispute resolution across the state.

ODR offerings attract practicing mediators, those seeking to improve personal or professional problem-solving and communications skills, people interested in developing conflict resolution systems, and those who want to model more peaceful means of interaction and problem solving.

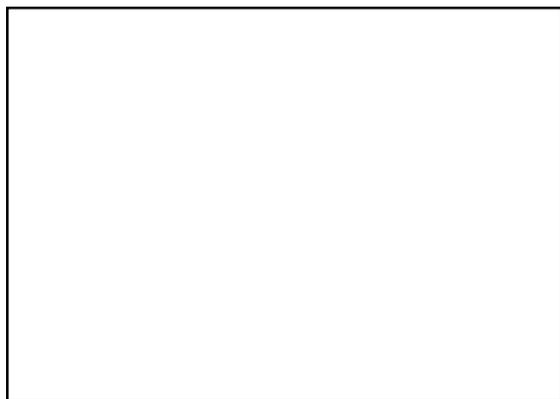
Training Courses Offered in 1998-1999

The ODR Training Institute sponsored or approved 16 different trainings in six cities involving nearly 350 participants during the 1998-99 year. These included eight 30-hour Basic Mediation courses (one with a church mediation focus) and three 30-hour Family Mediation programs. Two enhanced Basic Mediation courses were taught through the University of Nebraska and the Creighton University law schools. Specialized offerings of the Training Institute included Facilitation, Juvenile Victim-Offender Mediation, and a pilot training program in the promising new area of Family Group Conferencing. Two of the Basic and one of the Family training programs were provided through Nebraska Continuing Legal Education of the Nebraska Bar Association. Jim Melamed, past executive director of the Academy of Family Mediators and former chair of the Oregon Dispute Resolution Commission, led a two day advanced skills workshop for 42 Nebraska mediators in October.

1999-2000 Training Schedule *Call 800/203-3452 for registration information*

July 13-16	Fremont	Basic Mediation
Aug 3-6	Fremont	Family Mediation
Sept 13-16	Fremont	Basic Mediation
Sept 30-Oct 2	Lincoln	Federal Mediation, with Michael Keating of Kansas City
Nov 10-13	Lincoln	Basic Mediation, through Nebraska Continuing Legal Education
Jan 4-7, 2000	Omaha	Basic Mediation
Feb 16-19	Lincoln	Basic Mediation, through Nebraska Continuing Legal Education
Mar 16-18	Lincoln	Facilitation (church, special education, and public policy tracks)
Apr 11-14	Cozad	Family Mediation
May 17-20	Lincoln	Basic Mediation, through Nebraska Continuing Legal Education
June 1-2	Kearney	Victim/Offender Mediation

The 1998-99 ODR Training Institute Faculty



Top (l to r): Severens, Kosier, Krutz, Brownyard.
Bottom: Whitehouse, Burkey, Dart, Tracy.

Lead Trainers

Kathleen Severens, JD - Director of the Nebraska Office of Dispute Resolution through May of 1999; adjunct professor at Creighton University School of Law. She authored the ODR Basic Mediation Manual, and co-authored the Nebraska Family Mediation Manual.

Debora Brownyard, JD - Executive director of the Nebraska Justice Center and a practicing attorney mediator, with a background in family, business, negotiation, disabilities and Native American law.

Lori Burkey, MA - Executive director of the Center for Conflict Resolution with a Master's in Conflict Resolution. She is co-author of the Nebraska Family Mediation Manual and a Parent Education Program curriculum for divorcing families in Nebraska.

Betsy Kosier, MA, JD - Executive director of the Lincoln Lancaster Mediation Center, a practicing attorney mediator and an adjunct professor at UNL College of Law.

Jonathan Krutz, MBA - Executive director of the Southeast Nebraska Mediation Center, with a background in management. He has taught at Doane and Concordia colleges.

Jeff Tracy, BA - Program assistant for the Center for Conflict Resolution, with extensive mediation experience in family, school, and large group mediation.

John Whitehouse, MA - Training director of Metro Mediation Center and an adjunct faculty member at the College of St. Mary's in Omaha. He has a Masters in Anthropology.

Assistant Trainers

Mary Lee Brock, MEd - Executive director of Metro Mediation Center, with a background in student development and not-for-profit business development and management.

Edith Hayes, MS - Program coordinator for the Lincoln-Lancaster Mediation Center and co-author of the Nebraska Family Mediation Manual.

Paul Ladehoff, MS, JD - Program coordinator of the Lincoln - Lancaster Mediation Center, a practicing attorney mediator with previous experience as an environmental litigator, and adjunct professor at the University of Nebraska.

Dawn Swanson, JD - Special projects director at the Center for Conflict Resolution and a practicing attorney mediator. She has a background in family and juvenile law and four years mediation experience with an emphasis on restorative justice and youth.

Carol Dart, BA - ODR Training Institute coordinator and program director for Central Mediation Center, with a background in special education. She handles all the registration, logistics, and other details of the Training Institute.

"Both sides were heard (fairly). This process really helped us see each others' needs and work with both sides of it." "It's a good way to get out feelings and discuss rather than argue."

3. Services / Education

Center Educational Services

In addition to providing in-service training for mediators and working collectively through the ODR Training Institute, the centers conduct a great deal of conflict resolution education on their own. Several full and modified Basic Mediation Training programs were offered locally through individual centers. NJC trained Midland Lutheran College students, who then volunteered in conflict resolution with local schools. Both CCR and LLMC trained AmeriCorps and Vista volunteers. CCR also provided a Basic Mediation course in collaboration with Family Preservation in Kimball County and conducted conflict resolution and negotiation training courses in Sheridan and Cheyenne counties. LLMC conducted 16-hour conflict resolution training courses for numerous businesses and agencies and LLMC Executive Director Betsy Kosier collaborated with Prof. Alan Frank to teach an extended Basic course at the UNL School of Law. In addition, staff of CCR, CMC, and NJC collaborated to produce a new training course and manual for Family Group Conferencing.

Workshops

The centers also presented a combined total of 77 workshops on a variety of topics to diverse audiences. These ranged from an evening conflict resolution session with an Omaha church youth group to LLMC's one-day Restorative Justice seminar, funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which attracted 60 criminal justice and victim support professionals from across the state.

CCR, LLMC, and SENMC each provided regular 3-hour workshops for separated and separating parents, in collaboration with other local agencies. These workshops, available to 19 counties, reached over 300 Nebraskans at a high-conflict time in their lives. SENMC research, supported by the State Justice Institute, shows that 90% of participants found the parenting course worthwhile and 75% believe it should be mandatory.

Five regional workshops on Special Education Mediation were sponsored by the Department of Education and the Parent Training Center. These were co-led by staff from a local mediation center. NJC provided peer mediation training for schools in Madison and South Sioux City, and conducted a one-day Negotiation Skills Workshop for members of an Omaha law firm. MMC provided a number of workshops on communication, conflict resolution, and collaborative decision-making skills to such groups as the Omaha Housing Authority Residence Tower leaders; case workers from Catholic Charities, Family Service and the Salvation Army; and the education staff of the Children's Museum.

National Involvement

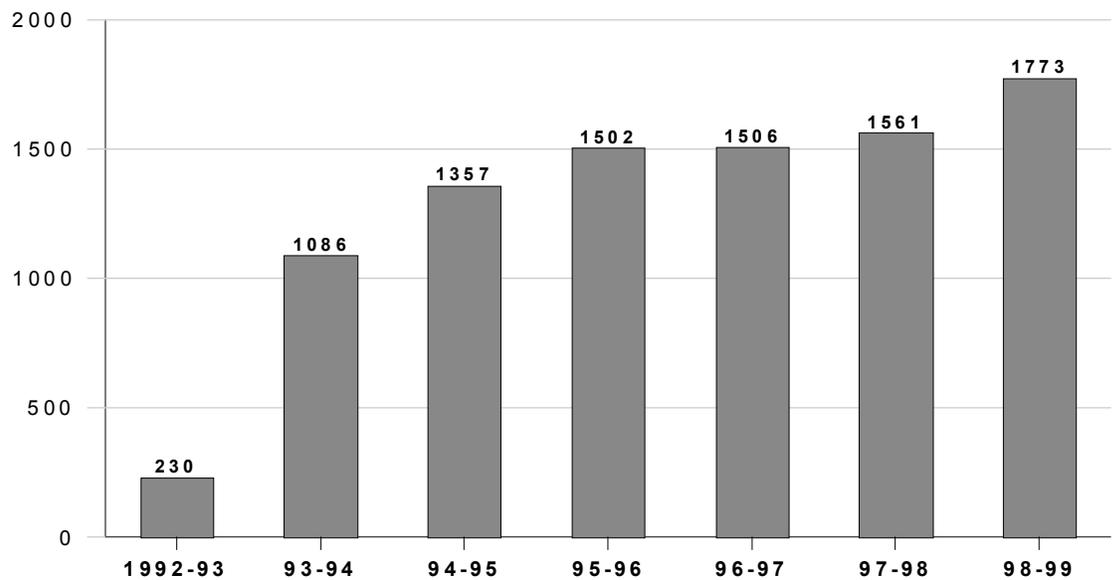
Demand for Nebraska's expertise in conflict resolution training has created opportunities for members of the ODR system to provide training and workshops at a national level, as well. CCR's Lori Burkey and NJC's Deb Brownyard led three-day training programs for AmeriCorps conflict resolution trainers in Columbus, Ohio, and in Chicago. Brownyard also was one of four trainers selected by the National Association for Community Mediation to train 75 staff members of the National Conference on Community Justice in San Antonio, and she provided a half-day workshop on the School at the Center Rural Youth Community Partnership Model for the national CReNet (Conflict Resolution in Education Network) Youth Conflict Resolution Conference in Columbus, Ohio. Burkey also presented an update on Domestic Violence and Family Mediation at the National Conference for Peacemaking and Conflict Resolution in Phoenix.

3. Services / Dispute Resolution and Prevention

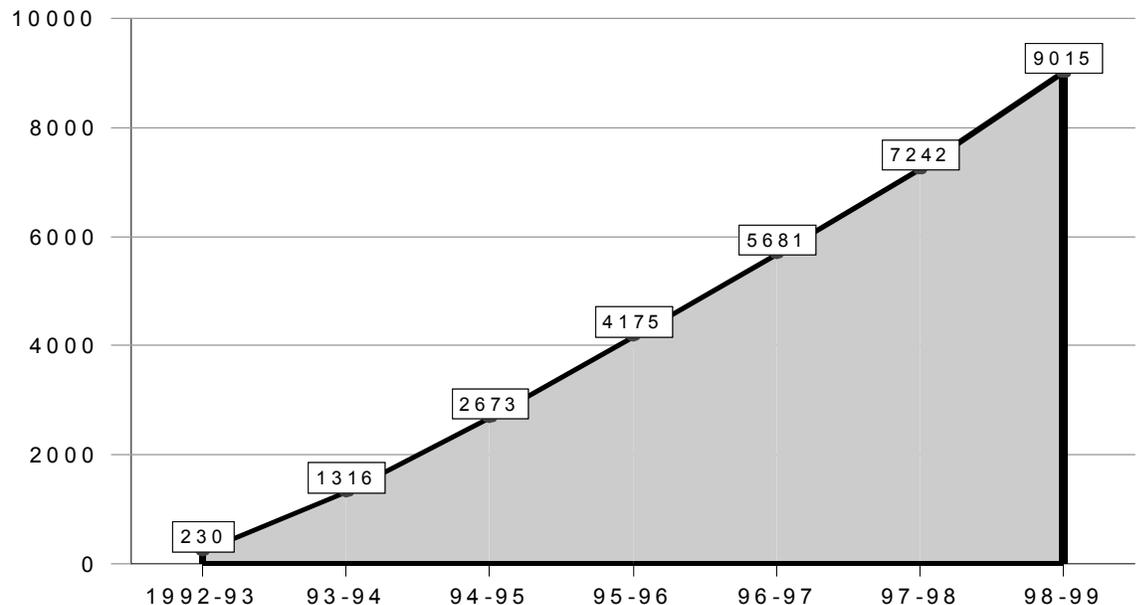
Case Volume Up Fourteen Percent

The centers collectively experienced a 14% increase in the number of cases opened in 1998-99. New programs for family, victim-offender, small claims, and HHS Employment First mediations all contributed to this growth rate. The figures below represent mediation and facilitation cases which opened in each year.

Case Volume: Seven Year Summary



Case Volume: Cumulative Totals

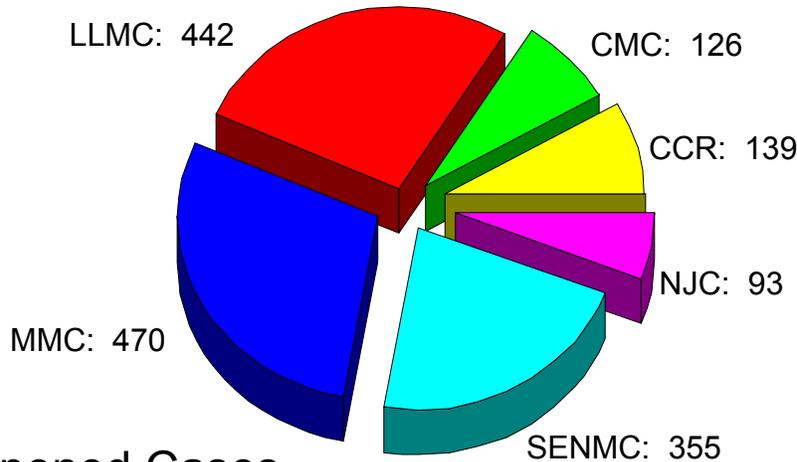


mean it wouldn't work for someone else." "It saves time, money and it is easier and more civil." "Fairness, and you have a strong say in your outcome!!!"

3. Services / Dispute Resolution and Prevention

Case Volumes by Center

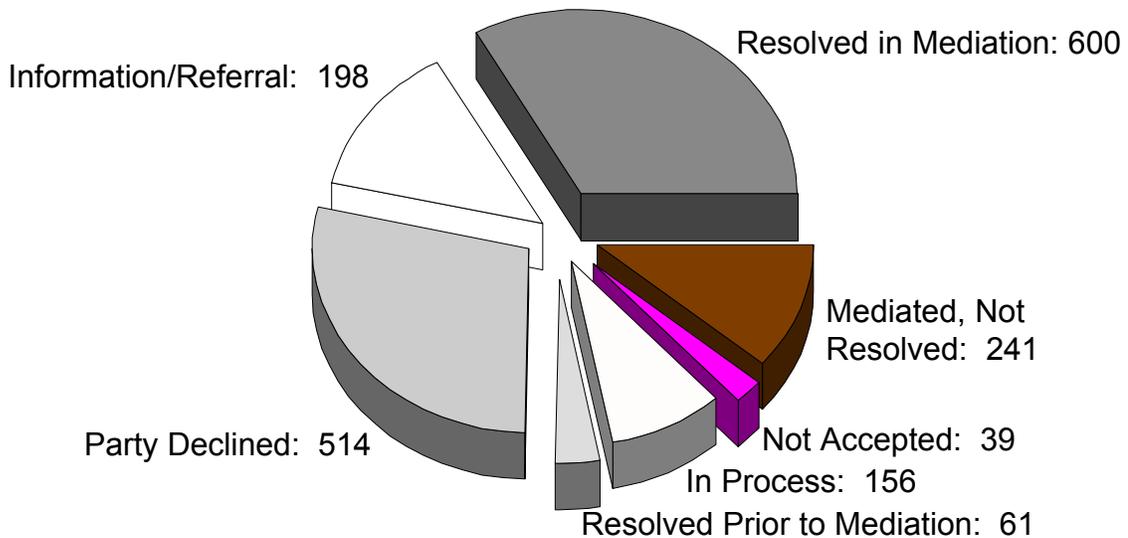
Not surprisingly, the three centers most active in small claims mediation--LLMC, MMC and SENMC--handled the highest overall volume of cases. The graph shows numbers of cases opened in 1998-99. Significant growth was experienced by LLMC (up 55%) and SENMC (up 67%).



Outcomes of Opened Cases

In 1998-99, 600 disputes across the state reached agreement in mediation. Another 241 cases met without reaching agreement. In 61 cases parties came to agreement while still in the intake process, with communication facilitated by center intake staff. Centers chose not to accept 39 cases, mostly due to concerns about a participant's competence or the potential for violence. Mediation through the centers is voluntary; 514 times last year, when mediation was requested, one party declined to participate or could not be found.

Center staff opened 198 cases which did not lead to mediation, but rather to information sharing or referral to attorneys, counselors or other services. Hundreds of other inquiries did not lead to cases being opened and so were not recorded in the centers' data management system. Data shown is for cases closed during 1998-99, plus 156 cases still open as of June 30, 1999.



Outcomes of Mediated Cases

Of the 841 cases which went to mediation during 1998-99, 71% (600 cases) reached agreement in mediation, slightly higher than last year's 66%.

For the two major center case types, the agreement rate for small claims cases was 65% (307 out of 476), while the rate for family/divorce cases was 71% (141 out of 199).

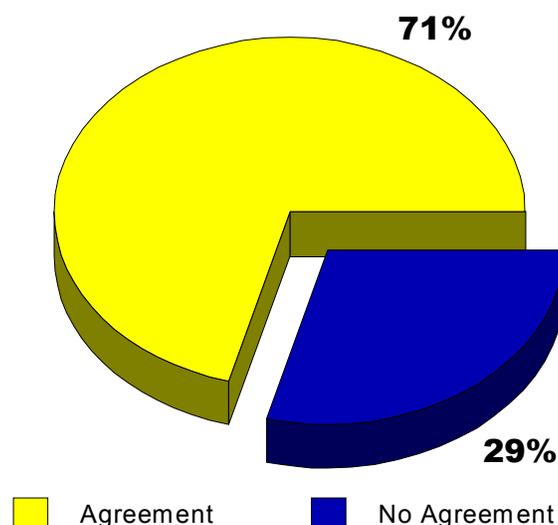
Anecdotal reports indicate that additional cases which failed to reach agreement during mediation did come to settlement following mediation, as a result of the mediation process. In divorce cases where mediation did not result in agreement

"parties returned to court communicating better with each other and thinking more in the interests of their children," reports First District Court Judge Robert Finn.

Agreement rates by center were:

CCR:	69 %	MMC:	65 %
CMC:	89 %	NJC:	73 %
LLMC:	80 %	SENMC:	64 %

**Mediation Agreement Rates
1998-99**



Compliance

Programs nationwide struggle to track compliance with mediated agreements. In Nebraska, centers send a brief questionnaire to parties approximately 60 days after a case is closed, asking simply whether parties have complied with the terms of their agreement. Similar to previous years, this year 5% of the follow-up surveys were returned. Of these, 71% reported that their agreement had been kept.

SENMC is currently conducting a State Justice Institute sponsored study of family/divorce cases in four counties to measure longer-term compliance with mediated parenting plans. Similar studies from other states on mediated small claims agreements indicate compliance rates of 66% to 90%, compared with compliance rates of about 30% for court-ordered settlements.

pressure--provides a venue for double-checking perceptions and clarifying matters." "I felt this was very slow. It was what the client needed, but hard for me to move this slow. Thank you both!"

3. Services / Dispute Resolution and Prevention

Referral Sources

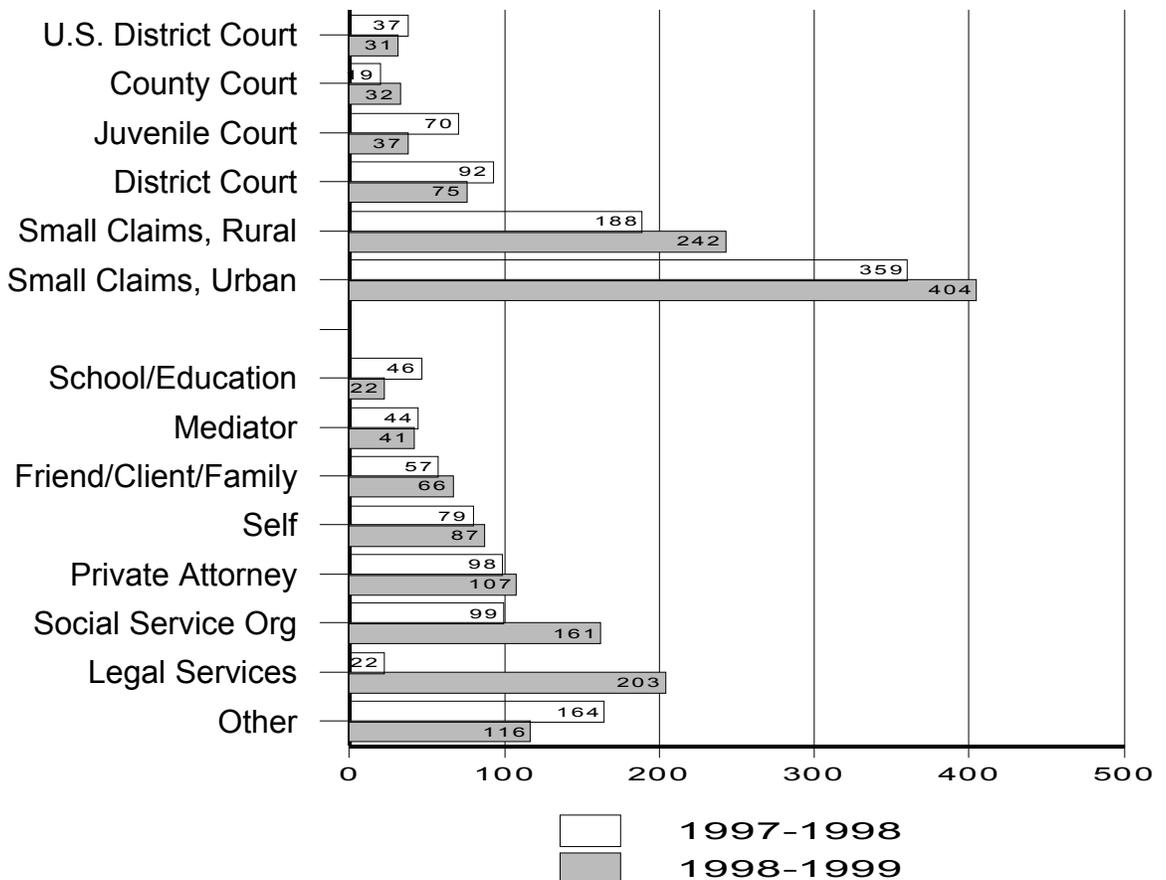
The judicial system accounted for about half of all referrals to mediation services last year, up slightly from the previous year's 44%. An overall increase of 7% in court-referred cases was led by a 29% increase in rural small claims mediations, a result of more counties establishing small claims mediation programs.

New low-income family projects at all centers created a huge jump in Legal Services referrals this year. Since Legal Services cases are referred prior to court filing, this may have contributed to the decline District Court referrals. Also contributing may be the shift of some family cases to county court dockets, which may also partly account for growth in County Court case referrals this year.

A new program with the Nebraska Department of Health and Human Services to mediate situations which arise out of the Employment First program boosted the number of referrals from social service organizations. Word of mouth referrals from attorneys, friends, family, and former mediation clients continue to rise, as well.

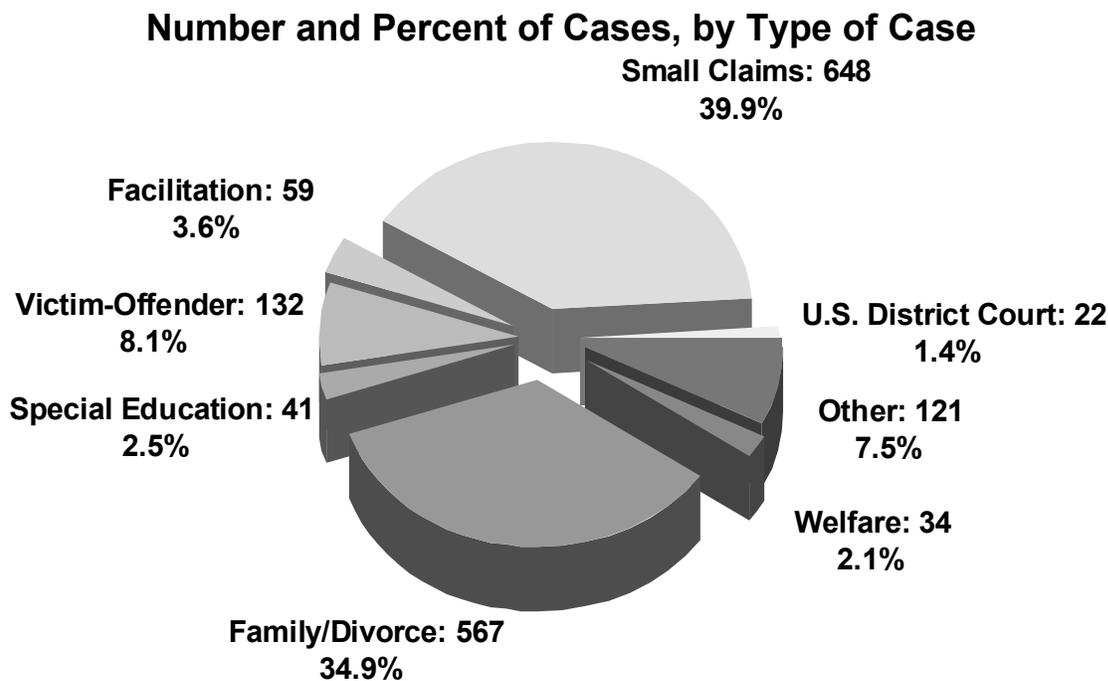
These numbers do not include 435 cases which were not coded for a referral source. Generally these would include those calling for information and those referred by the mediation centers to other, more appropriate services.

Sources of Case Referrals: 1997-98 vs. 1998-99



Case Types

The ODR System continues to expand its offerings. While small claims, family/divorce, and victim-offender mediations continue to grow as core case areas, other targeted program areas continue to expand, as well. These include work in the areas of restorative justice, facilitation, special education and welfare. Case-load details in each of these specific areas are provided on the following pages. The numbers below refer to cases closed between July 1, 1998 and June 30, 1999.



The Cost of Conflict Resolution and Prevention Services

The Dispute Resolution Act guarantees full access to mediation regardless of income. At the centers, no one is denied mediation because of an inability to pay. For those at 125% of the poverty level or above, a fee is charged using a sliding scale based on household size and income. For example, a household with three members and an income of \$25,000 would pay \$30.00 for a two-hour mediation session.

In some cases an administrative fee is charged. This can be reduced or waived for low-income clients. Small claims cases are mediated for no charge or for a nominal fee per party. Fees for mediations referred by the U.S. District Court are set by the court. Cases referred under contract, such as those through programs of the Department of Education and the Department of Health and Human Services, are paid by those departments at no cost to participants.

In the last fiscal year, for those mediation cases that were billed, the average cost was close to \$45 a session. On average, it costs the centers roughly \$100/hour to provide mediation services. Facilitation services are billed at cost and vary depending on the size of the group, the nature of the services desired, and the time commitment required.

mediation table with good feelings toward each other, and no longer be adversaries." "It went extremely well even though full agreement was not made." "Extremely satisfied."

Family/Divorce Mediation Grows by Fifty Percent

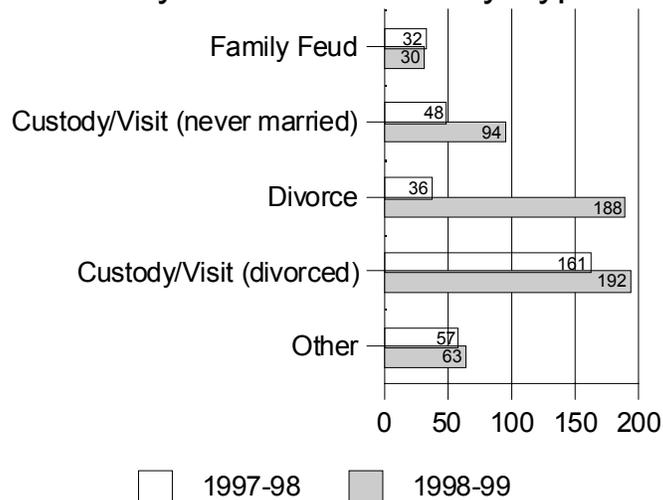
Increasingly in Nebraska and across the country, family and divorce issues are being addressed through mediation. This year the ODR system experienced a 50% increase in this area, opening 567 family and divorce cases, including 168 by LLMC, 125 by SENMC, 123 by MMC and 78 by CCR.

Both the Dispute Resolution Act of 1991 and the Parenting Act of 1994 encourage the use of mediation in matters involving domestic relations. In Douglas County, under Court Rule 4-3, mediation is required in divorce cases involving children. The Parent Education Act of 1998 allows courts to order divorcing couples to attend a workshop on divorce; CCR, LLMC and SENMC offer such courses as a complement to their mediation services.

Prior to mediating in this area, experienced mediators attend an additional 30 hours of family mediation training, including a component on domestic violence issues. Parties are encouraged to consult with attorneys prior to signing any agreement which might come out of mediation.

A collaborative effort between LLMC, SENMC and Legal Services of Southeast Nebraska, funded through the Nebraska Commission on Public Advocacy, has simplified referrals of low-income family cases to mediation across Southeast Nebraska. Subsequent similar efforts have taken place across the state. Case referrals are also received from attorneys, counselors and the courts. Child Support Enforcement of the Department of Health and Human Services has worked with LLMC and MMC to develop preventive programs that encourage mediation in disputes well before child support payments are threatened. Such efforts are envisioned to go statewide in the next year.

Family/Divorce Cases by Type



Family Group Conferencing (FGC)

A specialized form of facilitated decision-making called Family Group Conferencing (FGC) has attracted the attention of those involved in the areas of child abuse/neglect and juvenile delinquency. The approach brings in the extended families of the children affected, to make decisions about the needs of those children with the advice and oversight of HHS and other professionals. The approach empowers the family to take responsibility for problems within the family. Families often respond with HHS-approvable plans which keep children within their extended families, thereby reducing the numbers of children in foster care. FGC originated in New Zealand and is now used in many states.

This year, three FGC pilot projects were established in Dodge, Keith, and Red Willow counties. These projects involve CCR, CMC and NJC in collaboration with ODR, the Center for Children, Families, and the Law, the Court Improvement Project, and the Department of Health and Human Services. As of June 30, 1999, the centers had trained 19 experienced family mediators to facilitate conferences and had conducted three conferences which resulted in three in-family placements.

to resolve conflicts." "It solves problems." "It is easier than going to court." "You get to sit down with the other party and discuss your feelings with them." "It was good to talk things through."

3. Services / Dispute Resolution and Prevention

Victim-Offender Mediation (VOM)

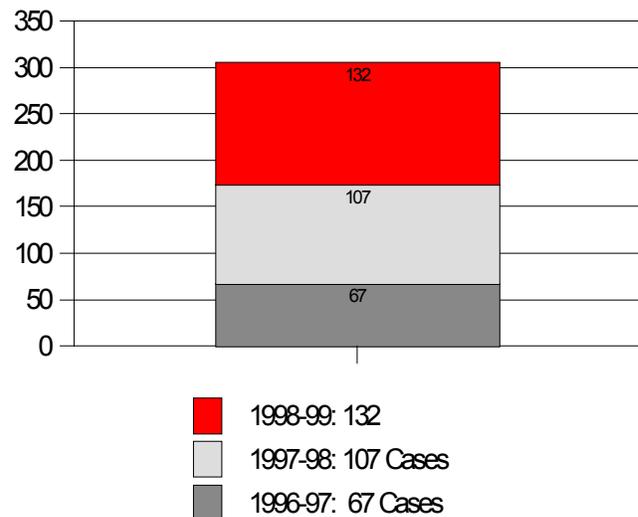
Victim-offender mediation is one application of a broader restorative justice movement which is increasingly finding proponents among law enforcement officers, victim's rights advocates and the juvenile justice system. VOM holds juvenile offenders directly accountable to those they have harmed, giving them an opportunity to meet face-to-face with their victims to take responsibility for the damage they have caused. VOM brings victims who so desire into the justice process, allowing them to get their questions answered and to achieve closure to an unpleasant episode in their lives. Since the early 1990s, over 400 VOM programs have been established across the country.

With support through the U.S. Office of Juvenile Justice and Delinquency Prevention, LLMC has built a strong VOM program as a component of the Lancaster County Juvenile Diversion Program. LLMC opened 74 VOM cases in 1998-99 and sponsored a day-long seminar on restorative justice for sixty criminal justice and victim support professionals. MMC programs in both Douglas and Sarpy counties received 33 referrals for the year.

The rural Nebraska centers opened another 25 cases under a challenge grant through the Nebraska Crime Commission. Referral programs have been developed in 18 counties: Buffalo, Butler, Custer, Dakota, Dodge, Douglas, Dundy, Gage, Hall, Hamilton, Jefferson, Keith, Lancaster, Saline, Sarpy, Scottsbluff, Seward, and York. Centers have worked with diversion programs, law enforcement, county attorneys and the courts, receiving over 300 VOM referrals over the past three years.

Mediation is voluntary. In two-thirds of the VOM cases this year, the victim or the juvenile offender either chose not to participate or could not be contacted. Thirty-nine cases did meet in mediation, with 36 of them (87%) reaching a restitution agreement.

VOM Cases Opened, by Year



Adult Victim-Offender Mediation and Dialogue Program

LLMC received funding for a statewide Victims of Crime Act (VOCA) grant to plan and implement a victim-initiated VOM program in partnership with the Nebraska Department of Correctional Services, the Board of Parole, and victim support services.

Protocols have been developed and experienced mediators trained to mediate such cases in correctional facilities, with the goal of allowing victims who so choose to be able to directly face those who harmed them, get their questions answered, and reach some sense of closure.

Facilitations Involve 773 Participants

This year the ODR system opened 36 facilitation cases, facilitated 21 cases involving 773 participants, and brought 20 of those cases to some resolution in 65 sessions lasting a total of 220 hours. Also coded under "facilitation" were 23 classes for separated/separating parents.

Facilitations are mediated discussions among larger groups, often not focused so much on particular issues in dispute as on a set of decisions to be collaboratively made. Mediation skills are valuable in a facilitation settings; center facilitators receive additional training specific to group decision-making and to techniques for working effectively with groups, both in, prior to, and following facilitated meetings.

LLMC maintains the most active of the centers' facilitation programs, this year receiving 30 referrals and facilitating 16 cases with clients in the public, private and non-profit sectors. In the most ambitious facilitation through the ODR system to date, LLMC is currently coordinating public policy discussions on the future of Lincoln's Wilderness Park. This work began with individual meetings involving over 70 potential interest-groups, followed by facilitated discussions in regular meetings with about fifty representatives of groups including developers, public institutions, environmentalists, city planners, politicians, and neighbors.

This year NJC has been involved in facilitations within a church body, a school system, and a college. NJC has also been a co-facilitator of meetings of the River Group, a discussion among 18 states and tribal representatives and the Army Corps of Engineers over planning within the Missouri River Basin. CMC this year concluded a multi-county facilitation on water issues.

When citizens take a more active role in the issues that affect their lives, there is greater potential for sustainable resolutions. The ODR system has worked with local and state governments and organizations on environmental, educational, housing and law enforcement issues. Work with the Commission on Local Government Innovation and Restructuring will continue to expand. ODR maintains a presence on the national board of the Policy Consensus Council which is designed to further collaborative efforts within all levels of government.

Because public policy disputes usually involve many people over an extended period, the demand for facilitators grows. Each year, the ODR Training Institute offers Facilitation Training in order to enhance and expand the number of practitioners available in Nebraska.

Study Circles

In response to growing racial tensions in Scottsbluff and Gering, a multi-cultural task force was formed by community members and teachers. The task force collaborated with CCR to coordinate a series of about twenty study circles on race relations, drawing participants from within both the communities and the schools. LLMC also conducted study circles on race relations in Lincoln during the past two years in partnership with the mayor's office, Leadership Lincoln, Lincoln Interfaith Counsel, and the Lancaster County Human Service Federation.

Study circles bring a racially diverse group of people together in a facilitated discussion of their experiences and fears, in order to bring about a deeper understanding between groups. Typically, a study circle involves about a dozen people who meet together several times, sharing stories, asking questions, identifying interests and growing together in respect and understanding. Study circles are a conflict prevention tool. With increased understanding within the community, potential race-related tensions in the future will be less common and less likely to become inflamed.

job in a difficult situation. Facilitators worked extremely well in a multicultural situation. The result of this session was a collaboration system for services where previous situations had not existed. Well done!"

3. Services / Dispute Resolution and Prevention

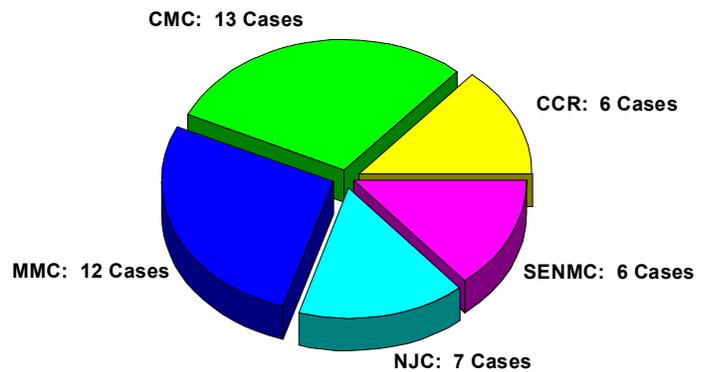
Special Education Mediation Steadily Grows

ODR, the Department of Education, and the centers are entering their sixth year of a collaborative effort to provide mediation services for situations involving children with verified disabilities. The agreement provides both for the managing of mediation cases and for project education and outreach.

In addition to local meetings and presentations on the Special Education Mediation option, the centers participated in a series of five workshops across the state for parents of students with disabilities, in cooperation with the Parent Training Center.

This year 44 Special Education cases were opened, with CMC and MMC leading the way at 13 and 12 cases, respectively. No cases were opened by LLMC, which has had all requests for mediation declined by local school systems since the program began. Statewide, 142 cases have been opened over the five years of the program.

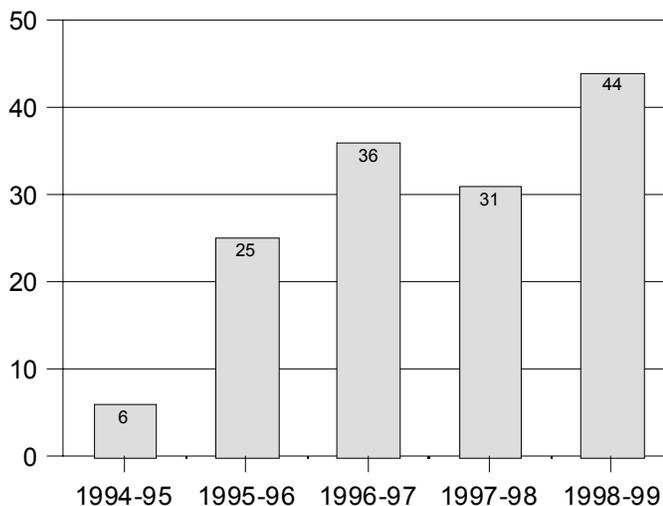
SpEd Cases Opened, by Center



Of the 44 cases opened in 1998-99, eight reached resolution prior to mediation, 18 reached full or partial resolution through a mediated process, two mediated but did not reach agreement, 11 did not mediate because one party declined, four were not appropriate for mediation, and three were still open as of June 30, 1999.

In 90% of the cases which used a mediated process, partial or full resolution was achieved. Two cases required two sessions; the rest were completed in one session. Average time in session per case was five hours. The Special Education cases involved a total of 175 participants.

SpEd Cases Opened, by Year



The most common specific types of cases requesting mediation included:

- Seven cases with due process concerns surrounding an IEP (Individualized Educational Plan),
- Seven cases with placement concerns,
- Seven cases with concerns about program services or coordination,
- Five cases surrounding identification/ verification issues, and
- Four cases with communications concerns.

Employment First Mediation Cases Triple

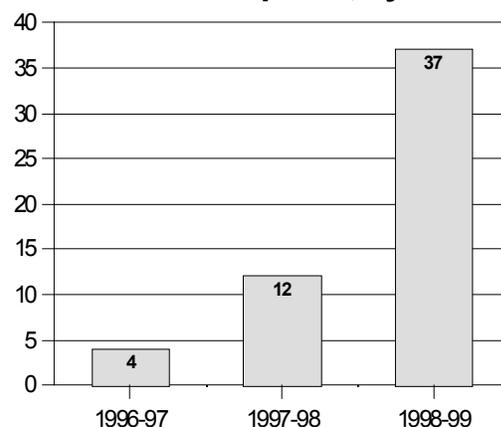
Three years ago, in order to implement Nebraska's welfare reform efforts known as Employment First (EF), the Department of Health & Human Services (DHHS) and ODR entered into an inter-agency agreement to provide conflict resolution services in two pilot areas in the state, one urban and one rural. Training was conducted for DHHS staff and in-service workshops for center mediators.

At the beginning of the second year, the ODR system designed an extensive outreach and educational effort. In collaboration with DHHS, supplemental materials on mediation and the EF procedures were integrated into the department's comprehensive training program. Outreach and awareness packets entitled *Just in Time* were developed and offered to DHHS district offices statewide. A client brochure was cooperatively designed and distributed widely. Numerous contacts and meetings between center and agency staff took place. These efforts increased awareness of the new program. Contacts and presentations have continued this year, most extensively at CCR.

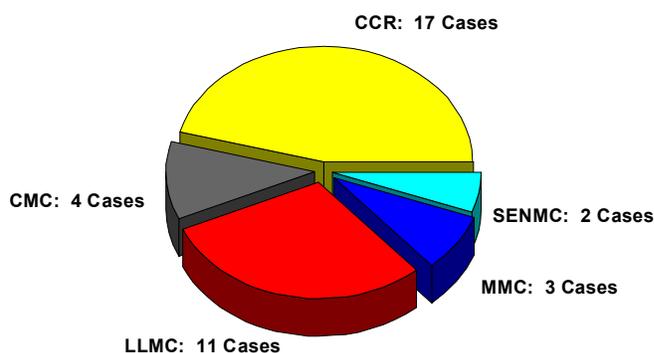
Now completing its third year, the EF Mediation Project has begun to experience considerable growth, particularly for CCR and LLMC. Two years ago, 12 cases were opened and four went to mediation; this year 37 cases were opened with 16 mediating--15 (94%) reaching resolution at the table. Over three years, 53 cases have been opened.

The cases addressed issues that arose in the development, modification, or implementation of a self-sufficiency contract. Most mediations took place between two people and were complete in one session lasting from one to three hours. In one case a Spanish-speaking interpreter and a Spanish-speaking mediator were used.

DHHS Cases Opened, by Year



DHHS Cases Opened, by Center



In ten cases, one party declined to participate or could not be found. Two cases were resolved prior to mediation. The remaining cases were provided information, referred elsewhere, or remained open as of June 30, 1999.

Employment First cases have been very appropriate and responsive to mediation. The cases are handled efficiently and the participants report high rates of satisfaction with the process. The mediation option is becoming an increasingly valuable resource both for DHHS clients and agency workers.

'expectation' of collaboration--just by agreeing to it." "It works!" "It helps to have an outside facilitation to allow for all members of the group to have an opportunity to speak and not just a few members."

3. Services / Dispute Resolution and Prevention

U.S. District Court Mediation

The Mediation Project of the U.S. District Court began with the approval of the General Order for Court-Annexed Mediation in the United States District Court for the District of Nebraska. Mediators affiliated with the six state-approved mediation centers and those in private practice receive training, apprenticeships, case referrals and management, and continuing education through the Office of Dispute Resolution statewide system. All federal court litigants and their attorneys have high-quality, affordable mediation services available.

There were about 50 approved federal mediators during 1998-99, with over half in Omaha, a quarter in greater Nebraska, and the rest in Lincoln. Federal mediators are attorney mediators who have completed 30 hours of Basic Mediation Training, 16 hours of Federal Mediation Training, and a minimum of three supervised mediations prior to approval.

There were federal mediation cases in all three of the U.S. District Court divisions of the state during 1998-99, with Lincoln handling about 70% of the cases, followed

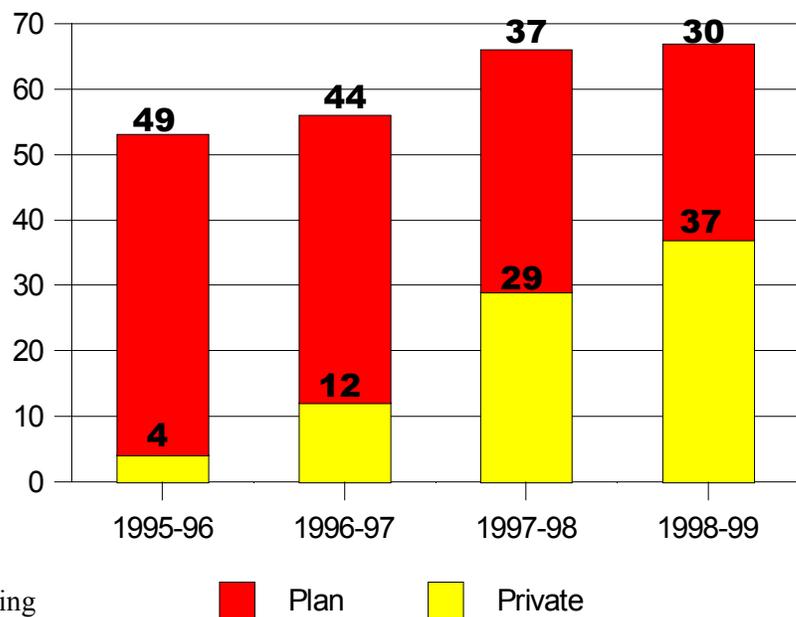
by Omaha with about 20% and North Platte with about 10%. There were about 67 cases referred to mediation during 1998-99, bringing the cumulative three year total to 242. During 1998-99, employment related cases, along with the Federal Employer Liability Act (FELA) cases, were the most frequent case types referred through the plan, followed by discrimination cases, tort cases, contracts and civil rights.

Rates of agreement at the table have stayed at a steady average of 41% all five years of the program, reflecting both private mediation as well as those cases referred to mediators approved under the plan. A large percent of cases settled after mediation. Only 13 cases out of the total 171 cases mediated during the four-year program actually went to trial.

Overall, parties and attorneys involved in federal mediation continue to rate the mediation sessions as overwhelmingly fair and feel that the mediators maintain a high level of neutrality and respect for the parties.

Statistics for the July to September, 1998, quarter were not available except as part of a calendar year 1998 report. For reporting in this report for the year July 1, 1998 to June 30, 1999, figures for that quarter have been extrapolated from 1998 and 1999 statistics of other quarters. Trends have held fairly steady over this time period.

U.S. District Court Mediations, 1995-99

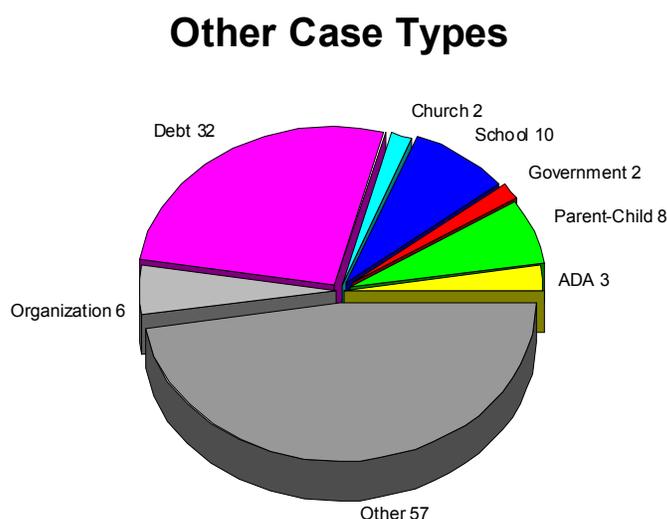


Other Cases

In addition to the case areas already discussed, the centers opened 121 other cases this year. These included debts, non-special-education school-related issues, parent/child mediations, organizational disputes, cases related to the American's with Disabilities Act (ADA), church mediations, government-related cases and 57 other cases that did not fit any of the case-types previously described.

The centers welcome cases from all sources and of all types, drawing collaboratively on each others' experiences and skills in areas that may be new for a particular center. Access to statewide resources to meet local needs makes the overall system stronger and more responsive.

In addition to specific local strengths already identified in this report, LLMC has a trained ADA mediator on staff. NJC has training and experience in church mediations and a staff mediator trained and approved for mediations through the U.S. Postal Service. MMC has several mediators approved by the Federal Equal Employment Opportunity Commission to mediate Federal EEOC cases in Nebraska. Several centers also have experience working with peer mediation programs in schools.



Future Growth Areas

The ODR system anticipates growth in a number of areas for 1999-2000.

The family and divorce caseload will likely continue to expand as programs with Legal Services and with Child Support Enforcement become established and refined statewide. With the continued growth of mediation services in family matters, private attorney referrals also continue to increase as more and more lawyers recognize the value of the mediation tool in meeting their clients' interests.

The Family Group Conferencing pilot projects will continue to attract the interest of decision-makers involved with issues surrounding abused/neglected children and juvenile delinquency. By empowering families to take responsibility for their own problems, FGC offers a powerful solution which will grow in importance in Nebraska, as it is across the country.

Restorative Justice programs will likely also become better understood and established with the arrival of pending federal funds through probation and the Department of Health and Human Services. These likely will provide for victim-offender mediation to be an option in select cases to keep juveniles out of overcrowded detention facilities.

was good to have an objective person there when we got off track or arguments got heated." "It works." "It got it done." "It resolves conflicts peacefully."

Participant Ethnicity Reflects the State

By far the majority of those using mediation services in Nebraska last year were Caucasian, reflective of the majority population of the state as a whole. However, of those whose race was identified (primarily those whose cases met at the table), five percent were African American, four percent were Hispanic, two percent were Native American, and one percent was Asian Pacific. In addition, this year there were adults and youth from all ethnic backgrounds involved in Study Circles on race that were held in the CCR and LLMC service areas. CCR also worked closely with the Multi-Cultural School and Community Task Force in School in Scottsbluff County. NJC had projects and facilitations involving Nebraska's Indian tribes and tribes in three surrounding states.

Participants Give High Marks to Mediation

Nebraskans who have used mediation for their disputes continue to give high marks to the mediators and the mediation process.

92% "Process" was "Fair" or "Very Fair"

Eighty-three percent of the 1,229 people who completed a post-mediation evaluation said they were "Satisfied" or "Extremely Satisfied" with mediation. Eighty-four percent would prefer mediation to going to court to resolve similar disputes.

83% "Satisfied" or "Extremely Satisfied"

Eighty-eight percent would recommend mediation to others.

90% "High," or "Very High" Opportunity to Fully Express Views

Ninety-two percent reported that the mediation process was either "Fair" or "Very Fair." Eighty-seven percent stated that issues important to them were identified and discussed in the mediation process, and over two thirds of the participants indicated that agreement was reached in mediation on "Most" or "All" of the issues important to them. Ninety percent felt that their opportunity to fully express their views in mediation was "High" or "Very High."

Participants also indicated that the majority of them (84%) would prefer to use mediation to solve disputes like the one they mediated, rather than going to court.

95% "Treated with Respect"

On post-mediation evaluations, participants are asked five questions about the mediators involved in their case. Participants were asked to rate how neutral their mediators were, and 95% found them to be either "Completely" or "Mostly" neutral. Participants also believed that the mediators understood them "Completely" or "Pretty Well" (92%). As well as feeling understood, participants revealed that they were treated with respect, returning a "Very High" or "High" rating 95% of the time. Eighty-two percent reported feeling either "Not at all" pressured or only "Slightly" pressured to resolve their dispute quickly.

84% Prefer Mediation to Court

Comments from participant evaluations have been included along the bottom of each page of this report.

"Helps air out all concerns." "Less stressful than going to court." "Glad I could do this as opposed to court. It was very effective." "It works!"

Some amount of conflict is inevitable in every society. The key question is how that conflict gets resolved.

America's community mediation programs provide an important piece of the answer in this country.

--U.S. Attorney General Janet Reno