

Legislature. LB 90 is my priority bill for the year, and it represents an attempt to encourage the process of mediation for dispute resolution in this state. In this regard, Nebraska lags behind a number of other states who have made concerted efforts to use mediation as a way of solving disputes. The States of Hawaii, Florida, Ohio have been national leaders in this area, and we have, for the most part, used our tried and true adversarial litigation model for the way that we solve problems in this state. And that works well for some kinds of disputes. It does not work well for others. Let me tell you what mediation is as a process. You have two contending parties who have a dispute. A third party, a neutral, acceptable to both, at the invitation of both parties or with their voluntary consent elicits the two parties to discuss the process and make their own conclusion or settlement to the issue. Now you may have heard the phrase, "arbitration", and are aware of that process. It's one that certainly is well known. In arbitration two parties select a third party, the third party hears both sides make their cases and then makes a decision which is either binding or nonbinding but advisory, depending on the circumstances. Mediation is significantly different. Mediation means that the third party is there to facilitate the two parties talking to each other and for the two parties to make their own settlement. The mediator has no power to impose a settlement. The mediator's role is to elicit information, to model good communication and listening skills, to elicit confidential information by talking first with one side and then the other side, perhaps proposing solutions which the others have not thought of, and should they find an agreement to reduce it to writing, to get both parties to sign it and to remind them of their obligation to carry out their own voluntarily arrived at decision. Mediation has a long career elsewhere although we're not too familiar with it in this state. In this state, however, we do have some experience in the farm area. Lenders and farmers who would otherwise go to court for a Chapter 12 bankruptcy or some kind of bankruptcy procedure are oftentimes encouraged by intermediate lenders to participate in mediation. Oftentimes, the relationship is broken down so badly that the banker and the farmer do not talk to each other. What they do is trade legal forms with each other and avoid each other like the plague. Mediation provides an opportunity for both parties to come together and to renew their relationship which has fallen on hard times. Our own experience has been that people who were reluctant to use mediation several years ago now are supporters. I ask you to simply contrast the passage of the