

Constitution State of Nebraska Article 1 Sec. 1.

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.

Source: Neb. Const. art. I, sec. 13 (1875); Amended 1996, Laws 1995, LR 1CA, sec. 1.

Nebraska ADR Statutes

Prior to the amendment of the Nebraska Constitution in 1996, the legislature enacted:

1976 Uniform Act on Interstate Arbitration and Compromise of Death Taxes, 77-3301 to 77-3316;

1987 Uniform Arbitration Act Sections 25-2601 to 25-2622;

1987 State Administrative Departments Personnel statute providing that if the parties in labor contract negotiations do not reach a voluntary agreement by January 1, the dispute shall be submitted to a mediator mutually selected by the parties or appointed by the Federal Mediation and Conciliation Service, 81-1381;

1988 Farm Mediation Act, providing consensual mediation, 2-4801 to 2-4816;

1993 Parenting Act authorized voluntary mediation of parenting plans 43-2901 to 43-2919; most recent amendments 2007 and 2008. Commencing in 2010 mandatory mediation of parenting plans;

1993 Nebraska Fair Employment Practice Act, authorizing the Commission of Industrial Relations to attempt to eliminate unfair employment practices by means of conference, mediation, conciliation, arbitration, and persuasion, 48-1117;

1995 Commission of Industrial Relations, where the employer is a school district, an educational service unit, or a community college, the commissioner may order additional mediation if necessary, 48-811.02 and 48-816; and

1997 Paupers and Public Assistance Welfare Reform Cash assistance statute provided it is the intent of the Legislature that an independent mediation appeal process be developed as an option to be considered, 68-1723;

Subsequent to the amendment of the Constitution in 1996, the legislature enacted:

1998 Uniform Partnership Act authorizes mediation to settle winding up disputes, 67-441;

2000 Irrigation and Regulation of Water provision for an instream appropriation application mediation or nonbinding arbitration, 46-2117;

2001 Tax Equalization and Review Commission Act authorized the mediation of valuation disputes between the county and the owner of the property, 77-5009;

2003 Uniform Mediation Act 25-2930 to 25-2942;

2003 Juvenile Code gave County Attorneys the option to make juvenile offender and victim mediation available as part of juvenile diversion agreements, 43-245 et seq.; and

2008 Civil case referral by court order, 25-2943.