

NEBRASKA OFFICE OF DISPUTE RESOLUTION

*A DECADE OF WORKING TOWARD PEACEFUL
RESOLUTIONS TO CONFLICTS IN NEBRASKA*



Tenth Annual Report
July 2001 - June 2002

NEBRASKA OFFICE OF DISPUTE RESOLUTION TENTH ANNUAL REPORT July 2001 - June 2002

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EXECUTIVE SUMMARY

HAPPY TEN YEAR ANNIVERSARY ODR!

What a Year! Fiscal year 2001-2002 was full of both highs and lows. We started off on a high with the Governor's Proclamation of Mediation Day on March 20th, celebrating the ten year anniversary of the Office of Dispute Resolution Act. Then the catastrophic events of September 11th unfolded. The mediation centers around the state offered support to those individuals and groups in crisis by providing free group facilitations and discussions on the tragedy.

This agonizing event, combined with an economic down-turn forced the state to have a special session in October 2001. The special session combined with the 2002 regular session resulted in an 8% loss of funding towards the support of the mediation centers. Despite this loss, we are pleased that the state has shown its commitment to offer quality mediation to every citizen in Nebraska by its continued funding of ODR and the centers.

As you will find in this report, each center is excelling at finding its own way to serve the varying needs of the citizens in the areas they represent. From the sandhills in western Nebraska to our most urban centers in the east, each center is taking on the responsibility of the success of their particular center. The centers' executive directors, boards, and staff are strong and committed to peaceful resolution in Nebraska. They continue to be a source of pride for our state as a public/private partnership that really works!

The annual statistics are included in this report, but can be deceiving. It may seem as though some centers are not mediating as many cases as others. It is important to realize that each case type can be very different in length of time to complete and in complexity, therefore, the numbers will not always tell the entire story. Having said that, they remain an indication that mediation in Nebraska is continuing to grow despite the loss of various funding sources.

Due to our commitment to keep costs down, this report may seem rather sterile as it contains no pictures or fancy layout. However, please take the time to read the reports from the centers and examine the pie charts and statistical data. I think that you will be pleasantly surprised at the varied work that the centers perform across the state and the professional manner in which it is done.

Thank you to all who supported the Office of Dispute Resolution and the centers during this tumultuous year - we couldn't have done it without you!

Wendy Hind, Director
Office of Dispute Resolution

THE NEBRASKA DISPUTE RESOLUTION ACT OF 1991

The Nebraska Dispute Resolution Act of 1991
Approved unanimously by the Nebraska Legislature
Signed into law by Governor Ben Nelson

25-2902. Legislative Findings. The Legislature finds that:

- (1) The resolution of certain disputes can be costly and time consuming in the context of a formal judicial proceeding;
- (2) Mediation of disputes has a great potential for efficiently reducing the volume of matters which burden the court system in this state;
- (3) Unresolved disputes of those who do not have the resources for formal resolution may be of small social or economic magnitude individually but are collectively of enormous social and economic consequences;
- (4) Many seemingly minor conflicts between individuals may escalate into major social problems unless resolved early in an atmosphere in which the disputants can discuss their differences through a private informal yet structured process;
- (5) There is a need in our society to reduce and improve relationships between people in conflict which has a long-term benefit of a more peaceful community of people;
- (6) There is a compelling need in a complex society for dispute resolution whereby people can participate in creating comprehensive, lasting and realistic resolutions to conflicts;
- (7) Mediation can increase access of the public to dispute resolution and thereby increase public regard and usage of the legal system; and
- (8) Nonprofit dispute resolution centers can make a substantial contribution to the operation and maintenance of the courts of this state by preserving the court's scarce resources for those disputes which cannot be resolved by means other than litigation.

25-2920. Director; report. The director shall report annually to the Chief Justice, the Governor, and the Legislature on the implementation of the Dispute Resolution Act. The report shall include the number and types of disputes received, the disposition of the disputes, any problems encountered, any recommendations to address problems, and a comparison of the cost of mediation and litigation.

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 that 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.

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.

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.

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, Health and Human Services caseworkers, 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 participants arrive at a mutual agreement, the FGC plan can be implemented, or submitted for court approval.

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

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.

Restorative Justice has been commonly defined as a process whereby parties with a stake in a specific offense or a series of offenses resolve collectively how to deal with the aftermath of the offense and its implications for the future. Restorative justice, more than any particular practice, is a set of principles which form the paradigm for any agency or group in relation to crime. These principles can be stated as: (1) making room for the personal involvement of those mainly concerned (particularly the offender and the victim, but also their families and communities); (2) seeing crime and delinquency problems in their social context; (3) a forward-looking (or preventive) problem-solving orientation; and (4) flexibility of practice (creativity). Restorative justice sees criminal and juvenile justice as they are related to the social fabric of society and stresses relationship to other components, rather than a closed system in isolation. The offender is treated as a whole being, and crime and delinquency are seen as equally involving offenders, victims, and communities.

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 few years and the ODR system has been actively involved in Nebraska.

ODR OVERVIEW

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 ten years, a sustainable infrastructure has been created through the formation of mediation centers, the establishment of program policies and procedures, the creation of nationally 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 the 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 fund-raising, this integrated system has become a well-respected statewide dispute resolution service network known for its accessibility and competence.

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.

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. 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 little or no cost to participants.

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.

Members of the 2001-2002 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, Administrator, Farm Mediation Service and Beginning Farmer Program (Lincoln)
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. Patricia Lamberty, Douglas County District Judge (Omaha)
Linda Sanchez-Masi, Nebraska Department of Insurance (Lincoln)
John Miller, Attorney and Mediator (Blair)
Michael Schirber, Attorney and Mediator (Papillion)

Ex Officio Members:

Debora Brownyard, Executive Director, Nebraska Justice Center (Walthill)
Lynne Favinger, Executive Director, Central Mediation Center (Kearney)

THE DISPUTE RESOLUTION CENTERS

Six state-approved mediation centers serve every county across Nebraska. The centers have from one to eight 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 six centers have formed the Nebraska Mediation Center Association (NMCA) to deliver mediation training to the ODR Training Institute.

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.

CENTER FOR CONFLICT RESOLUTION (CCR)

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Mary Darveau, Northern Satellite Office Coordinator
Margaret Schaefer, Eastern Satellite Office Coordinator
Lori Sommer, Staff FGC Coordinator
Cris Colling, Program Support Specialist
Marcia Mehring, Program Support Specialist

CCR ended the year with a "move" in the right direction. Effective May 1, 2002, our offices were operating from a new location in downtown Scottsbluff. The new site, at 1524 Broadway, has offered the benefit of more space to include a board meeting location separate from the mediation room. We have gained a more professional appearance and have become more visible to the community.

The new contract with Health and Human Services for Family Group Conferencing (FGC) was started this year. With 35 cases, this program has strengthened our service to the families in our service area and has provided growth to the center. As a result of this growth, a new staff member was added. Lori Sommer was hired as a full-time Staff FGC Coordinator and has been a great help in coverage of the Panhandle.

Also new to our staff is Marcia Mehring. Marcia joined the CCR staff at the end of the fiscal year as Program Support Specialist. She filled the vacancy left by Cris Colling who had been with the center since July 2001.

In response to the September 11th tragedy, CCR conducted study circles. The three dialogue groups (two in Scottsbluff and one in North Platte) were open to the public and allowed discussion about the personal and social impact of the event and explored alternative forms of response.

Several rural Scotts Bluff County schools participated in study circles conducted by CCR through a contract with the Family Crisis Intervention Coalition. These study circles looked at Healthy Relationships and involved co-ed groups in the middle and high school age groups.

Through the JAIBG (Juvenile Accountability Incentive Block Grant) contract with Health and Human Services, CCR was able to begin facilitated group discussions with the residents of the Nebraska Boys Ranch. Smaller groups participated during the school year while the summer program includes an average of 12 boys each week. We have received very positive feedback on this program and have received requests for similar programs in other settings in the Panhandle area.

Through our participation with the Panhandle Partnership for Health and Human Services, we were fortunate to be included in a Federal Grant for 21st Century Community Learning Centers. This contract has allowed CCR to provide conflict resolution training to program staff members, fund Victim-Offender, Parent-Adolescent, School-Student, Student-Student mediations, and conduct study circles in the schools for Dawes and Cheyenne Counties. We have also been able to lay a foundation for the second and third years of this grant and are looking forward to strengthening our relationship in these counties.

At the end of June, the Center for Conflict Resolution celebrated its ten-year anniversary by hosting an Open House at our new location. We were pleased with the turnout and the new contacts that we were able to make.

In looking back over the past year, we are able to say that we are strengthening our presence in our service area. We had open cases in 14 of the 19 Panhandle counties we serve. We are looking forward to continuing this momentum.

CENTRAL MEDIATION CENTER (CMC)

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Carol Dart, Program Director

Paty Reyes-Covalt, Project Coordinator

Denise Haupt, Office Services Coordinator

Central Mediation Center has just completed a full year with no turnover in staff. We are settled in our new office (although we are still in need of more office furniture) and thoroughly enjoying the extra space. Our new facility has allowed us to host statewide NMCA meetings, hold trainings, and have large team meetings and Family Group Conferences on our premises.

Following are some highlights from the past year:

- A strategic planning meeting for the board and staff facilitated by a professor from the University of Nebraska-Kearney.
- A 12.5% increase in open cases.

- A 56% increase in cases that get to the table.
- A 72% increase in cases that reached full agreement.
- A 223% increase in cases that reached partial agreement.
- An open house was held to celebrate our 10th anniversary and our new location.
- Lynne Favinger and Carol Dart attended the NAFCM Regional Training Institute program "*Developing and Managing Mediation Centers for Your Community*".
- Carol Dart and Paty Reyes-Covalt attended the National Family Decision Making Conference held in Monterey, California in June 2002.
- NTV Network reported two stories about Central Mediation Center.
- KRVN in Lexington provided coverage of CMC several times.
- KGFW, Kearney, held a 20 minute on-line interview with Lynne Favinger

The increase in Family Group Conferencing cases provided a great opportunity for us. The referrals came slowly during the first ¾ of the year but when they started, it was a snowball effect. We received 15 of our 31 referrals during the last two months of the fiscal year. We feel the rapid increase was a result of some very successful cases and building trust with HHS caseworkers and judges. We look forward to doing even more cases next year.

Small claims mediation is available in 14 counties. This service is currently provided free of charge to all participants. However, funding cuts are forcing us to examine the feasibility of continuing this program. The staff and board of CMC will be studying this issue during the first quarter of the fiscal year.

CMC continues to participate in several other regional and statewide contracts. These include: Juvenile Accountability and Incentive Block Grant, Special Ed mediation through the Nebraska Department of Education, Access and Visitation through Nebraska Health and Human Services, mediation for UNL employees, Employment First, and other agency contracts.

Becoming a known, respected presence throughout our 31 counties is a major goal that we are trying to attain by meeting with many different agencies and groups. The stability of our staff throughout the past year has helped us toward this goal also and we look forward to maintaining that stability in the coming years.

CONCORD CENTER

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Our Vision: Creating pathways from conflict to peace.

Our Mission: Concord Center creates pathways of constructive dialogue and conflict resolution through consensus building activities of mediation, facilitation and education.

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Debra Blue, Mediation Coordinator

Kristine Murphy, Family Group Conferencing Coordinator

Janice Kowskie, Family Group Conferencing Coordinator

Concord Center provided Family Group Conferencing (FGC) to families served by the Nebraska Department of Health and Human Services Eastern Service Area of Douglas and Sarpy Counties. Recognizing that families have the most information about themselves to make decisions that protect children, FGC provides the opportunity for families to develop solutions that assure the safety of children and other members of the family. The purpose of Family Group Conferencing is to help develop partnerships among families, their friends, community members and service providers to build on a family's strengths and create a safe family life for children. Abuse and neglect, status offense, truancy and adoption were all matters addressed by the Family Group Conferencing project.

Concord Center was a co-host with the Douglas County Juvenile Court for a day-long conference on Family Group Conferencing and Dependency Mediation sponsored by the National Council of Juvenile and Family Court Judges. Participants included Juvenile Court judges, county attorneys, guardian ad litem, attorneys who work in Juvenile Court including those from Nebraska Legal Services and private practice and administrators from Health and Human Services. Representatives from the Santa Clara County California reviewed their FGC and mediation programs. Concord Center also participated in the "Better Lives for Children" conference at Creighton University in April with Mary Lee Brock, the Honorable Douglas Johnson of the Juvenile Court in Douglas County, and HHS case manager Gwen Schuman presented on Family Group Conferencing.

Mediation of parenting plans through the local court rule 4.3 in Douglas County continues to serve families. Concord Center partnered with the Conciliation Court of Douglas County to present several in-service training opportunities for family mediators on topics such as domestic violence issues and mediation in paternity matters.

Concord Center's mediation program helped individuals and groups resolve disputes of varying nature including matters involving special education, employment first, and workplace issues. Emerging mediation programs at Concord Center include victim-offender mediation and dependency mediation.

Teaching conflict resolution skills is integral to the mission of Concord Center. Experienced mediators from Concord Center served as coaches to Creighton University law students who were participating in basic mediation training. Trainings and workshops have been held for a variety of groups including Omaha Public Schools elementary school counselors, resident advisors at Scott Hall at UNO, graduate students in Special Education Administration at both UNO and Creighton University and Offutt Air Force Base.

Stabilizing and diversifying the fiscal resources of the Center continues to be an ongoing focus and challenge. The Board of Directors is beginning a strategic planning process to identify priority programs and initiatives for the 2002-03 fiscal year.

NEBRASKA JUSTICE CENTER (NJC)

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Kristin Ostrom, Fremont Area Director

Fremont Area Mediation Office: In June 2001, Nebraska Justice Center opened a satellite office in Fremont to serve Dodge County and surrounding counties. The community of Fremont has the largest population in NJC's service area. After initially contracting with mediator and former board member Kristin Ostrom to open the office, NJC put Kristin on staff full time in October 2001. Dodge County Judge Daniel Beckwith worked with NJC to provide office space for the mediation office within the County Court suite of offices in the Dodge County Judicial Center. Kristin has worked closely with several community organizations and referral agencies which has resulted in a significant increase in mediation cases in the Dodge County area. Sustainable funding efforts have included the Fremont Area Community Foundation and the local United Way.

Dodge County Integrated Divorce Mediation Project: NJC successfully applied for and was granted a \$5,000 National Association for Community Mediation (NAFCM) mini-grant to support the Fremont Area Office to coordinate a planning initiative to explore a divorce mediation court rule and Hispanic outreach. Kristin Ostrom created a strategic plan to implement this project, which has included a kick-off luncheon event inviting over 30 key community members to learn about the project, key-noted by the Honorable Daniel Beckwith and the Honorable F.A. Gossett. Four key committees have been researching national and state mandatory and voluntary divorce mediation models; divorce and parenting education models; aspects of domestic violence in divorce mediation; and addressing service to the Hispanic population in the area. One of the project's goals is to make a recommendation to the area judiciary for a divorce court rule regarding mediation and parenting education.

NJC Tribal Peacemaking Initiative: The NJC Tribal Peacemaking initiative continued in its second year as a 75% funded project by the New Voices initiative of the AED Foundation, Washington, DC. The tribal peacemaking project is staffed full time by Louis LaRose, member of the Winnebago Tribe of Nebraska. Projects have included working with "COPS" (community oriented policing) in which Louis participated in a regional tribally-based COPS training conference held in Omaha that included law enforcement from the Omaha and Winnebago Tribes; facilitating tribal planning initiatives for the two tribes; actively building referral networks to refer Winnebago and Omaha Tribal Court cases to mediation; mediation of cases; providing conflict resolution education to families within the Omaha Tribe's Strengthening Families project;

co-training basic mediation training to members of the Omaha Tribe; chairing the Thurston County/Winnebago Tribe/Omaha Tribe Weed and Seed strategic planning initiative which began in April 2002 and is continuing; assisting with the NMCA diversity training planning and implementation that took place April 2002 with intercultural diversity trainer Roberto Chenè.

Family Group Conferencing: (A) Statewide Initiative: Many activities took place this year in regard to statewide FGC initiatives. Some of the activities included completing the statewide FGC policies and procedures and revising and updating the FGC Coordinator Training Manual. Debora Brownyard is one of Nebraska's lead FGC trainers, who coordinated with NMCA and Lori Burkey to train Nebraska Health and Human Services staff on FGC in September of 2001. (B) NJC provided FGC conferencing to 20 families during the 2001-2002 contract period. Working to address safety, care, and permanency for children who are neglected and abused through extensive family and provider preparation and facilitation continues to be a priority for NJC.

Mediation Cases: NJC continues to actively serve citizens within its 24 county, 4 tribe region, providing services to over 1,110 individuals. Over half of its 169 cases involved family, divorce, parenting related matters, many of which were no-fee cases; some of which were private-pay cases, and some of which were funded by the Nebraska Health and Human Services Access & Visitation. During the past year, over half of the clients reporting financial data show household income of less than \$29,999 per year. About 20% of the cases included Native American clients, 2% Hispanic and African American and the remainder Caucasian.

Weed and Seed Initiative: NJC is the facilitator for the Thurston County/Winnebago Tribe/Omaha Tribe Weed and Seed project, which began in April 2002. Weed and Seed is a U.S. Department of Justice initiative that encourages a defined community to coordinate its strategies to "weed" out crime and "seed" community prevention, intervention and restoration. Nebraska's U.S. Attorney, Mike Heavican, has made a commitment to Thurston County and the two tribes to participate in this initiative. Essential stakeholders, in addition to U.S. Attorney Mike Heavican, are the government representatives from the tribes, the county, and the communities; law enforcement personnel from the three primary jurisdictions; and community members and service providers. NJC is facilitating twice monthly stakeholder planning sessions and will be assisting in a day-long strategic planning session and the drafting of the Weed and Seed application. The completed Weed and Seed application is due to the U.S. Department of Justice in October 2002, with notice of certification anticipated in January 2003.

Administration and Staffing: NJC lost a long-standing staff member during this program year. Rita Dunn, Administrative Director, left her part-time position in December 2001 to take a full-time position with the Nebraska Microenterprise Development Corporation. Fortunately for NJC, Rita's new office is in the NJC Building, and she continued under separate contract to support NJC for six months in its transition with new administrator, Danelle Wellman. Kathy Morgan, Case Manager, increased her hours to .75 FTE during this period; college student Nicole Browning began working in 2002 as part-time office support. As mentioned above, Kristin Ostrom was added as full-time staff in October 2001 as Director of the Fremont Area Office. Debora Brownyard continued in her tenth year as Executive Director for NJC.

NMCA: NJC is a member of the Nebraska Mediation Center Association (NMCA), with Debora Brownyard as board representative. NMCA is the state's Mediation Training Institute, and Debora is one of the lead trainers for NMCA. During this past year, Deb has provided training to the state's new mediators in Basic, Family, Special Education, and Family Group Conferencing, as well as co-coordinated the Advanced Mediation Diversity Training in April 2002 with intercultural diversity trainer Roberto Chenè.

NAFCM: National Association for Community Mediation – Debora Brownyard was elected as a member of the national Board in April 2001 to a four year term. She was appointed co-chair of NAFCM's Development Committee whose responsibility is to seek and build resources for the organization. Participation on this national board has enhanced her knowledge of cutting-edge community mediation center issues and trends, as well as increased access to potential resources for NJC and Nebraska's mediation centers.

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This year was one of change. We have changed our name to The Resolution Center, created a new brochure, and added one more parent workshop and children's component to the adult workshop. With Judge Rehmeier now ordering the workshop, we are now conducting a class in Nebraska City. The number of participants has increased. Last year we had 197 and this fiscal year we have had 233, and our overall satisfaction rate is 92.65% with 81.98% of the participants who felt that the course should be mandatory for divorcing parents. Our pilot project, "Kids Konnect", for children began February 4th in Beatrice. We have had 20 participants and have received many positive comments. If it continues to be a success, we may offer it at other locations. Conflict resolution workshops were conducted for the Saline County Diversion program, Jefferson County Diversion and for Beatrice and David City probation. There were 152 participants which included juveniles and their parents. This year we were invited to do a workshop on conflict management at the Youth Leadership Conference sponsored by Blue Valley Community Action, Juvenile Services. Dianna Lewis conducted two workshops for 65 juveniles.

We did extensive outreach. A press release was distributed to 17 newspapers and 3 radio stations in our area regarding the Proclamation of Mediation Day and announcing our name change. Letters were sent out to all the service clubs in Beatrice informing them of our name change, offering presentations, and requesting donations. Presentations were given to the Early Riser Kiwanis, Toastmasters, and Seroptimists Clubs.

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Peggy Shorney, FGC Coordinator

TMC has again thrived this year, even in the face of greater unpredictability resulting from the impact of national tragedy, a sluggish economy, and programmatic challenges. The center celebrated the completion of its first decade of operation satisfied with the quality and breadth of its accomplishments, humbled by the peacemaking work that remains here and around the world, and motivated to embrace the future and all of its possibilities.

TMC mediators remained busy this year with an interesting range of cases and topic areas. The center saw a 19% jump in case volume, from last year's 295 opened cases to 351 this year. By far the most significant increase came in the areas of community cases, primarily Small Claims Court referrals, and Family Group Conferencing referrals. When Southeast Nebraska counties were added to TMC's geographic area of responsibility for Family Group Conferencing services, the center enhanced its capacity to fulfill its burgeoning commitment by hiring two new part-time employees and shifting staff responsibilities.

Nebraska's families and youth received multi-dimensional benefits from TMC's efforts this year. After several years of planning and relationship building, TMC and a coalition of other service providers launched court-connected parent education classes for divorcing parents. Evaluation results indicate that parents who have participated in the classes are demonstrating a considerable increase in their knowledge and application of techniques to lessen the impact of divorce on their children. This year TMC staff also contributed to Nebraska's Fatherhood Initiative, a statewide effort to foster more involvement of fathers in the lives of their children.

The local Pathways to Self-Sufficiency project, a three-year residential program where young parents work on their education, job skills, and other personal assets, included conflict resolution classes developed and conducted by TMC staff for both parents and children. High school and college interns provided valuable volunteer assistance to center staff during the project.

TMC was an active contributor to building community capacity this year. Staff and mediator volunteers assisted with the development of peer mediators in local schools as well as with a community initiative called Turn Off The Violence, which is designed to integrate a variety of violence prevention strategies into the lives of Nebraska's children – from anti-bullying legislation to conflict resolution programs in school-based community learning centers. Center staff also spearheaded a study circle project, where AmeriCorps members from around the state gathered to engage in dialogues about diversity. TMC completed its third year of ongoing work with the Lancaster County Families First & Foremost project, providing an array of services - including group facilitation, mediation, training, and consultation on collaborative public policy development - to support the development of a continuum of care for families and their children dealing with mental health concerns who are in or at risk of being in the juvenile justice system.

Service delivery and program development was made possible through a variety of funding sources. Fifty-five percent of TMC's activities are supported through client fees and contracts with agencies that pay for cases. Although subsequent grant requests were less successful, TMC received a generous grant from Woods Charitable Fund, Inc. to support this year's program development and operations in the areas of youth violence prevention and family mediation. TMC's board is devoting an increasingly greater amount of its energy and talent to the raising of funds. The search for and maintenance of stable, diverse funding remains one of the center's greatest challenges.

The center maintained its local visibility through outreach efforts that included quarterly newsletters, contacts in the business and higher education communities, public speaking opportunities, training contracts, and a noteworthy fund-friend-raising event, entitled "Journey to Peace" that was organized by TMC board members. TMC's statewide presence was demonstrated through Nebraska Mediation Center Association leadership; system-wide training, contract development and grant writing; and representing centers' perspectives in the analysis of the Uniform Mediation Act and the Act's implications for Nebraska.

In the face of the many changes confronting TMC this year, center staff and board members invested a significant amount of time and effort in quality assurance and organizational development. Armed with an analysis of how TMC manages change, conducted by University of Nebraska-Omaha graduate students, center staff engaged in a series of facilitated retreats to strategically plan the center's future. Ever-present interests in competency and best practices also coalesced into an "excellence initiative" in which staff and mediators are examining existing practices in order to clarify and enhance standards and mechanisms for mediator competence, policy and procedure responsiveness, and program competence. This comprehensive self-examination and planning process will ensure the center's strength and vitality in the future.

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 as 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 to review activities and projects, exchange information, assess programming, and plan collaborative efforts.

ODR and statute establish the criteria by which the centers are evaluated. The State Advisory Council members and ODR schedule annual reviews of 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.

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 makes Nebraska the only state to systematically provide access to services to all of its citizens equally. Secondly, it envisions the courts as important partners with community mediation centers in providing 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 ten 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 over 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.

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. Structurally and programmatically, Nebraska has been a leader in this innovative, comprehensive approach to the delivery of dispute resolution services.

ODR represents Nebraska nationally at the annual meeting of the state offices of dispute resolution convened at the Policy Consensus Initiative/Association for Conflict Resolution Conference. The office also provides a national connection for Nebraska within such organizations as the Nebraska Bar Association, the American Bar Association, the State Justice Institute, and Provider Organizations. We are also honored to have two of our center directors serving on the board for the National Association for Community Mediation.

MEDIATION COSTS VS. LITIGATION COST

The cost of mediation versus that of litigation is a constant source of speculation. There exists no hard statistical data due in part to the fact that mediation is a preventive measure to litigation. However, it does seem clear that for every case ODR and the centers are able to keep out of the courts, we are saving the state court costs, including judges, bailiffs, attorneys, and clerks salary/time.

MEDIATORS

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 Nebraska. The statewide affiliated mediator program 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.

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 grassroots peacemaking across our state. In 2001-2002 the centers had 307 active volunteers, and contributed a total of 17,052 hours of service! 173 volunteer mediators were utilized during FY 2001-2002. These mediators, combined with contract mediations and staff mediators contributed 3,936 hours of time in mediation.

ODR TRAINING INSTITUTE

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. ODR programs have attracted participants not only from surrounding states, but from across the world.

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 have 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.

NMCA Training Institute Faculty

Trainers for the Training Institute have met rigorous training standards and bring with them a variety of life experiences and professional backgrounds. Guest trainers often are invited to conduct training in advanced and specialty areas. Past nationally recognized trainers who have been brought to Nebraska include: Angeles Arrien, Michael Keating, Jim Melamed, Nina Mierding, Carl Moore, Mark Umbreit, Zena Zumeta, William Potapchuk, and Robert Benjamin.

Lead Trainers:

Debora Brownyard, JD - Executive Director of the Nebraska Justice Center, practicing attorney mediator, and adjunct professor at Creighton School of Law. She has a background in family, business, negotiation, disabilities and Native American law. Deb is currently serving on the Board of the National Association for Community Mediation.

Lori Burkey, MA - Executive Director of the Center for Conflict Resolution with a masters in conflict resolution. She is co-author of the Nebraska Family Mediation Manual and a Parent Education Program curriculum for divorcing families in Nebraska. Lori is currently serving as a co-chair on the Board of the National Association for Community Mediation.

Elizabeth (Betsy) R. Kosier, MA, JD - Executive Director of The Mediation Center, a practicing attorney mediator and an adjunct professor at UNL College of Law. Drawing on her background in communication, international education, and the law, she has developed training programs for more than 15 years in a variety of subject areas including conflict resolution, group facilitation, collaboration strategies, and cross cultural dynamics.

Paul Ladehoff, MS, JD - Program Coordinator of The Mediation Center, a practicing attorney mediator with previous experience as an environmental litigator, and adjunct professor at the University of Nebraska. He has mediated a wide variety of disputes and facilitated group decision-making in many contexts. Paul previously worked as an environmental litigator and taught college mathematics.

Assistant Trainer:

Sarah Bartlett, MS - Sarah has her masters degree in counseling and is the Family Group Conferencing Project Director at the Center for Conflict Resolution. She coordinates family group conferences and is a co-author of the Nebraska Family Group Conferencing Manual. She is a presenter for the Families in Transition Program and facilitates study circles about healthy relationships for several schools in western Nebraska.

TYPES OF SERVICES

Systems Design and Referral Development

ODR works with Nebraska commissions and agencies to create dispute resolution alternatives within governmental and public sector organizations.

State agencies and the ODR system work collaboratively to offer additional conflict resolution services to the public. A 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 University of Nebraska, Department of Education Special Populations Division; Client Assistance, Vocational Rehabilitation, and Nebraska Commission for the Blind and Visually Impaired; the Department of Health and Human Services Employment First, Child Support Enforcement, Child Protective Services Programs, Office of Juvenile Services; 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. Programs have been developed or enhanced for small claims courts, juvenile court, county court, district court, and cases through the U.S. District Court.

Small Claims Mediation

Over 38 Nebraska courts now offer mediation as an option for small claims cases. While these types of disputes are central to the mission of most community mediation centers, no separate funding is available in Nebraska to meet the costs of mediating them. Center fees range from zero up to \$10 per person to mediate a small claims case; however, cases cost roughly \$100 to conduct. This is a barrier to centers wishing to be more active in this area. Small claims mediation cases average about an hour. 336 cases were conducted during FY 2001-2002.

Family/Divorce Mediation

Increasingly in Nebraska and across the country, family and divorce issues are being addressed through mediation. This year the ODR system had 541 family and divorce cases.

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; many of the centers 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. Case referrals are also received from Legal Services, attorneys, counselors and the courts.

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.

During 2001-2002 the centers conducted over 149 Family Group Conferences.

Restorative Justice (formerly referred to as Victim/Offender Mediation)

Victim-offender mediation (VOM) 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 500 VOM programs have been established across the country. The centers worked on 110 VOM cases in 2001-2002.

Victim Offender Dialogue Involving Incarcerated Adult Offenders

Establishing this restorative justice program has been a joint effort involving the Nebraska Department of Correctional Services, the Parole Board, victim advocates and the mediation centers. The goal of the program is to allow victims, who so choose, to be able to directly face those who harmed them, get questions answered, and reach a sense of closure, to the extent possible. Protocols have been adopted and experienced mediators provided special training. However, with the closing of the Office of Community Justice at the Department of Correctional Services due to statewide budget cuts, the program's future is uncertain.

Facilitations

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 setting; 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.

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. This year the ODR mediation system conducted 29 of these types of facilitations, and 18 strategic planning facilitations.

Study Circles

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. Several mediation centers conducted study circles to help groups communicate regarding the tragic events of September 11th.

Special Education Mediation

ODR, the Department of Education, and the centers have completed their eighth 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. This year 26 Special Education cases were opened. Statewide 218 cases have been opened over the eight years of the program.

Employment First Mediation

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

The project covers the entire state and this year 59 cases were opened.

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.

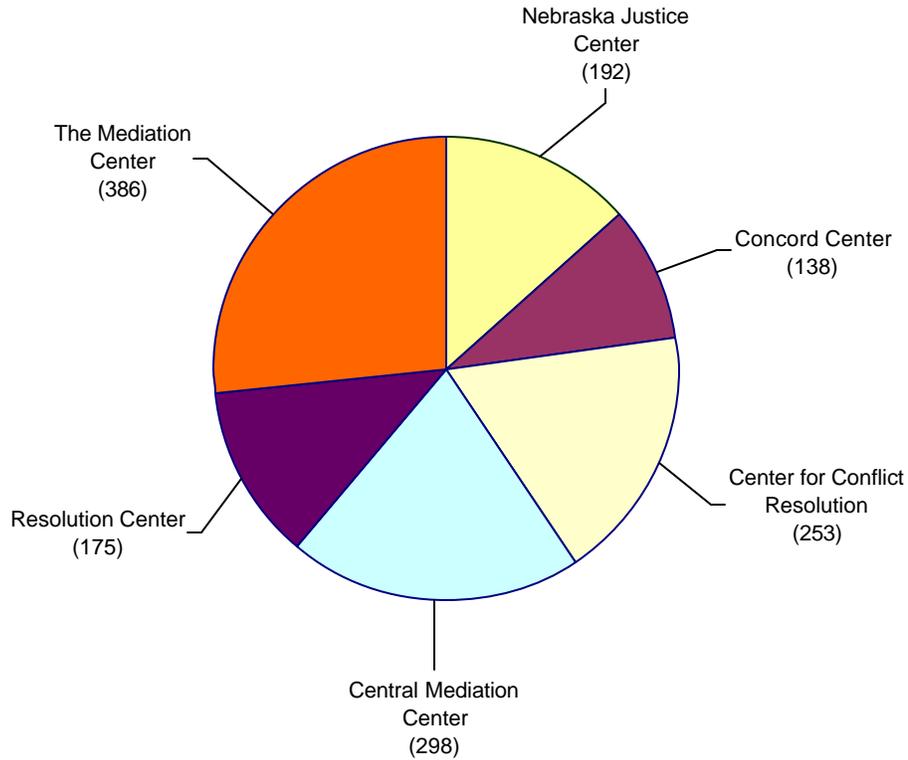
Federal mediators are attorney mediators who have completed 30 hours of Basic Mediation Training, 16 hours of Federal Mediation Training, and a minimum of three supervised mediations prior to approval. There were three cases referred to mediation centers during 2001-2002.

Participants Give High Marks to Mediation

914 individuals completed exit surveys or evaluations. Of those individuals, 840 (92%) were satisfied with mediation. 789 (86%) clients preferred to go to mediation over other choices and 815 (89%) clients would recommend using mediation to solve disputes/conflict.

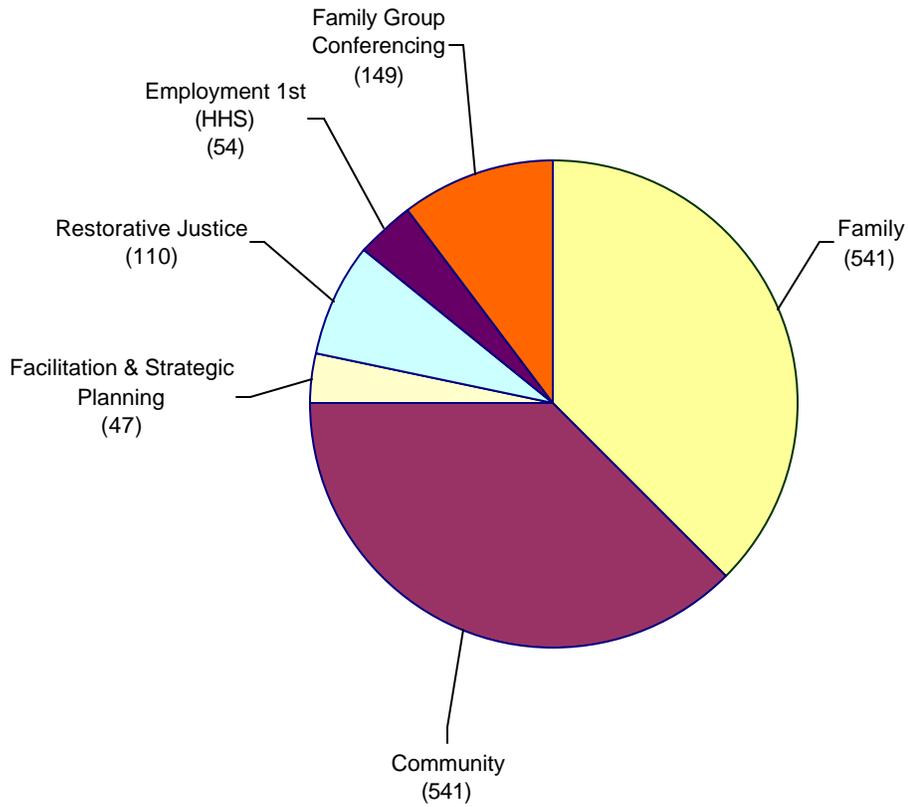
APPENDIX

New Cases Opened by Mediation Center



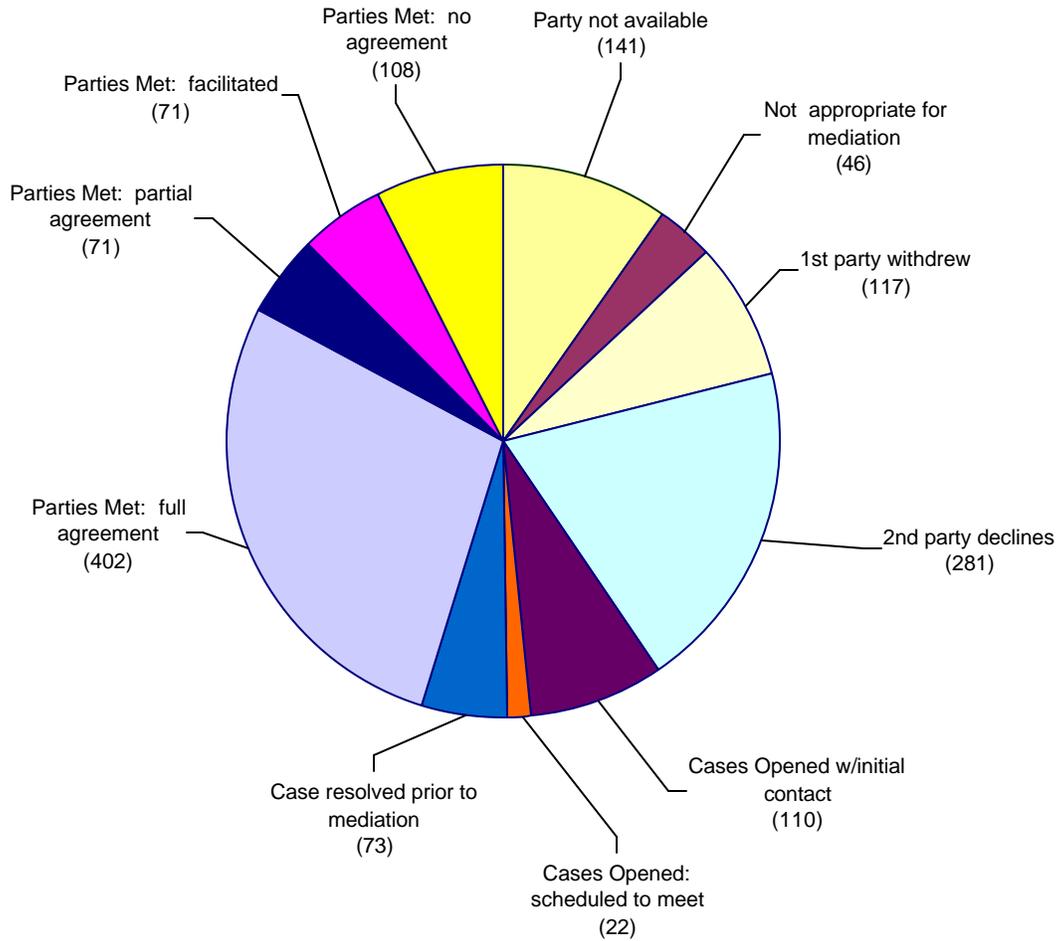
These numbers represent the number of new cases reported open by each center to ODR for the fiscal year 2001-2002. Each center continues to increase their case load year after year while receiving only \$43,200 per center from the State of Nebraska. While some cases are supplemented by grants or contracts, many are not.

Case Types

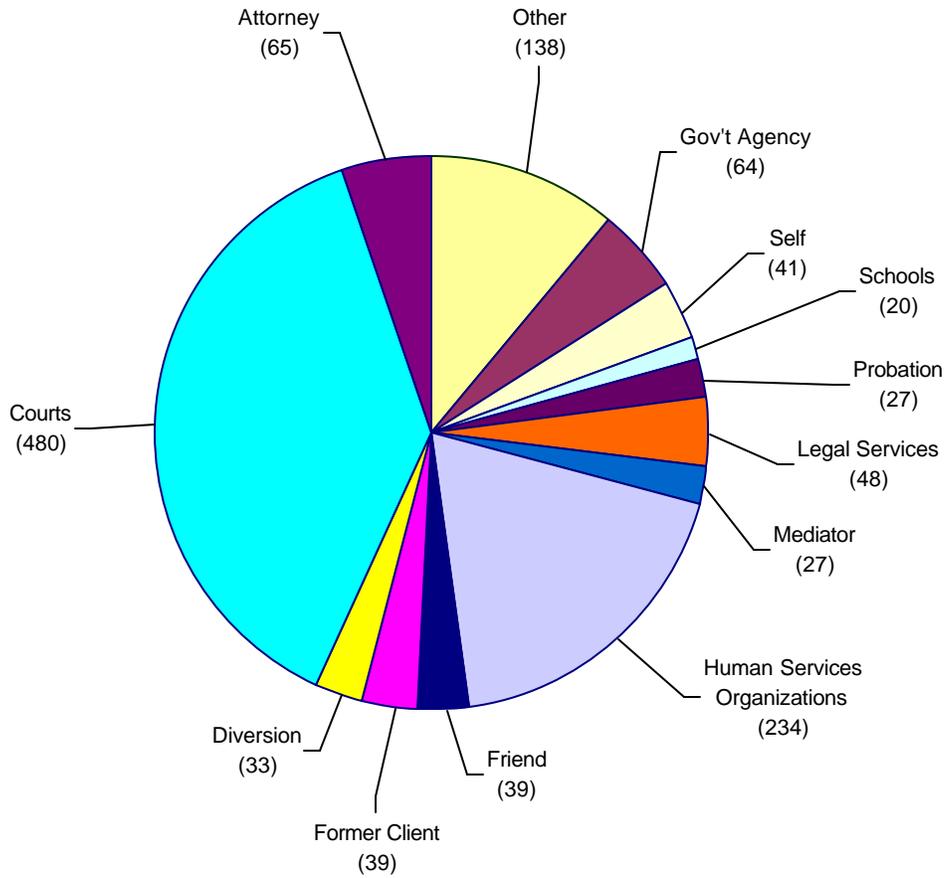


Family cases (including FGC) continue to dominate the overall case level of the centers with community cases (many of which are small claims cases) following in second.

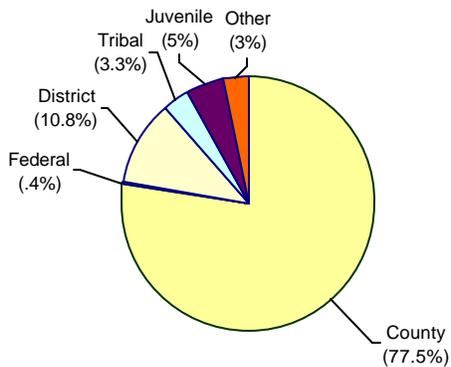
Cases by Disposition



New Cases by Referral Sources

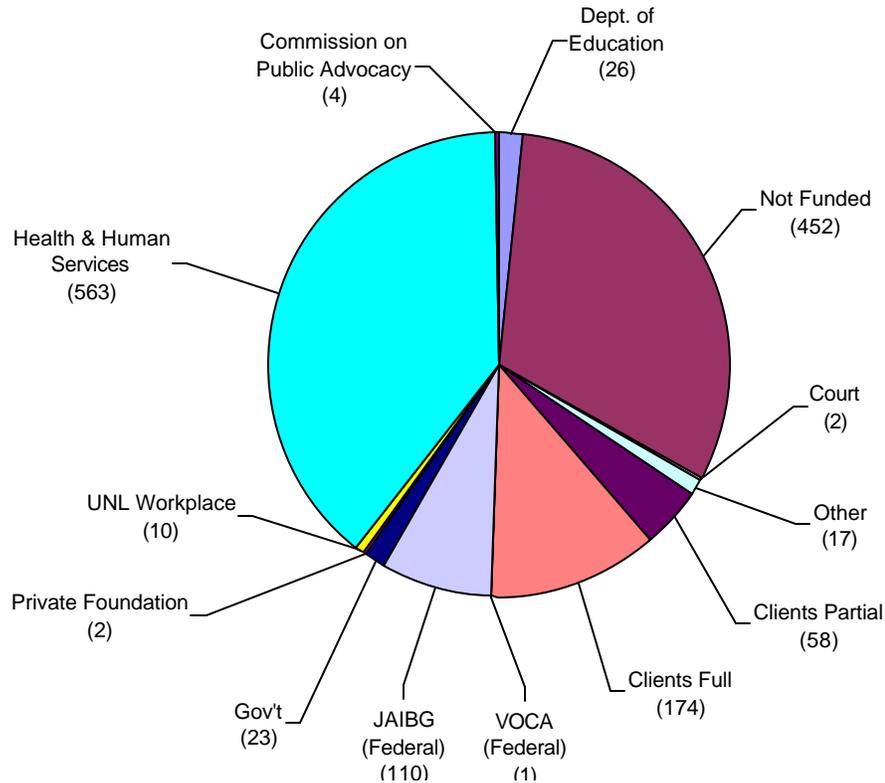


Breakdown of Court Referrals



Of the known referrals, the courts continue to be the single largest source of statewide referrals (33%). However, the entire legal system (courts, attorneys, probation, legal services and diversion) represents 53% of all referrals.

Number of Cases by Funder



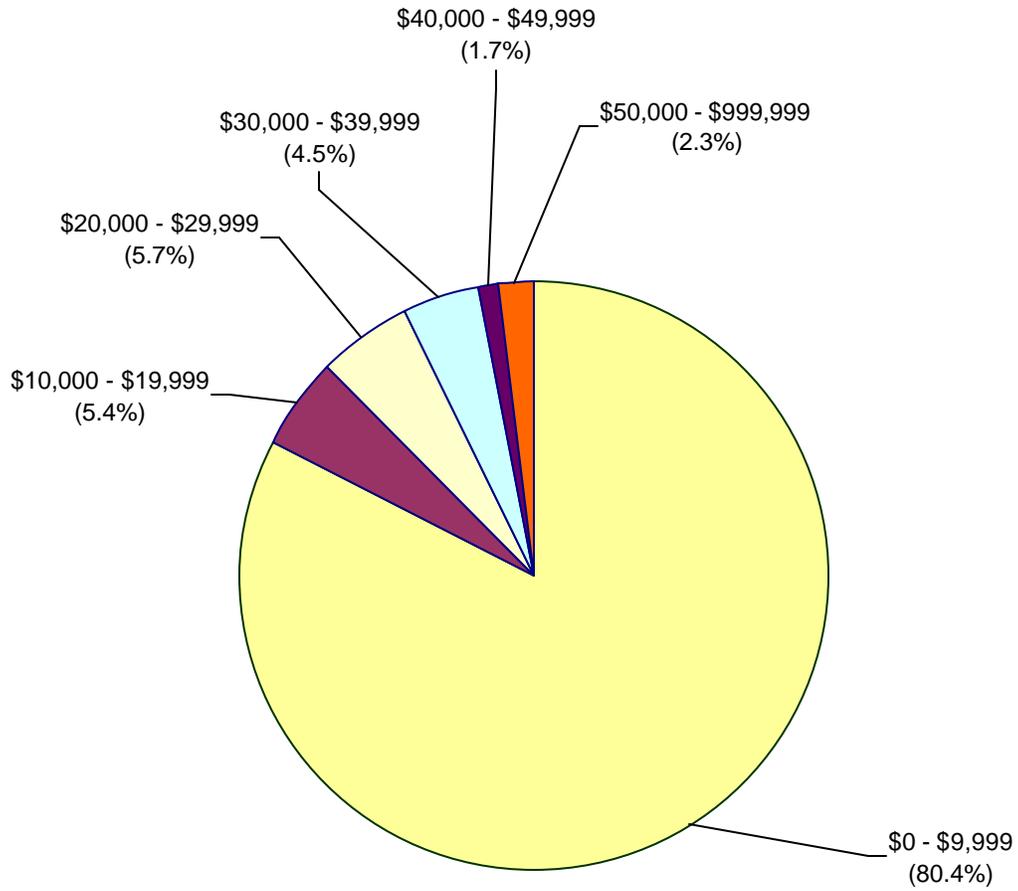
(excludes state appropriation)

The centers must annually apply for the state appropriation which was reduced from \$45,000 to \$43,200 per center because of our state budget crisis. This is one of the only funding sources that the centers have that does not specify exactly how the funds must be spent.

Most contracts or grants that the centers receive to provide funding are specifically tied to a use for a particular case type.

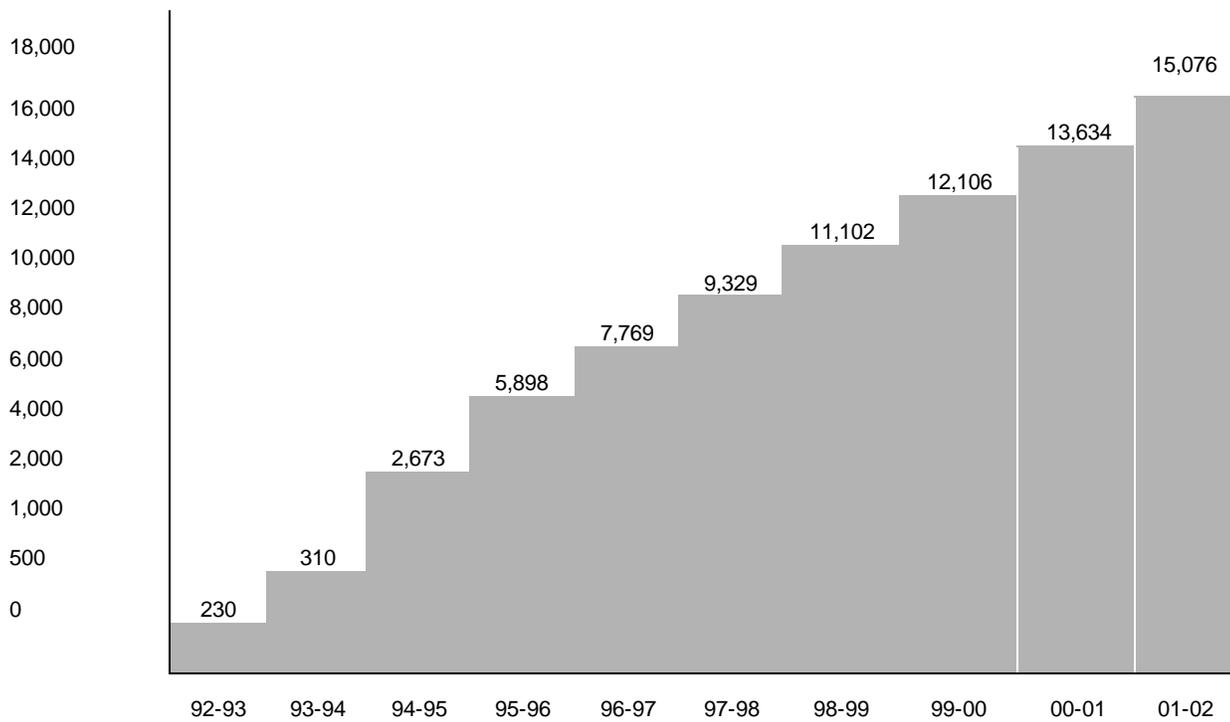
It is important to note that 452 cases have no funding. In addition, the 232 cases (16%) where clients did pay for services paid at a substantially lower rate than if those services were received from individuals in the private sector or through traditional court procedures.

Known Client Income



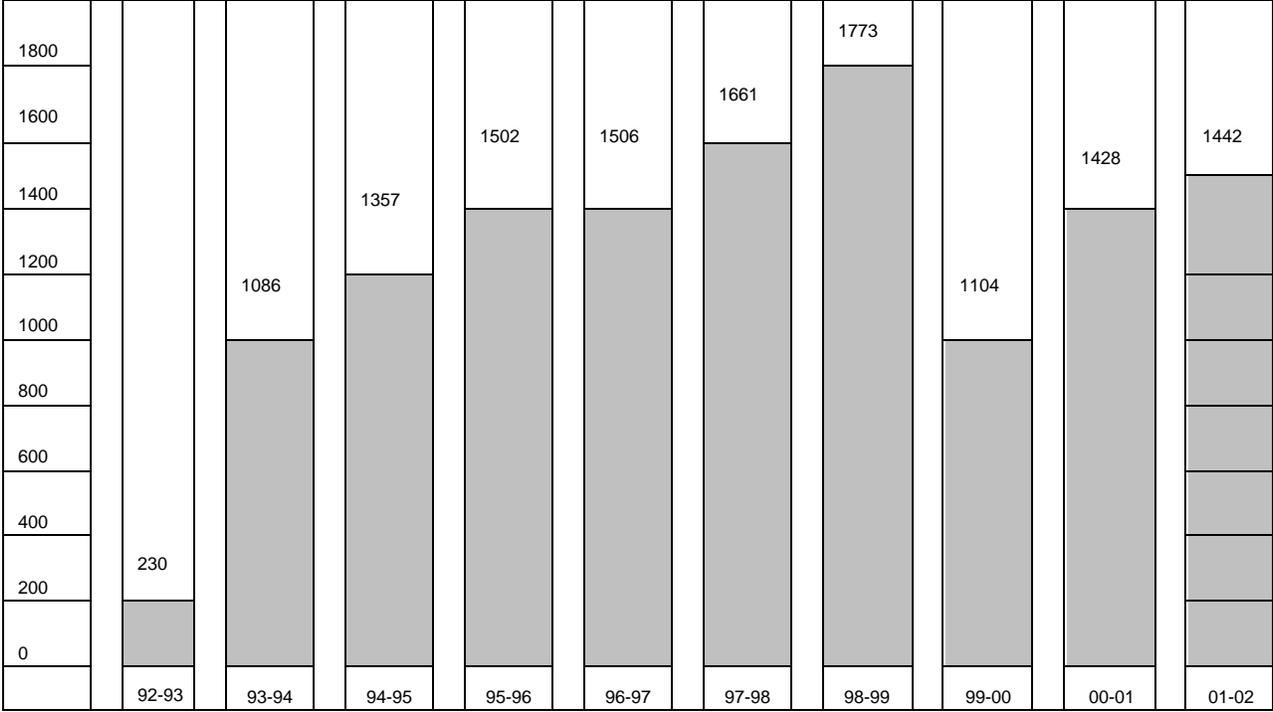
Of the 2,506 clients who voluntarily agreed to provide information regarding their income, 2,015 or 80% earn under \$10,000 per year.

Case Volume: Total Accumulation



The mediation centers have increased their total case load by 1,442, with a ten-year total of 15,076 cases.

Case Volume: 10 Year Summary



The Office of Dispute Resolution is proud to work with such a dedicated and talented group of peace-makers in Nebraska, who continue to inspire ODR to create opportunities for peaceful resolution to conflict.