



Nebraska Basic Self-Study Worksheet:
Ethical and Practice Conflicts that Arise in Basic Mediation Cases

**Applicant
information:**

Name: _____
Phone: _____
Email: _____
Date: _____

Mediators practicing in Nebraska shall be familiar with and follow the standards, rules and ethics found in the Nebraska Dispute Resolution Act and the ODR Standards and Ethics for Mediators.

Review these documents before completing the worksheet. You may refer to the rules and ethics while answering the questions. The links to the following documents can be found here:

<https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/reports-laws-policies-forms>

ODR Manual of Standards and Ethics
Nebraska Dispute Resolution Act

Instructions:

Please read the following seven (7) scenarios and write a brief response to each question. List which of the two documents you used to complete the answer, and which rules/standard specifically addresses the ethical concern in the question. Remember answers may be found in one or all of the document and may include more than one standard, rule and/or ethic; be sure to list them all.

Return worksheet and answers to:

**Administrative Office of Courts & Probation
Office of Dispute Resolution,
c/o Program Analyst
P. O. Box 98910
Lincoln, NE 68509**

402-471-2911 (phone) | 402-471-3071 (fax)

nsc.mediation@nebraska.gov (email)

1. You are a partner in a counseling (or law) firm and one of the other partners has previously counseled (represented) Mrs. Ginger in her divorce five years ago. Mrs. Ginger asks you to mediate the issue of payment of her daughter's college tuition between she and her ex-husband. What ethical considerations apply, if any, and why?

2. You are a volunteer mediator and also a self-employed contractor. Judy Smith and Tom Jones are neighbors in a conflict. Their common concrete driveway wall has collapsed. You are the co-mediator, and when you arrive at the mediation session, you discover that Judy's husband, Steve Smith, had asked you for an estimate to repair that same wall just last week. You didn't realize that Judy Smith was married to Steve Smith until you arrived at the mediation session. Is there an ethical issue for you? If so, what rules apply and what should you do?

3. You are mediating a neighbor dispute between Mrs. Brown and Ann Black. Ann could care less about her kids and lets them run all over the neighborhood day and night. There is nothing that bugs you more than parents who take no responsibility for their children; they shouldn't be allowed to have children and you have just told her so. What ethical considerations, if any, apply. How do you handle the situation?

4. During a mediation you discern a legal issue embedded in the discussion between the parties, and the parties seem to be unaware of the legal ramifications. As mediator, what ethical considerations apply, if any, and why. What if you are also an attorney? What do you do about the situation in the mediation?

5. You are in a mediation, and as mediator, you have just offered a suggestion to the parties during the Option Generating stage of the process. The parties really like it and want to use it as part of their agreement. What ethical considerations apply, if any, and why? How do you handle the situation in the session?

6. You just completed a long three hour mediation and reached an agreement, which the parties are reviewing and ready to sign. Suddenly, one party says, "I just don't know if I am doing the right thing." Your co-mediator says to the party, "You have worked hard on this agreement--it's OK to go ahead and sign it--it's late and we all need to come to a closure." Is there an ethical issue? If so, what rules apply. How would you handle this situation?

7. You are mediating a business dispute between two former partners and friends. John has just learned that Sam had a separate secret business on the side which has outraged John. He said that he intends to burn that business to the ground. What ethical considerations apply, if any, and why. How would you handle this situation?