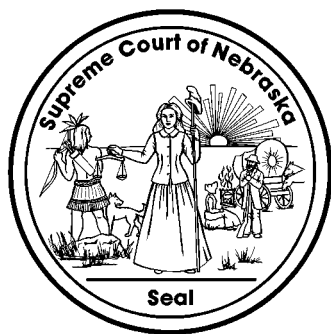


Nebraska Office of Dispute Resolution



Eighth Annual Report
July 1999 - June 2000



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.

EIGHTH ANNUAL REPORT

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It is my pleasure to write the executive summary for the 1999-2000 ODR annual report. I became Director in January 2000 and it has been a fascinating learning experience ever since.

ODR was without a director for eight months when the former director, Kathleen Severens, left for a position with the United States Department of Justice after nine years of service to the state.

Executive Summary

The Office of Dispute Resolution was created in 1991 with the passing of the Dispute Resolution Act. ODR was established under the Administrative Office of the Courts.



Wendy Hind

ODR, with input from an Advisory Council, oversees the development of dispute resolution and collaborative problem solving programs in Nebraska. The office works collaboratively with six non-profit mediation centers which provide services to the entire state. The public/private partnership creates an efficient, effective and responsive system that enhances existing structures and fosters new opportunities to prevent and resolve conflict.

The volume and types of cases handled by the ODR System continues to grow and expand. This year Family/Divorce, Small Claims, and Victim-Offender (now called Restorative Justice) cases were the largest number of case types opened.

The top three referral sources for mediation services came from Small Claims Court, Legal Services, and Social Service agencies.

The ODR System continues to serve citizens from all economic backgrounds. However, 67% of the clients served earned \$20,000 or less. The ODR System does not deny services based on inability to pay. Many low income clients are served through federal grants and contracts. The mediation centers also each receive \$45,000 in general funds from the state of Nebraska in order to continue to provide services and infrastructure to the ODR System.

The mediation system in Nebraska is especially proud of its mediators. The System is dependent on its trained volunteers. The mediation centers collectively logged over 7,000 volunteer hours

during 1999-2000. These volunteer hours reflect an amazing pool of professionals dedicated to the common goal of peace-making in Nebraska.

In order to better evaluate ourselves, we request that the parties to a mediation fill out evaluations. The evaluations of clients who have participated in mediation services with the ODR System continue to be very positive. 87% of the participants who completed evaluations were "satisfied" or "extremely satisfied" with the process, and 89% preferred mediation to going to court. 712 clients completed these evaluations during 1999-2000. 95% reported that the process was "fair" or "very fair," and 93% felt that their opportunity to fully express their views in mediation was "high" or "very high."

Through cases, outreach, training, and workshops, the ODR System estimates that it has touched over 5,000 Nebraska citizens during 1999-2000. As this number continues to grow, I hope that more and more Nebraskans will turn to mediation as an empowering way of solving conflict in their lives. I am grateful for the opportunity to be a part of this amazing process and look forward in being a part of its continued development in Nebraska.

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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. 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 participant's 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 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, Health and Human Services 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 participants 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 few years and the ODR system has been actively involved in Nebraska.

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.

ODR Overview

Over the last nine 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 high-

ly-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 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 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 last 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 Nebraska. The statewide Center 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 with the staff of the centers, prepares an annual report to the state and assists with statewide conflict resolution system design efforts; for instance, with the Nebraska Departments of 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 & 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 Department of Education Special Populations Division; Client Assistance and Vocational Rehabilitation; 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 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.

MEMBERS OF THE 99-00 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, Nebraska Library Commission (Lincoln)

John Miller, Attorney and Mediator (Blair)

Michael Schirber, Attorney and Mediator (Papillion)

Ex Officio Members

Betsy Kosier, Executive Director, The Mediation Center (Lincoln)

Mary Lee Brock, Executive Director, The Community Mediation Center (Omaha-Metro)

Nebraska's National Role in Community Dispute Resolution

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.

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.

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 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 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.

BUILDING PROGRAMS & CAPACITY

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.

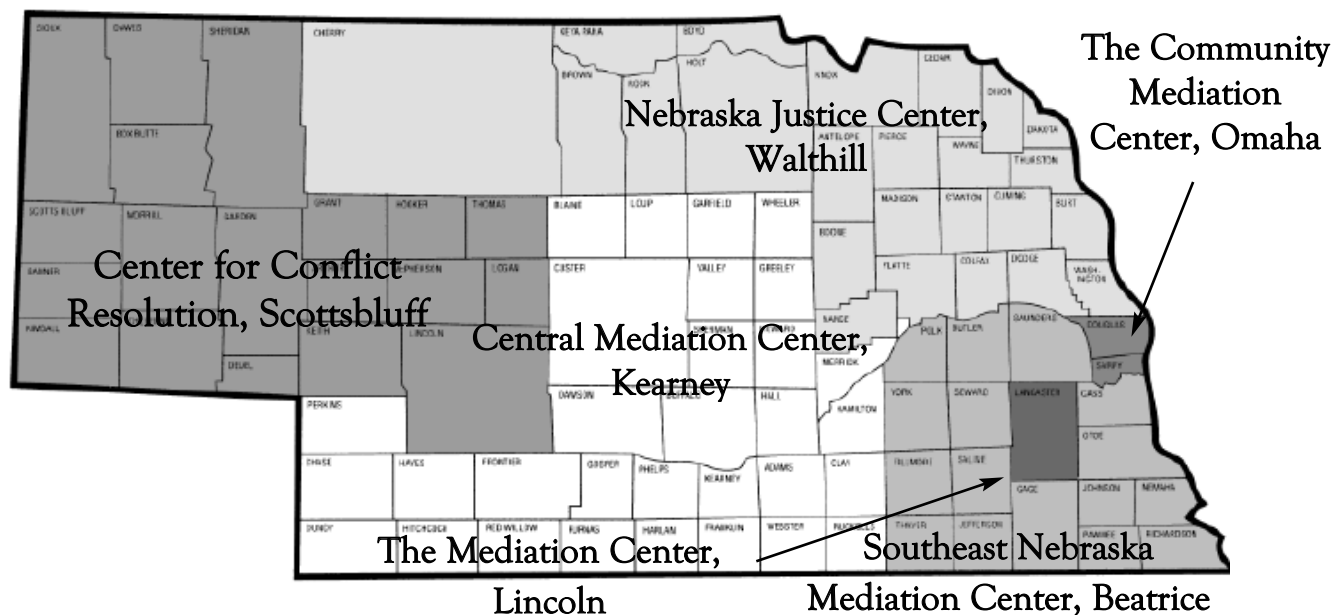
Those efforts are being implemented in the field through organizations like Nebraska's community mediation centers. Nebraska's comprehensive systemic design allows for these programs to be widely available, accessible, and accountable. The design is good; the potential is great.

Finally, 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 widespread public understanding and application of these valuable tools for getting along in today's society.

HOW SERVICES ARE DELIVERED

Six state-approved mediation centers serve every county across Nebraska. The centers have from one 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 Dispute Resolution Centers



The centers share many aspects of programming. The training of mediators is done cooperatively through the ODR Training Institute. The Center 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.

CENTER FOR CONFLICT RESOLUTION (CCR)

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Michelle Coolidge, Case Manager

Sarah Bartlett, Mediator Manager

Margaret Schaefer, Eastern Satellite Office Coordinator

Mary Darveau, Northern Satellite Office Coordinator

Jeff Tracy (no longer staff)

Pam Cooper (no longer staff)



Front Row: Mary Darveau, Sarah Bartlett, Dawn Swanson
Back Row: Lori Burkey, Margaret Schaefer, Michelle Coolidge

CCR has been one of three centers participating in a pilot project developing and implementing the Family Group Conference process. They worked with the Center for Children, Families, and the Law and the State Office of Dispute Resolution.

CCR is in its second year of working with the Commission on Public Advocacy. The purpose of this grant is to provide services to low-income families. A couple of the changes that were made in

this year's grant were an expansion on the types of low-income cases they can accept and a broadening of the referral sources.

“This year was filled with changes for the Center for Conflict Resolution. Our multifaceted growth allowed our program to deepen its understanding of what we do and why we do it.”

Access and Visitation is the term they used for a state-wide grant for the purpose of helping families to have better access to their children. The main function of this grant is mediating parenting plans and where appropriate mediating between parents and their children regarding access issues. CCR continues to use this contract to its fullest potential.

Families in Transition parent education classes are in their fourth year in Scotts Bluff County and in their second year in Box Butte County. CCR continues to administer, develop, and improve the classes and their implementation.

A mainstay for the Center is Workshops, Trainings and Facilitations. CCR staff enjoy teaching mediation and conflict resolution skills to a variety of entities in their immediate service area, throughout the state, and nationally. CCR conducted both adult and youth Study Circles around the topic of cultural diversity. As a result of a state-wide crime commission Juvenile Accountability Incentive Block Grant (JAIBG), administered through HSS they are providing mediation services to juveniles who are on parole or probation with great results.

Dawn Swanson was elected President of the newly formed not-for-profit organization the Nebraska Mediation Center Association (NMCA). Lori Burkey was elected to the National Association for Community Mediation (NAFCM) which has provided an opportunity for the Nebraska system to be represented on the national level.

CENTRAL MEDIATION CENTER (CMC)

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Judge Randall Lippstreu

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Charles Simineo

Staff

Jim Sampsel, Executive Director (no longer staff)

Karen Emal, Office Assistant (no longer staff)

Carol Dart, Program Director

Debra Eskew, Program Assistant (no longer staff)



Denise Haupt, Carol Dart and Lynne Favinger

Lynne Favinger of Minden, Nebraska was hired as Executive Director in July of 2000. Lynne, who has a MAEd in speech communication, has been an active volunteer mediator for

CMC and brings to the Center a background in Human Resources and education. Denise Haupt was recently hired as Office Coordinator. Denise has an Associates Degree in office administration.

In spite of turnover during the past year, CMC increased their caseload to 145 cases this past fiscal year and mediated a record 14 special education cases.

CMC continues to participate in several regional and statewide contracts. These include: Family Group Conferencing as part of a national Court Improvement Project through UNL Center for Children, Families and the Law; Special Ed mediation through Nebraska Department of Education; Access and Visitation through Nebraska Department of Health and Human Services; Juvenile Accountability Incentive Block Grant with HHS/Office of Juvenile Services; and mediation for low-income families through a Public Advocacy grant and partnership with Nebraska Legal Services.

*“If we can’t get
parties communicating
on the same page, we
hope to at least get them
in the same book.”*

THE MEDIATION CENTER (TMC): RESOURCES FOR COLLABORATIVE DECISION MAKING

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Edith Hayes, Program Coordinator
Paul Ladehoff, Program Coordinator
Rebecca Hackbart, Business Manager/Case Manager
Becky J. Anderson, Case Manager/Mediation Coordinator
Lani L. Trisler, Program Support Specialist

The Lincoln Lancaster Mediation Center formally changed its name to The Mediation Center: Resources for Collaborative Decision Making and found a new home at 1120 K Street, Suite 200.

TMC began monthly “Process Skills” workshops as continuing education for mediators. They have attracted a great turnout and offered valuable opportunities for staff, new mediators, and

“seasoned” mediators. Family mediation continuing education workshops continue to be offered every other month with great success as well.

TMC received word of the award of three different grants, in addition to funds provided by ODR: Funds through the Nebraska Department of Health and Human Services, Federal Victims of Crime Act funds, Legal Aid and Services funds through the Nebraska Commission on Public Advocacy and funds from the U.S. Bureau of Justice Assistance. TMC completed its 18-month project assisting residents and officials in Lancaster County and the City of Lincoln in the creation of a long range plan for the future of Wilderness Park, a major community asset.

TMC Mission: We help people by providing strategies for collaborative conflict resolution and consensus building.

TMC entered into a 12-month contract with Lancaster County to provide collaboration consultation and conflict resolution services to assist in the implementation of a federal grant awarded the Nebraska Department of Health and Human Services for the purpose of partnering with Region V Mental Health, Lancaster County and county families to collaboratively develop a continuum of services that will contribute to a decrease in the involvement of Lancaster County youth with severe emotional disturbances (SED) in the juvenile justice system.

Staff initiated a conflict resolution skill workshop series working with youth in the YWCA Survival Skills program and families involved with the Pathways to Self-Sufficiency program at the Lincoln Medical Education Foundation. Staff spearheaded statement projects for workplace mediation cases through UNL, contracts to offer training and mediation for vocational rehab/client assistance cases, and coordinated the HHS Access and Visitation project.

Members of the Board of Directors planned the 1st annual “Trio of Tales,” a fundraiser featuring stories about peacemaking.

THE COMMUNITY MEDIATION CENTER (TCMC)

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"With a clear vision, extensive outreach and meaningful partnerships, TCMC will effectively serve our community."

Staff

Mary Lee Brock, Executive Director

TCMC was recognized as a not-for-profit corporation of the State of Nebraska in October of 1999. On November 1, 1999 the corporation adopted by-laws, elected officers for the Board of Directors and hired Mary Lee Brock as Executive Director. ODR recognized TCMC as the approved mediation center serving Douglas and Sarpy counties on November 30, 1999. TCMC was granted 501(c)3 status by the IRS in December of 1999. Board - formed committees include: Vision and Mission development, Infrastructure, Mediator policies, Outreach and Education, Program development, and Fundraising.

Our Vision: Creating pathways from conflict to peace. Our Mission: TCMC creates pathways of constructive dialogue and conflict resolution through consensus-building activities of mediation, facilitation and education.

On June 2, 2000 the Board voted to fully support TCMC. Policies and procedures are being developed. Mediators certified by and/or affiliated with the former Metro Mediation Center have been invited to support and work with TCMC. Outreach and education has been intentionally limited until the capacity to handle a case load has been established. The word is still getting out and both potential clients and potential affiliated mediators are contacting the Center.

NEBRASKA JUSTICE CENTER (NJC)

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Front: Debora Brownyard, Rita Dunn
Back: Danelle Wellman, Kathy Morgan, Louis LaRose
(not pictured)

Staff

Debora Brownyard, Executive Director
Rita Dunn, Administrative Assistant
Kathy Morgan, Case Manager
Danelle Wellman, Program Assistant
Louis LaRose, Program Director

Divorce and post - divorce mediation, family and juvenile, small claims, tribal mediation as well as organizational facilitation has been one of NJC's active mediation arenas over this past year. Case numbers in the domestic area have increased by nearly 100%, much as a result of expanded outreach and education built upon the Access and Visitation project and the Public Advocacy Commission projects. Family mediation has also been expanded into the child abuse and neglect arena with participation in the Nebraska Center on Children and Families and the Law pilot Family Group Conferencing project.

Juvenile cases are beginning to grow, funded in part by the Nebraska Crime Commission. Expansion of mediation for juveniles at risk has been supported since January 2000 by Nebraska's Juvenile Accountability and Incentive Block Grant funds. Day of court small claims mediation

“We value the competent, community-based contributions offered by NJC-affiliated mediators to Northeast Nebraska citizens.”

has continued in Dodge and Dakota Counties, with the rural model of small claims initiated in Burt, Washington, and Platte Counties.

NJC’s three year goal of adding a tribal peacemaking staff component was accomplished in just one year with the successful application to the Ford Foundation New Voices Initiative, which, in May 2000 awarded NJC a two year Fellowship to hire Mr. Louis LaRose in this capacity. Additionally, NJC has worked since January 2000 to assist Winnebago Healthy Start to initiate and train tribal and non-Indian mediators as Family Group Conference Coordinators.

Organizational facilitation included a two center facilitation of a 30+ county regional church organization matter; consulting and intervention with a city-county wide law enforcement situation; a higher education departmental conflict; and strategic planning for environmental and agricultural groups.

Debora Brownyard, Executive Director, was invited to participate in the U.S. Department of Justice's National Community Resolution Forum held in Washington, DC in March, 2000.

SOUTHEAST NEBRASKA MEDIATION CENTER (SENMC)

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Kathy Renshaw, Jonathan Krutz, and Judy Pingel

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Judy Pingel, Mediation Coordinator
Kathy Renshaw, Assistant Mediation Coordinator
Nancy Johnson, Executive Assistant, (no longer staff)
Len Hawkins, Intake Assistant, (no longer staff)

This year, while SENMC struggled to maintain staffing at an appropriate level, they continued to build in three core areas - small claims, family and juvenile - providing mediation services which involved residents from each of the sixteen counties served by the Center. In particular, family and divorce caseloads became broader through the establishment and refinement of programs funded through the Nebraska Commission on Public Advocacy and through Access and Visitation of Nebraska's HHS System. In its third year, the class for divorced/divorcing parents also experienced considerable growth.

The mediation option is now available through the juvenile diversion programs of four counties. In a collaborative effort with the Nebraska Probation Office and the Office of Juvenile Services of NHHSS, mediation involving juveniles on probation or parole is now available in all 16 rural Southeast Nebraska counties. The Center also tried a pilot referral program with the David City Police Department.

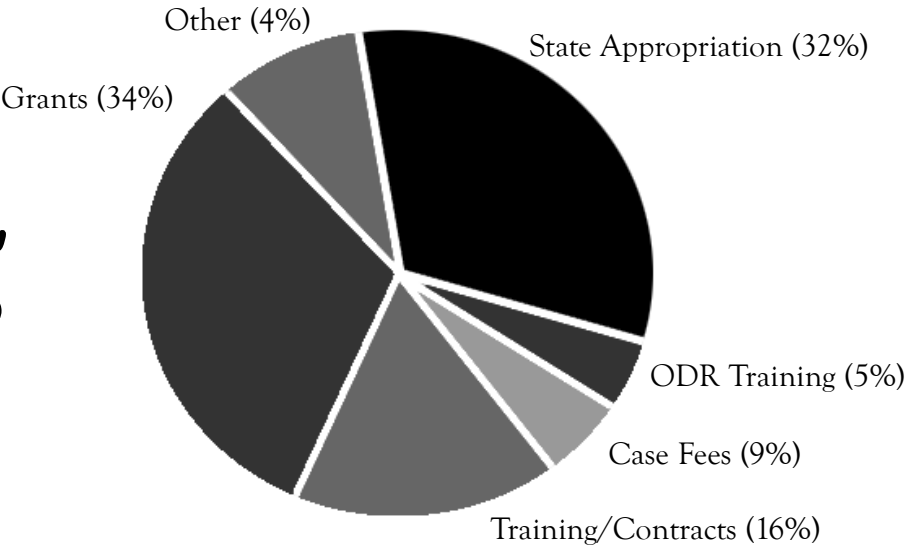
Statewide this year the Center has been active in the search for a more effective mediation data management system, the planning for a regional mediation conference in 2001, providing assistance to ODR during the ODR director vacancy, and the transition of a new mediation center in Omaha.

*"I feel our mediators
were great - we (my ex
- husband and I)
haven't talked for
seven years and we
finally talked and
agreed on things.
Thank you so much."*

HOW SERVICES ARE FUNDED

This year saw an increase in overall center budgets, led by an increase in training contracts and grants. The centers continue to leverage their state funding, which this year accounted for only 32% of center revenues.

Funding



Center	ODR Grant	Case Fees	ODR Training	Training/Contracts	Grants	Other	Total
CMC	\$45,000	\$8,300	\$6,570	\$7,845	\$39,027	\$914	\$107,656
NJC	\$45,000	\$9,300	\$3,974	\$42,135	\$1,560	\$1,150	\$103,119
TMC	\$45,000	\$37,708	\$9,370	\$16,390	\$134,491	\$9,862	\$252,821
TCMC	\$20,000	\$3,487	\$1,870	\$2,825	\$4,031	\$404	\$32,617
CCR	\$45,000	\$9,412	\$8,435	\$45,226	\$49,558	\$9,197	\$166,828
SENMC	\$45,000	\$2,145	\$5,083	\$7,475	\$38,153	\$9,930	\$107,786
	\$245,000	\$70,352	\$35,302	\$121,896	\$227,832	\$31,457	\$770,827

Mediators

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.

*Number of Mediators by
Experience in Nebraska,
1999-00*

After a minimum of 24 hours in mediation as a volunteer intern which includes 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 earning exceptional credentials in both mediation training and experience. Experienced mediators may also become ODR Training Institute coaches.

*88 Coaches
84 Certified Mediators
109 Supervising
Mediators
191 Volunteer Interns*

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

TYPES OF MEDIATORS

		The ODR system offers mediators training and experience in a variety of areas.
50	<i>Federal Mediators</i>	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.
69	<i>Group Facilitation Mediators</i>	
97	<i>V/O Mediators</i>	
31	<i>Family Group Conferences Mediators</i>	
144	<i>Family Mediators</i>	
42	<i>Special Education Mediators</i>	
308	<i>General Mediators</i>	

VOLUNTEERS PROVIDE 7,000 HOURS

In 1999-00, mediators provided approximately 7,000 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.

Eighty-four 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.

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 1999-00 will follow in the next section.

Overall in 1999-00, the centers closed 778 mediation and facilitation cases (including information and referrals) and opened 1,104 cases. The centers provided 19 training courses, 239 workshops and presentations, 41 consulting and systems design sessions, and many other education and outreach activities not specifically coded.

Services

CONFLICT RESOLUTION EDUCATION SERVICES

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 and are not entered into the centers' data management systems.

Facilitations
32

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

Information/Referral
356

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

Presentations
127

Workshops
112

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.

Training Courses
19

CONFLICT RESOLUTION & PREVENTION SERVICES

Conciliation 16

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

Consult/Systems Design 41

One of the emerging growth areas for the mediation centers is in systems design. Centers have begun to be called upon to assist organizations in building conflict resolution systems into their operations.



“It’s a good way to get out feelings and discuss rather than argue.”

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. ODR programs attract 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'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.

Education

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.

THE 1999-00 ODR TRAINING INSTITUTE FACULTY

Lead Trainers

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 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.

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.

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 five years mediation experience with an emphasis on restorative justice and youth.

Assistant Trainers

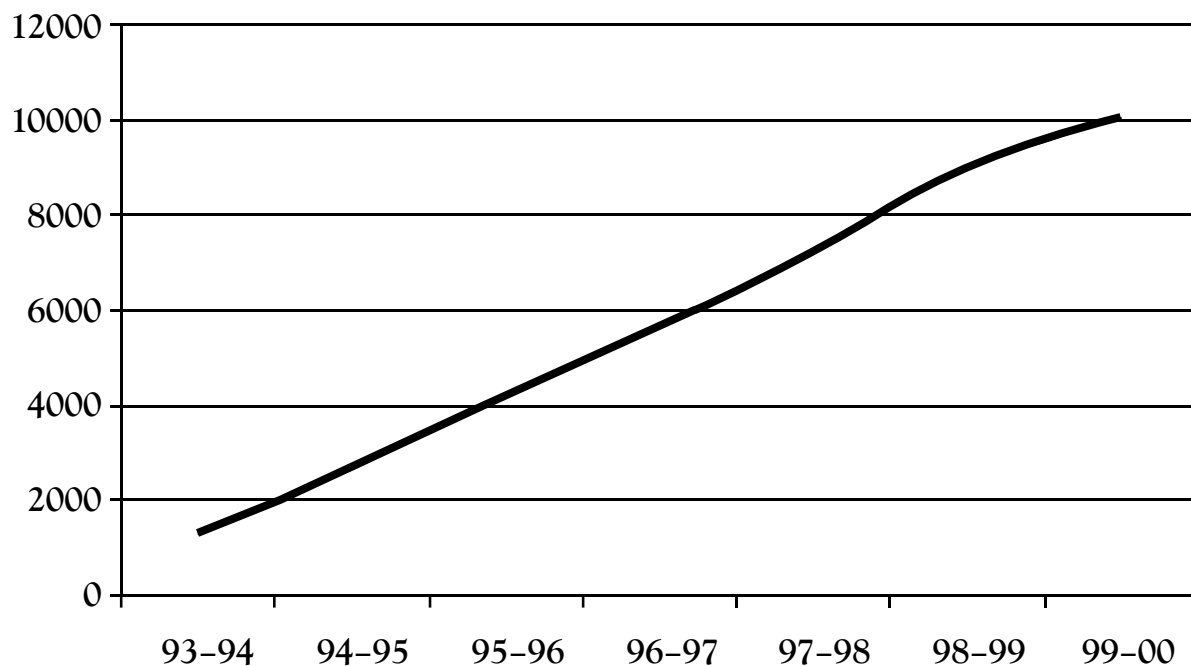
Mary Lee Brock, MEd - Executive Director of The Community Mediation Center, with a background in student development and not-for-profit business development and management.

CASE VOLUME CONTINUES TO RISE

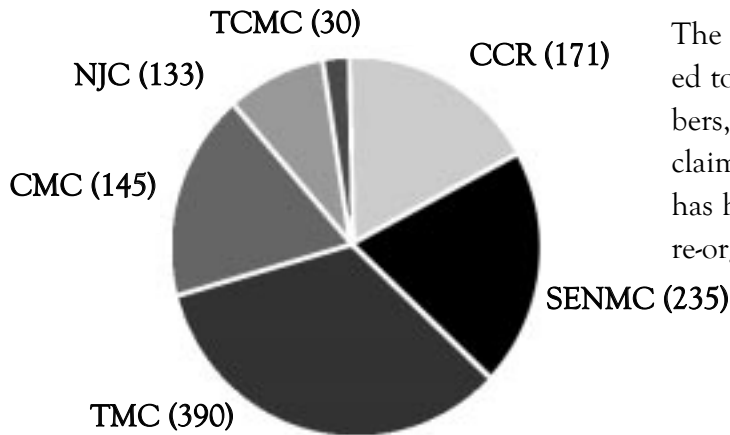
New programs for family, victim-offender, small claims, and HHS Employment First mediations all contributed to this growth rate. Overall, case volumes dropped this year from 1773 in 1998-99 to 1104 in 1999-00. This drop may be due to the fact that TCMC in the Omaha area was under re-organization.

Dispute Resolution & Prevention

CASE VOLUME: CUMULATIVE TOTALS



CASE VOLUME BY CENTER



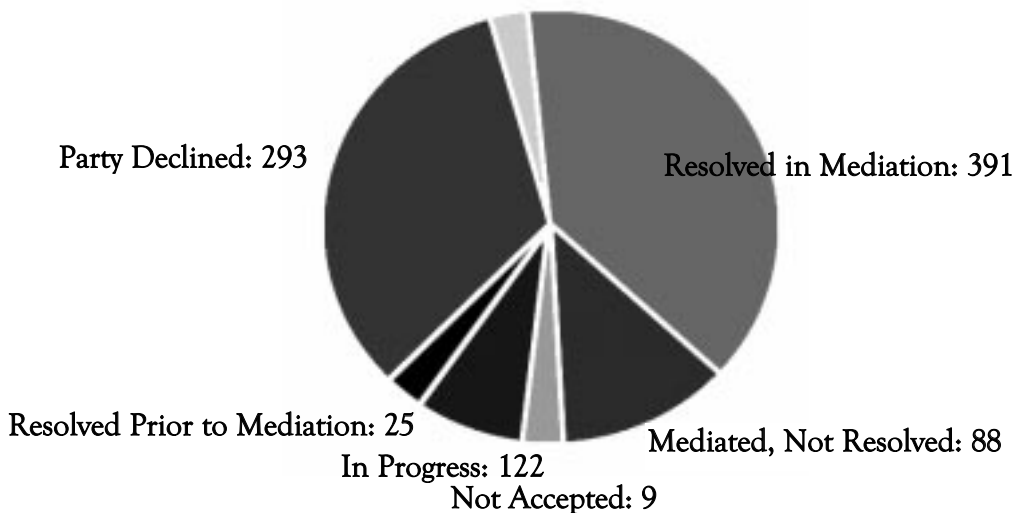
The graph shows numbers of cases opened in 1999-00 as reported to ODR by each center. Many factors influence these numbers, including whether or not the center has an active small claims program and the way in which cases are counted. TCMC has had higher numbers historically, but has undergone a major re-organization effort.

OUTCOMES OF OPENED CASES

In 1999-00, 391 disputes across the state reached agreement in mediation. Another 88 cases met without reaching agreement. In 25 cases parties came to agreement while still in the intake process, with communication facilitated by center intake staff. Centers chose not to accept 9 cases, mostly due to concerns about a participant's competence or the potential for violence. Mediation through the centers is voluntary; 293 times last year, when mediation was requested,

one party declined to participate or could not be found.

Information/Referral: 5



Center staff opened 5 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 1999-00, plus 122 cases still open as of June 30, 2000.

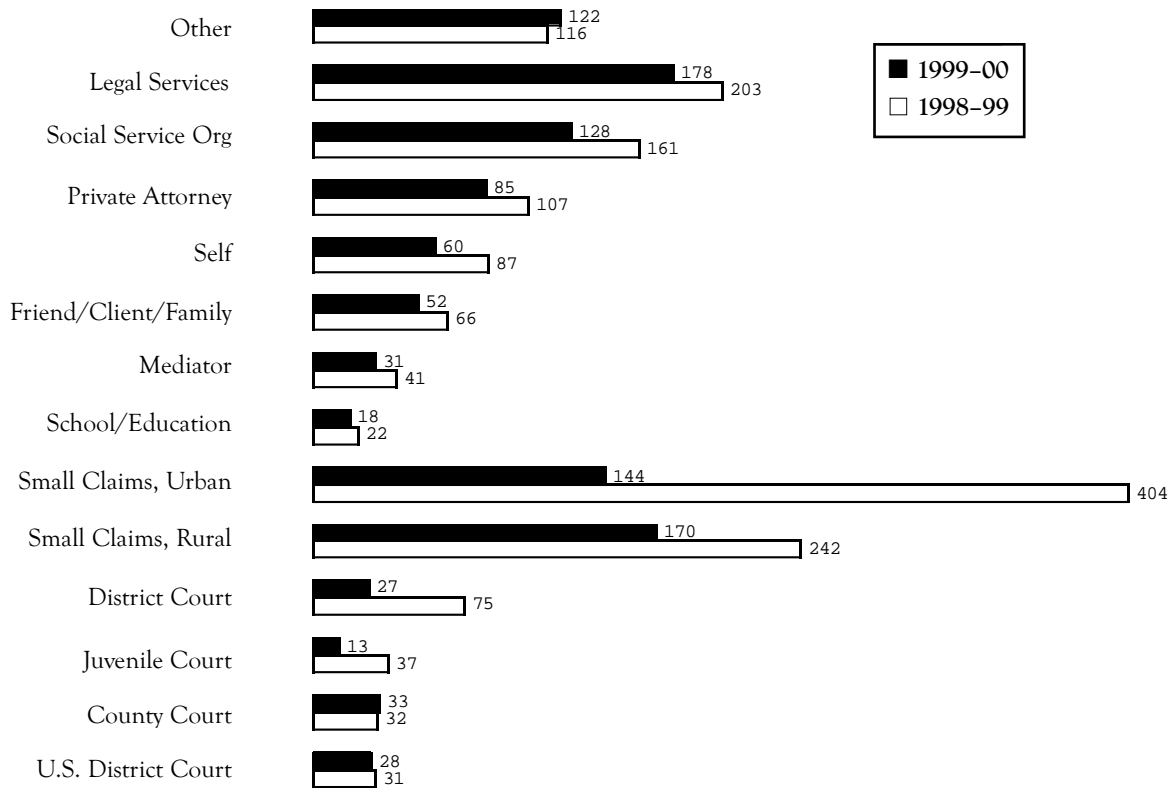
OUTCOMES OF MEDIATED CASES

Of the 479 cases which went to mediation during 1990-00, 81% of the cases reached agreement in mediation, significantly higher than last year's 71%.

REFERRAL SOURCES

The judicial system accounted for about 38% of all referrals to mediation services last year, down slightly from the previous year's 44%.

Sources of Case Referrals: 1998-99 vs. 1999-00



Since Legal Services cases are referred prior to court filing, this may have contributed to the decline of District Court referrals. Also contributing may be the shift of some family cases to county court dockets, which may also partly account for the slight growth in County Court case referrals this year.

These numbers do not include 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.



“You are able to have input in important decisions that will affect you and your children the rest of your parenting years.”

THE COST OF CONFLICT RESOLUTION & PREVENTION

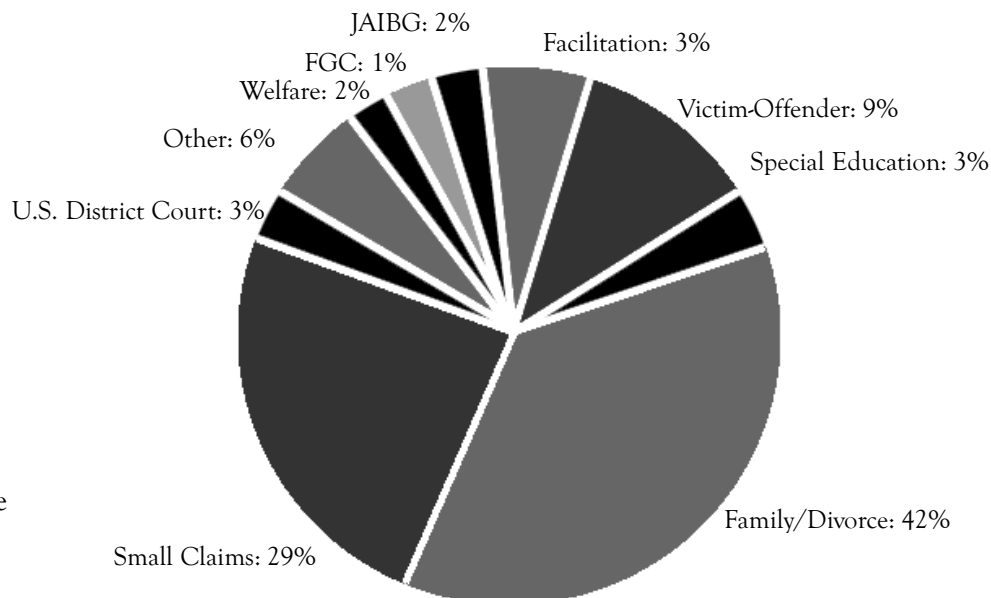
The Dispute Resolution Act guarantees full access to mediation regardless of income. At the centers, no one is denied mediation because of an inability to pay. For those at 125% of the poverty level or above, a fee is charged using a sliding scale based on household size and income.

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. Fees for mediations referred by the U.S. District Court were 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 little or no cost to participants.

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, welfare, university and vocational rehabilitations. 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, 1999 and June 30, 2000. 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.

Number and Percent of Cases, by Type of Case



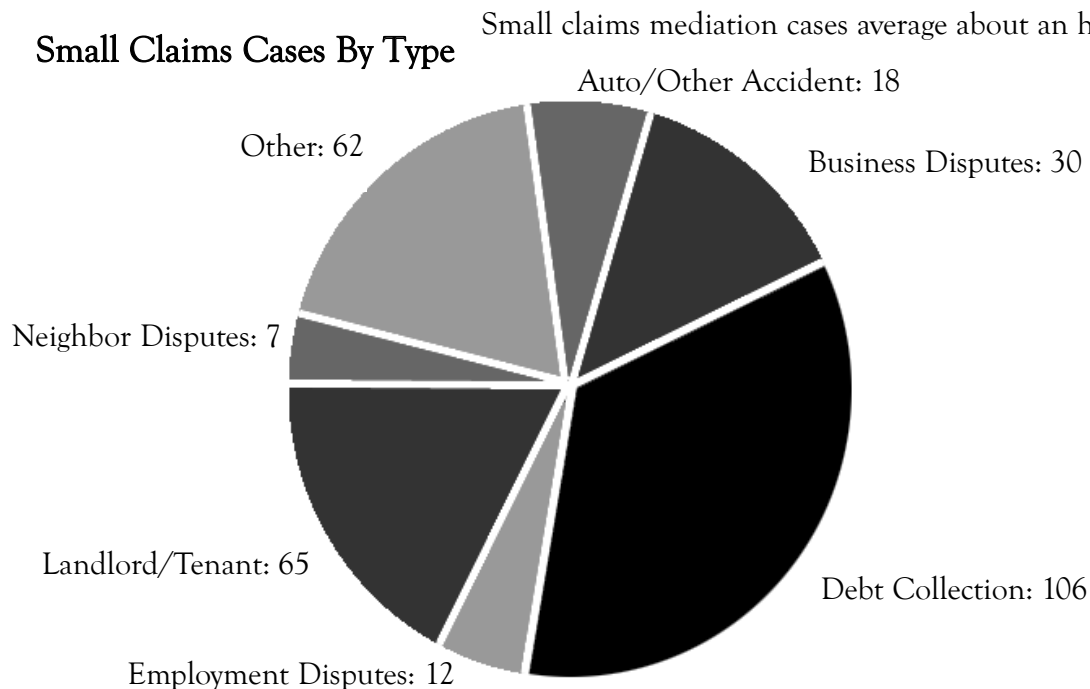
Facilitation services are billed at cost and vary depending on the size of the group, the nature of the services desired, and the time commitment required.

SMALL CLAIMS MEDIATION

Over thirty-eight 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.

In Lincoln, Omaha and some other cities, mediators are available at the courthouse on the day of the scheduled small claims hearings. In many rural courts, mediation is often scheduled at the party's' convenience prior to the day of the court hearing. In both models, if parties do not reach their own agreement in mediation, the court hearing proceeds as scheduled.

Small Claims Cases By Type



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 opened 464 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.

Three FGC pilot projects have been 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, 2000, the centers have opened 16 FGC's.

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 500 VOM programs have been established across the country.

The centers opened 103 VOM cases in 1999-00. Fifty cases were actually mediated and 49 resulted in an agreement.

ADULT VICTIM-OFFENDER MEDIATION & DIALOGUE PROGRAM

The centers 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. No mediations were conducted in 1999-00.

FACILITATIONS INVOLVE 803 PARTICIPANTS

This year the ODR system opened 33 facilitation cases, and facilitated 28 cases involving 803 participants.

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.

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

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. During the 1999-2000 fiscal year, 19 Study Circles were conducted.

SPECIAL EDUCATION MEDIATION STEADILY GROWS

ODR, the Department of Education, and the centers have completed 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.

This year 30 Special Education cases were opened. Statewide 168 cases have been opened over the six years of the program.

Of the 30 cases opened in 1999-00, five reached resolution prior to mediation, 8 reached full or partial resolution through a mediated process for an 88% resolution rate.

EMPLOYMENT FIRST MEDIATION

Four years ago, in order to implement Nebraska's welfare reform efforts known as Employment First (EF), the Department of Health & Human Services (HHS) 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 HHS staff and in-service workshops for center mediators.

The project covers the entire state now and this year 23 cases were opened with 9 being mediated. 78% reached resolution at the table. Over four years, 74 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 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.

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 1999-00, 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 about 28 cases referred to mediation centers during 1999-00, bringing the cumulative three year total to 242. During 1999-00, 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.

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.

FUTURE GROWTH AREAS

The ODR system anticipates growth in a number of areas for 2000-2001.

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 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 continuation of federal funds through probation and the Department of Health and Human Services.



“Mediation encourages dialogue and respectful exchange of ideas - allows people to air concerns and explore issues without pressure - provides a venue for double-checking perceptions and clarifying matters.”

OVER 5,000 NEBRASKANS TOUCHED BY MEDIATION

The centers reached an estimated 5,000 Nebraskans by conducting more than 250 presentations, workshops, and training courses on conflict resolution theory and skills building. With over 32 facilitations being conducted, hundreds more have been affected. The availability of mediation services

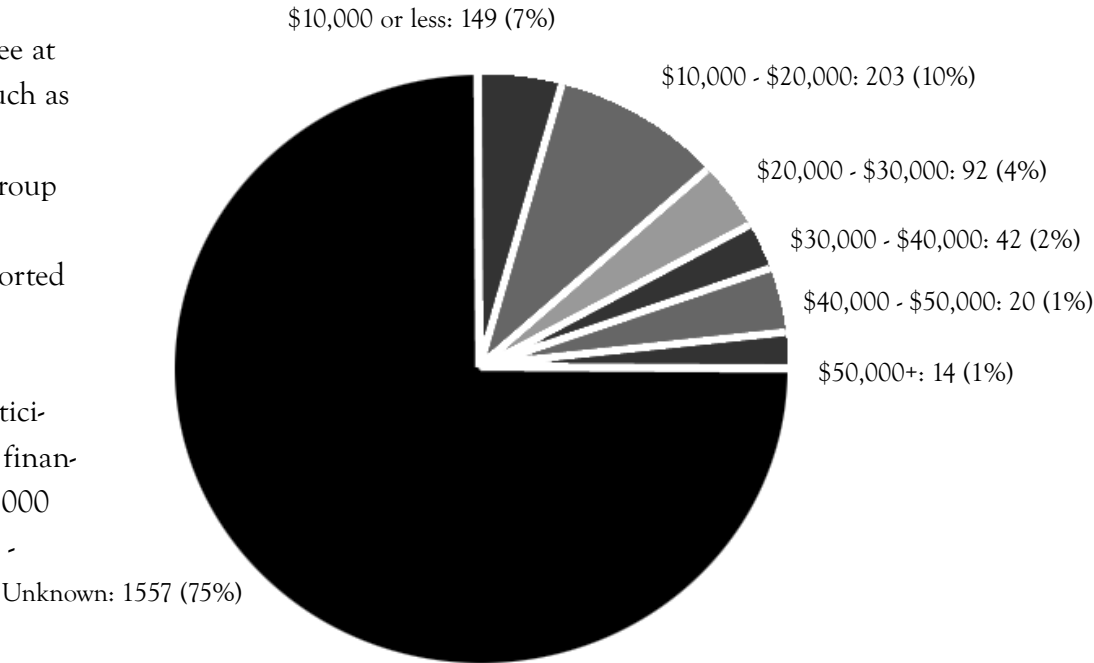
across both urban and rural areas has made Nebraska a model for the nation.

The Mediation Participants

SERVICES REACH ALL INCOME LEVELS

Participants in mediation come from a range of income levels. Fees are charged according to a sliding scale based on income and family size, with no one refused for an inability to pay. The centers' small claims projects charge a nominal fee or no fee at all. Other center projects, such as the Access and Visitation, Employment First, Family Group Conferencing and Special Education projects, are supported through contracts or grants.

About 67% of this year's participants who volunteered their financial information earned \$20,000 or less. 26% earned \$20,000 - \$40,000 and about 7% earned over \$40,000.



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.

87% of the 712 people who completed a post-mediation evaluation said they were "Satisfied" or "Extremely Satisfied" with mediation. 89% would prefer mediation to going to court to resolve similar disputes. 70% would recommend mediation to others.

95% reported that the mediation process was either "Fair" or "Very Fair." 93% felt that their opportunity to fully express their views in mediation was "High" or "Very High."

“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