

FILED

SEP 18 1996

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

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

ADKT NO. 249

PETITION TO ADOPT RULE 16 OF THE NEVADA RULES  
OF APPELLATE PROCEDURE

Comes now Cliff Young, Justice of the Supreme Court of Nevada, and petitions the court to adopt Rule 16 of the Nevada Rules of Appellate Procedure. Accordingly, the undersigned submits the following proposed rule:

RULE 16. APPELLATE SETTLEMENT CONFERENCES

(a) Submission of Case to Settlement Conference. A civil appeal which appears amenable to just and fair resolution by settlement may be scheduled for a settlement conference. The settlement conference shall be presided over by a senior justice, a senior judge, or other judicial officer appointed by the Supreme Court, and shall be known as the settlement conference judge.

(b) Settlement Statement. Within fifteen (15) days after the notice of appeal in a civil matter is docketed in the Supreme Court under Rule 12(a), each appellant and respondent shall file a settlement statement with the clerk of the Supreme Court. Two copies shall be filed with the original. The settlement statement, which shall not exceed four (4) pages in length, shall concisely state: (1) the relevant facts; (2) the issues on appeal; (3) the argument supporting the party's position on appeal; and (4) all matters which, in counsel's professional opinion, may assist the settlement conference judge in conducting the settlement conference.

(c) Scheduling of Settlement Conference. Following the docketing of an appeal, the filing of the docketing and settlement statements, and a review of the foregoing documents by a settlement conference judge, the clerk of the Supreme Court shall schedule a settlement conference under the direction of the settlement conference judge. Production of transcripts and the briefing schedule shall be suspended pending resolution of the settlement conference and further order of the court. The settlement conference may be continued by order of the court pursuant to a motion demonstrating good cause for continuance.

(d) Settlement Conference. A settlement conference shall be scheduled for sixty (60) or ninety (90) minutes. Counsel for all parties and their clients shall attend the conference. In the event a client is unable to attend the conference, counsel must have written authorization to resolve the case fully or must have immediate telephone access to the client.

The agenda for the settlement conference and the sequence of presentation shall be at the discretion of the settlement conference judge. A subsequent settlement conference may be conducted by agreement of the parties or at the direction of the settlement conference judge.

(e) Settlement Conference Report. Immediately following a settlement conference, the settlement conference judge shall prepare and file with the clerk of the Supreme Court a settlement conference report. Such report shall indicate only the result of the settlement conference, e.g., whether the parties settled, tentatively settled or were unable to settle, and otherwise shall not disclose any matters discussed at the conference or comment upon the settlement proceedings.

In the event the parties have agreed to settle the matter, the parties shall immediately execute a settlement

agreement and a stipulation to dismiss appeal and shall file the stipulation to dismiss appeal with the clerk of the Supreme Court.

In the event the parties are unable to settle, production of transcripts and the briefing schedule shall be immediately reinstated.

(f) Confidentiality. Papers or documents prepared by counsel or a settlement conference judge at or in furtherance of a settlement conference, excluding settlement statements filed pursuant to subdivision (b) of this Rule, are confidential and shall not be available for public inspection or submitted to or considered by the Supreme Court. Matters discussed at the settlement conference shall not be admissible in evidence in any judicial proceeding and shall not be subject to discovery.

DATED this 18th day of September, 1996.

Young Young, J.