

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

APR 29 1997

AMENDED

ORDER RE: IMPLEMENTATION OF CIVIL SETTLEMENT
CONFERENCE PROGRAM UNDER NRAP 16

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *J. Richardson*
CHIEF DEPUTY CLERK

WHEREAS on December 27, 1996, this court amended the Nevada Rules of Appellate Procedure by the adoption of Rule 16 governing settlement conferences in civil appeals; and

WHEREAS NRAP 16 provides that any civil appeal may be scheduled for a settlement conference, but did not specifically delineate those types of cases which should be excluded from the program; and

WHEREAS NRAP 16 did not include provisions governing the qualifications and compensation of settlement judges appointed pursuant to the rule; and

WHEREAS it appears to this court that successful implementation of the settlement conference program requires clarification of these matters; accordingly,

IT IS HEREBY ORDERED AS FOLLOWS:

1. TYPES OF APPEALS EXCLUDED FROM SETTLEMENT CONFERENCE PROGRAM.

Within ten (10) days of the docketing of a civil appeal, the clerk of this court shall notify the parties of the scheduling of a settlement conference, and of the name of the presiding settlement judge. The clerk shall use a rotational system to assign appeals to the settlement judges.

All civil appeals shall be scheduled for settlement conference except the following types of cases: (1) cases involving termination of parental rights; (2) appeals prosecuted in proper person; and (3) appeals in which the respondent is in proper person.

2. QUALIFICATION AND APPOINTMENT OF SETTLEMENT JUDGES.

Any person may request appointment as a settlement judge by application made to the chief justice. The application must show that the applicant has sufficient experience in the law and the resolution of disputes to act as a settlement judge in the supreme court. Pursuant to the approval of a majority of the elected justices of the supreme court, an applicant may be appointed to act as a settlement judge in the supreme court.

Prior to appointment as a settlement judge, an applicant must complete a course in alternative dispute resolution offered by the National Judicial College, or a similar course of study approved by the chief justice. The chief justice may waive the educational requirement in appropriate circumstances.

3. COMPENSATION AND REIMBURSEMENT OF EXPENSES.

A senior justice or senior judge assigned as a settlement judge pursuant to NRAP 16 shall be compensated and reimbursed in accordance with SCR 10.

All other settlement judges assigned pursuant to NRAP 16 shall receive as compensation for each day actually engaged in the performance of duties under the assignment an amount equal to 5% of the monthly base salary of a district judge as set by NRS 3.030(1), or an equivalent hourly amount for service of less than

a full day. The compensation shall be paid upon the certificate of the settlement judge that the services were performed for the number of days or hours shown in the certificate. However, compensation shall be limited to a maximum of \$500 for each case assigned. Upon the prior written authorization of the chief justice, this limitation may be waived in a particular case.

Further, a settlement judge assigned as provided in NRAP 16 shall receive reimbursement for the travel and reasonable and necessary expenses incurred in the performance of duties pursuant to the assignment. The expenses shall be paid upon presentation of an itemized statement of the expenses, certified by the settlement judge to be correct.

The settlement judge is entitled to recover expenses, not to exceed thirty-five dollars (\$35), that the settlement judge reasonably incurs in processing and concluding an assignment. Expenses recoverable by the settlement judge are limited to:

1. Reasonable costs for telecopies;
2. Reasonable costs for photocopies;
3. Reasonable costs for long distance telephone calls;
4. Reasonable costs for postage; and
5. Reasonable costs for secretarial services.

4. EXPENDITURE OF PEREMPTORY CHALLENGE FUNDS

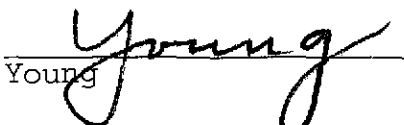
The Administrative Office of the Courts is authorized to expend funds collected by the clerk from peremptory challenge fees to compensate settlement judges assigned pursuant to NRAP 16, and to pay the reasonable and necessary expenses incurred in their performance of duties pursuant to the assignment.


The Administrative Office of the Courts shall pay settlement judges per diem and travel expenses at the same rate set for judicial branch employees and in accordance with all applicable rules and regulations governing the same.

A settlement judge is entitled to reimbursement for the cost of attending one course taken by the judge required to qualify for service as a settlement judge.


Shearing, C. J.


Rose, J.


Young, J.


Maupin, J.

cc: Administrative Office of the Courts
All Settlement Judges