

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF RULE 16 OF THE NEVADA RULES
OF APPELLATE PROCEDURE
GOVERNING SETTLEMENT
CONFERENCES IN CIVIL APPEALS.

ADKT No. 244

FILED

JUL 07 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER RE: SUPREME COURT SETTLEMENT JUDGE
QUALIFICATIONS AND REQUIREMENTS

WHEREAS, this court adopted Rule 16 of the Nevada Rules of Appellate Procedure on December 27, 1996, and implemented the settlement conference program in 1997;

WHEREAS, although the program has been successful in meeting the court's original goals, an evaluation was needed to ensure the program meets the court's current goals;

WHEREAS, Nancy Neal Yeend of the John Paul Jones Group conducted a comprehensive review of the program and submitted a report with 32 recommendations;

WHEREAS, the report was submitted to the Settlement Judges Core Committee for comment;

WHEREAS, the court also solicited written comments from the settlement judges and the public at large and, on May 5, 2005, held a public hearing to receive oral comment on the report;

WHEREAS, the court entered an order on November 18, 2005, regarding those 32 recommendations; and

WHEREAS, in that order the court, among other things, accepted Recommendations 24, 26, 27, 28 and 29 regarding qualifications

for appointment as a settlement judge as well as standards for evaluation of appointed settlement judges;

IT IS HEREBY ORDERED AS FOLLOWS:

New applicants for appointment as a settlement judge should meet the following minimum qualifications:¹

(1) Completion of a minimum 40-hour mediation training course, equivalent to the Civil Mediation Course at the National Judicial College.

(2) Demonstrated experience in appellate law and mediation.

(3) Active membership in the State Bar of Nevada with significant legal experience in Nevada is strongly preferred.

(4) Specialized training and experience will be required to be assigned family law cases.

Additionally, prior to being assigned any cases, all new settlement judges must observe or conduct 2 co-mediations, on a pro bono basis, with an experienced settlement judge.

Once appointed to a term as a settlement judge (either an initial 2-year term for new appointees or a 3-year term for current settlement judges as described in our March 19, 2006, order)² settlement judges must meet the following continuing requirements:

¹ This court previously adopted a formal settlement judge application form and set forth appointment terms in an order entered March 19, 2006.

² As explained in that order, current settlement judges need not take any action at this time. All current settlement judges will be notified when they must submit a completed application form for reappointment to

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(1) Average at least 4 cases per year during the appointment term.³

(2) Complete an average of 4 hours of continuing legal education in mediation, including 1 hour in ethics, per year during the appointment term.

A settlement judge may be removed from the panel for violation of the Code of Conduct, repeated procedural derelictions, or other good cause. In order to be considered for reappointment, a settlement judge must meet the above continuing requirements and request to be reappointed prior to the expiration of his or her appointment term. Further, a settlement judge may be temporarily suspended from the panel and not receive any new case assignments if he or she has not met all procedural requirements for his or her current caseload.

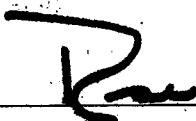
Applications for an initial appointment or requests for reappointment at the expiration of an appointed term shall be submitted to the clerk's office for processing and will be evaluated by the court based on the above factors as well as other relevant background information included in the application. The court may refer an application to the


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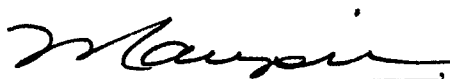
a new 3-year term. These requirements will only apply after appointment to such a term.

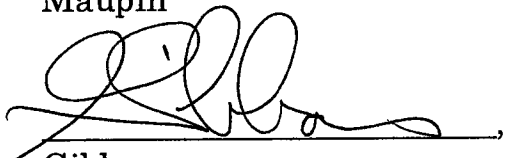
³ It is the responsibility of settlement judges to keep track of the number of cases they have been assigned and to notify the program administrator when they are available to accept new cases

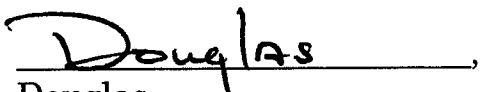
Settlement Judges Core Committee for a recommendation. The court may also refer an application to the State Bar of Nevada for review and background investigation.

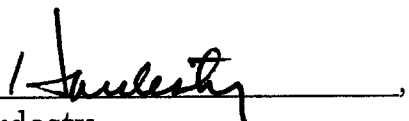

_____, C.J.
Rose

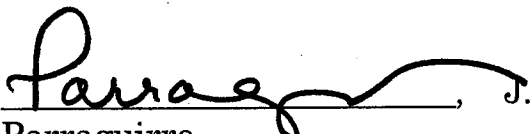

_____, J.
Becker


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: All Settlement Judges
Nancy Neal Yeend