

# ODR

NEBRASKA OFFICE OF DISPUTE RESOLUTION



## Annual Report 2006-2007

***Mission:***

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

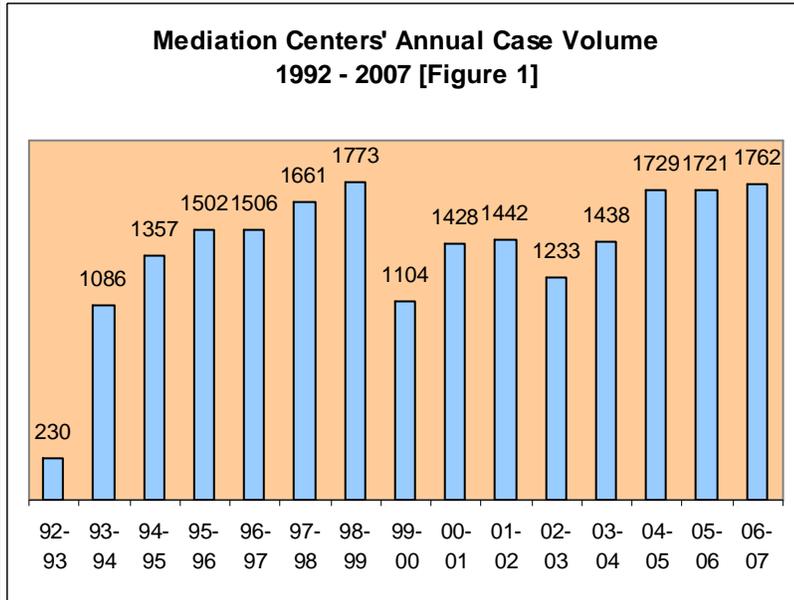
**ODR Statutory Authority:**

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

# ODR 2006-2007 Report

## Mediation Center Case Summary

**Executive Summary:** The Nebraska Office of Dispute Resolution is pleased to present the 2006-2007 Annual Report reflecting the case summary of the six (6) regional non-profit ODR-approved mediation centers. The mediation centers have provided mediation and related services to Nebraska's citizens, communities, and courts since 1992. Over the fifteen years of serving the state, the mediation centers' combined **cumulative case volume** was **20,972 cases** (see **Figure 6**). During the 2006-07 program year the annual case volume was **1,762 cases** (see **Figure 1**). Mediation center staff, volunteers, and affiliated mediators provided a variety of professional mediation, facilitation, and related services.



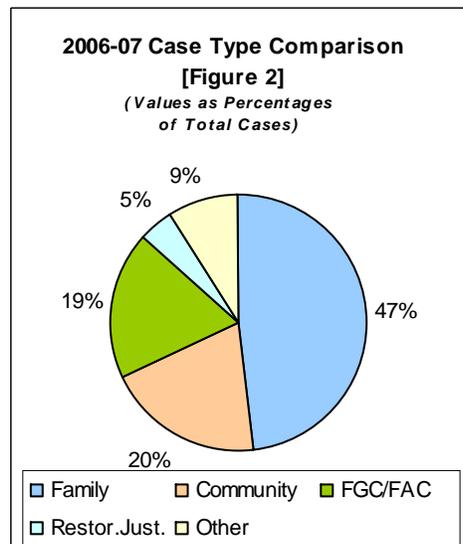
**Figure 2 below, Case Type Comparison** shows a comparison of the 06-07 mediation cases. The highest percentage of cases mediated were **family cases**, comprising 47% or 828 cases overall. This continues a long-standing trend in which mediation of parenting plans, divorces, and family disputes are the conflicts that prompt Nebraskans to seek a family mediator for assistance in problem-solving. Historically, most of these cases were self-referred or referred by attorneys. With the passage of the **Nebraska Parenting Act of 2007**, the mediation centers anticipate a higher number of cases referred by the courts. Mediating one's own parenting plan not only costs less than other methods (see **Figure 7, page 3**), it provides the opportunity for parents to make decisions for their children themselves and to have an experienced mediator assist them with emotions and future concerns.

Another significant case type is **family group conferencing (FGC)** and **facilitated pre-hearing conferences (PHC)** which comprised 19% of all cases served. FGC and PHC resources are provided for children whose families are involved with child abuse and neglect allegations or juvenile court matters. During the 2006-07 program year, over 330 families and their children, including grandparents, aunts and uncles, along with social workers and others were brought together by FGC or PHC facilitators to cooperatively address the neglect and abuse risks and to create a workable family plan for the child's safety, placement, and permanency.

Facilitated pre-hearing conferences (PHC) are a newer court-based, day-of-court process designed to create a more cooperative approach to provide immediate plans for the child and to address to risks and need for resources for the family. The parents, the parent's attorney, child's guardian ad litem, county attorney, HHSS staff, and others including extended family members, are invited to participate. Statewide pre-hearing conference protocols were developed by a collaborative team partnering with the Supreme Court's **Through the Eyes of the Child Initiative**. Mediation center staff assisted in the development of the protocols and in facilitating the child and family's pre-hearing conference. In both FGC and PHC, primary goals include increasing the likelihood of the child living with safe, extended family members and decreasing the time the child is in the foster care system.

**Mediation of community cases** comprised 20% or over 350 cases statewide. A significant portion of these community cases are mediation of small claims court disputes. Central Mediation Center, Nebraska Justice Center, and The Mediation Center each have actively partnered with county courts to provide small claims mediation projects in their service areas.

**Restorative justice** facilitation involves working with victims and offenders in a restorative, rather than retributive fashion. Offenders are held accountable for their wrong-doing, including restitution and apology, in a process that is sensitive to victims concerns and addresses community safety. While comprising just 5% of the caseload, over 80 cases were successfully facilitated between victims and offenders.



### 2006-07 Referral Comparison

[Figure 3]

(Values as Percentages of Total Cases)

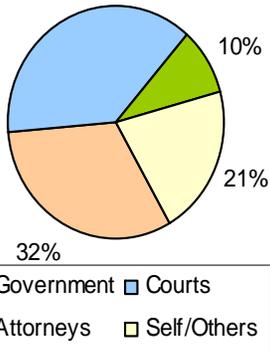


Figure 3, Referral Comparison shows the percentages for four primary referral sources for cases referred to the mediation centers. Following the trend over the past four years, referrals from courts continue to grow. During the 06-07 program year, **37%, or over 650 cases, were court-referred.** This is up 5% over 05-06, and up over 9% from three years ago, when referrals from courts accounted for 27.9% of the cases.

A significant source of referrals are what are termed government referrals: this would include family group conferencing cases referred by **Health and Human Services** and special education mediations referred by **local school districts.** Government referrals at **32% account for over 560 cases.** This percentage of referrals has been fairly steady over the past few years.

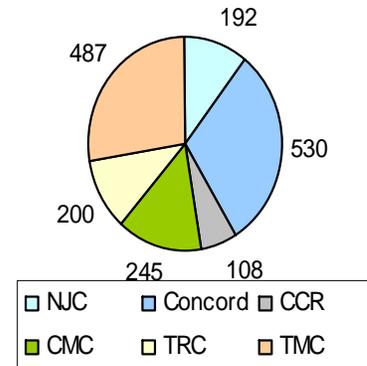
**Nearly one-third, or over 540 of all referrals come from parties themselves or their attorneys.** This shows a continuing interest of people wanting to informally resolve problems themselves. Included as referral sources are family members, friends, and returning mediation clients.

Figure 4, Center Case Volume reflects the distribution of cases among the six (6) ODR-approved mediation centers. The two urban centers show the highest number of cases: Concord Center, Omaha with 530 cases and The Mediation Center, Lincoln with 487 cases. The four rural centers which have large geographical areas to serve show Central Mediation Center, Kearney with 245 cases; The Resolution Center, Beatrice with 200 cases; Nebraska Justice Center, Fremont, with 192 cases; and Center for Conflict Resolution, Scottsbluff, with 108 cases.

### 2006-07 Center Case Volume

[Figure 4]

(Values as Numbers of Cases)

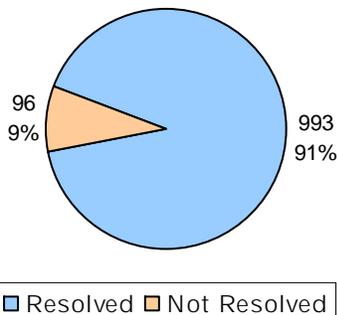


The **high rate of resolution shown in Figure 5, 91%** of mediated cases, reflects the high quality work that the ODR-affiliated center mediators provide to Nebraska's citizens. Affiliated mediators must meet the state ODR Mediator Standards and Ethics, as well as basic and advanced mediation training requirements, continuing education and evaluation.

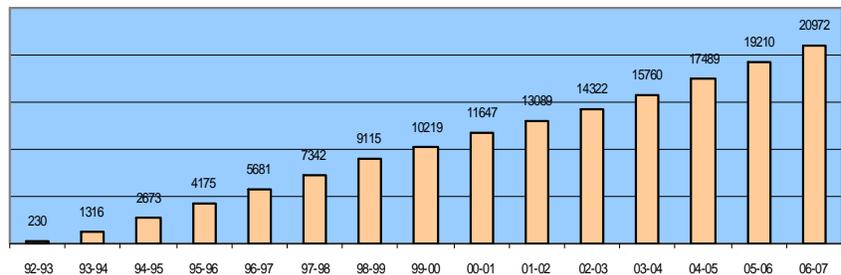
To learn more about mediation and ADR, contact the Office of Dispute Resolution or the mediation centers at the addresses on the back cover.

### 2006-07 Resolved Mediation Cases

[Figure 5]



### Mediation Centers' Cumulative Case Volume 1992-2007 [Figure 6]



### Cost-Effectiveness of Mediation in Divorce Cases

Mediation less costly than litigation. David Hoffman with the Boston Law Collaborative analyzed 199 of the Collaborative's recent divorce cases, and found that mediation was the least expensive option as compared to collaborative law, settlement negotiations with rival lawyers and full-scale litigation. Figure 7 shows the average costs for divorce during the recent year. (David Crary, AP, January 2008, www.lexisone.com).

### ADR versus Litigation: The Spectrum of Costs\* [Figure 7]

\*Average Cost for Divorce in Boston, MA (2007)  
The costs will be proportionately less in Nebraska.

Full-scale Litigation	Settlement Negotiations	Collaborative Divorce	Mediation
\$77,746	\$26,830	\$19,723	\$6,600
100%	35%	25%	8%

**Nebraska Office of Dispute Resolution-approved Mediation Centers**

**A network of independent regional Nebraska non-profit organizations that offer:**

- °Mediation - all types
- °Property valuation mediation
- °Parenting plan mediation
- °Facilitation
- °Family group conferencing
- °Business and workplace problem solving
- °Conflict analysis and coaching
- °Collaborative practices, strategic planning
- °Restorative justice, victim offender dialogue
- °Education, training, consulting

**Center for Conflict Resolution, Scottsbluff** 800.967.2115  
 info@conflictresolutioncenter.com 308.635.2002  
 Rae Ann Schmitz, Executive Director  
 Arthur, Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Hooker, Keith, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux

**Central Mediation Center, Kearney\*** 800.203.3452  
 info@centralmediationcenter.com 308.237.4692  
 Lynne Favinger, Executive Director  
 Adams, Blaine, Buffalo, Chase, Clay, Custer, Dawson, Dundy, Franklin, Frontier, Furnas, Garfield, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Kearney, Lincoln, Logan, Loup, McPherson, Merrick, Nuckolls, Perkins, Phelps, Red Willow, Sherman, Thomas, Valley, Webster, Wheeler

**Concord Center, Omaha\*** 402.345.1131  
 contact@concord-center.com  
 Mary Lee Brock, Executive Director  
 Douglas and Sarpy Counties

**Nebraska Justice Center, Fremont** 866.846.5576  
 jmarhof@qwest.net 402.753.9415  
 Jane Martin-Hoffman, Executive Director  
 Antelope, Boone, Boyd, Brown, Burt, Cedar, Cherry, Colfax, Cuming, Dakota, Dixon, Dodge, Holt, Keya Paha, Knox, Madison, Nance, Pierce, Platte, Rock, Stanton, Thurston, Washington, Wayne

**The Mediation Center, Lincoln** 402.441.5740  
 info@themediationcenter.org  
 Casey Karges, Executive Director  
 Lancaster County

**The Resolution Center, Beatrice** 800.837.7826  
 trc@bvca.net 402.223.6061  
 Judy Pingel, Executive Director  
 Butler, Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, York

\* In English and En Español

**ODR Advisory Council Members (2007)**

Members:	Term Expires
James E. Gordon, Chair, Lincoln	12-07
Michael Baumfalk, Beatrice	12-08
Carl Eskridge, Lincoln	12-08
Hon. Curtis H. Evans, York	12-08
Prof. Alan Frank, Lincoln	12-08
Peggy Mlady, Wisner	12-08
Mike Mullin, Omaha	12-09
Hon. Jodi Nelson, Lincoln	12-09
Prof. Arthur Pearlstein, Omaha	12-09
Linda Sanchez-Masi, Lincoln	12-07
Joe Wright, North Platte	12-07

Ex Officio Members:	
Mary Lee Brock, Omaha	12-08
Rae Ann Schmitz, Scottsbluff	12-07

**Nebraska Office of Dispute Resolution**

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 Lincoln, NE 68508



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