

# ODR

NEBRASKA OFFICE OF DISPUTE RESOLUTION

---



## Compendium Report (2003 - 2006)

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

### ON THE INSIDE

Letter from ODR Director.....	2	Mediation Centers Contact Info .....	10
Domestic Relations & Family Cases.....	3	Related Statutes & Court Rules .....	11
Definitions .....	4	Fiscal Saving .....	11
Mediation Case Data .....	3, 5	Advisory Council Members .....	Back Cover
Mediation Centers & Directors .....	6	Organizational Chart .....	Back Cover

# Dear Nebraska Citizens:

---

It is an honor to submit to you this Compendium Report summarizing the activities of the Nebraska Office of Dispute Resolution and the six regional ODR-approved non-profit mediation centers for the period of July 1, 2003 through June 30, 2006.



I became director of the Nebraska Office of Dispute Resolution in March, 2005. I wish to acknowledge and give tremendous thanks to my two predecessors—Wendy Hind, J.D., who while serving in this role from late 1999 through mid 2004 worked to sustain ODR and the Nebraska mediation centers through the state's budget crisis, and Kathleen Severens, J.D., who helped to create the Office of Dispute Resolution in 1992 and left for the U.S. Department of Justice in mid 1999.

The past eighteen months has been a wonderful opportunity for me to work with the hard-working and innovative ODR-approved mediation center executive directors and staff and their talented and generous affiliated mediators. I wish to give them public acknowledgement for all their efforts to bring quality ADR resources to the people of the state. Special thanks are due to Janice Walker, State Court Administrator, Rachel Lempka, ODR administrative staff, the ODR Advisory Council, former Chief Justice John Hendry, Chief Justice Mike Heavican, and Justice Mike McCormack for their part in this work. Additional appreciation is due to the judges and staff of Nebraska's trial courts, the Nebraska State Bar Association, the ADR Section of the Bar, the University of Nebraska-Lincoln College of Law, Creighton University School of Law, the Werner Institute for Negotiation and Dispute Resolution, and the Nebraska Mediation Center Association. Significant appreciation for their partnering with individual mediation centers is due to the Nebraska Health

and Human Services System, the Nebraska Department of Education, the Nebraska Crime Commission, the Nebraska Commission on Public Advocacy, and many local and regional organizations and community groups.

The Office of Dispute Resolution was created by the Nebraska Legislature in 1991 pursuant to the Nebraska Dispute Resolution Act, § 25-2901, et seq, as a means to provide increased access by the public to dispute resolution; to reduce acrimony and improve relationships between people in conflict; and to provide an opportunity for each individual to create his or her own lasting and realistic resolution to a dispute. The Act further provided for the granting of infrastructure funds to ODR-approved non-profit dispute resolution centers in order to provide mediation and related services to the public, and to make a contribution to Nebraska courts by preserving those resources for disputes that cannot be resolved by means other than litigation.

Since 1992, there have been six ODR-approved non-profit regional mediation centers serving Nebraska's 93 counties. These centers have been providing access to mediation, collaboration, restorative justice, and other resolution services for more than 14 years. Nearly 20,000 cases have been opened involving families, businesses, elders and youth, schools, courts, government leaders, policy makers, neighborhoods and organizations. Affiliated mediators are professionally trained and experienced and have provided over 50,000 hours of service to more than 75,000 citizens of Nebraska, all of whom received assistance regardless of their ability to pay.

I invite you to read this Compendium Report and learn of some of the key activities and services provided to the citizenry of Nebraska by the ODR approved mediation centers over the past three years. You are welcome to contact me for additional information or questions that you may have about the Office of Dispute Resolution, the ODR-approved mediation centers, and alternative dispute resolution in general.

Debora Brownnyard, Director  
Nebraska Office of Dispute Resolution  
E-mail: [dbrownnyard@nsc.state.ne.us](mailto:dbrownnyard@nsc.state.ne.us)  
Phone: (402)471-2766

ODR: [www.nebraskacourt.com/odr](http://www.nebraskacourt.com/odr)  
NMCA: [www.nemediation.org](http://www.nemediation.org)

---

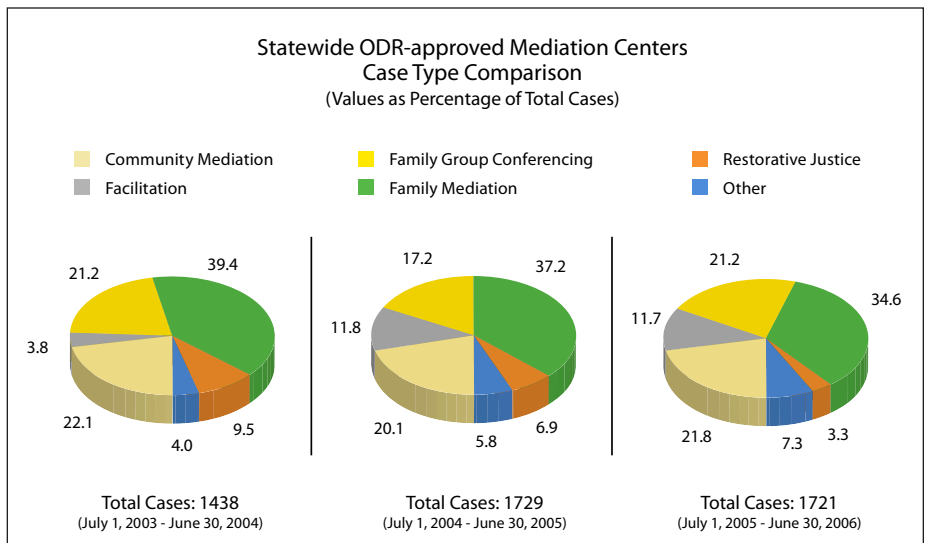
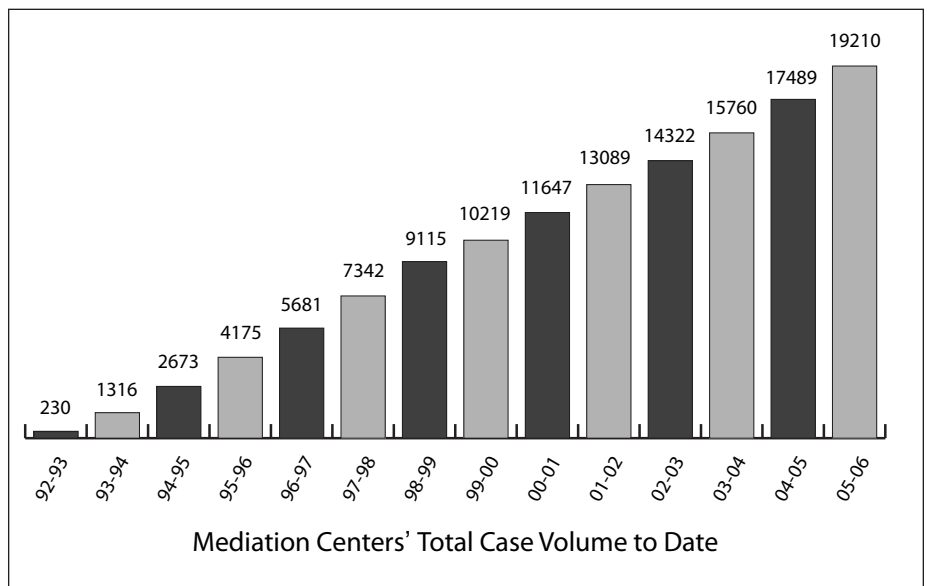
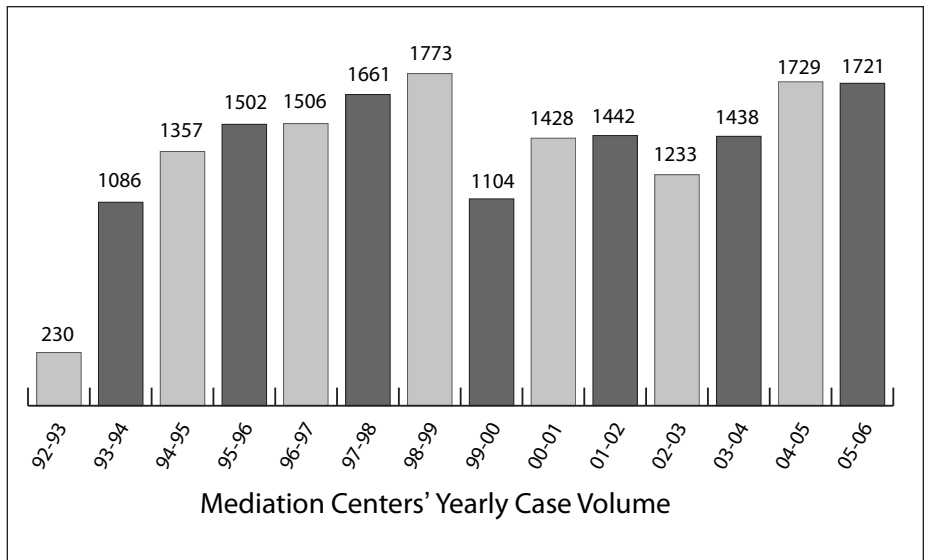
*“Man must evolve for all human conflict a method which rejects revenge, aggression, and retaliation.”*

— Martin Luther King, Jr.

---

# Mediation of Domestic Relations & Family Cases

*Parenting Mediation and Family Group Conferencing.* During the past three years, domestic relations mediation cases have comprised the largest case type mediated—between 35 and 40 percent of the ODR caseload statewide. For two of the six mediation centers, family cases comprise over 50 percent of their caseload. Family Group Conferencing (FGC), used for child welfare neglect, abuse, and delinquency cases, provided for by a contract between the mediation centers and the Nebraska Department of Health and Human Services (DHHS), accounts for 17 to 21 percent of the total caseload statewide. One of the centers in which FGC comprises nearly one-quarter of its cases is Central Mediation Center (CMC), Kearney, which serves 31 counties in central and south central Nebraska. Together with domestic relations mediation, these case types contribute to 62 percent of this center’s total caseload. While most mediation centers are involved in providing mediation for full divorces, the largest percentage of domestic relations cases involve the creation of parenting plans for divorcing and never-married parents, pursuant to the Nebraska Parenting Act, Neb. Rev. Stat. § 43-2901, et seq. CMC executive director Lynne Favinger comments: “All the mediation centers want to be able to provide the opportunity for parents to come to a resolution in which the best interests of the child are achieved.”



# Definitions

---

*Alternative Dispute Resolution (ADR).* Alternative Dispute Resolution is the broad umbrella title covering a wide variety of practices and programs designed to find a way to settle disputes outside of the traditional adversarial process. ADR approaches include conciliation, mediation, arbitration, and hybrid programs that include some elements of each. Summary jury trial, mini-trial, and early evaluation are all considered forms of ADR.

*Arbitration.* Like mediation, arbitration is a process by which a neutral third party assists two or more people to resolve a dispute or controversy. However, the arbitrator, unlike the mediator, has the authority to render a binding or non-binding decision after hearing the parties' and their attorneys' arguments and reviewing relevant evidence.

*Court-based/Court-connected/Court-annexed Mediation.* Across the nation, a good number of state courts, and most all federal district courts, sponsor mediation programs as part of the established justice system. These mediation programs are usually managed by court personnel, are funded by and under control of the courts. Mediators come from a variety of sources, including paid court mediation staff and court-maintained private/community mediator rosters, mediators affiliated with agencies and community mediation centers. While court-based or court-connected mediation is still rare in Nebraska state courts, two that are well-known are the Douglas County, Nebraska Conciliation Court in Omaha and the U.S. District Court of Nebraska Mediation Rule.

*Court-referred ADR and Mediation.* Court-referred ADR and mediation is the most prevalent type of court involvement with mediation in Nebraska. County, district, juvenile, and tribal courts across the state have, since 1992, referred a variety of civil, juvenile, and criminal disputes to ODR-approved mediation centers and private mediators. These referrals have been both informally referred and by formal court order, and include small claims cases, probate and estate, business disputes, domestic relations, juvenile, child welfare, and others.

Unlike "court-based or court-connected" cases in which case management and administration is funded by and operated by courts, "court-referred" cases are administered and provided by community mediation centers or private mediators, with costs and fees being paid for by the parties themselves or through specific grants and contracts.

*Facilitation.* Facilitation is a process that assists groups of people with goal setting, information gathering, and

decision-making. A facilitator helps to design and implement a process that encourages effective communication and key stakeholder participation in order to identify and problem solve around diverse and sometimes complex issues. It is an efficient and effective means for larger numbers of people to manage and implement joint efforts. Facilitation is a practice that is often linked with strategies such as family conferencing, public policy consensus making, collaborative problem solving, and strategic planning.

*Family Group Conferencing (FGC).* FGC is an intensive facilitative process that brings extended families, friends, service providers, and others into a facilitated discussion to develop a plan to address a variety of familial and community based matters. While FGC can be creatively and effectively used to address a variety of family concerns, the most prevalent use of FGC in Nebraska over the past several years has been to address the specific population of abused or neglected children and for youth involved in status offences and juvenile crime. The mediation centers are the primary providers of Family Group Conferencing and have highly qualified specialists known as FGC coordinators who manage this intensive process.

*Mediation.* Mediation is a process by which a neutral third party assists two or more people to address issues in conflict in order to give them an opportunity to reach a mutually agreed upon negotiated solution. The mediator uses a variety of skills and techniques to help the parties negotiate but does not make any decisions for them. Some of the more common types of mediation are "interest-based facilitative mediation" and "evaluative mediation." The type of case, parties' and attorneys' preferences, and potential for ongoing future business, family, or community relationships can influence the specific type of mediation selected.

*Parenting Plan Mediation.* In Nebraska, the ODR-approved mediation centers, court-connected conciliation programs, and private mediators actively perform parenting mediation pursuant to the Nebraska Parenting Act, Neb. Rev. Stat. § 43-2901 et seq. The Parenting Act was enacted in 1993 to maintain the best interests of a minor child, and to the greatest extent possible, by including the ongoing involvement of both parents in the life of the minor child. A mediated process for parents to develop a mutually agreed Parenting Plan is provided for under the Act.

*Restorative Justice (RJ).* Restorative justice is a set of principles which form the paradigm for a court or agency to

address crime in which to “restore” or to attempt to make whole is the guiding principle. Three essential principles are (1) victim sensitivity and restoration; (2) offender accountability; and (3) community and public safety.

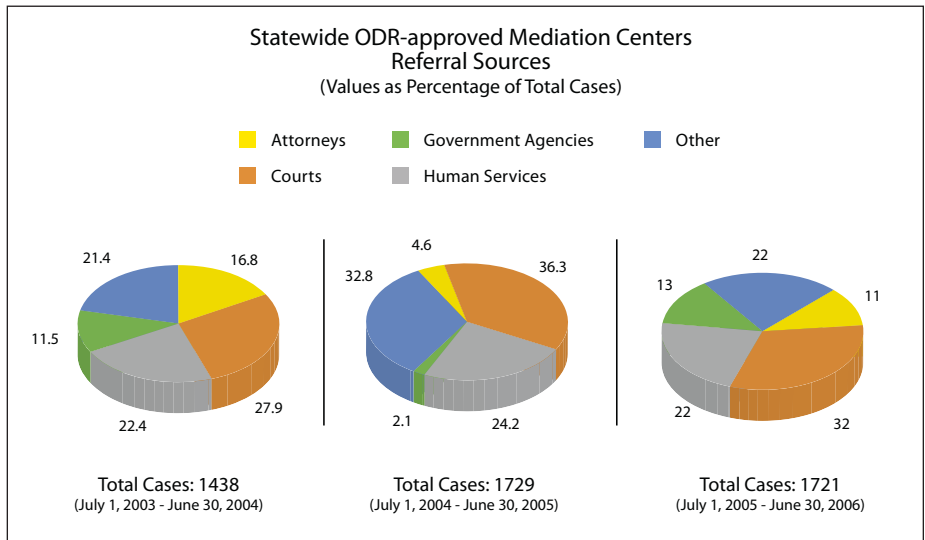
Restorative justice can be contrasted to retributive justice. RJ models include victim/offender dialogue, sentencing circles, victim impact panels, group conferencing, and the various problem solving courts.

## ODR-Approved Mediation in Nebraska

Significantly, in the last three years, the largest source of case referral has been from the Nebraska trial courts, ranging from 28 to 36 percent. Most of these referrals are family, juvenile, and small claims cases. Judges recognize the ODR-approved mediation centers as an important resource to petitioners and defendants, many of whom are self-represented. Referrals from human services agencies are the next largest sources of mediation referrals, averaging about 22 percent of all cases, and are primarily family group conferencing cases, in which experienced professional facilitators work with children and their extended families to convene a family decision-making meeting. The average number of participants at FGCs is 6 to 8 individuals, sometimes as many as 25 people. Demonstrating a growing awareness of the benefits of mediation among Nebraska’s citizens is the fact that an increasing number of mediation requests in the Other category, are coming from individuals themselves, both as a new and a former mediation client.

In her role since 2005 as ODR director, Debora Brownyard oversees six ODR-approved non-profit mediation centers:

- The Resolution Center, Beatrice
- The Mediation Center, Lincoln
- Nebraska Justice Center, Fremont and Walthill
- Concord Center, Omaha



- Central Mediation Center, Kearney
- Center for Conflict Resolution, Scottsbluff

An 11-member ODR Advisory Council, comprised of representatives of the Nebraska District Court and County Court Associations, the NSBA, mental health professionals, educators, and others provides guidance in policy-making and mediation development for the Office of Dispute Resolution. Members are listed on the ODR website.

The public-private partnership of ODR and its approved mediation centers is what has developed in Nebraska this comprehensive, quality system of statewide mediation resources. The statutorily determined public support for the mediation centers continues to provide a base level of resources to enable the

mediation centers to leverage other grant, contract, and private sources to serve the state’s citizens with this valuable conflict resolution work.

The ODR-approved mediation centers submit to a comprehensive annual review by the ODR Advisory Council and apply annually for approval a \$45,000 per center grant, funded by a \$0.75 per filing, filing fee surcharge. Each of these non-profit mediation centers then leverage those state-connected funds with revenues from other private and public sources and with the trained and experienced cadre of affiliated volunteer mediators. Nearly three-quarters of a million dollars in additional cash and in-kind resources is generated each year by the six ODR-approved centers to provide conflict resolution, mediation, and problem-solving services to Nebraska’s citizens and organizations.

# ODR-Approved Mediation Centers and Directors



**Center for Conflict Resolution, Scottsbluff**  
**Rae Ann Schmitz, J.D.,**  
**Executive Director**

*Child Welfare:* An innovative pilot Family Safety Project began in 2006 which diverts families and children from the child welfare system by a process of early facilitative inter-

vention whose goal is to keep children safe in their homes. The Family Safety Project is a collaborative effort of CCR, the Gering Office of Health and Human Services, the Panhandle Partnership, and the LB 1184 Treatment Team, with technical assistance from Lakota Oyate Wakanyeja Owicakiyapi in South Dakota.

*Parenting/Divorce:* CCR mediated over 40 cases in the past year in its 19-county expansive area of western Nebraska. The executive director for CCR formerly represented clients as a Legal Aid Attorney, and is striving to serve more low income clients through partnerships with Legal Aid, pro bono attorneys, local courts, and affiliated mediators.

*Restorative Justice:* CCR receives referrals from Scotts Bluff, Box Butte, Dawes, Lincoln, and Cheyenne counties for restorative justice cases in the juvenile courts. Working with youth through detention centers, referrals from courts and probation, and from differing cultural backgrounds is a primary activity of CCR.

**Central Mediation Center,**  
**Kearney**  
**Lynne Favinger, M.A.,**  
**Executive Director**

*Family Group Conferencing (FGC):* In 2005-2006 CMC experienced a 40% increase in Family Group Conferencing referrals over the prior year, serving 106 families throughout its 31-county region.



*Small Claims Mediation:* CMC has day-of-court small claims mediation in Red Willow, Dawson, Adams, Phelps, and Kearney Counties. This provides increased access to more lasting face-to-face, non-adversarial problem solving for employers, business people, neighbors, tenants and landlords and other community members.

*Parenting/Divorce:* CMC provided mediation of parenting plans for 77 couples during the past year. CMC staff worked with Douglas County District Court Conciliation and Mediation Office director Lorin Galvin in expanding family mediators' repertoire in working with high conflict couples.

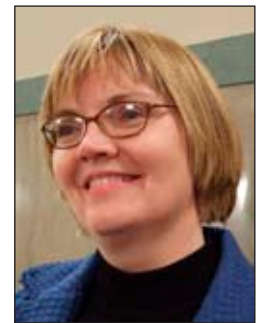
**Concord Center, Omaha**  
**Mary Lee Brock, M.A.,**  
**Executive Director**

*Family Mediation and Family Group Conferencing:* These services continue to be important programs for the center. Family cases constituted over 40% of the mediation case load during the 05-06 program year.

Concord Center staff and affiliated mediator/educators present the *What About the Children?* curriculum for the Douglas County District Court Conciliation and Mediation Office (DCCMO).

*Pre-Hearing Conference Facilitation (PHF):* Concord Center was asked to continue to provide facilitation services to the Pre-Hearing conference project in Douglas County Juvenile Court, to enable the court to front-load services to children and families in the child welfare system. Over 150 cases were handled.

*Restorative Justice:* Concord Center is a coordinator for the Restorative Justice Coalition which sponsored an October 2005 conference in Omaha with the Nebraska Correctional Association. National speakers Kay Pranis and Audrey Kellie Brown presented. Concord Center is partnering with the Family Service on a Juvenile Victim Empathy program for a pilot project, funded this year by the Nebraska Crime Commission.





**Nebraska Justice Center (NJC), Fremont**  
**Tim Butz, Executive Director**

*Family Mediation and Family Group Conferencing:* During 2005-2006, parenting and divorce cases accounted for over 55% of referrals to NJC, continuing to be the largest

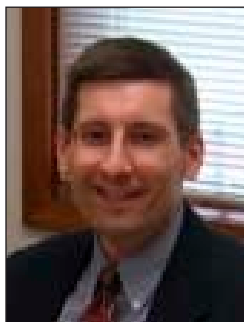
case type served. Family Group Conferencing comprised over 28% of the referrals to NJC, with cases served throughout the 24-county area, including Fremont, South Sioux City, Norfolk, Columbus, and Valentine.

*Administration; Court Referral:* NJC Board conducted an extensive search and hired Tim Butz of Omaha, as NJC's executive director in September 2006. Tim replaced Kristin Ostrom, J.D., who resigned as executive director in June 2006. NJC's main office is now in Fremont, changed from Walthill for the first 14 years of its existence. Mediation has a strong presence in Fremont, in part because of the office location in the Dodge County Court suite of offices. Court referral is also active from the Winnebago and Omaha Tribal Courts, as well as several other judges and attorneys throughout the region.

*Mediators:* NJC provides a monthly Mediator Brown Bag Lunch for any NJC-affiliated mediator. Sites for these educational forums rotate between Norfolk, Walthill, and Fremont. Topics include Mediator Ethics, Writing Skills for Mediators, Mediating Family Cases, Screening for Domestic Violence.

**The Mediation Center (TMC), Lincoln**  
**Kelly Phipps, Executive Director**

*Family Mediation and Family Group Conferencing:* During 2005-2006, TMC had an active caseload in both mediation of parenting disputes (109 cases) and in providing family group conferencing for children in abuse/neglect and other child welfare proceedings (112 cases). TMC FGC



staff participated as conference seminar presenter on FGC research at the annual American Humane Association FGC conference this past year.

*Employment First Mediation:* Employment First (EF) mediation provides clients and caseworkers with Health and Human Services a forum in which to address conflicts in the income maintenance arena. A workshop was held during the summer for affiliated mediators, reflecting a significant increase in the number of EF cases (n.=88) during the program year.

**The Resolution Center (TRC), Beatrice**  
**Judy Pingel, Executive Director**

*Family Mediation and Parent Education:* The Resolution Center staff provides parenting education for divorcing and separating parents.

*Parents Working Together: Parenting from Two Homes* is the parenting education workshop that TRC offers. Several district court judges in TRC's 16-county area order parents with children to attend these classes, including judges serving Gage, Jefferson, Saline, Cass and Johnson counties. TRC staff and affiliates provide mediation for parenting plans and other divorce issues.



*Restorative Justice:* TRC is active in providing victim/offender dialogue to juvenile offenders, having facilitated 20 cases during the program year, and also provides victim empathy classes offenders in diversion. Referrals come from county court judges, probation, and diversion staff of Jefferson, Gage, and Saline counties.

*Early Childhood Partnership Facilitation:* TRC facilitated an Early Childhood Plan for schools, Head Start, and other early childhood providers in two school districts in their region. Early Childhood facilitation was a statewide initiative in which the Nebraska Department of Education and the Early Childhood Training Center partnered with the ODR-approved centers to better coordinate resources and educational services to children from birth to age five.

## Nebraska Office of Dispute Resolution works to enhance ADR resources, ODR-approved mediation centers, court-based mediation, and other mediators.

*ODR Roles.* Debora Brownyard, director of the NE Office of Dispute Resolution (ODR) summarizes the Office's role as being one with a dual focus. She describes the first one as being "vertical" and relating to ODR's relationship with the six regional ODR-approved mediation centers, which includes meeting statutory requirements, annual review of policies, practices, and enhancement of the mediation centers' services to Nebraska's citizens and courts. She explains the Office's corresponding role as being more "horizontal," in working with other Nebraska organizations and individuals to increase awareness and



Linda Sanchez-Masi, Kathryn Bellman, and David Hubbard at Nebraska mediation education planning meeting at the Werner Institute.

strategic use of alternative dispute resolution (ADR) in Nebraska in a multitude of arenas, legal, social service, and educational.

*Education for Family Mediators.* All mediators involved in mediating cases under the Nebraska Parenting Act must have successfully completed the ODR/NMCA Training Institute's Family Mediation Training course, which requires 30 hours of instruction and has the prerequisite of having previously taken the Basic course or its equivalent. The content focuses on children and family dynamics, parenting plans, support, and financial issues, as well as a special section on the family violence awareness and assessment requirement. Since its inception in 1993, all Family Mediation trainings offered by ODR and NMCA have included partnerships with the Nebraska Domestic Violence and Sexual Assault Coalition (NDVSAC) and its affiliate local organizations to create and deliver the family violence awareness curricula to family mediator trainees. Tara Muir, Legal Director for NDVSAC was a guest lecturer at

the March 2006 Family Mediation Training.

### Expanding and Sustaining Mediation Through Justice System-Based Educational Partnerships

The director of the Office of Dispute Resolution believes that by expanding educational opportunities for members of the bar and bench, that the use of mediation and other forms of ADR as a viable and vital strategy for the



Debora Brownyard and J. Terry Macnamara discuss mediation opportunities.



New front entrance of The Mediation Center, Lincoln.



clients will increase. To enhance the judicial branch's use and understanding, Brownyard earlier this year updated the Nebraska Mediation and ADR Handbook for Judges and Court Staff and has included that and additional resources on the ODR web site.

*ODR/NMCA Training Institute.* ODR partners with NMCA Training Institute, whose primary purpose is to provide mediation training to center affiliated and independent mediator trainees. All six mediation centers are voluntary members of the Nebraska Mediation Center Association (NMCA) and actively engage as Lead Faculty for two of NMCA's standard mediation training courses—Basic Mediation Training and Family Mediation Training. Over the past several years, nearly two thousand people have taken the Nebraska Basic Mediation Model training alone.

The Basic Mediation Training and Family Mediation Training each require 30 instructional hours and meet the statutory requirements of the Nebraska Dispute Resolution Act and the Nebraska Parenting Act. Trainers include experienced



Governor's Proclamation of March 2006 as Mediation Month. (L-R) Rachel Lempka, Kelly Phipps, Carl Eskridge, Linda Sanchez-Masi, James Gordon, Gov. Dave Heineman, Debora Brownyard, and Justice Michael McCormack.

ODR-credentialed faculty, affiliate mediator coaches, and guest lecturers. Nationally-known mediation and ADR educators have been brought to Nebraska by the ODR/NMCA Training Institute.

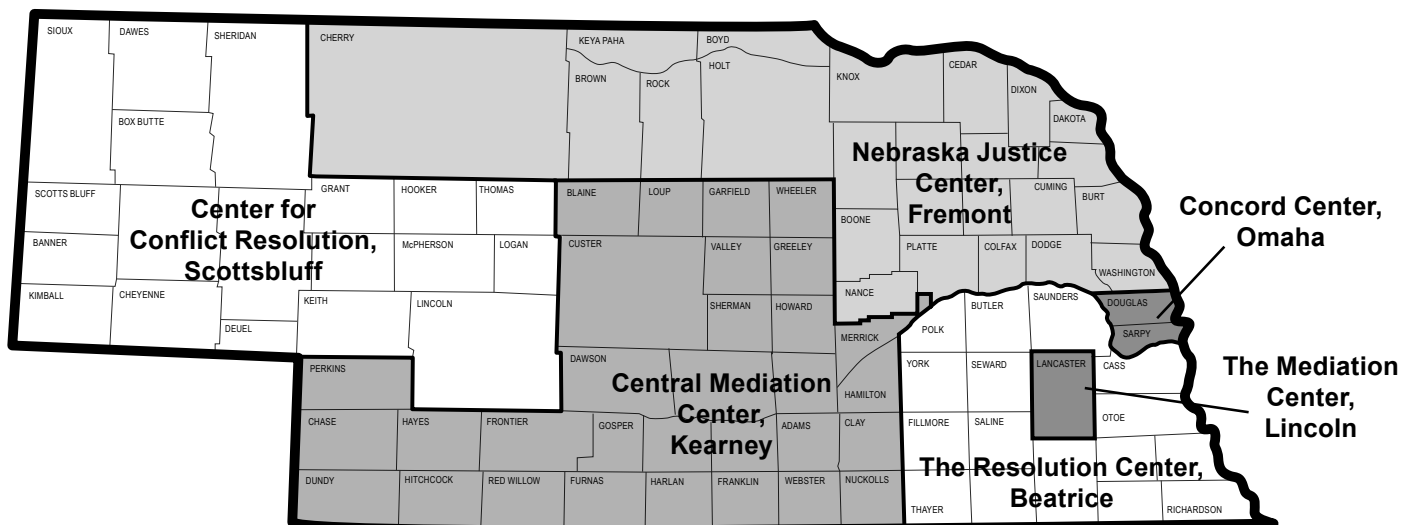
*Nebraska Law Schools.* The University of Nebraska-Lincoln College of Law and Creighton University School of Law have been important partners in ADR education, with their over-a-decade commitment through involved faculty leadership and coursework. Putting

Nebraska on the national ADR map is Creighton Law School's new Werner Institute for Negotiation and Dispute Resolution, established in 2005 through a generous gift from the C.L. Werner family. The mission of the Institute is "to be a leader in advancing the field of conflict resolution to a new quantum level with a focus on developing the next generation of practitioners and scholars who are responsive to the real, and often unacknowledged, needs of those in conflict." The Werner Institute has recently initiated a new interdisciplinary program for students to achieve master's degrees and graduate certificates in negotiation and dispute resolution.



Professor Susan Franck, Professor Arthur Pearlstein, Lorin Galvin, and Professor Alan Frank at mediation education meeting.

# Nebraska ODR-Approved Mediation Centers



**Center for Conflict Resolution**  
 Rae Ann Schmitz, Executive Director  
 1524 Broadway  
 P.O. Box 427  
 Scottsbluff, NE 69363-0427  
 Phone: (308) 635-2002 and  
 (800) 967-2115  
[raschmitz@conflictresolutioncenter.com](mailto:raschmitz@conflictresolutioncenter.com)

*Counties covered by Center for Conflict Resolution:* Arthur, Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Hooker, Keith, Kimball, Lincoln, Logan, McPherson, Morrill, Scotts Bluff, Sheridan, Sioux, Thomas

**Central Mediation Center**  
 Lynne Favinger, Executive Director  
 204 East 25th Street, Suite 5  
 P.O. Box 838  
 Kearney, NE 68848-0838  
 Phone: (308) 237-4692 and  
 (800) 203-3452  
[info@centralmediationcenter.com](mailto:info@centralmediationcenter.com)

*Counties covered by Central Mediation Center:* Adams, Blaine, Buffalo, Chase, Clay, Custer, Dawson,

Dundy, Franklin, Frontier, Furnas, Garfield, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Kearney, Loup, Merrick, Nuckolls, Perkins, Phelps, Red Willow, Sherman, Valley, Webster, Wheeler

**Concord Center**  
 Mary Lee Brock, Executive Director  
 9802 Nicholas Street, Ste. 375  
 Omaha, NE 68114  
 Phone: (402) 345-1131  
[mlbrock@concord-center.com](mailto:mlbrock@concord-center.com)

*Counties covered by Concord Center:* Douglas and Sarpy

**Nebraska Justice Center**  
 Tim Butz, Executive Director  
 Dodge County Court House, 3rd Floor  
 P.O. Box 1062  
 Fremont, NE 68026-1062  
 Phone: (402) 753-9415 and  
 (866) 846-5576  
[tcbutz@cox.net](mailto:tcbutz@cox.net)

*Counties covered by Nebraska Justice Center:* 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**  
 Resources for Collaborative Decision Making  
 Mona Callies, Acting Executive Director  
 610 "J" Street, Suite 100  
 Lincoln, NE 68508-3919  
 Phone: (402) 441-5740  
[info@themediationcenter.org](mailto:info@themediationcenter.org)

*County covered by The Mediation Center:* Lancaster

**The Resolution Center**  
 Judy Pingel, Executive Director  
 5109 W. Scott Road, Suite 414  
 Beatrice, NE 68310  
 Phone: (402) 223-6061 or  
 (800) 837-7826  
[TRC@bvca.net](mailto:TRC@bvca.net)

*Counties covered by The Resolution Center:* Butler, Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Polk, Richardson, Saline, Saunders, Seward, Thayer, York

## Cost-Effectiveness of Mediation

*Mediation less costly than litigation.* An Oregon Department of Justice (ODOJ) study comparing legal/process costs across a diverse range of disputes found that "... the [monthly] cost of resolving a case by taking it through a trial to a verdict (\$60,557) is, on average, the most expensive. At the other end of the spectrum, mediation costs about \$9,537."<sup>1</sup>

### ADR versus Litigation: The Spectrum of Costs

*Derived from the Oregon Department of Justice (2001)*

Mediation	Dispositive Motion	Settlement Negotiations	Arbitration	Trial (Settlement)	Judicial Settlement	Trial (Verdict)
Average Monthly Legal/Process Costs by Type of Process (\$)*						
\$9,537	\$9,558	\$10,344	\$14,290	\$19,876	\$21,865	\$60,557

\* Legal/process costs are defined to include all the charges, billings and expenses associated with a particular process such as the ODOJ attorney billing, mediator and expert witness fees, and related expenses, but does not include the amount of any award or settlement resulting from the process or time invested by agency staff who may be involved in the process/case.

<sup>1</sup> State of Oregon Department of Justice, "Collaborative Dispute Resolution Pilot Project," a report submitted January 30, 2001 to The Honorable Gene Derfler, Senate President, The Honorable Mark Simmons, House Speaker, and The Honorable Members of the Legislature.

## Related Nebraska Statutes & Supreme Court Rules

**Nebraska Dispute Resolution Act**, §§ 25-2901 to 25-2921  
(Nebraska Supreme Court Rules Relating to the Nebraska Dispute Resolution Act of 1992 may be found at:  
[http://court.nol.org/rules/Dispute\\_25.htm](http://court.nol.org/rules/Dispute_25.htm))

**Nebraska Parenting Act**, §§ 43-2901 to 43-2919  
(Nebraska Supreme Court Rules Relating to the Implementation of the Parenting Act 9-94 may be found at:  
<http://court.nol.org/rules/parentact.htm>)

**Nebraska Uniform Mediation Act**, §§ 25-2930 to 25-2942

## ORGANIZATIONAL CHART

Nebraska Supreme Court

Administrative Office  
of the Courts

Office of Dispute Resolution  
& ODR Advisory Council

ODR-Approved Non-Profit  
Mediation Centers

## ODR Advisory Council Members (2006)

<u>Members:</u>	<u>Term Expires</u>
James E. Gordon, Chair	12-07
Michael Baumfalk	12-08
Carl Eskridge	12-08
Honorable Curtis H. Evans	12-08
Alan Frank	12-08
Robert Kirby	12-06
Honorable Patricia Lamberty	12-06
Peggy Mlady	12-08
Linda Sanchez-Masi	12-07
Rick Thomas	12-06
Joe W. Wright	12-07

### Ex Officio Members:

Mary Lee Brock	12-07
Rae Ann Schmitz	12-07

Nebraska Supreme Court  
Office of Dispute Resolution  
521 S. 14th St., Suite 200  
Lincoln, NE 68508