



2005 State Dispute Resolution and Consensus Building Program Updates



Achievements of the past year

Current priorities

New challenges

ALABAMA

The Alabama Center for Dispute Resolution

Judy Keegan, Director

Two major accomplishments:

- Finished a brochure on mediation and parenting.
- Completed the first year of our appellate mediation program. Both our intermediate court of appeals and our supreme court now regularly order cases to mediation. The success rate is over 50%. Both courts are sold.

Highest priorities:

- After asking the new chief justice to continue to give support to mediation in the courts and to convince judges to order more cases, we were asked by him to decide the four highest priorities for statewide mediation. We have a draft done and will be working on that at the Alabama Supreme Court Commission on Dispute Resolution meetings. That administrative task is one of the Center and Commission's top priorities.
- Getting through all the training and projects without hyperventilating.

Biggest challenges:

- Funding for everything we want to do.
- Having a centralized place to look at everyone's court rules, statutes, and programs without having to go to each state and look and read the statutes and court rules.

ALASKA

Environmental and Natural Resources Institute, Alaska

Meg King, Director

Two major accomplishments:

- Piloted the Alaska Leadership for Resource Management Program, a series of six workshops focused on various aspects of collaborative problem solving and DR.
- Increased visibility in the state, in particular with Native/tribal governments and non-profits.

Highest priorities:

- Expanding services into different issue areas.
- Working with academic programs to provide for-credit classes in environmental conflict resolution, ADR and public participation.

Biggest challenges:

- Creating an economically sustainable program.
- Increasing awareness in the business sector.

ARKANSAS

University of Arkansas at Little Rock Center for Public Conflict Solutions

Ruth Crow, Director

Two major accomplishments:

- Obtained approval from UALR, the University of Arkansas System, and the state Department of Higher Education to initiate the center.
- Obtained basic funding for 2005-06 from UALR.

Highest priorities:

- Form advisory board.
- Begin operations of center.

Biggest challenges:

- Getting the new center up and running! We have very little staff and funding to start with.

CALIFORNIA

California Center for Collaborative Policy

Susan Sherry, Director

Two Major Accomplishments

- Deepening our participation in the academic mission of California State University, Sacramento. Two graduate courses in the Master's program for Public Policy and Administration have been very well received. As a result the Department asked us to design and launch two additional courses: a new graduate course "Collaborative Governance Advanced Practice" and an undergraduate course, "Collaborative Problem Solving Practicum".
- Assisting the California Water Boards enhancement of public participation. Made an assessment of the public participation programs of the California State Water Resources Control Board and nine regional boards. The Center also worked with a team to prepare and deliver public participation training to almost two-thirds of the staff. Recommendations are being implemented by the Boards and they established and are recruiting for a new position to oversee public participation. For more information see: www.csus.edu/ccp/projects/recent.htm#waterboardtraining/

Two Highest Priorities

- Develop the practice for enhancing collaborative governance. Many public agencies recognize the need to enhance their capacity for collaborative governance but are challenged by institutional and financial constraints. The Center is developing a model to guide its practice in assisting agencies to assess the constraints and opportunities and develop practical plans that build capacity for collaborative governance. The Center will experiment with two initial agencies (one state and one regional) to apply and improve this model.

- Create a sustainable platform for research and teaching. The Center's research and teaching has been supported by grants from the Hewlett Foundation. As these grants expire, we will assess the knowledge creation program, focus the research program, and seek new funding to continue these activities that serve the field and the university's mission.

Biggest Challenges

- Change and adaptation. California agencies face serious financial challenges resulting from the state's fiscal crisis, but they also have increased need for support in collaborative policy. In addition the nature of the support being sought is changing and the demand is cyclical, resulting in periods when we are challenged to provide adequate staffing and other periods when we have underutilized staff. How to adapt to these and other rapidly changing circumstances?
- Maintaining our learning organization shared culture. Growth, geographic dispersion, and the heavy workload of our staff are creating more challenges for our shared culture. How will the Center develop creative methods to maintain and enhance the culture that has contributed to the Center's success?

Common Ground: Center for Cooperative Solutions UC Davis Extension

Beth Greenwood and Carolyn Penny, Co-Directors

Two major accomplishments:

- **Visibility:** Common Ground made a number of conference and workshop presentations to groups ranging from agricultural bargaining associations to transportation engineers. These presentations enhance visibility for the field of public policy DR as well as for Common Ground.
- **Mediation and Facilitation Services:** We continue to get great satisfaction from our projects - building client capacity and supporting the resolution of tricky public policy issues ranging from habitat restoration in Colusa County to leadership development in the Sierra.

Highest priorities

- Enhance our own service capacity
- Increase our opportunity to reflect on and learn from work in the arena of public policy DR.

Biggest challenges

- There seems to be a mismatch between the number of complex cases and the number of highly experienced practitioners. There are many people who are just entering the field who need to gain more experience. We'd like better to address the challenge of building the capacity of the field - and, as always, generating the supporting funding.

COLORADO

Office of Dispute Resolution, Colorado Judicial Branch

Cynthia Savage, Director

Two major accomplishments

- Securing legislative funding for the Office of Dispute Resolution for the first time in 15 years. This substantial funding is for administrative/program development, with parties paying the mediators and other ADR professionals directly for their services, instead of the past cash-funded structure of the Office in which party fees paid for administrative/program development costs as well as mediator compensation. The funding is not a separate line item in the budget; rather, it is part of the judicial branch budget.
- As part of the legislative funding described above, securing funds for additional staff, indigent mediation (which we intend to use primarily for child welfare mediation), and grants which ODR will award for creation or expansion of community conflict resolution and restorative justice services.

Highest priorities

- Fill all of the new staff positions and create a structure for training and supporting their work in the field.
- Create a structure and process for awarding community conflict resolution and restorative justice grants.
- Create new child welfare mediation programs in the state's judicial districts.

Biggest challenges

- Maintaining the current level of funding should the judicial budget be cut; this depends on the outcome of two referenda on the ballot in November's election.
- Integrating the new staff at the local level while maintaining statewide loyalty and consistency.
- Getting internal judicial branch agreement that there needs to be consistency in judicial branch mediator qualifications.

FLORIDA

Florida Conflict Resolution Consortium

Bob Jones, Director

Achievements of the past year

- Worked on over 28 separate projects on a wide range of subject areas and services (facilitation, consultation, assessment, process design, public involvement, referral to mediation, research and analysis) providing positive outcomes and implementable solutions which save the state millions of dollars in litigation costs.
- Secured a fifth consecutive contract from FDOT to support continuing work on the Strategic Inter-modal System and on development of the new Transportation Plan; secured a sixth consecutive contract from FDCA to support continuing work on the Building Commission; secured a contract with the Florida League of Cities to conduct trainings for city and county managers and elected officials; secured a fifth contract with

the South Florida Ecosystem Restoration Task Force for restoration efforts and multi-species management.

- Co-sponsored the Natural Resource Leadership Institute program in partnership with the University of Florida/IFAS for its sixth annual leadership program.

How our DR organization's role evolved or changed over the past 3-4 years

- FCRC is developing and seeking funding for establishing regional collaboration pilots under the auspices of the state's new growth management initiatives and laws.
- FCRC is focusing on service and training opportunities for partnerships involving regional collaboration and leadership
- FCRC is focusing more on work with stakeholder advisory groups dealing with issues such as species/habitat protection, the environment and transportation.

Dispute Resolution Center, Florida Supreme Court

Sharon Press, Director

Two major accomplishments:

- Creation and submission of significant revisions to the mediator certification requirements for Florida Supreme Court certification to move from degree based (paper credentials) to a recognition of the multiple paths one can take to attain competence as a mediator
- Provided technical assistance to implement the switch from county funding to state funding for court-connected mediation pursuant to constitutional amendment.

Highest priorities:

- Implementation of the revisions to mediator certification which are pending now with the Florida Supreme Court
- Creation of rules and procedures for appellate mediation, revisions to rules and procedures governing court-connected arbitration, and revisions to the mediation training standards

Biggest challenges:

- Obtaining full funding for the court programs

GEORGIA

Georgia Office of Dispute Resolution

Leila Taaffe, Director

Two major accomplishments:

- Research & development of mediation training standards and procedures used to approve training providers.
- Organized and support ongoing work of "Mediation Study Group," composed of experienced practitioners, to conduct comprehensive study and make recommendations to Commission on Dispute Resolution regarding changes to ethical standards for mediators.

Highest priorities for year to come:

- Drafting and implementation of revisions to ethical standards.
- Implementation of new training standards and procedures.

Biggest challenges

- Need for increased staff to handle numerous simultaneous projects such as training provision, training regulation/oversight, ethics advisory opinions and complaint processing, conference organization and presentation, fostering new programs----in addition to the day-to-day tasks involved in registering and renewing neutrals and providing public information.
- Maintaining budget in legislative process; advocacy to ensure that legislators are educated about our work and the need for a central ODR.
- Continuing technological advances that will more effectively network GODR with the various local court ADR programs.

HAWAII

Hawaii State Judiciary Center for ADR

Elizabeth Kent, Director

Two major accomplishments

- Refining our outreach and education program to promote mediation by:
 - ✓ Designing and developing a logo, color scheme, and template for Center publications and updating our brochures and guidebooks to incorporate them
 - ✓ Distributing a 4-page tabloid with articles informing readers about mediation and its benefits, choosing the right mediator, and using mediation for business and domestic disputes (20,000 copies printed courtesy of *The Honolulu Advertiser*)
 - ✓ Creating three public service announcements including a television PSA featuring Olena Rubin, Miss Hawaii 2004; and a radio PSA featuring Ms. Rubin
 - ✓ Refining our message about mediation so that the public will know our “brand” and what to expect from mediation
 - ✓ Learning how to most effectively inform the public about mediation
 - ✓ Contracting to have a high school produce a 3-minute, upbeat video on conflict resolution in the schools which will be used as part of our public relations work (*We are happy to share our materials with other state offices and that they may feel free to use them as a base for their work and/or publications.*)
- Increasing our budget by \$24,000 to increase funding for our contracts with the community mediation centers, and obtaining approximately \$20,000 beyond our budget to purchase technology, educational materials, and other services

Highest priorities

- Hosting a successful ADR Week and 20th Anniversary celebration (for our office)
- Finding more ways to provide high quality collaboration services to the public, especially in the area of social services and to those who have limited funds/resources

Biggest challenges

- Resources (funding, positions) are always a challenge
- Too many competing demands for our time

**Program on Conflict Resolution, Matsunaga Institute for Peace, College of Social Sciences Public Policy Center
University of Hawaii at Manoa**
Karen Cross, Program Manager

Two major accomplishments:

- Held Dual Mini-Conferences with Georgia State University's Consortium
- Trained and lead a diverse group of new facilitators to provide services for four days of the United Nations University Global Seminar Series on "*Facilitating Multiple Perspectives*" "Consuming Cultures: Change, Tradition and Choice in Asia and the Pacific."
- Carried out a 9 month facilitated project in which the University of Hawaii Chancellor convened a Task Force comprised of individuals to address five charges relating to the future of the Lyon Arboretum.
- Conducted Deliberative Forums and Community-Building Workshops to improve public engagement on important issues on campus and in communities, organizations, and government. We have used National Issue Forum formats, reframed issues locally, and adapted deliberative processes to fit the fora.

Highest priorities:

- Develop a project on "Facilitating in More Responsive and Responsible Ways: Confronting and Resolving the Challenge of Working with Diverse Communities." This project will seek to develop new understanding and approaches to our practice and new ways of preparing for third-party roles and holding ourselves accountable for meeting the needs of all. The conflict resolution and planning fields are facing the challenges of working in increasingly diverse and multicultural environments and dealing with the legacy and realities of historical dynamics which have oppressed some and privileged others. Traditional Western models of facilitation dominate the field and practice. Theories and strategies are needed to correct these long-standing power imbalances by being conscious of deeply imbedded patterns of dominance and preventing them through intentional facilitative practices.
- Stabilize funding post Hewlett Foundation for the University of Hawaii ADR Project and create a more integrative experience through the Graduate Certificate in Conflict Resolution that meets our high expectations and recognizes the limits of our advising and practice opportunities.

Biggest challenges:

- Accommodating twice as many graduate certificate students as anticipated is both an accomplishment and a challenge.
- Stabilize funding and level of service post Hewlett
- Provide and grow Deliberative Processes for many of the toughest problems facing Hawaii, like Hawaiian rights and sovereignty, military's role, research role in the university and state, and incorporating sustainability principles.
- Meeting the growing needs for assistance in dealing with change, conflicts, etc. in the university. There is a need to develop a new diverse cadre of faculty, staff, and students to begin to replace the experienced, but aging group in place now.
- Educate administrators, faculty, students, and community about how to incorporate facilitative ways into their organizational and community lives.

INDIANA

Indiana Conflict Resolution Institute

Lisa Bingham, Director

Two major accomplishments

- In May 2004, helped organize and sponsor Indiana's first statewide conference of conflict resolution programs, with good representation from community mediation, VORP, and state agency programs as well as practitioners.
- The state agency shared neutrals program is expanding its membership. John Krauss and Nan Stager, both staff affiliated with the Institute, provided training to the state attorney general's office staff and are working more with that office. They conducted four half day Training Sessions for the entire staff of the Attorney General. This was the first comprehensive training in ADR for this staff. ADR was a new topic in the two day CLE course sponsored by the AG for all state attorneys.

Highest priorities

- Discussions with the state attorney general's office on possible legislative proposals regarding ADR for consumer protection disputes.
- Growing the shared neutrals program.
- Incorporating ADR in every state department and agency.
- Establishment of an ADR section in either a proposed office of the Chief ALJ or the AG's office or a separate agency.

Biggest challenges

- All staff are spread too thin.
- The state has severe budget problems.
- Getting policy makers and other state officials to see ADR, mediation and facilitated settlements as better tools to use.

KANSAS

Kansas Office of Judicial Administration

Art Thompson, DR Coordinator

Two major accomplishments

- The use of juvenile dependency mediation in abuse and neglect cases has expanded. This office has worked to increase interest in a variety of courts and social services to using the process. Within the last year, the Kansas Supreme Court added juvenile dependency mediation to the types of mediation for which there are minimum approval requirements. The Office of Judicial Administration (OJA) has sponsored training for mediators and established voluntary guidelines for setting up local programs.
- Kansas state government is expanding its use of mediation and other forms of DR. The Kansas Water Office has been coordinating an effort to use DR in natural resource disputes. They have sponsored three six-day training sessions on public policy consensus processes. The Department of Administration (DAS) has been coordinating an effort to use DR in employment and other state related disputes. DAS and OJA have established a cooperative effort to provide monthly training to staff interested in using

and/or providing DR services. Some departments have initiated their own in-house employment related training.

Two highest priorities

- The Supreme Court changed the mediator approval process to require mediation trainees to be involved in three co-mediations in any of the four specialized mediation areas in which they are interested in being approved. Only mediators with a set amount of experience can provide the co-mediation experience. We are calling these people mentor mediators. This is in recognition that experience may be as important as the training in developing minimum mediator qualifications. However, obtaining co-mediation experience is becoming more difficult for a variety of reasons. As a response, this office has initiated an experiment to use extended role-plays to substitute for some of the required co-mediation experience. Guidelines have been developed and four pilot mentor mediation role-play projects have been selected and will be evaluated as they provide the services during the coming year.
- The Supreme Court's Advisory Council on DR is studying the provision of DR processes that are more evaluative in nature to determine if there are ways in which they can be encouraged. These include neutral evaluation, settlement conferences and arbitration.

Biggest challenges

- How to provide DR services for people with limited incomes. More courts are requiring mediation and other forms of DR and there are a growing number of people who have difficulty paying for the services in areas where there are no free or reduced fee providers. There is a state requirement for providers to offer their services on a sliding scale fee basis, but there are still people who have problems even making the reduced fee payments.
- The state budget will very likely have to be reduced in the coming year due to a court case requiring the legislature to dramatically increase funding for schools and due to a major increase in Medicaid expenses. This could affect many of the DR projects currently in operation.

MARYLAND

Maryland Mediation and Conflict Resolution Office (MACRO)

Rachel Wohl, Executive Director

Two major accomplishments:

- Completing a strategic revisioning process and releasing a new five-year plan. Since the Maryland ADR Commission (MACRO's predecessor) published its practical action plan *Join the Resolution* in late 1999, MACRO has played an instrumental role in helping establish new programs in courts, communities, schools, state and local government agencies, criminal and juvenile justice programs, family service programs, and businesses throughout Maryland. MACRO has achieved most of the goals outlined in the action plan, and the few goals not achieved are no longer relevant. MACRO worked with a multi-disciplinary advisory board and other stakeholders to assess progress made and to develop new five year goals in every area of its work. For a copy of MACRO's new five-year plan, call 410-841-2260.

- Major strides toward a statewide quality assistance program called the Maryland Program on Mediator Excellence (MPME). The MPME is designed to help Maryland mediators at every level of experience and in every field to improve the quality of their mediation practice. Components of the MPME include regional networks, mentoring, continuing education, self-reflective practice, case and ethics discussion groups, performance-based assessments, training and practice standards and a grievance process. Participation in the MPME will be voluntary and open to mediators with basic training who commit to a philosophy of continued learning and agree to comply with a grievance/ombuds program. Through the MPME, mediators earn recognition for skill building work and may advertise their accomplishments within the MPME participation via a searchable on-line directory of Maryland mediators at www.peoples-law.org. Several MPME pilot projects are underway, regional forums are planned for Fall 2005 to promote the program, and mediators will be able to enroll in the MPME by January, 2006. MACRO recently hired Cheryl Jamison as its new Quality Assistance Coordinator to manage the MPME, staff a statewide mediator excellence council, and organize other events to help advance the mediation community in Maryland.
- Launched a public awareness and marketing campaign under the title "Mediation: It's Your Solution." A series of creative posters promoting mediation in various venues will be available nationally this Fall. For more information, visit MACRO online at www.marylandmacro.org.

Highest priorities:

- Public awareness - Disseminating posters, public service announcements, news stories, a MACRO brochure, video and annual report, and conducting targeted mediation awareness and other educational presentations. We will share information about MACRO's work and products with ADR organizations across the state and the nation.
- Court ADR program improvement and evaluation - Improving court ADR programs by collaboratively developing and implementing an innovative system of self-assessment and other evaluation projects that will help improve and document the benefits of using mediation and other forms of conflict resolution in courts (and in other contexts). MACRO will share information about the self-assessment system to inform the national dialogue on court ADR program evaluation.
- Quality assurance - Raising the quality of mediation practice in Maryland by collaboratively developing and implementing the innovative MPME. The MPME is a system with many components that will help Maryland mediators at all experience levels and in all fields improve the quality of their practice.

Biggest challenges:

- Despite progress made advancing ADR statewide, lack of awareness and understanding remains a major challenge. People rarely consider mediation as their first option when they are in conflict and many public agencies still need to be persuaded to engage in facilitated consensus-building processes.

Center for Dispute Resolution at the University of Maryland

Roger Wolf, Director; Toby Treem, Deputy Director

Two major accomplishments:

- Expanded the comprehensive school conflict resolution program. C- DRUM has run a program where we administer grants to public schools across the state to implement

conflict resolution programs. This year, the scope of the program changed to provide additional support and training for the schools involved. Each school was required to send a team of 4 people (including an administrator) to a two-day training conducted by trainers from Ohio.

- Increased the services provided on campus. This year received an increase in mediation referrals regarding both faculty and staff issues as well as student complaints. In addition, the Center collaborated with the Nursing School to provide training and develop an on-line learning module. The Department of Student Affairs asked the Mediation Clinic to conduct a workshop on conflict resolution for its “Wellness Wednesdays” initiative and Clinic students conducted a campus wide informational session.

Highest priorities:

- Institutionalizing the Center
- Establishing a Public Policy Fellows Program

Biggest challenges:

- Permanent funding: to date most funding has come from individual projects and training.
- Determining the scope of the Center’s work. As a fairly young program, the Center and its staff continually struggle to find a focus for the Center’s work. Primarily driven by the need to obtain funds, the Center’s work often “follows the money” instead of focusing on a few key initiatives. In addition, the Center is juggling how to meet the needs of the law school, the campus, and the strengths and desires of the Center staff.

MASSACHUSETTS

Massachusetts Office of Dispute Resolution

Susan Jeghelian, Executive Director

Two major accomplishments:

- Obtained a statutory amendment transferring our agency from the Executive Office for Administration & Finance to the University of Massachusetts Boston where we have become a free standing institute under the Vice-Provost for Research.
- Secured a budget line item in both the House and Senate budgets. Our line item was vetoed by the Governor and we were able to lobby and garner enough support in the legislature to override the Governor’s veto.

Highest priorities:

- To complete MODR’s business plan; which includes a provision for the establishment of both internal and external advisory boards.
- Equally important, MODR will be doing a great deal of business development as well as grant/funding research and development as we work toward our long-term goal of being self-sustaining.

Biggest challenges:

- Making the transition into the University environment as a research institute. There is a tremendous learning curve. In a very short time frame, MODR must develop research capacity and expertise if we are to be credible in this area. We have decided to hire a Director of Research.

- Fundraising through grants. As an agency that has traditionally relied on legislative appropriation and fee for services, MODR must now become adept at developing research proposals and writing grants.
- Securing short-term public funding. Because MODR is still transitioning to the University and completing its business plan, we are not yet ready to stand on our own without at least some public funding to help cover our operating expenses.

MICHIGAN

Michigan Office of Dispute Resolution

Doug Van Epps, Director

Two major accomplishments:

- Implementation of the Post-Judgment Parenting Time Mediation Pilot Project. Michigan is testing the use of mediation provided by Community Program volunteers to reduce the recidivism rate of parties in domestic relations actions returning to court for contested parenting time disputes.
- Increased utilization of the network of 20 Community Dispute Resolution Program centers by the trial courts. Services to courts continued to expand, with more courts now offering victim/offender, guardianship, permanency planning, and other types of specialized mediation services.

Highest priorities:

- Continued expansion of mediation services in the trial courts, particularly in the Family Division of Michigan's Circuit Courts.
- Procurement of additional funding to support new and expanded services, chiefly in the areas of child protection and adoption mediation.

Biggest challenges:

- Resistance by courts to adopting mediation services. Many courts still view mediation as an obstacle parties must face, rather than as a process that may be better for the parties to resolve their particular conflict.
- Funding to support work in courts that do see the benefit of mediation and wish to expand services.

MISSOURI

University of Missouri Extension Community Development Program

Miranda Duncan, Community Development Specialist

Two major accomplishments:

- Co-authoring (University of Missouri Extension and the Community Action Agencies of Missouri) a training manual, *Step Up to Leadership*.
- Collaboration with South African mediation and transformation practitioners (nongovernmental organization and academic university-based program).

Highest priorities:

- Solidifying a university-public school district partnership to maximize use of available resources and strengthen community involvement.
- Supporting the creation of a task force that will frame issues and explore solutions to problems of inner ring suburbs.

Biggest challenges:

- Maintaining momentum for follow-through in implementing community plans.
- Empowerment of leaders in distressed communities.

**University of Missouri-Columbia
Community Development Extension Program**

Sandra S. Hodge, Extension Associate Professor and State Public Policy Specialist

Two major accomplishments

- Two sets of statewide public deliberation forum processes were held: one on the issue of the medically uninsured in Missouri and another on the role of biotechnology for regional economic development. Both resulted in policy recommendations--the first to state legislators and the second to a state commission on biotechnology.
- Collaborative training processes with Australia and Thailand, using deliberative dialogue for public participatory processes.

Highest priorities

- Provide more opportunities for people to develop skills in using deliberative dialogue as an approach to addressing complex public issues as well as building skills in naming and framing public issues.
- Continue to explore the linkages between conflict resolution and deliberation with regard to public participation in public policy processes.

Biggest challenges

- Continuing to build partnerships and collaborative processes with agencies, community organizations, non-profits, etc., around the use of deliberation for public process as a way to more effective public engagement and to mitigate polarization around public policy issues.

MONTANA

Montana Consensus Council

Judy Edwards, Executive Director

Two major accomplishments:

- Received bi-partisan support during the legislature for funding for the executive director position for the next biennium.
- Our Natural Resources Leadership Institute focused on successful tribal/state/federal partnerships and had attendance from each tribal government.

Highest priorities:

- This year's NILE will focus on applying the principles of success to current or potential tribal/state/federal projects in Montana.
- Beginning a very exciting project with rural communities to manage the impact of growth.

Biggest challenges:

- Funding
- We have almost a completely new governing Board this year and it will take time to bring them into what we are doing.

Public Policy Research Institute, University of Montana

Matt McKinney, Director

Two major accomplishments:

- We have reinvigorated the PPRI.
- Created the first graduate-level certificate program in the country on Natural Resources Conflict Resolution.

Highest priorities:

- Refine our strategic sense of mission, and bring staffing levels up to match the workload.

Biggest challenges:

- Figuring out how to reach decision makers and mid-career professionals with our education resources. Some people are resistant to dialogue, deliberation, and multi-party negotiation; others are blissfully unaware of the ideas and tools available; and still others simply don't have the time or energy despite being interested.

NEBRASKA

**Dispute Resolution/Rural Court Programs
Nebraska State Court Administrator's Office**

Debora Brownyard, Director,

Debora began this position in March 2005, following Wendy Hind's resignation. The position has been changed to reflect 50% Dispute Resolution; 30% Court Grant Development; and 20% Rural Court Programs.

Two major accomplishments

- Office was able to return the annual state grant to each mediation center to its pre-2002 level of \$45,000 from the 8% lowered legislative budget cut-rate
- A revised Judges/Court Staff ADR Deskbook was provided and an ADR survey of all state court judges and personnel was conducted

Two highest priorities

- Reviewing and considering for adoption the revised Model Rules for Mediation Ethics
- Pursuing enabling legislation and/or a state court rule giving authority to judges to order ADR and mediation.

Biggest challenges

- Working within a court and bar culture in many parts of the state that is ADR resistant
- Having limited staff resources to expand and enhance ADR throughout not only the courts but other state and local agencies, and general public.

NEW JERSEY

Center for Negotiation and Conflict Resolution, Rutgers University, New Jersey

Sanford Jaffe and Linda Stamato, Co-Directors

Two major accomplishments

- Raised the profile of the CNCR with respect to collaborative potential through meetings focusing on NJ Solutions and a statewide seminar for community leaders;
- Several short columns were published that illustrate the potential of collaboration (e.g. rail freight) and identify problem areas where it should be tried
- Secured Hewlett Foundation support for a research project to investigate resistance to collaboration and have completed 2/3rds of the interviews

Highest priorities

- To conclude the research study and prepare the results for "constructive distribution"
- To involve several centers and institutes at Rutgers and in southern NJ in our work
- To continue to attract graduate students to the new course focusing on how information is developed, managed, framed and used in public disputes

Biggest challenges

- Sustaining attention at home and throughout the State; building on accomplishments.

NEW MEXICO

Office of Public Facilitation, New Mexico State Government

Julia Hosford Barnes, Staff

Two major accomplishments:

- Made progress in formalizing the program in state government. The Office of Public Facilitation encourages state agencies to use collaborative processes in the public policy arena. We were able to get a great deal of guidance from the Governor's office and other high level executives regarding what types of formalized protocols could form the basis of a long-lasting state governmental effort. However, we were not successful in getting the Governor's office to sign an Executive Order, which would have created a program at the Governor's office, using the Governor's "power to convene." The Governor's office felt that there were presently too many initiatives going on to start this program.
- Funding for the program is stable and should likely continue throughout the term of Governor Richardson.

Highest priorities:

- Work with interested state agencies to develop a "New Mexico Roundtables" a program which incorporates many of the ideas developed through the work with the Governor's office this last year. State employees are interested in moving the project forward in their agencies: the Environment, Energy, Minerals and Natural Resources, Health and Transportation.
- Develop a training program for mid-level and high-level management within state government to study common problems related to public policy issues. This training will examine in depth common public policy collaboration scenarios and look at a variety of challenging issues, such as ways to effectively communicate between the public, industry and government, and ensuring that appointed representatives truly represent their interest groups.

Biggest challenges:

Formalizing collaborative processes in state government. Presently, state employees who are using collaborative methods are pleased with the projects and the feedback is positive. However, there is not yet a generalized commitment to the concept of collaboration. There is a commitment to the facilitators who are frequently used, and they are thought of as skilled professionals. However, if these people were to leave or were unavailable, many state employees would go without the service, rather than seek out someone they did not know.

NORTH CAROLINA

Natural Resources Leadership Institute
North Carolina State University
Steve Smutko

Two major accomplishments:

- Completed a training video and accompanying resource materials on multi-party negotiation. The video, titled "When Talk Works: Building Consensus on the Nantahala," uses a FERC hydropower relicensing process in western North Carolina as the context for an exploration of concepts and principles of collaborative problem solving.
- Published a training guide for extension professionals titled "Handling Scientific and Technical Information in Contentious Public Issues: A Public Issues Education Approach."

Highest priorities:

- Besides maintaining excellence in our ongoing leadership development and decision-making programs, we are planning to offer a two-day training workshop in environmental negotiation.
- Organizing and hosting a three-university symposium on collaborative problem solving in environmental policy.

Biggest challenges:

- Long term funding for personnel.

Public Dispute Resolution Program, School of Government, University of North Carolina

John Stephens, Coordinator

Two major accomplishments:

- Publication of the *Guidebook to Public Dispute Resolution in North Carolina* (September 2004) 184 Pages Price: \$45.00 For more information see: <http://php.unc.edu/sogcart/singlebook.php?id=639>
- (John also publishes a 3 times a year email update and you can email him to be included on the circulation list.)
- Continued development of resources to meet the needs of public officials: i) public leadership development for local government elected boards and city/county managers; ii) handling difficult public hearings; iii) monitoring/supporting the Collaborative Democracy Network efforts of David Booher and others

Highest priorities:

- Book chapter on citizen involvement in local government - coverage of law in North Carolina, description and prescription on advisory committees and public hearings, tracking innovations in community dialogue, the Internet and other "innovative" forms of citizen involvement.
- Other writing projects, but they are always delayed if teaching or consulting comes up.

Biggest challenges:

- Competing demands for other academic, administrative/editorial and professional association obligations (I'm co-chair of ACR's Environment and Public Policy Section until September 2006)
- For August-December, investing time to recruit candidates of color for a School of Government faculty position in public leadership. Important personal investment to diversify the faculty to which I belong.

OHIO

The Ohio Commission on Dispute Resolution and Conflict Management

Maria Mone, Director

Major accomplishments

- Commission and Vanderbilt University were awarded a \$ 1.3 million Grant from the U.S. Department of Education. This three-year grant provides for comprehensive school conflict management training packages for over 12,000 middle school staff and students in Ohio. This will serve as a national pilot to develop a model that can be used nationwide to reduce school violence, bullying and discipline challenges, improve classroom management strategies, and as a result, overall student academic achievement.
- Hosted an International Conference on Conflict Resolution Education September 28th – October 1st, 2005 –in partnership with the U.S. Department of Education, the European Centre for Conflict Prevention, the Interfaith Center for Peace, the Ohio Resource Network, the Departments of Education, Health, and Alcohol and Drug Addiction Services, the Attorney General's Office, and Miami University. This event will highlight

Ohio's role as an international leader in conflict resolution education. In addition to representatives from colleges, universities, and school districts across the U.S., 37 participants representing 21 nations from around the world will be attending.

- Assisted in planning International Network on Conflict Resolution Education - There are currently conflict resolution education legislation, policies and related mandates in the majority of the world's regions. Teams of government and non-governmental organizations have been invited to Ohio as part of the September conference (see above) to continue development of an international network. Participants include Armenia, Australia, Bulgaria, Canada, Colombia, Cyprus, England, Germany, Ghana, Ireland, Israel, Jordan, Kenya, Lebanon, Northern Ireland, Norway, Russia, Sierra Leone, Thailand, and the Ukraine.
- Expanded Truancy Prevention Through Mediation Program - Twenty-six counties, 85 school districts and over 340 schools are participating in the program. Two independent evaluations were recently completed.

State and Local Government

- Expanded Pool of Public Policy Facilitators - Sponsored a 3 day facilitation training for 23, designed to diversify and expand the pool of facilitators available to provide these services.
- Hosted Workshops for Ohio Legislators - sponsored programs focusing on *Improving Public Policy through Collaboration*. 25 legislators and staff attended.
- Provided facilitation and mediation services for a variety of state and local government projects. Also provided external facilitators for projects sponsored by the Governor's Office of Workforce Development, the Ohio EPA, and others.
- Conflict Management Week 2005 - *Winning Through Working Together*. Events included a Bullying Prevention Symposium, a Workplace Mediation Workshop, and a meeting to strengthen relationships between ADR service providers and multi-cultural community-based organizations in Central Ohio. Other statewide events that took place during the week are posted on the Commission's website.

Two Highest Priorities for this year

- Building support in Ohio Legislature
- Leveraging resources to do more with less

Biggest Challenges

- Creating "champions" to advocate for our programs and services
- Developing innovative programming and services with limited resources

OKLAHOMA

Oklahoma State University – Institute for Issue Management

Weldon Scheiffer, Program Manager

Two major accomplishments:

- Expanding ADR applications and services into several, new rural and municipal subject areas, statewide --- rural water and infrastructure, municipal projects and employment, natural resource issues, and some cross cultural/organizational issues.

- Generating and initiating ADR research activities associated with cases and projects --- most including networking with agencies and other universities.

Highest priorities:

- Generate income producing activities --- educational conferences, continued research and networking in the development of ADR, and formal training in ADR and negotiations through the University.
- Expand our Institute's services into international applications.

Biggest challenges:

- Energy and lack of continuity in networking efforts as partnerships continue to demand deeper understanding of ADR applications.
- Keeping income in line with expenditures (i.e., the business side of things and implementing a "profit motive" in public sector work)
- Finding people and effectively networking with resources while avoiding the pitfalls of making money.

OREGON

Oregon Consensus Program

Elaine Hallmark, Director

Two major accomplishments:

- Program was continued and funded by the Legislature! OCP was transferred to Portland State University by the prior legislature with a sunset clause that terminated it at the end of 2005. We were able to convince the Legislature to remove the sunset and make us a permanently funded public service program of the University.
- Undertook two major projects at the request of Governor Kulongoski and successfully completed one and successfully reached a mid-point agreement in the other. This helped establish us as a neutral forum at the University for convening collaborative processes on difficult public issues. We facilitated the Governor's Global Warming Task Force and assisted it in developing a recommended strategy for the State that is now being implemented. The other project involves seeking agreement on a policy around aggregate mining on farmland in Oregon. This issue had been the topic of very contentious debates in prior legislative sessions. The interim agreement kept parties from making any proposals in this legislative session and they agreed to work collaboratively on the issue following the session.

Highest priorities:

- Solidifying our base in the university with our new ongoing status and budget. We need to get a number of "infrastructure" pieces in place, including office space, administrative assistance, an RFQ for mediators, facilitators and case developers and a MOU with the AG's office regarding our services involving state agencies.
- Planning a major initiative in the area of mediation for land use related cases. Oregon passed an initiative (Ballot Measure 37) requiring compensation or waiver of regulations if certain regulations imposed after a person owned particular property reduces the value of that property. Jurisdictions are sorting out how to implement this measure and how it fits into the current land use system. There could be a significant role for mediation in

helping to resolve some of these claims, as well as in some of the difficult land use situations that fueled the passage of the measure.

Biggest challenges:

- In order to demonstrate our value and cost effectiveness as a public service program within the university, we need to:
 1. ramp up as a new program;
 2. make people aware of our existence and our ability to provide the neutral forum and expertise for convening consensus processes
 3. provide the kind and level of services expected by the legislature and the Program's historical supporters and users

TEXAS

Center for Public Policy Dispute Resolution, University of Texas Law School Jan Summer, Executive Director

Two major accomplishments:

- Sunset Commission - To encourage the use of ADR in state agencies, the Texas Sunset Advisory Commission, with the Center's support, adopted a provision that directs each agency, as they become subject to Sunset review to adopt policies and procedures for the use of ADR, designate an ADR point person within the agency, and provide measurement and evaluation of ADR usage. The Center is assisting agencies in their implementation of the new statutory language. We are approaching a critical mass equal to one-half of state government subject to these changes.
- One of the Center's mandates is to encourage and to help the state capture, track, and analyze data related to the use of ADR in the Texas judicial system. This information enables court administrators and policy makers to understand the benefits of employing ADR, to determine where ADR is most likely to be beneficial, and can justify spending and advocating for resources for ADR activities. Jan Summer has personally been working on this for over 12 years, but the progress has been slow because of the reluctance of the Office of Court Administration (OCA) to implement new data collection methods. However, opportunities have recently opened up because the Texas Judicial Council has required OCA staff to review and to revise all their reporting requirements. We are seizing the opportunity and tackling the issue of improving ADR data collection on two fronts:
 - Completed a data reporting system for the DR Centers (DRCs)
 - Creating a way for the courts to track the use of cases that go to ADR from both Darks and courts (including private mediators).

Highest priorities:

- Civil Court ADR Tracking System - Having completed a new OCA data collection system for DRCs, we will now move to development of a new data collection system for all civil courts. In the spring, OCA will be moving on to revising the reporting requirements for the Civil Courts. So, we will be appointing a Task Force to prepare proposals for collection of data about ADR use in Civil Courts.

- Environmental Conflict Resolution Recourse Initiative - The Center will determine the needs, assess available solutions, and then develop recourses lacking within Texas for resolution of state water related issues.

Biggest challenges:

- Required changes in cultural thinking regarding the approaches to dispute prevention and resolution are the biggest challenge facing us.

VIRGINIA

Institute for Environmental Negotiation, University of Virginia

E. Franklin Dukes, Ph. D., Director

Two major accomplishments:

- Convening a multi-party consensus building effort involving industry, community, public agencies, and others to clean and revitalize both river and land at the most contaminated spot in the Elizabeth River.
- Securing funding and support to initiate two pilot consensus building efforts for the new Virginia Solutions program.
- Securing research and writing for several sub-grantees examining community-based conservation through the Hewlett-funded Community-Based Collaboratives Research Consortium.

Highest priorities:

- Securing funding and support to expand the Virginia Solutions program to address Virginia's communities' problems.
- Securing a sustainable future for the Natural Resources Leadership Institute.

Biggest challenges:

- Funding support for worthy projects that don't attract conventional funding
- Continuing to grow as practitioners, teachers and researchers

Dept. of Dispute Resolution Services, Supreme Court of Virginia

Geetha Ravindra, Director

Two major accomplishments:

- The judicial system is piloting a Judicial Settlement Conference program for Circuit Court cases. Although the Settlement Conference has been available for many years, many courts have not utilized it due to insufficient time and resources.
Now judges' services are free to the parties. They are compensated in the same fashion as when recalled to active status. Retired judges maintain confidentiality and only report to the referring court the terms of the agreement, if authorized by the parties or the fact that no agreement was reached.

To date approximately 250 settlement conferences have been conducted. This

program has been so successful, more judges have been trained. Feedback from attorneys has been extremely positive. After a reasonable period, an evaluation of this pilot project will be conducted to determine whether it should be implemented on a permanent basis.

- In 1993, the Virginia State Bar adopted a statewide system for voluntary arbitration of fee disputes between attorneys and clients. The program has not been utilized to the extent anticipated and a Task Force is evaluating the program and considering use of mediation as a precondition to processing a disciplinary complaint. DDRS is working with the State Bar and has drafted rules to add mediation as an option for resolving fee disputes.
- A new Virginia Agricultural Mediation Program began this year by the Virginia State University Department of Agriculture. DDRS worked with them to identify a qualified cadre of mediators, provide training, and develop forms for this program.

Highest priorities:

- In October, the Chief Justice will begin a new Futures Commission. DDRS will support their work as it relates to ADR. The Commission will be considering mandatory mediation.
- A Committee on the Establishment of a Family Court has been working on proposed legislation. DDRS has been supporting this project by providing family mediation data. If the Family Court is approved and funded, there will be tremendous increase in the use of mediation.
- We are currently developing an on-line mediator recertification program. Presently, recertification requires a paper application and the review process is very time consuming. An on-line system should reduce the administrative effort involved.

Biggest Challenges

- We are focusing attention on quality issues and evaluating the need for revisions to our Mentoring requirements. We are also considering ongoing evaluation of Trainers to ensure consistency and excellence in mediation training.
- The 30+ mediation coordinators throughout the state would like a uniform case management system. We are considering development of a more sophisticated case management system than the one we presently have.
- If a Family Court and mandatory mediation are established, there will be numerous issues, including sufficient resources and capacity.

Interagency Advisory Council on ADR

Claudia T. Farr , Lead Staff and Director Department of Employment Dispute Resolution

Two biggest accomplishments:

- launching, recognizing, and learning from ADR pilots in 7 state agencies

- finalizing the Council's web site (scheduled to go live 9/16/05), with information on its mission, training, implementation tools, survey results, and members)

Two highest priorities

- finding a permanent home and funding for the Council's staffing needs
- partnering with private sector for continued training of agency coordinators, key staff, and employee neutrals

Biggest challenges

- finding a permanent home and funding for the Council's staffing needs
- transitioning with the new administration this January, following the election of Virginia's new Governor

WASHINGTON

WSU-UW Policy Consensus Center

Jon Brock and Rob McDaniel, Co-Directors

Two major accomplishments:

- Staffing and facilitating a water funding task force that resulted in movement on key policy issues
- Producing a neutral study on a water rights program that resulted in more collaborative handling of the program and improved distribution of benefits to water rights holders and environmental groups

Highest priorities:

- Contribute to improved understanding and policy options on issues affecting agricultural lands and the environment
- Increase activity in "prevention" areas like research and training that can improve opportunities for consensus on issues that might otherwise become contentious.

Biggest challenges:

- Continually working to know the views and interests of affected and interested parties in issues we are dealing with
- Identifying and attracting the best knowledge and talent to bring to each issue