

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

FEB 21 2003

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

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

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 on April 29, 1997, an amended order was entered setting forth provisions governing the qualifications of settlement judges appointed pursuant to the rule; and

WHEREAS, it appears to this court that certain amendments to the provisions governing the qualifications of settlement judges appointed pursuant to the rule are necessary to the continued success of the settlement program; accordingly

IT IS HEREBY ORDERED AS FOLLOWS:

QUALIFICATION AND APPOINTMENT OF SETTLEMENT JUDGES

Qualifications: Attorneys meeting the following minimum requirements may apply for appointment as a supreme court settlement judge:

- (1) Applicants must be attorneys licensed to practice law in any jurisdiction with a minimum of 10 years of experience in the practice of law.
- (2) Prior to appointment, applicants must complete a mediation training course at least 40 hours in length. The chief justice may

waive the training requirement if the applicant has significant mediation experience.

Application: An application for appointment to the panel of settlement judges is made to the supreme court by letter to the chief justice, accompanied by a completed application form provided by the clerk of the supreme court. The supreme court may refer an application to the State Bar of Nevada for review and investigation. Upon referral, the State Bar shall investigate the applicant's qualifications and fitness to serve as a settlement judge, including, but not limited to, verification of the applicant's educational background, employment history, professional licensure and any related disciplinary proceedings, and criminal history. No later than 90 days from the date of referral, the State Bar shall transmit to the supreme court a certificate concerning the applicant's qualifications and fitness, as follows:

- (1) Whether the applicant meets the minimum experience requirements of this rule;
- (2) Whether the applicant has been subject to disciplinary proceedings involving any license; if so, the nature and result of those proceedings;
- (3) Whether the applicant has a criminal history; if so, the details of that history;
- (4) Whether the applicant has ever been named as a defendant in any proceeding involving fraud, misappropriation of funds, misrepresentation or breach of fiduciary duty; if so, the nature and resolution of such proceedings; and
- (5) Whether the State Bar's investigation revealed any other matter pertinent to the applicant's qualifications or fitness; if so, the

details of the matter and how it relates to the applicant's potential service as a settlement judge.

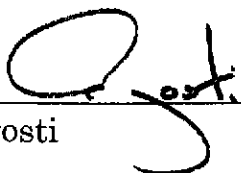
Appointment: Pursuant to the approval of a majority of the justices of the supreme court, an applicant meeting the above requirements may be appointed to act as a settlement judge in the supreme court.

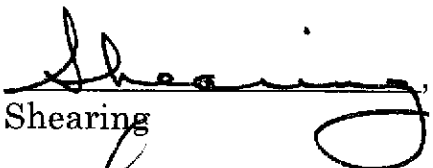
Post-appointment Requirements:

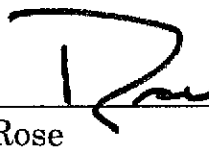
(1) Prior to receiving any case assignments, all newly appointed settlement judges, except those who received a waiver of the training requirement, must attend and observe at least two supreme court settlement conferences and must co-mediate at least two supreme court settlement conferences. The newly appointed settlement judge shall not receive any compensation for observing and co-mediating settlement conferences.

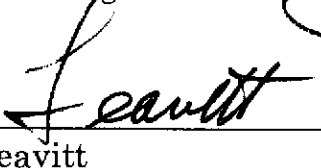
(2) All newly appointed settlement judges must attend the next available settlement judge orientation program.

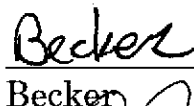
DATED this 21st day of February, 2003.

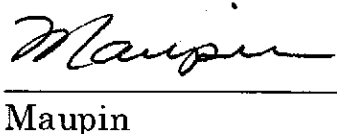
 , C.J.
Agosti

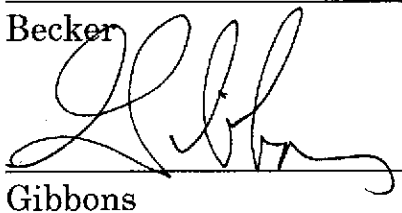
 , J.
Shearing

 , J.
Rose

 , J.
Leavitt

 , J.
Becker

 , J.
Maupin

 , J.
Gibbons

cc: Allen W. Kimbrough, Executive Director, State Bar of Nevada
Administrative Office of the Courts